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**Olympic Education, Organization and Management of
Olympic Events**

**The role of sports in achieving peace in Sudan:
A case study of Al-Hilal Football Club visit
to the war-torn Darfur region**

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Introduction:

It is generally accepted that bringing and sustaining peace between conflicting parties involves going beyond simply ending violence. The UN Under-Sectary General, Ibrahim Gambari, observed that —...lasting peace requires more than just disarming combatants॥ (in Cleaver and Massey, 2006: 190). It is necessary to rebuild society, providing incentives to people to move away from conflict, including appropriate livelihood opportunities. This must include —...the psychological aspects of the disarmament process॥ (Spear, 2006: 64) changing attitudes and facilitating justice, healing and reconciliation, often a much more complex and difficult task (Stiefel, 1999).

It is commonly recognized that —othering॥, the process of protagonists separating into —them॥ and —us॥, plays a huge part in intra-national conflict (Anderson, 1999: 10). Before fighting begins those who start war (or those who stand to benefit from it) may place emphasis on the differences between peoples: "...they eschew as impossible any system of coexistence" (Anderson, 1999: 10). As a conflict progresses it can become —self-perpetuating॥ (Anderson, 1999: 14); the initial causes for violence may be replaced or supplemented by more proximate ones, often focused on how people have suffered in the hands of the —others॥. People begin to question —how they could have trusted those people‘ and conclude that they can never trust them again॥ (Anderson, 1999: 16). Stereotypes rising from separation can then be manipulated by those in positions of power. Leaderach (1997: 15) suggests that —...the fears in

subgroup identities are often created by leaders to solidify their position.

When violence ceases this separation does not magically disappear. The existence of broken relationships and a lack of trust can prevent a —positive— peace; they have the potential to undermine the solutions to all the other problems, be they economic, technical, institutional, political, humanitarian or security related (Stiefel, 1999), possibly becoming one factor in reigniting conflict. Particular attention must be given to —othering— being passed on to the next generation, as young people and children inherit enemy images and stereotypes from parents. There have been many instances in the past supporting the fact that sport can play a significant role in reconciling opposing people. In the opening ceremony of the 2000 Sydney Olympic Games South and North Korea marched under the same flag (http://en.wikipedia.org/wiki/Korean_Union_flag). Another example is the Open Fun Football Schools, which brought together teachers, instructors, trainers and children from different ethnic and social backgrounds in Bosnia-Herzegovina to promote social unity and democratic behavior through grassroots football (www.righttoplay.com).

In Sudan football is a very popular sport. Al-Hilal is one of the best teams, the fan base of which is estimated to be 25 million people (Essaam Karar, 8 June 2012) Al-Hilal is not just a football team, but rather a national institution. In 1956, during the fight of Sudanese people for independence from the British occupation, Al-Hilal has played an

important role. Dr. Khalid al-Mubarak (Al-Sahafa, daily Sudanese newspaper, 6 June 1983: 9). stated that sports played a very important role in the national movement in Sudan. The foundation of Al-Hilal in 1930 was a significant aspect of the multifaceted national liberation endeavor and a pioneering chapter in non-governmental and civil society achievements, which helped Sudan to gain independence in 1956 through peaceful means. Also, Hamadnalla Ahmed ; one of the founders of Al-Hilal football club stated that: "...we felt that graduates needed to link with other citizens in order to achieve national aspirations, since the colonial government at that time prohibited gatherings of more than five people (except in football) we thought of launching Al-Hilal club for political, social and cultural revolution" (Al-ayyam, daily Sudanese newspaper, 5 June 1984: 10).

In view of the competitive season 2009 - 2010, the Al-Hilal Board decided to hold a preparation camp for the team in the war-torn Darfur region in the Western Sudan (www.goansport.net) one of the largest territories in the country (about half a million km²), with a population of about 6 million people, the majority of whom are Sunni Muslims (<http://www.sudan.gov.sd/English/engstate.htm>). Darfur is as big as France and could be a country by itself. It has many natural resources such as oil and uranium and shares borders and economical, political and familial relationship with Libya and Chad.

Purpose of the study:

The purpose of this study was to examine the role of sports in achieving peace in Sudan, using as a case study the Al-Hilal visit to the war-torn Darfur region in the republic of the Sudan.

Importance of the study

A study conducted by the US State Department (1965) revealed that: a) most nations in the world love sports, b) in some countries sport expresses state policy, c) sports is one of the easiest ways to communicate with other cultures and the young people, and d) prowess gained in sports fields is easily translated into political prowess. Also, Kyrolainen & Varis (1981) stated that the relation between sport and politics has always been an issue of debate among sports administrators, but it was only in the 1980's when the international scientific community started to seriously discuss it.

Moreover, one of the first public hints of improved US - China relations came on 6 April 1971, when the American Ping-Pong team, being in Japan for the 31st World Table Tennis Championship, received a surprise invitation from their Chinese colleagues for an all-expense paid visit to the People's Republic of China. Time magazine wrote under the title "The ping heard round the world" (Monday . April . 28 . 1971). That On 10 April 1971, nine players, four officials, and two spouses stepped across a bridge from Hong Kong to the Chinese mainland, ushering in an era of "Ping-Pong diplomacy". They were the first group of Americans

allowed into China since the communist takeover in 1949 (www.pbs.org.).

However, there has been no study on the role of sports in achieving peace in Sudan, especially in the war-torn Darfur region in the republic of the Sudan.

Methodology

The methodology employed in this study included review of literature and interviews. Interviews allow the collection of a broad range of information from a few subjects and provide in-depth information about a particular issue or question (www.ehow.com/how_4597601_write-research-methodology). The interviews were taken from 3 people immediately involved with Al-Hilal visit to Darfur: 1) Mr. Salah Ahmed Idris, Al-Hilal president at that time, 2) Mr. Ishag Alhalangi, a great Sudanese poet, who accompanied the team in Darfur, and 3) Mr. Al-Safy Saleh Al-Noor, a well-considered poet in Darfur who writes poems about peace. The reason for selecting two renowned Sudanese poets to participate in this study was the fact that poetry is a deep rooted passion in the country. No other form of expression rivals it. Sudanese people use poetry to express all kinds of sentiments, from political protest and social criticism to romance and abstract thoughts (www.alrakoba.net).

Review of literature

The political landscape in Sudan:

The Republic of the Sudan (Sudan hereafter) is located in northeastern Africa. It is the largest country in the continent, as well in the Arab World, and 10th largest in the world by area (www.etymonline.com). It borders with Egypt to the north, the Red Sea to the northeast, Eritrea and Ethiopia to the east, Kenya and Uganda to the southeast, the Democratic Republic of the Congo and the Central African Republic to the southwest, Chad to the west and Libya to the northwest. The river Nile divides the country into east and west side. The following map shows Sudan and its neighboring countries.



Sudan is home to one of the world's oldest continuous major civilizations, extending from antiquity to modern times. The history of the country is intertwined with the history of Egypt, with which over several periods it was politically united (www.ancientsudan.org).

Rich in natural resources (such as petroleum), Sudan's economy is currently one of the fastest growing in the world (www.thirdworldplanet.com/sudanese-economy.php - 7k). The population of the country is 42 million people. Islam is the official and largest religion, while Arabic and English is the official languages. The capital, Khartoum, serves as the political, cultural and commercial center of the nation. Sudan maintains membership with the United Nations (UN), the African Union (AU), the League of Arab States (LAS), the Organization of the Islamic Conference (OIC) and the Non-Aligned Movement (NAM). The country also holds an observer status in the World Trade Organization (WTO) (www.wikipedia.org).

Right after Sudan gained its independence, in 1965, suffered a 17 years civil war, which involved ethnic, religious and economic conflicts between the Northern Sudanese (with Arab and Nubian roots) and the Christian and Animist Nilotes of Southern Sudan.

In 1989, due to continuing political and military struggles, Sudan was seized with a bloodless coup d'état by Al-Bashir, a Sudanese army colonel, who has been the president of the republic since then. Under Al-Bashir's leadership, the new military government suspended political parties and introduced an Islamic legal code at national level. Al-Bashir then became Chairman of the Revolutionary Command Council for National Salvation (a newly established body with legislative and executive powers for what was described as a transitional period), and

assumed the posts of Chief of State, Prime Minister, Chief of the Armed Forces, and Minister of Defense.

In 1996, the ruling National Congress Party (NCP) established itself as the sole political party in the state and since then it has been supporting the use of recruited Arab militias in guerrilla warfare in many occasions, one of which is the ongoing conflict in Darfur, where thousands of people are being displaced and/or killed. The need for humanitarian care in Darfur has attracted worldwide attention and the conflict has been described as genocide (Slavin, 2004).

Politics and government of Sudan:

Officially, the politics of Sudan take place in the framework of a presidential, representative, democratic, consociationalist republic; which is a form of government involving guaranteed group representation, and is often suggested for managing conflict in deeply divided societies (www.wikipedia.org). It is often viewed as synonymous with power-sharing, although it is technically only one form of power-sharing (www.wikipedia.org). In these kinds of governments the [President of the country](#) is Head of State, Head of Government and Commander-in-Chief of the Armed Forces in a multi-party system. Legislative power is vested in both the government and the two chambers: a) the National Assembly (lower) and b) the Council of States (upper) of the bicameral National Legislature. The judiciary is independent and obtained by the Constitutional Court. However, following a deadly civil war and the ongoing genocide in Darfur, Sudan

is widely recognized as an authoritarian state, where all effective political power is obtained by President AHYPERLINK "http://en.wikipedia.org/wiki/Omar_al-Bashir"l-Bashir and the NCP.

Further on, after institutionalizing Sharia law in the northern part of the country along with Hassan HYPERLINK "http://en.wikipedia.org/wiki/Hassan_al-Turabi"AHYPERLINK.

"http://en.wikipedia.org/wiki/Hassan_al-Turabi"I-Turabi, the leader of the Islamic Front political party, Al-Bashir issued purges and executions in the upper ranks of the army, the banning of associations, political parties, and independent newspapers and the imprisonment of leading political figures and journalists. In 1993, Sudan transformed into an Islamic totalitarian single-party state as Al-Bashir abolished the Revolutionary Command Council and created the National Islamic Front (NIF) with a new parliament and government obtained solely by members of the NIF, and proclaimed himself President of Sudan. As a result, the Second Sudanese Civil War with the Sudan People's Liberation Army (SPLA) would only escalate in the following years.

From 1983 to 1997, the country was divided into 5 regions in the north and 3 in the south, each headed by a military governor. After the military coup in 1989, regional assemblies were suspended. With the Revolutionary Command Council for National Salvation abolished in 1993 and the ruling NIF forming the NCP the new party included some non-Muslim members, mainly southern Sudanese politicians, some of whom were appointed as ministers or state governors. In 1997, the

structure of regional administration was replaced by the creation of 26 states. The executives, cabinets, and senior-level state officials were appointed by the President, and their limited budgets were determined by and dispensed from Khartoum. As a result, the states remained economically dependent upon the central government.

In January 2005, the Comprehensive Peace Agreement (CPA), also known as the Naivasha Agreement, was signed between the government and the SPLA, the aim of which was to end the sHYPERLINK "http://en.wikipedia.org/wiki/Second_Sudanese_Civil_War"econd Sudanese Civil War, develop democratic governance countrywide and share oil revenues. It further set a timetable, by which Southern Sudan would have a referendum on its independence.

A Government of National Unity was established in accordance with the Interim Constitution, whereby in addition to the northern Sudanese Vice President a co-Vice President Position representing the south was created. This allowed the North and the South to split oil production equally, but also left both armies in place. Following the CPA, the office of senior Presidential advisor was allocated to Minni Minnawi, a Zaghawa of the Sudanese Liberation Army (SLA), and this became the 4th highest constitutional post. Executive posts were divided between the NCP, the SPLA, the Eastern Front and factions of the Umma Party and Democratic Unionist Party (DUP). This peace agreement granted Southern Sudan autonomy for 6 years, to be followed by a referendum.

The Islamic Legal Code:

In Arabic Language the Islamic Legal Code is referred to as Sharia, which means "way", or "path". It is the sacred law of Islam. Muslims believe Sharia is derived from two primary sources of Islamic Law: a) the divine revelations set forth in the Quran, and b) the sayings and example set by the Islamic Prophet Muhammad. The Sunnah Fiqh ("Jurisprudence") interprets and extends the application of Sharia to questions not directly addressed in the primary sources by including secondary sources, which usually include the consensus of the religious scholars embodied in ijma, and analogy from the Quran and Sunnah.

All Muslims believe Sharia is God's law, but differ as to what exactly it entails. Modernists, traditionalists and fundamentalists all hold different views of Sharia, as do adherents to different schools of Islamic thought and scholarships. Different countries and cultures have varying interpretations of Sharia as well.

Sharia deals with many topics addressed by secular law, including crime, politics and economics, as well as personal matters such as sexuality, hygiene, diet, prayer, and fasting. Where it enjoys official status, Sharia is applied by Islamic judges. The imam has varying responsibilities depending on the interpretation of Sharia; while the term is commonly used to refer to the leader of communal prayers, the imam may also be a scholar, religious leader or political leader.

The introduction (or in some cases, reintroduction) of Sharia is a longstanding goal for Islamist movements in Muslim countries. Some

Muslim minorities in Asia (e.g. in India) have attained institutional recognition of Sharia to adjudicate their personal and community affairs. In western countries, where Muslim immigration is more recent, Muslim minorities have introduced Sharia family law, for use in their own disputes, with varying degrees of success.

UN Resolutions on Peace :

Peace among and within nations is a fundamental human aspiration and a primary goal of the global development. In 13 September 1999, the UN General Assembly adopted the Resolution 53/243 (www.un.org) on the right to peace, affirming peace as a human right and appealing to all states and international organizations to do their utmost to assist in implementing the right of people to peace through the adoption of appropriate measures at both the national and the international level.

In 8 September 2000, international commitments to peace and conflict resolution were also clearly articulated in UN's Millennium Declaration (www.un.org). Both declarations are rooted in the understanding that peace is essential to human security and well-being, as well as a necessary condition for social, cultural and economic development and that violent conflicts can quickly wipe out decades of development gains.

UN Resolutions on Darfur:

On 18 September 2004, the UN Security Council adopted the Resolution 1564 on Darfur crisis (11 votes in favor, none against, 4 abstentions), by which it threatened with the imposition of sanctions against the government of Sudan if it failed to comply with its obligations on Darfur. Sponsored by Germany, Romania, United Kingdom and United States an international inquiry was initiated to investigate violations of human rights in the region.

More over, the UN Security Council expressed its grave concern on Darfur humanitarian crisis, which led to widespread human rights violations, including continued attacks on civilians that were placing the lives of hundreds of thousands at risk and condemned all acts of violence and violations of human rights and international humanitarian law by all parties to the crisis.

In its 5519th Meeting (31 August 2006), the Security Council adopted Resolution 1706 (12 votes in favor, 3 abstentions), by which it expanded the mandate of UN Mission in Sudan (UNMIS) to include Darfur. Acting under Chapter VII of the UN Charter, the Security Council authorized UNMIS to use all necessary means within its capabilities to: a) protect UN personnel, facilities, installations and equipment, b) ensure the security and freedom of movement of UN personnel, humanitarian workers, assessment and evaluation commission personnel, c) prevent disruption of the implementation of the Darfur Peace Agreement by armed groups, without prejudice to the

responsibility of the Government of the Sudan, d) protect civilians under threat of physical violence, and e) seize or collect arms or related material whose presence in Darfur was in violation of the Agreements and the measures imposed by resolution 1556, and to dispose of such arms and related material as appropriate.

The Security Council also decided that the mandate of UNMIS would include, among other things, the support for the implementation of the Darfur Peace Agreement and the N'djamena Agreement on Humanitarian Cease-Fire on the Conflict in Darfur by: a) monitoring and verifying the implementation by the parties to those agreements, b) observing and monitoring movement of armed groups and redeployment of forces in areas of UNMIS deployment by ground and aerial means, c) investigating violations of the Agreements and reporting them to the Cease-Fire Commission, d) monitoring trans border activities of armed groups along the Sudanese borders with Chad and the Central African Republic, and e) ensuring an adequate human rights and gender presence, capacity and expertise within the mission to carry out human rights promotion, civilian protection and monitoring activities, including particular attention to the needs of women and children.

In a related provision of the text, the Council decided further that the mandate of UNMIS in Darfur would also include assisting in international efforts to improve the security situation in the neighboring regions along the borders between the Sudan and Chad and between the Sudan and the Central African Republic. It requested that the Secretary-

General and the Governments of Chad and the Central African Republic conclude status-of-forces agreements as soon as possible, taking into consideration General Assembly Resolution 58/1982 on the scope of legal protection under the Convention on the Safety of UN and associated personnel. Pending the conclusion of such an agreement with either country, the model status-of-forces agreement dated 9 October 1990 (document A/45/594) would apply provisionally with respect to UNMIS forces operating in that country.

The Council decided also that UNMIS would be strengthened by up to 17,300 military personnel and by a civilian component including up to 3,300 civilian police personnel and up to 16 formed police units. It expressed its determination to keep the Mission's strength and structure under regular review, taking into account the evolution of the situation on the ground.

By further terms of the text, the Security Council requested the Secretary-General to consult jointly with the African Union, in close and continuing consultation with the parties to the Darfur Peace Agreement, including the Government of National Unity, on a plan and timetable for a transition from the African Mission in the Sudan to a UN operation in Darfur.

Olympic Truce:

Olympic Truce originated in ancient Greece when rival city-states were constantly at war. Seeking to establish peace, King Ifitos of Elis visited the Oracle of Delphi. The myth says that he was advised to break the

cycle of conflict every 4 years by replacing wars with friendly athletic competition. He followed the advice and proclaimed a cease of warfare 7 days before, during, and 7 days after the Olympic Games, giving birth to Olympic Truce (Ekecheria) (www.olympictruce.org). In contemporary times Olympic Truce has been observed in some occasions. During the 1994 Lillehammer Olympic Games, conflict in Bosnia ceased long enough to permit the inoculation of 10.000 Bosnian children (www.righttoplay.com).

During the 1998 Winter Olympic Games in Nagano, Japan, tension in the Persian Gulf was at a high point. The Olympic Truce was taken into consideration by UN member states during the Games and contributed to certain extent to the setting up of a mediation mission by the UN Secretary General in Iraq. This mission led to the signature of a Memorandum of Understanding between the UN and the Iraqi government (www.un.org). Also, during the opening ceremony of the 2000 Sydney Olympic Games a powerful symbolic event took place. South and North Korean delegations paraded together into the stadium, under the flag of the Korean peninsula, united by the peaceful power of Olympism (www.un.org). Moreover, the Olympic Games of Athens in 2004 witnessed the participation of Afghanistan and Iraq, two countries still blooded by latent conflicts (www.un.org).

History of Darfur crisis:

For the most part of history, the Darfur region has been actually independent from Sudan. In fact, it used to be a Muslim Sultanate

encompassing a large number of African tribes. The last Sultan was Al-Wareh Ali bin Dinar, who ruled from 1898 to 1917 (London Gazette, 29800, 25 October 1916).. He used to help the pilgrims so much that a place close to Madinaha was named after him. In World War I the Muslim Sultan supported the Ottoman Caliphate causing the rage of the British authorities that occupied Sudan at that time. In 1917 they annexed Darfur to Sudan (www.wikipedia.org).

A matter of concern is the ethnic background of the Darfur tribes. Even though the whole population is Muslim, 80% of them belong to non-Arab African tribes, most of them farmers. The other 20% are Arab tribes who migrated to Darfur in the 19th century, most of them shepherds. Both groups are Muslims but they have different backgrounds and ethnicities, a fact that caused disagreement between them. Between Muhajireen and Ansar, as well as between Aws and Khazraj tribes there were many differences, which, if not properly dealt with, get more complicated and security in the region is compromised. This may push people towards an alternative solution of seeking independent powerful government that can control both groups. In addition, the desert nature of the land and lack of pastures puts the tribes in a struggle for water resources and grassland (Dr. Ragheb Elsergany, 2008).

Pugh (2000: 2) claims that sports can play a crucial role in preventing a return to violent conflicts. The aim is what Curle (1971: 173) describes as "conciliation" (an alteration of perception – the other side is not as

bad as we thought, we have misinterpreted their actions, etc. – that will lead to an alteration of attitudes and, eventually, to an alteration of behavior).

The visit of Al-Hilal to Darfur:

Lack of social and economic structures may cause social exclusion. Usually the excluded are the indigenous people, members of minority ethno-cultural groups, asylum seekers and refugees, women and girls, persons with disabilities, homeless people, out-of-school unemployed youth, unemployed people with poor skills, low income, poor housing / health, family breakdown living in extreme poverty (www.un.org). Social exclusion is related to the lack of: a) social capital (i.e., community networks, civic infrastructure, sense of local identity, sense of solidarity / equality with community members, norms of trust, reciprocity, support, etc.) and b) personal human capital (i.e., skills, knowledge and personal attributes like confidence, self-esteem, education, employment skills, etc.).

In view of the competitive season 2009 - 2010, the Al-Hilal Board decided to hold a preparation camp for the team in the war-torn Darfur region in the Western Sudan. For 2 months the members of the Board went through a huge debate because many believed that a trip there at that time was far from safe. Despite the arguments, the team made the trip from Khartoum, the capital of Sudan, towards Niyala, the capital city of West Darfur State where they spent 2 weeks preparing for the next season.

Mr. Salah Ahmed Mohammed Idris, Al-Hilal president at that time, stated that —...Al-Hilal has emerged from the womb of the Sudanese national movement and it is not just a football team, but rather a national institution that has the ability to comprise people from every walk of life|. The main objective of that visit was to reassure the people of South Darfur State that people of the other parts of the country shared their sufferings and pains and interacted positively with their problems. Regarding the choice of South Darfur State for that visit he stated that: —...it was due to the conditions in that state which suffered the atrocities of war| and added that: —...we would like to participate in the creation of peace, stability and safety in this part of our beloved country|. When he was asked whether he thought that move was somehow adventurous or a leap in the dark he responded that: —... we deeply believe in the role and interaction of Al-Hilal with the national and humanitarian issues; this stance has been glorified in the national movement records; there was nothing adventurous about this move, but it was a decisive step towards the right path; Al-Hilal, as an entity, is always unique and pioneering in the national initiatives| (interview, 13.06.2011).

The second interview was taken from Mr. Ishag Alhalangi, who is considered to be one of Sudan's greatest poets because he has enriched the art of singing in the country with many lyrics, has written many poems and has been active in many social occasions. Alhalangi accompanied Al-Hilal in its visit to Darfur because he believed that the tour of the team in Niyala aimed at achieving sportive, national,

political, artistic, cultural and social goals. During the visit he introduced many poems and lyrics, to which the audience responded enthusiastically. When Alhalangi was asked about the situations in Darfur region he said: —...in the wake of Al-Hilal visit to Niyala the situation was extremely difficult and curfew was still being imposed. The situation had been drastically changed after the visit, which I may describe as ‘historic’. It is important that this visit had contributed in peace settlement and stability in the state॥

Alhalangi stated that poets, singers, musicians and doctors accompanied the visit and many cultural / artistic programs were presented and the audience appreciated them. People from all walks of life went to the theatre where the activities were held despite the curfew imposition. It was reported that the security situations had witness great stability coinciding with that visit. The wonderful thing was that all police stations at the city did not receive a single complaint throughout the days the mission stayed in the city. This means that people’s attention was focused on the various activities. In fact, these are the values of this great sport club, which contributed even in the country’s struggle for independence in 1956, when Sudanese patriots were holding their meetings in Al-Hilal premises (interview, 15.07.2011).

The third interview was taken from Mr. Al-Safy Saleh Al-Noor, one of the well-considered poets in Darfur. Regarding the sportive and cultural side of Al-Hilal visit to Darfur he responded: "...the team conducted a series of morning and evening training sessions. You can not imagine

the huge numbers of spectators. It was as if the team was in an official match. In fact, the fans of Niyala contributed a lot in the remarkable victories, which were achieved locally and regionally by the “blue giant” in the competitive season followed that visit. Moreover, that visit contributed a great deal in bringing peace in our beloved region" (interview, 20.11.2011).

Conclusion

According to Darwin, nature is always latent with conflicts as a result of differing interests, competitions for scarce resources and the need to survive [www.iipt.org/conference/africanconferenceHYPERLINK "http://www.iipt.org/conference/africanconference2003"](http://www.iipt.org/conference/africanconference2003) (2003). Violence and wars can wipe out hallmarks of development in a twinkle of an eye (in 2001, the twin towers of the World Trade Center, New York, crumbled under terrorist attacks in minutes). Moreover, there are countless examples of wars, which decimated the legacy of human development. Very wealthy and powerful communities have been all of a sudden reduced to refugees in other countries as a result of war and civil strife.

Potential for conflicts will always exist among humans and the latency for violence and war among people or between peoples could be described as inevitable, so what ensures peace is not the absence of tension, but the presence of justice, good governance and equitable conflict resolution mechanisms in societies that ensure individuals and groups or nations to not adopt the jungle approach to resolving differences and conflicts ([www.iipt.org/conference/africanconferenceHYPERLINK "http://www.iipt.org/conference/africanconference2003"](http://www.iipt.org/conference/africanconference2003) (2003)).

Peace-building efforts have generally been considered at the grassroots and nation state levels. At the grassroots or community level, sport can provide a useful way of creating an environment in which people can

come together to work towards the same goal, show respect for others and share space and equipment, aspects that are crucial to peace-building processes. A study on the role of sport in fostering social integration among different ethnic groups in South African schools (www.sportanddev.org) showed that several factors contributed to the use of sport being successful in bringing about exchange and building relationships between different groups, including sport's non-verbal means of communication; sport as a means to engage in collective experience and establish direct physical contact; and sport's ability to transcend class divisions. This could also be made in Sudan using different types of sports such as football; basketball to bring children and communities together to get rid of racial and religious differences.

Sports can bridge relationships across social, economic and cultural divides within the society and build a sense of shared identity and fellowship among groups that might otherwise be inclined to treat each other with distrust, hostility, and/or violence www.experienceeducate.org. Sport can serve as an effective tool to advance demobilization and disarmament efforts, and to support the difficult reintegration of ex-combatants, particularly former child combatants, into their communities (www.righttoplay.com). Sport has a unique and irreplaceable capacity to unite people, going far beyond ethnic, religious or social differences.

Al-Hilal visit to Darfur shed lights in the local community and the government to the importance of sports as a potent tool in achieving peace in the country. All manners of sports have been used, and continue

to be used to bring individuals and groups from different races, social classes, religious creeds, nationalities and ethnic backgrounds together to interact at tournaments or sports festivals to get them acquainted with each other in order to promote peace.

Also, sports provide entertainment and rich experience to spectators specially the internally displaced persons who lost their homes due to the war, hence provides them in their refugee camps with the opportunity to escape from everyday routine. In addition, the interaction between the sports fans before, during and after a game or a training session together with the honorable acceptance of defeat creates a culture of tolerance and fairness in society, which strongly contributes to the culture of peace in the human family. The Sudanese central government has to pay great attention to the importance of sports in the different aspects of life in the country, especially in Darfur region.

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Appendix 1: Interview with Mr. Salah Ahmed Mohammed Idris:

president of Al-Hilal when the team visited the Darfur region.

Q. What were the objectives of Al-Hilal visit to Darfur region in the dawn of the year 2009?

A. Al-Hilal has emerged from the womb of the Sudanese national movement and it is not just a football team, but rather a national institution that has the ability to comprise people from every walk of life. Al-Hilal, also, has remarkable national stances. The main objective of that visit was to reassure the people of South Darfur state that we shared them their sufferings and pains and we interacted positively with their problems.

Q. Why did you, specifically, choose the South Darfur State?

A. It was due to the conditions in this state which suffered the atrocities of war. We would like to participate in the creation of peace, stability and safety in this part of our beloved country.

Q. Did the decision to hold the camp in the South Darfur state face any opposition from the rest of the members in your esteemed council at that time?

A. On the contrary, the council members, at that time, were extremely patriotic. They accepted this decision regardless to the tension and instability in the region. In fact, the member's encouragement for this move highlighted the place and role of Al-Hilal as a pioneer club in all spheres of life.

Q. But, actually, the security situations were unstable at that time. Didn't you think that move was somehow adventurous or a leap in the dark?

A. As I said to you before, we belief deeply in the role of Al-Hilal and its interaction with the national and humanitarian issues. This stance had been glorified in the national movement records. There was nothing adventurous about this move. But this move was a decisive step towards the right path. Al-Hilal, as an entity, is always unique and pioneering in the national initiatives.

Q. What about the reception in Niyala?

A. We found a great reception from all official and popular sectors, especially from the fans of Al-Hilal who formed the majority. Our reception was marvelous and unprecedented. The people who received us were headed by the government members of the state including the magnates, students, elders, youth and women. That scene had embodied the great place of Al-Hilal among the state population chants which were present in a very spontaneous way made us very pleased.

Q. Did you find any help from any person who was familiar with the region?

A. In fact, Moawia Issa, who was a reporter at Al-Mushahid daily news paper and native of Darfur, offered great facilitations due to his good relations with the chiefs of clans and tribes in the region. He was the one who made it to visit Kalma IDP'S camp (internally displaced persons).

Q. Tell us about the role you did in Niyala?

A. The mission was of sportive and artistic nature. It was the biggest delegation to visit the state. The mission had been accompanied by a group of poets; Singers and football players. We held many cultural and artistic evenings which contributed in the refreshment of the cultural mobilization in the city. That mission was one of the most successful missions in the region.

Q. It was reported that peace had settled during your visit to the state. To what extent those reports were true?

A. Indeed, that was true. Throughout our stay in Niyala we heard of no clashes between the parties. Could you imagine that the police stations did not receive a single case during our stay! Al-Hilal managed to make a sort of influence in all that they laid down their weapons to participate in the cultural evenings we held there.

Q. Let us go back to Kalma IDP'S camp, which was an isolated zone at that time? How did you managed to enter the camp?

A. As I told you before, the camp was an isolated zone that could not be accessed. But we managed to enter the camp due to the help we found from the natives. We met the different chiefs of tribes and clans inside the camp. We conveyed to them the inspirations and hope of Al-Hilal fans that peace and stability may flourish in their land. We found a great welcome from all those who were at the camp. We spend lovely time and conducted many objective discussions and deliberations.

Q. We heard, also, about your contribution in reconciliation initiative between Alhabaniya and the Fulani tribes. Could you tell us more about this?

A. Differences in point of views are natural. The two great tribes did not put us down. We managed to bridge the gap between the two tribes the leaders of the two tribes pledged to co-exist peacefully.

Q. What about the sportive side of this mission?

A. The team conducted a series of morning and evening training sessions. You could not imagine the huge numbers of spectators; As if the team were in an official match. In fact the fans of Niyala contributed a lot in the remarkable victories which were achieved locally and regionally by the "blue giant" in the competitive season followed that visit.

Appendix 2: Interview with Mr. Ishag Alhalangi, one of Sudan's greatest poets, who accompanied Al-Hilal in the Darfur region.

Q: Would you like to tell us about this tour?

A: No doubt, Al-Hilal club's tour to Niyala was made to achieve national, political, sportive, artistic, cultural and social goals. This tour came when the South Darfur state had witnessed critical and severe period in its modern history. The insurgency was at its peak at that lime. The club which is always committed to its national duties insisted to hold its camp in Niyala to participate in peace settlement. This human and noble move had met acceptance and appreciation from both official and popular sides in the state.

Q: Can you tell us about the situations in the state?

A: In the wake of Al-Hilal's visit to Niyala the situation were extremely difficult, where the curfew was still being imposed. The situation had been drastically changed after the visit, which I may describe as "historic". It is sufficient that this visit had contributed in peace settlement and stability in the state.

Q: Many people, who had accompanied Al-Hilal in that tour, said that the reception which the mission had met was unique. Can you tell us about this?

A: First, this the first time in my life to see such a great reception. Almost all the city population had taken the streets to greet the mission. The mission had faced a great difficulty to get out of the city airport because of the stampede. I had witnessed in that reception people from different generations and ethnic groups. Even the security force had failed to control the situation; a matter that assure the great place of Al-Hilal in the hearts of those people.

Q: What about cultural program delivered by the mission?

A: Many poets, singes, musical instruments and doctors had accompanied that mission. Many cultural and artistic programs had been delivered those activities had met the audience appreciation. People from the all walks of like rushed to the theatre at which these activities were held in spite of the curfew imposition.

Q: It was reported that the security situations had witness great stability coinciding with that visit. To what extent those reports were true?

A: Indeed. All those reports were true. The wonderful thing was that all police stations at the city did not receive a single case throughout the days the mission stayed in the city. That mean all the people attention was paid to the different mission activities. The mission had proofed its ability to create a sort of mobilization. In fact these are the values of this great spot club which contributed even in the country's independence in 1956.

Q: What about the visit you paid to the I.D.P's camp at Kalma?

A: Actually, I had the honor to accompany Al-Hilal club's chairman. Salah Idriss, to Kalma I.D.P's camp. Despite the cautions which were presented to us from the state's leaders, Idris insisted to visit the camp to offer some humanitarian aids. Also, we had the honor to meet the camp chiefs, who appreciated this adventurous move and express their gratitude.

Q: What did you present at the cultural and artistic night that was held?

A: I present many old and new poems and lyrics of mine. I was at my greatest happiness when the audience asked me to recite some of my lyrics which are performed by great Sudanese singers.

Appendix 3: Interview with Mr. Al-Safy Saleh Al-Noor, Darfuri poet.

Writing poems for peace, Al-Safy Saleh Al-Noor became one of the well-considered poets in Darfur. Many of his poems have been published in Sudanese newspapers, while several regional TV channels have interviewed him. He has lived in El Fasher, North Darfur, since 2000 when he came to study at Al Fasher University and specialized in

the Arabic language. The researcher interviewed him on his poems on peace and coexistence.

Q. What about the sportive and cultural side of Al-Hilal visit to Darfur?

A. The team conducted a series of morning and evening training sessions. You could not imagine the huge numbers of spectators; As if the team were in an official match. In fact the fans of Niyala contributed a lot in the remarkable victories which were achieved locally and regionally by the "blue giant" in the competitive season followed that visit. Moreover that visit has contributed a great deal in bringing peace about in our beloved region.

Q: Tell us about your poems through which you promote peace in Darfur.

A: Firstly, I would like to say that we as poets use the word as our only weapon. I used to write in formal Arabic, but after the outbreak of conflict in 2003, I started writing in the local dialect using Darfuri words so that I can reach all Darfuris including those who do not use formal Arabic. I wrote my first poem for peace in 2004 titled "We want our peace". It was a big success and I read it in many interviews in radio stations and TV channels.

Q: Would you read for us some of it?

A: We want our peace rightly be done

Each man to do as best as he can

A kind word can affect a snake

Good talk is like cold water

Which would makes its jug to break

(The translation of the poem is a reflection of the meaning of the original Darfur words).

Q: And how do you see Darfur's interest in poetry?

A: Darfurians like poetry a lot, especially in the common dialect. They read it and memorize it. Even the government institutions appreciate poetry. I was invited several times to official occasions and events related to peace to read some of my poems that serve peace in Darfur.

Q: Tell us about your experience in writing songs.

A: I wrote poems for many Darfuri singers such as Al Mahi Husain, Abdul Rahman Jidu and Umar Arbab. I also wrote for an album produced by the Council of Development through the Cultural Reality, and 5,000 copies were distributed among Darfuris for free. Two other poets participated as well in this album, Mohamed Al Amin Al Tijani, who is known as "Sika" and "Nathariys," a student at El Fasher University. The songs were composed by Fathi Abdul Rahman and sung by Fathi Al Mahi. People here like these songs a lot. One of the singers for whom I wrote the lyrics for a song, told me that when he performed this song in Abu Shouk camp for internally displaced persons (IDPs), the audience liked the song so much that they cried and asked him three times to sing it all again.

Q: What other issues did you write about?

A: I wrote about Darfuri women and their strength and role as they handle almost all responsibilities inside and outside the house. The

women in our society like an umbrella that brings under its shade all family members, even the relatives and neighbors. She is an essential element for the family union. I wrote also about my beloved country, the Sudan as well as about the IDPs suffering. One of them is titled "Scattered we became", and here are some parts of it:

"Our war is horrible

It has fanned its flames

Once we were united

But scattered we became

From home we migrated

Like guests we settle

Come on my people

Gather all neighbors

Unite all the tribes

To throw out the devil

To live in our villages

In our home the Sudan".

Q: How actively are Darfuri writers and poets participating in promoting peace among people?

A: Actually, we have very good writers and poet's which can contribute actively to the peace process, but we don't have a union of writers in Darfur through which literary works and activities could be well supported to keep them ongoing and effective in promoting peace.

Q: What message do you like to deliver to Darfurries?

A: I urge all Darfurites to go towards peace because through peace only can they achieve all their hopes for development, stability and prosperity.

Appendix 4: Interview with Mr. Essaam Karar, Al-Hilal FC Secretary General.

The researcher has asked Mr. Essaam Karar, Al-Hilal FC Secretary General on the 8th of June 2012 about the number of the fans of al_hilal club, he answered:" In Sudan football is a very popular sport. Al-Hilal is one of the best teams, the fan base of which is estimated to be 25 million people."

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A. The team conducted a series of morning and evening training sessions. You could not imagine the huge numbers of spectators; As if the team were in an official match. In fact the fans of Niyala contributed a lot in the remarkable victories which were achieved locally and regionally by the "blue giant" in the competitive season followed that visit. Moreover that visit has contributed a great deal in bringing peace about in our beloved region.

Q: Tell us about your poems through which you promote peace in Darfur.

A: Firstly, I would like to say that we as poets use the word as our only weapon. I used to write in formal Arabic, but after the outbreak of conflict in 2003, I started writing in the local dialect using Darfuri words so that I can reach all Darfuris including those who do not use formal Arabic. I wrote my first poem for peace in 2004 titled "We want our peace". It was a big success and I read it in many interviews in radio stations and TV channels.

Q: Would you read for us some of it?

A: We want our peace rightly be done

Each man to do as best as he can

A kind word can affect a snake

Good talk is like cold water

Which would makes its jug to break

(The translation of the poem is a reflection of the meaning of the original Darfur words).

Q: And how do you see Darfuris interest in poetry?

A: Darfuris like poetry a lot, especially in the common dialect. They read it and memorize it. Even the government institutions appreciate poetry. I was invited several times to official occasions and events related to peace to read some of my poems that serve peace in Darfur.

Q: Tell us about your experience in writing songs.

A: I wrote poems for many Darfuri singers such as Al Mahi Husain, Abdul Rahman Jidu and Umar Arbab. I also wrote for an album produced by the Council of Development through the Cultural Reality, and 5.000 copies were distributed among Darfuris for free. Two other poets participated as well in this album, Mohamed Al Amin Al Tijani, who is known as "Sika" and "Nathariys," a student at El Fasher University. The songs were composed by Fathi Abdul Rahman and sung by Fathi Al Mahi. People here like these songs a lot. One of the singers for whom I wrote the lyrics for a song, told me that when he performed this song in Abu Shouk camp for internally displaced persons (IDPs), the audience liked the song so much that they cried and asked him three times to sing it all again.

Q: What other issues did you write about?

A: I wrote about Darfuri women and their strength and role as they handle almost all responsibilities inside and outside the house. The women in our society like an umbrella that brings under its shade all family members, even the relatives and neighbors. She is an essential element for the family union. I wrote also about my beloved country, the Sudan as well as about the IDPs suffering. One of them is titled "Scattered we became", and here are some parts of it:

"Our war is horrible

It has fanned its flames

Once we were united

But scattered we became

From home we migrated

Like guests we settle

Come on my people

Gather all neighbors

Unite all the tribes

To throw out the devil

To live in our villages

In our home the Sudan".

Q: How actively are Darfuri writers and poets participating in promoting peace among people?

A: Actually, we have very good writers and poet's which can contribute actively to the peace process, but we don't have a union of writers in Darfur through which literary works and activities could be well supported to keep them ongoing and effective in promoting peace.

Q: What message do you like to deliver to Darfuris?

A: I urge all Darfuris to go towards peace because through peace only can they achieve all their hopes for development, stability and prosperity.

Appendix 4: Interview with Mr. Essaam Karar, Al-Hilal FC Secretary General.

The researcher has asked Mr. Essaam Karar, Al-Hilal FC Secretary General on the 8th of June 2012 about the number of the fans of al_hilal club, he answered:" In Sudan football is a very popular sport. Al-Hilal is

one of the best teams, the fan base of which is estimated to be 25 million people."

Put the Resolutions here one after the other so a single text is formed, which you can print and send to the secretary of the program.

Appendix 5: Resolution 1564 (2004)

**Adopted by the Security Council at its 5040th meeting, on
18 September 2004 :**

The Security Council, Recalling its resolution 1556 (2004) of 30 July 2004, the statement of its President of 25 May 2004 (S/PRST/2004/18), its resolution 1547 (2004) of 11 June 2004 and resolution 1502 (2003) of 26 August 2003, and taking into account the Plan of Action agreed by the Secretary-General's Special Representative to Sudan and the Government of Sudan, Welcoming the Secretary-General's report of 30 August 2004 (S/2004/703) and the progress achieved on humanitarian access, and expressing concern that paragraphs 59-67 indicate that the Government of Sudan has not fulfilled the entirety of its commitments under resolution 1556 (2004) and taking into account the need to foster and restore the confidence of vulnerable populations and to improve radically the overall security environment in Darfur; and welcoming the recommendations contained in the report, particularly those concerning the desirability of a substantially increased African Union Mission presence in the Darfur region of Sudan, Welcoming the leadership role and the engagement of the African Union in addressing the situation in

Darfur, Welcoming the 6 September 2004 letter to the President of the Security Council from the President of the African Union, Nigerian President Olusegun Obasanjo, including his appeal for international support for the extension of the African Union Mission in Darfur, Reaffirming its commitment to the sovereignty, unity, territorial integrity, and independence of Sudan, as consistent with the Machakos Protocol of 20 July 2002 and subsequent agreements based on this Protocol as agreed to by the Government of Sudan, Recalling the Joint Communique of 3 July 2004 of the Government of Sudan and the United Nations Secretary-General, and recognizing the efforts undertaken by the Joint Implementation Mechanism (JIM) and the Special Representative of the Secretary-General to advance the aims of the communique and the requirements of resolution 1556 (2004), 04-51547 (E) *0451547*

S/RES/1564 (2004)

Welcoming that the Government of Sudan has taken a number of steps to lift administrative obstructions to the delivery of humanitarian relief, which has resulted in access for an increased number of humanitarian personnel in Darfur as well as international human rights non-governmental institutions, and recognizing that the Government of Sudan has broadened its cooperation with United Nations humanitarian agencies and their partners, Urging the Government of Sudan and the rebel groups to facilitate this humanitarian relief by allowing unfettered access for humanitarian supplies and workers, including across Sudan's

borders with Chad and Libya by land and by air as may be required, Expressing grave concern at the lack of progress with regard to security and the protection of civilians, disarmament of the Janjaweed militias and identification and bringing to justice of the Janjaweed leaders responsible for human rights and international humanitarian law violations in Darfur, Recalling that the Sudanese Government bears the primary responsibility to protect its population within its territory, to respect human rights, and to maintain law and order, and that all parties are obliged to respect international humanitarian law, Stressing that the Sudanese rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Army/Movement, must also take all necessary steps to respect international humanitarian and human rights law, Emphasizing that the ultimate resolution of the crisis in Darfur must include the safe and voluntary return of internally displaced persons and refugees to their original homes, and noting in that regard the 21 August 2004 Memorandum of Understanding between the Government of Sudan and the International Organization for Migration (IOM), Expressing its determination to do everything possible to end the suffering of the people of Darfur, 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 United Nations Charter,

1. Declares its grave concern that the Government of Sudan has not fully met its obligations noted in resolution 1556 (2004) and the 3 July

Joint Communique with the Secretary-General to improve, as expected by the Council, the security of the civilian population of Darfur in the face of continued depredations, and deplores the recent ceasefire violations by all parties, in particular the reports by the Cease Fire Commission of Government of Sudan helicopter assaults and Janjaweed attacks on Yassin, Hashaba and Gallab villages on 26 August 2004;

2. Welcomes and supports the intention of the African Union to enhance and augment its monitoring mission in the Darfur region of Sudan, and encourages the undertaking of proactive monitoring;
3. Urges Member States to support the African Union in these efforts including by providing all equipment, logistical, financial, material, and other resources necessary to support the rapid expansion of the African Union Mission.

S/RES/1564 (2004)

and by supporting the efforts of the African Union aimed at a peaceful conclusion of the crisis and the protection of the welfare of the people of Darfur, welcomes the Government of Sudan's request to the African Union to increase its monitoring presence in Darfur in its 9 September 2004 letter to the Security Council, and urges the Government of Sudan to take all steps necessary to follow through with this commitment and to cooperate fully with the African Union to ensure a secure and stable environment;

4. Calls upon the Government of Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudanese

Liberation Army/Movement, to work together under the auspices of the African Union to reach a political solution in the negotiations currently being held in Abuja under the leadership of President Obasanjo, notes the progress made to date, urges the parties to the negotiations to sign and implement the humanitarian agreement immediately, and to conclude a protocol on security issues as soon as possible, and underscores and supports the role of the African Union in monitoring the implementation of all such agreements reached;

5.Urges the Government of Sudan and the Sudan People's Liberation Movement to conclude a comprehensive peace accord expeditiously as a critical step towards the development of a peaceful and prosperous Sudan;

6. Affirms that internally displaced persons, refugees and other vulnerable peoples should be allowed to return to their homes voluntarily, in safety and with dignity, and only when adequate assistance and security are in place;

7. Reiterates its call for the Government of Sudan to end the climate of impunity in Darfur by identifying and bringing to justice all those responsible, including members of popular defense forces and Janjaweed militias, for the widespread human rights abuses and violations of international humanitarian law, and insists that the Government of Sudan take all appropriate steps to stop all violence and atrocities;

8. Calls on all Sudanese parties to take the necessary steps to ensure that violations reported by the Cease Fire Commission are addressed

immediately and that those responsible for such violations are held accountable;

9. Demands that the Government of Sudan submit to the African Union Mission for verification documentation, particularly the names of Janjaweed militiamen disarmed and names of those arrested for human rights abuses and violations of international humanitarian law, with regard to its performance relative to resolution 1556 (2004) and the 8 April 2004 N'djamena ceasefire agreement;

10. Demands all armed groups, including rebel forces, cease all violence, cooperate with international humanitarian relief and monitoring efforts and ensure that their members comply with international humanitarian law, and facilitate the safety and security of humanitarian staff;

11. Reiterates its full support for the 8 April 2004 N'djamena ceasefire agreement, and in this regard urges the Government of Sudan to refrain from conducting military flights in and over the Darfur region in accordance with its commitments;

12. Requests that the Secretary-General rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of **S/RES/1564 (2004)** international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable, calls on all parties to cooperate fully with such a commission, and further requests the Secretary-General, in conjunction

with the Office of the High Commissioner for Human Rights, to take appropriate steps to increase the number of human rights monitors deployed to Darfur;

13. Calls on Member States to provide in an urgent manner generous and sustained contributions to the humanitarian efforts under way in Darfur and Chad to address the shortfall in response to continued United Nations appeals, emphasizes the need for Member States to fulfil their pledges forthwith, and welcomes the substantial contributions made to date;

14. Declares that the Council, in the event the Government of Sudan fails to comply fully with resolution 1556 (2004) or this resolution, including, as determined by the Council after consultations with the African Union, failure to cooperate fully with the expansion and extension of the African Union monitoring mission in Darfur, shall consider taking additional measures as contemplated in Article 41 of the Charter of the United Nations, such as actions to affect Sudan's petroleum sector and the Government of Sudan or individual members of the Government of Sudan, in order to take effective action to obtain such full compliance or full cooperation;

15. Requests that, in the monthly reports pursuant to resolution 1556 (2004), the Secretary-General report to the Council on the progress or lack thereof by the Government of Sudan in complying with the Council's demands in this resolution and the effort by the Government of

Sudan and the Sudan People's Liberation Movement to conclude a comprehensive peace accord on an urgent basis;

16. Decides to remain seized of the matter.

Appendix 6: UN Millennium Declaration (2000) (PDF).

1. We, heads of State and Government, have gathered at United Nations Headquarters in New York from 6 to 8 September 2000, at the dawn of a new millennium, to reaffirm our faith in the Organization and its Charter as indispensable foundations of a more peaceful, prosperous and just world.

2. We recognize that, in addition to our separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. As leaders we have a duty therefore to all the world's people, especially the most vulnerable and, in particular, the children of the world, to whom the future belongs.

3. We reaffirm our commitment to the purposes and principles of the Charter of the United Nations, which have proved timeless and universal. Indeed, their relevance and capacity to inspire have increased, as nations and peoples have become increasingly interconnected and interdependent.

4. We are determined to establish a just and lasting peace all over the world in accordance with the purposes and principles of the Charter. We rededicate ourselves to support all efforts to uphold the sovereign equality of all States, respect for their territorial integrity and political

independence, resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character.

5. We believe that the central challenge we face today is to ensure that globalization becomes a positive force for all the world's people. For while globalization offers great opportunities, at present its benefits are very unevenly shared, while its costs are unevenly distributed.

We recognize that developing countries and countries with economies in transition face special difficulties in responding to this central challenge. Thus, only through broad and sustained efforts to create a shared future, based upon our common humanity in all its diversity, can globalization be made fully inclusive and equitable. These efforts must include policies and measures, at the global level, which correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation.

6. We consider certain fundamental values to be essential to international relations in the twenty-first century.

These include:

Freedom. Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Democratic and participatory governance based on the will of the people best assures these rights.

Equality. No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.

· Solidarity. Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most.

Tolerance. Human beings must respect one other, in all their diversity of belief, culture and language. Differences within and between societies should be neither feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all civilizations should be actively promoted.

Respect for nature. Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants.

- Shared responsibility. Responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally. As the most universal and most representative organization in the world, the United Nations must play the central role.

7. In order to translate these shared values into actions, we have identified key objectives to which we assign special significance.

II. Peace, security and disarmament 8. We will spare no effort to free our peoples from the scourge of war, whether within or between States, which has claimed more than 5 million lives in the past decade. We will also seek to eliminate the dangers posed by weapons of mass destruction.

9. We resolve therefore:

- To strengthen respect for the rule of law in international as in national affairs and, in particular,to ensure compliance by Member States with the decisions of the International Court of Justice, in compliance with the Charter of the United Nations, in cases to which they are parties.
- To make the United Nations more effective in maintaining peace and security by giving it the resources and tools it needs for conflict prevention, peaceful resolution of disputes, peacekeeping, post-conflict peace-building and reconstruction. In this context, we take note of the report of the Panel on United Nations Peace Operations and request the General Assembly to consider its recommendations expeditiously.

- To strengthen cooperation between the United Nations and regional organizations, in accordance with the provisions of Chapter VIII of the Charter.
- To ensure the implementation, by States Parties, of treaties in areas such as arms control and disarmament and of international humanitarian law and human rights law, and call upon all States to consider signing and ratifying the Rome Statute of the International Criminal Court.
- To take concerted action against international terrorism, and to accede as soon as possible to all the relevant international conventions.
- To redouble our efforts to implement our commitment to counter the world drug problem.
- To intensify our efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money laundering.
- To minimize the adverse effects of United Nations economic sanctions on innocent populations, to subject such sanctions regimes to regular reviews and to eliminate the adverse effects of sanctions on third parties.
- To strive for the elimination of weapons of mass destruction, particularly nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways of eliminating nuclear dangers.
- To take concerted action to end illicit traffic in small arms and light weapons, especially by making arms transfers more transparent and supporting regional disarmament measures, taking account of all the

recommendations of the forthcoming United Nations Conference on Illicit Trade in Small Arms and Light Weapons.

· To call on all States to consider acceding to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, as well as the amended mines protocol to the Convention on conventional weapons.

10. We urge Member States to observe the Olympic Truce, individually and collectively, now and in the future, and to support the International Olympic Committee in its efforts to promote peace and human understanding through sport and the Olympic Ideal.

III. Development and poverty eradication

11. We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected. We are committed to making the right to development a reality for everyone and to freeing the entire human race from want.

12. We resolve therefore to create an environment - at the national and global levels alike - which is conducive to development and to the elimination of poverty.

13. Success in meeting these objectives depends, *inter alia*, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary and trading systems. We are committed to an open, equitable, rule-based,

predictable and non-discriminatory multilateral trading and financial system.

14. We are concerned about the obstacles developing countries face in mobilizing the resources needed to finance their sustained development. We will therefore make every effort to ensure the success of the High-level International and Intergovernmental Event on Financing for Development, to be held in 2001.

15. We also undertake to address the special needs of the least developed countries. In this context, we welcome the Third United Nations Conference on the Least Developed Countries to be held in May 2001 and will Endeavour to ensure its success. We call on the industrialized countries:

- To adopt, preferably by the time of that Conference, a policy of duty- and quota-free access for essentially all exports from the least developed countries;
- To implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction; and To grant more generous development assistance, especially to countries that are genuinely making an effort to apply their resources to poverty reduction.

16. We are also determined to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries,

through various national and international measures designed to make their debt sustainable in the long term.

17. We also resolve to address the special needs of small island developing States, by implementing the Barbados Programme of Action and the outcome of the twenty-second special session of the General Assembly rapidly and in full. We urge the international community to ensure that, in the development of a vulnerability index, the special needs of small island developing States are taken into account.

18. We recognize the special needs and problems of the landlocked developing countries, and urge both bilateral and multilateral donors to increase financial and technical assistance to this group of countries to meet their special development needs and to help them overcome the impediments of geography by improving their transit transport systems.

19. We resolve further:

- To halve, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger and, by the same date, to halve the proportion of people who are unable to reach or to afford safe drinking water.
- To ensure that, by the same date, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education.
- By the same date, to have reduced maternal mortality by three quarters, and under-five child mortality by two thirds, of their current rates.

- To have, by then, halted, and begun to reverse, the spread of HIV/AIDS, the scourge of malaria and other major diseases that afflict humanity.
- To provide special assistance to children orphaned by HIV/AIDS.
- By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers as proposed in the "Cities Without Slums" initiative.

20. We also resolve:

- To promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable.
- To develop and implement strategies that give young people everywhere a real chance to find decent and productive work.
- To encourage the pharmaceutical industry to make essential drugs more widely available and affordable by all who need them in developing countries.
- To develop strong partnerships with the private sector and with civil society organizations in pursuit of development and poverty eradication.
- To ensure that the benefits of new technologies, especially information and communication technologies, in conformity with recommendations contained in the ECOSOC 2000 Ministerial Declaration, are available to all.

IV. Protecting our common environment 21. We must spare no effort to free all of humanity, and above all our children and grandchildren, from

the threat of living on a planet irredeemably spoilt by human activities, and whose resources would no longer be sufficient for their needs.

22. We reaffirm our support for the principles of sustainable development, including those set out in Agenda 21, agreed upon at the United Nations Conference on Environment and Development. 23. We resolve therefore to adopt in all our environmental actions a new ethic of conservation and stewardship and, as first steps, we resolve:

- To make every effort to ensure the entry into force of the Kyoto Protocol, preferably by the tenth anniversary of the United Nations Conference on Environment and Development in 2002, and to embark on the required reduction in emissions of greenhouse gases.
- To intensify our collective efforts for the management, conservation and sustainable development of all types of forests.
- To press for the full implementation of the Convention on Biological Diversity and the Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.
- To stop the unsustainable exploitation of water resources by developing water management strategies at the regional, national and local levels, which promote both equitable access and adequate supplies.
- To intensify cooperation to reduce the number and effects of natural and man-made disasters.
- To ensure free access to information on the human genome sequence.

V. Human rights, democracy and good governance

24. We will spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.

25. We resolve therefore:

- To respect fully and uphold the Universal Declaration of Human Rights.
- To strive for the full protection and promotion in all our countries of civil, political, economic, social and cultural rights for all.
- To strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights, including minority rights.
- To combat all forms of violence against women and to implement the Convention on the Elimination of All Forms of Discrimination against Women.
- To take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies.
- To work collectively for more inclusive political processes, allowing genuine participation by all citizens in all our countries.
- To ensure the freedom of the media to perform their essential role and the right of the public to have access to information.

VI. Protecting the vulnerable 26. We will spare no effort to ensure that children and all civilian populations that suffer disproportionately the

consequences of natural disasters, genocide, armed conflicts and other humanitarian emergencies are given every assistance and protection so that they can resume normal life as soon as possible.

We resolve therefore:

- To expand and strengthen the protection of civilians in complex emergencies, in conformity with international humanitarian law.
- To strengthen international cooperation, including burden sharing in, and the coordination of humanitarian assistance to, countries hosting refugees and to help all refugees and displaced persons to return voluntarily to their homes, in safety and dignity and to be smoothly reintegrated into their societies.
- To encourage the ratification and full implementation of the Convention on the Rights of the Child and its optional protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

VII. Meeting the special needs of Africa

27. We will support the consolidation of democracy in Africa and assist Africans in their struggle for lasting peace, poverty eradication and sustainable development, thereby bringing Africa into the mainstream of the world economy.

28. We resolve therefore:

- To give full support to the political and institutional structures of emerging democracies in Africa.

- To encourage and sustain regional and subregional mechanisms for preventing conflict and promoting political stability, and to ensure a reliable flow of resources for peacekeeping operations on the continent.
- To take special measures to address the challenges of poverty eradication and sustainable development in Africa, including debt cancellation, improved market access, enhanced Official Development Assistance and increased flows of Foreign Direct Investment, as well as transfers of technology.
- To help Africa build up its capacity to tackle the spread of the HIV/AIDS pandemic and other infectious diseases.

VIII. Strengthening the United Nations

29. We will spare no effort to make the United Nations a more effective instrument for pursuing all of these priorities: the fight for development for all the peoples of the world, the fight against poverty, ignorance and disease; the fight against injustice; the fight against violence, terror and crime; and the fight against the degradation and destruction of our common home.

30. We resolve therefore:

- To reaffirm the central position of the General Assembly as the chief deliberative, policy-making and representative organ of the United Nations, and to enable it to play that role effectively.
- To intensify our efforts to achieve a comprehensive reform of the Security Council in all its aspects.

- To strengthen further the Economic and Social Council, building on its recent achievements, to help it fulfil the role ascribed to it in the Charter.
- To strengthen the International Court of Justice, in order to ensure justice and the rule of law in international affairs.
- To encourage regular consultations and coordination among the principal organs of the United Nations in pursuit of their functions.
- To ensure that the Organization is provided on a timely and predictable basis with the resources it needs to carry out its mandates.
- To urge the Secretariat to make the best use of those resources, in accordance with clear rules and procedures agreed by the General Assembly, in the interests of all Member States, by adopting the best management practices and technologies available and by concentrating on those tasks that reflect the agreed priorities of Member States.
- To promote adherence to the Convention on the Safety of United Nations and Associated Personnel.
- To ensure greater policy coherence and better cooperation between the United Nations, its agencies, the Bretton Woods Institutions and the World Trade Organization, as well as other multilateral bodies, with a view to achieving a fully coordinated approach to the problems of peace and development.
- To strengthen further cooperation between the United Nations and national parliaments through their world organization, the Inter-Parliamentary Union, in various fields, including peace and security,

economic and social development, international law and human rights and democracy and gender issues.

· To give greater opportunities to the private sector, non-governmental organizations and civil society, in general, to contribute to the realization of the Organization's goals and programmers.

31. We request the General Assembly to review on a regular basis the progress made in implementing the provisions of this Declaration, and ask the Secretary-General to issue periodic reports for consideration by the General Assembly and as a basis for further action.

32. We solemnly reaffirm, on this historic occasion, that the United Nations is the indispensable common house of the entire human family, through which we will seek to realize our universal aspirations for peace, cooperation and development. We therefore pledge our unstinting support for these common objectives and our determination to achieve them.8th plenary meeting 8 September 2000.

Appendix 7: UN Resolution 53|243 (1999) (PDF).

Bearing in mind the Declaration on a Culture of Peace adopted on 13 September 1999, *Recalling* its resolution 52/15 of 20 November 1997, by which it proclaimed the year 2000 as the "International Year for the Culture of Peace", and its resolution 53/25 of 10 November 1998, by which it proclaimed the period 2001-2010 as the "International Decade for a Culture of Peace and Non-violence for the Children of the World";*Adopts* the following Programme of Action on a Culture of Peace:

A. Aims, strategies and main actors

1. The Programme of Action should serve as the basis for the International Year for the Culture of Peace and the International Decade for a Culture of Peace and Non-violence for the Children of the World.
2. Member States are encouraged to take actions for promoting a culture of peace at the national level as well as at the regional and international levels.
3. Civil society should be involved at the local, regional and national levels to widen the scope of activities on a culture of peace.
4. The United Nations system should strengthen its ongoing efforts to promote a culture of peace.
5. The United Nations Educational, Scientific and Cultural Organization should continue to play its important role in and make major contributions to the promotion of a culture of peace.
6. Partnerships between and among the various actors as set out in the Declaration should be encouraged and strengthened for a global movement for a culture of peace.
7. A culture of peace could be promoted through sharing of information among actors on their initiatives in this regard.
8. Effective implementation of the Programme of Action requires mobilization of resources, including financial resources, by interested Governments, organizations and individuals.

B. Strengthening actions at the national, regional and international levels by all relevant actors

9. Actions to foster a culture of peace through education:

- (a) Reinvigorate national efforts and international cooperation to promote the goals of education for all with a view to achieving human, social and economic development and for promoting a culture of peace;
- {b) Ensure that children, from an early age, benefit from education on the values, attitudes, modes of behaviour and ways of life to enable them to resolve any dispute peacefully and in a spirit of respect for human dignity and of tolerance and non-discrimination;
- (c) Involve children in activities designed to instill in them the values and goals of a culture of peace;
- {d) Ensure equality of access to education for women, especially girls;
- (e) Encourage revision of educational curricula, including textbooks, bearing in mind the 1995 Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy for which technical cooperation should be provided by the United Nations Educational, Scientific and Cultural Organization upon request;
- (f) Encourage and strengthen efforts by actors as identified in the Declaration, in particular the United Nations Educational, Scientific and Cultural Organization, aimed at developing values and skills conducive to a culture of peace, including education and training in promoting dialogue and consensus-building;
- (g) Strengthen the ongoing efforts of the relevant entities of the United Nations system aimed at training and education, where appropriate, in

the areas of conflict prevention and crisis management, peaceful settlement of disputes, as well as in post-conflict peace-building;

{h) Expand initiatives to promote a culture of peace undertaken by institutions of higher education in various parts of the world, including the United Nations University, the University for Peace and the project for twinning universities and the United Nations Educational, Scientific and Cultural Organization Chairs Programme.

10. Actions to promote sustainable economic and social development:

(a) Undertake comprehensive actions on the basis of appropriate strategies and agreed targets to eradicate poverty through national and international efforts, including through international cooperation;

{b) Strengthen the national capacity for implementation of policies and programmes designed to reduce economic and social inequalities within nations through, *inter alia*, international cooperation;

(c) Promote effective and equitable development-oriented and durable solutions to the external debt and debt-servicing problems of developing countries through, *inter alia*, debt relief;

{d) Reinforce actions at all levels to implement national strategies for sustainable food security, including the development of actions to mobilize and optimize the allocation and utilization of resources from all sources, including through international cooperation, such as resources coming from debt relief;

- (e) Undertake firmer efforts to ensure that the development process is participatory and that development projects involve the full participation of all;
- (f) Include a gender perspective and empowerment of women and girls as an integral part of the development process;
- (g) Include in development strategies special measures focusing on needs of women and children as well as groups with special needs;
- (h) Strengthen, through development assistance in post-conflict situations, rehabilitation, reintegration and reconciliation processes involving all engaged in conflicts;
- (i) Incorporate capacity-building in development strategies and projects to ensure environmental sustainability, including preservation and regeneration of the natural resource base;
- (j) Remove obstacles to the realization of the right of peoples to self-determination, in particular of peoples living under colonial or other forms of alien domination or foreign occupation, which adversely affect their social and economic development.

11. Actions to promote respect for all human rights:

- (a) Full implementation of the Vienna Declaration and Programme of Action;*
- (b) Encouragement of development of national plans of action for the promotion and protection of all human rights;
- (c) Strengthening of national institutions and capacities in the field of human rights, including through national human rights institutions;

- {d) Realization and implementation of the right to development, as established in the Declaration on the Right to Development, and the Vienna Declaration and Programme of Action;
- (e) Achievement of the goals of the United Nations Decade for Human Rights Education (1995-2004);
- (f) Dissemination and promotion of the Universal Declaration of Human Rights at all levels;
- (g) Further support to the activities of the United Nations High Commissioner for Human Rights in the fulfillment of her or his mandate as established in General Assembly resolution 48/141 of 20 December 1993, as well as the responsibilities set by subsequent resolutions and decisions.

12. Actions to ensure equality between women and men:

- (a) Integration of a gender perspective into the implementation of all relevant international instruments;
- {b) Further implementation of international instruments that promote equality between women and men;
- (c) Implementation of the Beijing Platform for Action adopted at the Fourth World Conference on Women,' with adequate resources and political will, and through, *inter alia*, the elaboration, implementation and follow-up of the national plans of action;
- {d) Promotion of equality between women and men in economic, social and political decision-making;

- (e) Further strengthening of efforts by the relevant entities of the United Nations system for the elimination of all forms of discrimination and violence against women;
- (f) Provision of support and assistance to women who have become victims of any forms of violence, including in the home, workplace and during armed conflicts.

13. Actions to foster democratic participation:

- (a) Reinforcement of the full range of actions to promote democratic principles and practices;
- {b) Special emphasis on democratic principles and practices at all levels of formal, informal and non-formal education;
- (c) Establishment and strengthening of national institutions and processes that promote and sustain democracy through, *inter alia*, training and capacity-building of public officials;
- {d) Strengthening of democratic participation through, *inter alia*, the provision of electoral assistance upon the request of States concerned and based on relevant United Nations guidelines;
- (e) Combating of terrorism, organized crime, corruption as well as production, trafficking and consumption of illicit drugs and money laundering, as they undermine democracies and impede the fuller development of a culture of peace.

14. Actions to advance understanding, tolerance and solidarity:

- (a) Implement the Declaration of Principles on Tolerance and the Follow-up Plan of Action for the United Nations Year for Tolerance'* (1995);
- {b) Support activities in the context of the United Nations Year of Dialogue among Civilizations in the year 2001;
- (c) Study further the local or indigenous practices and traditions of dispute settlement and promotion of tolerance with the objective of learning from them;
- {d) Support actions that foster understanding, tolerance and solidarity throughout society, in particular with vulnerable groups;
- (e) Further support the attainment of the goals of the International Decade of the World's Indigenous People;
- if)* Support actions that foster tolerance and solidarity with refugees and displaced persons, bearing in mind the objective of facilitating their voluntary return and social integration;
- (g) Support actions that foster tolerance and solidarity with migrants;
- (i) Promote increased understanding, tolerance and cooperation among all peoples through, *inter alia*, appropriate use of new technologies and dissemination of information;
- (j) Support actions that foster understanding, tolerance, solidarity and cooperation among peoples and within and among nations.

15. Actions to support participatory communication and the free flow of information and knowledge:

- (a) Support the important role of the media in the promotion of a culture of peace;
- {b) Ensure freedom of the press and freedom of information and communication;
- (c) Make effective use of the media for advocacy and dissemination of information on a culture of peace involving, as appropriate, the United Nations and relevant regional, national and local mechanisms;
- {d) Promote mass communication that enables communities to express their needs and participate in decision-making;
- (e) Take measures to address the issue of violence in the media, including new communication technologies, *inter alia*, the Internet;
- (f) Increase efforts to promote the sharing of information on new information technologies, including the Internet.

16. Actions to promote international peace and security:

- (a) Promote general and complete disarmament under strict and effective international control, taking into account the priorities established by the United Nations in the field of disarmament;
- {b) Draw, where appropriate, on lessons conducive to a culture of peace learned from "military conversion" efforts as evidenced in some countries of the world;
- (c) Emphasize the inadmissibility of acquisition of territory by war and the need to work for a just and lasting peace in all parts of the world;
- {d) Encourage confidence-building measures and efforts for negotiating peaceful settlements;

(e) Take measures to eliminate illicit production and traffic of small arms and light weapons;

(f) Support initiatives, at the national, regional and international levels, to address concrete problems arising from post-conflict situations, such as demobilization, reintegration of former combatants into society, as well as refugees and displaced persons, weapon collection programmes, exchange of information and confidence-building;

(g) Discourage the adoption of and refrain from any unilateral measure, not in accordance with international law and the Charter of the United Nations, that impedes the full achievement of economic and social development by the population of the affected countries, in particular women and children, that hinders their well-being, that creates obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, while reaffirming that food and medicine must not be used as a tool for political pressure;

(i) Refrain from military, political, economic or any other form of coercion, not in accordance with international law and the Charter, aimed against the political independence or territorial integrity of any State;

(j) Recommend proper consideration for the issue of the humanitarian impact of sanctions, in particular on women and children, with a view to minimizing the humanitarian effects of sanctions;

- (/) Promote greater involvement of women in prevention and resolution of conflicts and, in particular, in activities promoting a culture of peace in post-conflict situations;
- {k) Promote initiatives in conflict situations such as days of tranquillity to carry out immunization and medicine distribution campaigns, corridors of peace to ensure delivery of humanitarian supplies and sanctuaries of peace to respect the central role of health and medical institutions such as hospitals and clinics;
- (/) Encourage training in techniques for the understanding, prevention and resolution of conflict for the concerned staff of the United Nations, relevant regional organizations and Member States, upon request, where appropriate.

Appendix 8: UN Resolution 1706 (2006) (PDF).

Security Council expands mandate of un mission in Sudan to include darfur, adopting resolution 1706 by vote OF 12 IN favour, with 3 abstaining Invites Consent of Sudanese Government; Authorizes Use of 'All Necessary Means'

To Protect United Nations Personnel, Civilians under Threat of Physical Violence

The Security Council decided this morning to expand the mandate of the United Nations Mission in the Sudan (UNMIS) to include its deployment to Darfur, without prejudice to its existing mandate and operations, in order to support the early and effective implementation of the Darfur Peace Agreement.

As it adopted resolution 1706 (2006) by a vote of 12 in favour with 3 abstentions (China, Qatar, Russian Federation), the Council invited the consent of the Sudanese Government of National Unity for that deployment, and called on Member States to ensure an expeditious deployment. It requested the Secretary-General to arrange the rapid deployment of additional capabilities to enable UNMIS to deploy in Darfur. Acting under Chapter VII of the United Nations Charter, the Council authorized UNMIS to use all necessary means as it deemed within its capabilities: to protect United Nations personnel, facilities, installations and equipment; to ensure the security and freedom of movement of United Nations personnel, humanitarian workers, assessment and evaluation commission personnel; to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups, without prejudice to the responsibility of the Government of the Sudan; to protect civilians under threat of physical violence; and to seize or collect arms or related material whose presence in Darfur was in violation of the Agreements and the measures imposed by resolution 1556, and to dispose of such arms and related material as appropriate.

The Council decided also that the mandate of UNMIS would be, among other things, to support implementation of the Darfur Peace Agreement and the N'djamena Agreement on Humanitarian Cease-fire on the Conflict in Darfur, including by:

monitoring and verifying the implementation by the parties to those agreements;

observing and monitoring movement of armed groups and redeployment of forces in areas of UNMIS deployment by ground and aerial means; investigating violations of the Agreements and reporting them to the Cease-fire Commission; monitoring transformer activities of armed groups along the Sudanese borders with Chad and the Central African Republic; and ensuring an adequate human rights and gender presence, capacity and expertise within the Mission to carry out human rights promotion, civilian protection and monitoring activities, including particular attention to the needs of women and children.

In a related provision of the text, the Council decided further that the mandate of UNMIS in Darfur would also include assisting in international efforts to improve the security situation in the neighboring regions along the borders between the Sudan and Chad and between the Sudan and the Central African Republic. It requested that the Secretary-General and the Governments of Chad and the Central African Republic conclude status-of-forces agreements as soon as possible, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel. Pending the conclusion of such an agreement with either country, the model status-of-forces agreement dated 9 October 1990 (document A/45/594) would apply provisionally with respect to UNMIS forces operating in that country.

The Council decided also that UNMIS would 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. It expressed its determination to keep the Mission's strength and structure under regular review, taking into account the evolution of the situation on the ground.

By further terms of the text, the Council requested the Secretary-General to consult jointly with the African Union, in close and continuing consultation with the parties to the Darfur Peace Agreement, including the Government of National Unity, on a plan and timetable for a transition from the African Mission in the Sudan to a United Nations operation in Darfur.

The resolution was co-sponsored by Argentina, Denmark, France, Ghana, Greece, Slovakia, United Kingdom, United Republic of Tanzania and the United States.

In a statement after the vote, the representative of the United Kingdom said the tragedy in Darfur had gone on far too long and the transition to a United Nations operation was the only viable solution to the crisis. Based on conversations with Council members, even those countries that had abstained did not fundamentally disagree with the issues of the text ~ it was more about the timing. The United Nations force remained the only vehicle to bring peace and stability to Darfur.

She said the Sudanese plan would be a military solution imposed by one of the parties to the conflict, in violation of the Peace Agreement itself.

The resolution adopted today sent a clear message from the Council regarding the need for a well-equipped third party to ensure the protection of civilians. Not that the text did not attach importance to the consent of the Government of the Sudan, which bore the primary responsibility to protect its own citizens. The Council was appealing to the Government in the strongest possible terms to allow the United Nations to provide assistance. The Council wished to help the Sudan, not to threaten it; to assist, and not undermine the country.

Also speaking after the vote, the representative of the United States stressed the imperative need to stop the violence in Darfur, noting that every day of delay only extended the genocide. The strong Council resolution offered the best hope to end the tragedy in Darfur, and it was important to secure its immediate and full implementation.

The United States expected the full cooperation and support of the Government of the Sudan for the new United Nations force.

Council President Nana Effah-Apenteng (Ghana), speaking in his national capacity, said that as many as 16 countries were already taking part in the African Union mission, and his country was proud to be one of them. Although the text adopted today was not a magic wand, its adoption was timely and gave the Sudan an opportunity be part of the solution to the Darfur crisis. On the other hand, however, the Government bore the responsibility to protect the victims of war in the Sudan, and for that reason, Ghana had reservations about explicit

language in the text regarding the Government's agreement to the deployment of an international force.

The meeting began at 10:10 a.m. and ended at 11:05 a.m. Resolution

The full text of resolution 1706 (2006) reads as follows:

""The Security Council,' Recalling its previous resolutions concerning the situation in the Sudan, in particular resolutions 1679 (2006) of 16 May 2006, 1665 (2006) of 29 March 2006, 1663 (2006) of 24 March 2006, 1593 (2005) of 31 March 2005, 1591 (2005) of 29 March 2005, 1590 (2005) of 24 March 2005, 1574 (2004) of 19 November 2004, 1564 (2004) of 18 September 2004 and 1556 (2004) of 30 July 2004 and the statements of its President concerning the Sudan, *Recalling also* its previous resolutions 1325 (2000) on women, peace and security, 1502 (2003) on the protection of humanitarian and United Nations personnel, 1612 (2005) on children and armed conflict, and 1674 (2006) on the protection of civilians in armed conflict, which reaffirms *inter alia* the provisions of paragraphs 138 and 139 of the 2005 United Nations World Summit outcome document, as well as the report of its Mission to the Sudan and Chad from 4 to 10 June 2006, *Reaffirming* its strong commitment to the sovereignty, unity, independence, and territorial integrity of the Sudan, which would be unaffected by transition to a United Nations operation in Darfur, and to the cause of peace, *expressing its determination* to work with the Government of National Unity, in full respect of its sovereignty, to assist in tackling the various problems confronting the Sudan and that a United

Nations operation in Darfur shall have, to the extent possible, a strong African participation and character, "Welcoming the efforts of the African Union to find a solution to the crisis in Darfur, including through the success of the African Union-led Inter-Sudanese Peace Talks on the Conflict in Darfur in Abuja, Nigeria, in particular the framework agreed between the parties for a resolution of the conflict in Darfur (the Darfur Peace Agreement), *commending* the efforts of the signatories to the Darfur Peace Agreement, *expressing* its belief that the Agreement provides a basis for sustained security in Darfur, *reiterating* its welcome of the statement of 9 May 2006 by the representative of the Sudan at the United Nations Security Council Special Session on Darfur of the Government of National Unity's full commitment to implementing the Agreement, *stressing* the importance of launching, with the African Union, the Darfur-Darfur dialogue and consultation as soon as possible, and *recognizing* that international support for implementation of the Agreement is critically important to its success," *Commending* the efforts of the African Union for the successful deployment of the African Union Mission in the Sudan (AMIS), as well as the efforts of Member States and regional and international organizations that have assisted it in its deployment, and AMIS' role in reducing large-scale organized violence in Darfur, *recalling* the decision of the African Union Peace and Security Council of 10 March 2006, and its decision of 27 June 2006 as outlined in paragraph 10 of its Communiqué that the African Union is ready to review the mandate of AMIS in the event that the ongoing

consultations between the Government of National Unity and the United Nations conclude on an agreement for a transition to a United Nations peacekeeping operation, *stressing* the need for AMIS to assist implementation of the Darfur Peace Agreement until transition to the United Nations force in Darfur is completed, *welcoming* the decision of the African Union Peace and Security Council of 27 June 2006 on strengthening AMIS' mandate and tasks, including on the protection of civilians, and *considering* that AMIS needs urgent reinforcing,' *Reaffirming* its concern that the ongoing violence in Darfur might further negatively affect the rest of the Sudan as well as the region, in particular Chad and the Central African Republic, and *stressing* that regional security aspects must be addressed to achieve long lasting peace in Darfur, "*Remaining deeply concerned* over the recent deterioration of relations between the Sudan and Chad, calling on the Governments of the two countries to abide by their obligations under the Tripoli Agreement of 8 February 2006 and the agreement between the Sudan and Chad signed in N'djamena on 26 July 2006 and to begin implementing the confidence-building measures which they have voluntarily agreed upon, *welcoming* the recent re-establishment of diplomatic relations between the Sudan and Chad, and calling upon all States in the region to cooperate in ensuring regional stability, "*Reiterating* its strong condemnation of all violations of human rights and international humanitarian law in Darfur, and *calling upon* the Government of National Unity to take urgent action to tackle gender-

based violence in Darfur including action towards implementing its Action Plan to Combat Violence Against Women in Darfur with particular focus on the rescission of Form 8 and access to legal redress, *"Expressing* its deep concern for the security of humanitarian aid workers and their access to populations in need, including refugees, internally displaced persons and other war-affected populations, and *calling upon* all parties, in particular the Government of National Unity, to ensure, in accordance with relevant provisions of international law, the full, safe and unhindered access of relief personnel to all those in need in Darfur as well as the delivery of humanitarian assistance, in particular to internally displaced persons and refugees, *"Taking note* of the communiq  s of 12 January, 10 March, 15 May and 27 June 2006 of the Peace and Security Council of the African Union regarding transition of AMIS to a United Nations operation, *"Taking note* of the report of the Secretary-General on Darfur dated 28 July 2006 (S/2006/591),

"Determining that the situation in the Sudan continues to constitute a threat to international peace and security, *"1. Decides*, 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 UNMIS' mandate shall be expanded as specified in paragraphs 8, 9 and 12 below, that it shall deploy to Darfur, and therefore invites the consent of the Government of National Unity for this deployment, and *urges* Member States to provide the capability for an expeditious deployment;

"2. *Requests* the Secretary-General to arrange the rapid deployment of additional capabilities for UNMIS, in order that it may deploy in Darfur, in accordance with the recommendation contained in his report dated 28 July 2006;

"3. *Decides* that UNMIS shall 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, and *expresses its determination* to keep UNMIS' strength and structure under regular review, taking into account the evolution of the situation on the ground and without prejudice to its current operations and mandate as provided for in resolution 1590 (2005);

"4. *Expresses* its intention to consider authorizing possible additional temporary reinforcements of the military component of UNMIS, at the request of the Secretary-General, within the limits of the troop levels recommended in paragraph 87 of his report dated 28 July 2006;

"5. *Requests* the Secretary-General to consult jointly with the African Union, in close and continuing consultation with the parties to the Darfur Peace Agreement, including the Government of National Unity, on a plan and timetable for transition from AMIS to a United Nations operation in Darfur ;*decides* that those elements outlined in paragraphs 40 to 58 of the Secretary-General's report of 28 July 2006 shall begin to be deployed no later than 1 October 2006, that thereafter as part of the process of transition to a United Nations operation additional capabilities shall be deployed as soon as feasible and that UNMIS shall take over

from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of AMIS' mandate but in any event no later than 31 December 2006;

"6. *Notes* that the Status of Forces Agreement for UNMIS with the Sudan, as outlined in resolution 1590 (2005), shall apply to UNMIS' operations throughout the Sudan, including in Darfur;

"7. *Requests* the Secretary-General to take the necessary steps to strengthen AMIS through the use of existing and additional United Nations resources with a view to transition to a United Nations operation in Darfur; and *authorizes* the Secretary-General during this transition to implement the longer-term support to AMIS outlined in the report of the Secretary-General of 28 July 2006, including provision of air assets, ground mobility package, training, engineering and logistics, mobile communications capacity and broad public information assistance;

"8. *Decides* that the mandate of UNMIS in Darfur shall be to support implementation of the Darfur Peace Agreement of 5 May 2006 and the N'djamena Agreement on Humanitarian Cease-fire on the Conflict in Darfur ("the Agreements"), including by performing the following tasks:

(a) To monitor and verify the implementation by the parties of Chapter 3 ("Comprehensive Cease-flre and Final Security Arrangements") of the Darfur Peace Agreement and the N'djamena Agreement on Humanitarian Cease-fire on the Conflict in Darfur;

- (b) To observe and monitor movement of armed groups and redeployment of forces in areas of UNMIS deployment by ground and aerial means in accordance with the Agreements;
- (c) To investigate violations of the Agreements and to report violations to the Cease-fire Commission; as well as to cooperate and coordinate, together with other International Actors, with the Cease-fire Commission, the Joint Commission, and the Joint Humanitarian Facilitation and Monitoring Unit established pursuant to the Agreements including through provision of technical assistance and logistical support;
- (d) To maintain, in particular, a presence in key areas, such as buffer zones established pursuant to the Darfur Peace Agreement, areas inside internally displaced persons camps and demilitarized zones around and inside internally displaced persons camps, in order to promote the re-establishment of confidence, to discourage violence, in particular by deterring use of force;
- (e) To monitor transborder activities of armed groups along the Sudanese borders with Chad and the Central African Republic in particular through regular ground and aerial reconnaissance activities;
- (f) To assist with development and implementation of a comprehensive and sustainable programme for disarmament, demobilization and reintegration of former combatants and women and children associated with combatants, as called for in the Darfur Peace Agreement and in accordance with resolutions 1556 (2004) and 1564 (2004);

- (g) To assist the parties, in cooperation with other international actors, in the preparations for and conduct of referendums provided for in the Darfur Peace Agreement;
- (h) To assist the parties to the Agreements in promoting understanding of the peace accord and of the role of UNMIS, including by means of an effective public information campaign, targeted at all sectors of society, in coordination with the African Union;
- (i) To cooperate closely with the Chairperson of the Darfur-Darfur Dialogue and Consultation (DDDC), provide support and technical assistance to him, and coordinate other United Nations agencies' activities to this effect, as well as to assist the parties to the DDDC in addressing the need for an all-inclusive approach, including the role of women, towards reconciliation and peace building;
- (j) To assist the parties to the Darfur Peace Agreement, in coordination with bilateral and multilateral assistance programmes, in restructuring the police service in the Sudan, consistent with democratic policing, to develop a police training and evaluation programme, and to otherwise assist in the training of civilian police;
- (k) To assist the parties to the Darfur Peace Agreement in promoting the rule of law, including an independent judiciary, and the protection of human rights of all people of the Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to

the Darfur Peace Agreement to develop and consolidate the national legal framework;

(1) To ensure an adequate human rights and gender presence, capacity and expertise within UNMIS to carry out human rights promotion, civilian protection and monitoring activities that include particular attention to the needs of women and children;

"9. *Decides* further that the mandate of UNMIS in Darfur shall also include the following:

(a) To facilitate and coordinate in close cooperation with relevant United Nations agencies, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance *inter alia* by helping to establish the necessary security conditions in Darfur;

(b) To contribute towards international efforts to protect, promote and monitor human rights in Darfur, as well as to coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups including internally displaced persons, returning refugees, and women and children;

(c) To assist the parties to the Agreements, in cooperation with other international partners in the mine action sector, by providing humanitarian demining assistance, technical advice, and coordination, as well as mine awareness programmes targeted at all sectors of society;

(d) To assist in addressing regional security issues in close liaison with international efforts to improve the security situation in the neighboring

regions along the borders between the Sudan and Chad and between the Sudan and the Central African Republic, including through the establishment of a multi-dimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in Chad, including in internally displaced persons and refugee camps, and if necessary, in the Central African Republic, and to contribute to the implementation of the Agreement between the Sudan and Chad signed on 26 July 2006;

"10. Calls upon all Member States to ensure the free, unhindered and expeditious movement to the Sudan of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive and official use of UNMIS in Darfur;

"11. Requests the Secretary-General to keep the Council regularly informed of the progress in implementing the Darfur Peace Agreement, respect for the ceasefire, and the implementation of the mandate of UNMIS in Darfur, and to report to the Council, as appropriate, on the steps taken to implement this resolution and any failure to comply with its demands;

"12. Acting under Chapter VII of the Charter of the United Nations:

(a) *Decides* that UNMIS is authorized to use all necessary means, in the areas of deployment of its forces and as it deems within its capabilities:
~ to protect United Nations personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United

Nations personnel, humanitarian workers, assessment and evaluation commission personnel, to prevent disruption of the implementation of the Darfur Peace Agreement by armed groups, without prejudice to the responsibility of the Government of the Sudan, to protect civilians under threat of physical violence,

- ~ in order to support early and effective implementation of the Darfur Peace Agreement, to prevent attacks and threats against civilians,
- ~ to seize or collect, as appropriate, arms or related material whose presence in Darfur is in violation of the Agreements and the measures imposed by paragraphs 7 and 8 of resolution 1556, and to dispose of such arms and related material as appropriate;

(b) *Requests* that the Secretary-General and the Governments of Chad and the Central African Republic conclude status-of-forces agreements as soon as possible, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, and *decides* that pending the conclusion of such an agreement with either country, the model status-of-forces agreement dated 9 October 1990 (A/45/594) shall apply provisionally with respect to UNMIS forces operating in that country;

"13. *Requests* the Secretary-General to report to the Council on the protection of civilians in refugee and internally displaced persons camps in Chad and on how to improve the security situation on the Chadian side of the border with Sudan;

"14. Calls upon the parties to the Darfur Peace Agreement to respect their commitments and implement the Agreement without delay, *urges* those parties that have not signed the Agreement to do so without delay and not to act in any way that would impede implementation of the Agreement, and *reiterates* its intention to take, including in response to a request by the African Union, strong and effective measures, such as an asset freeze or travel ban, against any individual or group that violates or attempts to block the implementation of the Agreement or commits human rights violations;

"15. Decides to remain seized of the matter."

Background

Meeting to consider the deteriorating situation in Darfur, the Security Council was expected to vote on a draft resolution authorizing a United Nations force in the impoverished and strife-torn region, despite the fact that President Omar al-Bashir of the Sudan had presented his own plan (document S/2006/665) by which his Government would pacify Darfur with its own troops working in tandem with the African Union.

Speaking to the media recently. Council President Nana Effah-Apenteng of Ghana, which holds the 15-nation body's rotating presidency this month, said Council members consider the situation in Darfur to be so grave that a meeting is necessary.

Darfur is roughly the size of France, and ongoing violence in the vast western region between the Sudanese Armed Forces, allied militias and

rebel groups has killed nearly a quarter of a million people since 2003 and forced 2 million others from their homes.

For their discussions. Council members have before them the Secretary-General's report on Darfur (document S/2006/591), in which he says a United Nations peacekeeping force of as many as 18,600 troops may be needed in Darfur to ensure that all sides in the war-ravaged region comply with the recently signed peace agreement.

The report also outlines three options for how an expanded United Nations Mission in Sudan (UNMIS) would operate in Darfur — scheduled to begin next January — if the Sudanese Government consents to an international force.

In the report, he says that, after more than three years of a bitter and savage war in Darfur, which has been marked by abhorrent violence against innocent civilians that has "shocked the world", the signing of the Darfur Peace Agreement in May 2006 has given hope that the parties may finally be prepared to lay down their weapons and start working together to build a new, peaceful and prosperous Darfur. But the Agreement still faces formidable challenges.

Of immediate concern is that two of the parties involved in the Abuja talks did not sign the Agreement, and that the Agreement has not yet received support from the internally displaced persons and those many others who have been so drastically affected by the conflict. There are still signs that implementation may be experiencing major

delays and long-term structural difficulties. There has also been a disturbing escalation of clashes between those who support the Agreement and those who do not. "Tragically, it is the long-suffering civilians of Darfur who continue to bear the brunt of this fighting."

Despite the decision of the African Union Peace and Security Council to extend the signing deadline to 31 May, and attempts to encourage more parties to the conflict to sign the Darfur Peace Agreement, the Justice and Equality Movement (JEM) and the Abdelwahid faction of the Sudan Liberation Movement/Army (SLM/A) remain outside the Agreement. On 7 June, those two factions issued a statement with two other movement leaders, reiterating their non-acceptance of the Agreement and calling on the signatories and other actors to revisit their positions.

On 8 June, however, some members of the Abdelwahid faction and JEM splinter groups signed a declaration of commitment, in which they expressed support for the Agreement, and agreed to be bound by its provisions and participate fully in its implementation. The Secretary-General adds that a number of other groups came together on 30 June 2006 at Asmara to form the National Redemption Front, an umbrella movement which opposes the Darfur Peace Agreement in its present form and demands adjustments.

The National Redemption Front's attack on Northern Kordofan on 3 July represents a worrying escalation of the conflict. The Secretary-General strongly condemns the continuing violence and urges all factions to join the peace process in earnest and without any further delay. In the

meantime, the Ceasefire Commission envisaged by the Darfur Peace Agreement met twice in June, and the African Union convened the first meeting of the Joint Commission on 23 June in Addis Ababa. Both mechanisms, however, have been prevented from making progress by a lack of agreement on the inclusion of the non-signatories. As a result of the ongoing violence throughout Darfur, in particular the recent clashes in Northern Darfur, access to populations in need is decreasing, the report says.

At the same time, violence against humanitarians is at an all-time high, and the number of security incidents directed towards relief workers has been steadily rising since March.

Carjacking and other forms of banditry on the roads have increased in all three Darfur states, while in the month of July alone six national humanitarian staff have been killed in the course of their work. If these problems are not addressed, the overall situation in Darfur could undergo a reversal.

Alternatively, there may be an attempt to implement the Agreement through force, including the forced return of internally displaced persons. If this should be allowed to happen, Darfur could descend into an even bloodier round of conflict that would be catastrophic for the people of the region. "No party should use the Darfur Peace Agreement as a pretext for more violence", he warns.

With all this in mind, the Secretary-General explains that any military force would have to be "large, agile and robust" as it seeks to bring

peace and stability to the region. Depending on the required speed of deployment, levels of troop density and mobility, as well as risks accepted for civilians and United Nations personnel, he recommends to the Council three different options, depending on the force capacity and composition deemed necessary: option I ~ 17,300 troops; option II ~ 18,600 troops; and option III ~ 15,300 troops.

The mission's main focus would be on protecting civilians, especially the vast population of internally displaced persons living in camps across

Darfur's three states, and he warns that the region's harsh terrain and lack of usable roads, especially during the annual wet season, poses particular problems. A peacekeeping mission would also need a significant component of police, he says, especially in helping to manage internally displaced persons' camps. Up to 3,300 police officers would be necessary in the start-up phase, with more probably required later.

The Secretary-General urges Khartoum to accept a United Nations peacekeeping mission in Darfur, arguing that peace in southern Sudan, where a separate, decades-long conflict ended only recently and UNMIS is now in place, will otherwise be placed in jeopardy. "Peace in the Sudan is indivisible. Peace cannot take root in one part of the country while another part remains chronically unstable and prone to extreme violence", the Secretary-General says. The noble ideals which the Government of the Sudan and the SLM/A enshrined in the Machakos

Protocol of July 2002 cannot flourish in any country riven by war and insecurity.

Also before the Council was an addendum to the Secretary-General's report (document S/2006/591/Add.1) in which he says that, based on the preliminary estimates of requirements for the full deployment of military personnel and United Nations police, the financial implications of the short-term and longer-term support the Organization could offer to the African Mission in Sudan (AMIS) would amount to some \$21.2 million and \$53.7 million, respectively, for a four-month period. The financial implications of the expansion of the United Nations Mission in Sudan (UNMIS) into Darfur, corresponding to options I, II and III as set out in the report, are estimated at some \$1.6 billion, \$1.7 billion and \$1.4 billion, respectively.

JOHN BOLTON (United States) said he was pleased that the Council had taken an important step in passing the resolution today. It was imperative to act to stop the violence in Darfur. Every day of delay only extended the genocide. He expected full cooperation and support of the Government of the Sudan for the new United Nations force. Failure to cooperate would undermine the Peace Agreement.

The resolution set the framework for an effective multidimensional international force, he continued, with African Union forces at its core. With the passage of the resolution, it would be possible to finalize the plans for the deployment of the international force. "We cannot afford to delay", he said. The strong Council resolution

offered the best hope to end the tragedy in Darfur. Now, it was important to secure its immediate and full implementation.

KAREN PIERCE (United Kingdom) welcomed the adoption of the resolution, which her country had had the honour to introduce as one of the co-sponsors of the text.

The tragedy in Darfur had gone on far too long. It was a great tragedy that the bright future offered by the Darfur Peace Agreement was not materializing and the violence had gotten worse and not better. She agreed with Mr. Bolton that the international community could not afford to delay any longer. Having done an extremely good job under difficult circumstances, the African Union's mission in Darfur was struggling to cope, and the Union had called for a transition to a United Nations force. The adoption of the resolution today showed that the United Nations was ready to shoulder its responsibility.

The transition to a United Nations operation was the only viable solution to the crisis, she continued. Based on the conversations with Council members, even the countries that had abstained did not have a fundamental disagreement with the issues of the text ~ it was more about the timing. The United Nations force remained the best vehicle for the people of Darfur ~ in fact, it was the only vehicle to bring peace and stability to the region.

As for the Sudanese plan, it could not provide a solution, she said. It would be a military solution imposed by one of the parties to the conflict, violating the Peace Agreement itself. The resolution adopted

today sent a clear message from the Council regarding the need for a well-equipped third party to ensure protection of civilians. Not that the text did not attach importance to the agreement from the Government of the Sudan. The Council looked forward to the Government giving its acceptance soon, and it had sent a clear message that it wanted to receive that agreement. If the Government was genuinely concerned about the well-being of its citizens, it should give its agreement. In that connection, she underscored that the United Nations force would act in support of the Government and wanted to act cooperatively with it. It would not infringe on the country's sovereignty. The Council attached great importance to the continuation of the dialogue with the Government and wanted to bring it on board, and the resolution did not change that.

She added that the Council had sought to consult with the Government of the Sudan before adopting the text, but it chose not to attend the meeting last Monday. The United Kingdom had drafted the resolution to be as acceptable to the Sudan as possible.

There was, for example, no reference to the International Criminal Court in the text.

Although the resolution contained Chapter VII elements, it was not under Chapter VII in its entirety. The resolution also stated that the Council remained committed to the sovereignty and independence of the Sudan.

The United Kingdom would play its part in the efforts to find a solution to the crisis, she said. It had sent its special envoy to the Sudan last week, who had had to turn back after President Al-Bashir refused to meet with him. In that connection, she emphasized the responsibility of each State to protect its citizens and the responsibility of the United Nations to assist countries in that regard. She was pleased that today's text was the first Security Council resolution to make an explicit reference to that responsibility. It was the primary responsibility of the Sudan to protect its own citizens.

The Council was appealing to the Government in the strongest possible terms to allow the United Nations to provide its assistance. The Council was here to help the Sudan and not to threaten it — to assist, and not undermine the country.

WANG GUANGYA (China) said that the African Union, at the request of the Sudanese Government, had put in enormous efforts to help stabilize the situation in Darfur. China had all along highly commended and supported its Endeavour. According to the African Union decision, after consulting and upon agreement by the Government of National Unity, the United Nations would take over AMIS flections of carrying out the mission in the region. China was in favor of replacing AMIS with a United Nations operation. That was a good idea and a realistic option, and it would help to improve the situation on the ground, serving the interests of all parties. He, therefore, supported, with the consent of the Government of National Unity, the deployment of United Nations

troops in Darfur as soon as feasible. He also agreed that the Security Council needed to make the necessary decision at an early date, so as to effectively fulfill the responsibilities set forth in the Charter and assist the Government of National Unity in achieving comprehensive and lasting peace and stability in Darfur.

The Darfur Peace Agreement had instilled new dynamics and offered new opportunities for resolving the Darfur issue, he said. Unfortunately, it had failed to yield peace so far. What was more alarming was that the security situation had deteriorated further, and AMIS was confronted with enormous difficulties. To ease the situation on the ground and difficulties faced by AMIS, the Secretary-General had put forward some good recommendations, and the League of Arab States had also expressed a willingness to finance AMIS. The Council should attach great importance to that, give full play to the initiatives of various regional organizations, help AMIS overcome its difficulties so it would be able to continue the peacekeeping mission and ease tension in Darfur in a timely and effective manner.

To address the crisis, it was necessary to bear in mind both the sense of urgency and the sober assessment of the complexity of the situation, he continued. It was also necessary to demonstrate both firm determination and corresponding patience, as well as an effective approach. A transition to a United Nations mission was a good and pragmatic option, but the mission could only be deployed when the consent of the Government was obtained. That was the understanding

and decision of the African Union and the Security Council, respectively. In order to clear doubts and deepen mutual understanding, the Secretary-General had proposed holding a direct high-level dialogue at the Council among the parties involved. While it was hopeful to conduct such dialogue in early September, his delegation deemed it necessary for the Council to put the draft to the vote in a hurry, to help create a good atmosphere among the stakeholders and a conducive environment for smooth implementation of the resolution. Under the current circumstances, to push the adoption by the Council would not help stop further deterioration of the situation in Darfur. On the contrary, it could trigger further misunderstanding and confrontation.

He said that China accepted almost all the contents of the resolution, but it had consistently urged the co-sponsors to clearly put in "with the consent of the Government of National Unity" a fixed and standardized term on deploying United Nations missions. It had also urged the co-sponsors to carefully reconsider the timing of the vote.

Regrettably, the co-sponsors had failed to earnestly heed China's sincere efforts. Under those circumstances, China had abstained in the vote.

KENZO OSHIMA (Japan) said that in voting in favour of the resolution, his country regretted that Council members had not had the opportunity to consider fully and in time its financial implications since a huge financial commitment was required of Member States. Also, it was extremely important to ensure the consent of the Government of Sudan and the continued engagement of the Sudanese authorities. The

Sudanese plan for restoring stability and protecting civilians was a welcome start and should be further explored and clarified.

Japan appealed to the Sudan to cooperate with the United Nations and to the non-signatory parties to the conflict to sign the Darfur Peace Agreement and end the conflict in order to bring calm and prosperity to the people of the region. He said it was essential to take a firm but non-confrontational approach while seeking mutual understanding.

Japan hoped that the proposed meeting between Sudanese and United Nations officials would materialize and yield concrete results.

JAMAL NASSER AL-BADER (Qatar) said the Council should have given due regard to the numerous aspects and underlying solid principles of international practice before taking up a resolution that would have a bearing on the sovereignty of the Sudan. It should have made more efforts in the political arena to prepare the ground for the

Sudan's voluntary consent to the expansion of the United Nations Mission, the increase in the strength of its forces and their deployment to Darfur, a region that had undergone many positive developments since the signing of the Darfur Peace Agreement in May.

He said the Government of the Sudan had submitted a multifaceted plan to address the situation in Darfur but, regrettably, the Council had not responded to it or submitted any explicit proposals by way of amendments despite the fact that the plan included many positive aspects deemed so by the relevant department of the United Nations

Secretariat. Nor had enough efforts been invested to engage the Sudan instead of pressuring it into approving the draft resolution.

Qatar would have preferred to support AMIS financially and logistically so as to enable it to complete its mandate, he said, noting that support for the African mission had often collided with repeated calls to end its deployment and replace it with international forces. In addition, Qatar would have hoped that the normalization of relations between the Sudan and Chad would have been deemed a step forward, but statements made by certain quarters continued to describe the situation as plummeting into further deterioration. The resolution's co-sponsors had a political point of view requiring its speedy adoption and, in light of that, Qatar had been unable to support the text given its repercussions and the modalities of its implementation in the prevailing political atmosphere.

OLIVIER LACROIX (France) welcomed the adoption of the text and said that the Council needed to respond to the African Union's request, particularly given the urgency of the situation in Darfur. In recent months, the violence had not only continued, but increased. Many millions depended on international assistance to survive. Many humanitarian operations were also threatened by continued violence. The Abuja accord had been undermined by the refusal of many parties to support it and the continued violence. The African Union mission was encountering difficulties. The Union should enjoy full United Nations support.

The resolution adopted today planned for a large-scale effort by the United Nations and represented a great challenge for the United Nations. All Member States should collectively ensure its success. The implementation of the resolution required continued consultations with the Government of the Sudan, whose cooperation was vital.

The resolution had no other aim but to bring support to one of its members — the Sudan.

Also needed was continued cooperation with the African Union as the United Nations operation in Darfur, as set out in the resolution, would have an important African contribution. It was also important to continue to deal with the crisis in its regional aspect, taking into account the role of Chad and the Central African Republic. The cooperation demonstrated in the adoption of the resolution should also prevail in its implementation.

ADAMANTIOS VASSILAKIS (Greece) said that the text, which contained language on the protection of civilians and humanitarian workers, was not the end of the road but a significant step in the right direction towards a new beginning. It offered the Government of the Sudan an opportunity to cooperate with the international community and should be seen as a means to enhance its engagement with the Security Council.

Greece would be helpful in directing the smooth implementation of the resolution PETER BURIAN (Slovakia) said his country was one of the co-sponsors of the resolution and remained convinced that the situation

in Darfur required quick and robust international action to protect civilians. The Security Council had a moral duty and responsibility to act. The resolution was a basis for addressing the deterioration of the situation, including through the strengthening of the African mission and its subsequent transformation into a United Nations operation. The Government of the Sudan was expected to comply with the resolution's provisions and to implement it in the best interests of the Sudanese people.

VITALY I. CHURKIN (Russian Federation) said that, during the negotiations on the text, his delegation had done everything possible to reach a peaceful and diplomatic settlement of the crisis. It was important for the resolution to clearly state an imperative need for the Sudanese Government's agreement to the United Nations peacekeeping mission in Darfur in accordance with decisions of the Security Council and the African Union. Such an agreement had still not been received and, for that reason, it was necessary to continue a constructive dialogue with the Government. A good opportunity

for such dialogue would be provided by the Council's formal meeting at the beginning of September, with the participation of the Sudanese authorities, the African Union, the League of Arab States and the Organization of the Islamic Conference.

It was important for the Security Council to support the Secretary-General's plan for a staged transition from the African Union mission to the United Nations force, he continued. First of all, it was necessary to

ensure the Mission's strengthening and then the deployment of United Nations peacekeepers before the end of the year, but with the agreement of the Government of the Sudan. Until that agreement was received, his delegation had decided to abstain in the voting, although it did not object to the content of the resolution. He supported a mission on the basis of the Abuja accord.

AUGUSTINE P. MAHIGA (United Republic of Tanzania) said that his country welcomed and supported the resolution, as it had always believed that, because of its ramifications for international peace and security, the crisis in the Sudan was not only a concern of the Sudan and Africa, but of the international community as a whole. The Security Council should be actively seized with a search for a peaceful solution to that crisis. The African Union had taken more than its fair share of the responsibility in the search for a peaceful resolution of the crisis. It had discharged its obligations superbly, but by its own admission, it was overwhelmed by the magnitude and complexity of the task.

It was right and proper that the rest of the international community should assume a joint responsibility for helping the Sudan resolve a long-running crisis in Darfur, he said, and today's resolution heeded an appeal from Africa through the African Union.

The Security Council should send a message of solidarity to the Government of the Sudan, as the sole aim of the resolution was to resolve the crisis and strengthen the sovereignty and territorial integrity of that country. It should be implemented with full cooperation from the

Sudan. The Council should continue its consultations with the Government of the Sudan, which should become part of the tripartite partnership with the United Nations and the African Union.

CESAR MAYORAL (Argentina) said his country had co-sponsored and voted in favour of the resolution because of the need to protect civilian populations. The Security Council had an undeniable responsibility to protect vulnerable groups, particularly women and children who were the most defenseless. Hopefully, the Government of the Sudan would give the required understanding and support so that the expanded UNMIS could deploy in Darfur. Argentina called upon those parties that had not signed the Darfur Peace Agreement rapidly to join it so as to ensure that the Sudan enjoyed long and lasting peace because the conflict was affecting the entire region.

LARS FAABORG-ANDERSEN (Denmark) said his country had co-sponsored and voted in favour of the resolution because the situation in Darfur was deteriorating.

With people dying every day, the Council had a responsibility to protect them. The comprehensive dual-track approach to the conflict gave the Council a sound basis on which to plan. Nobody could deploy without the consent of the Sudanese Government and there was absolutely nothing in the text that precluded that. However, the fact that the Government had not yet given its consent could not be a reason not to adopt the text ,which would have meant not making efforts to save lives in Darfur.

Speaking in his national capacity, the President of the Council, NANA EFFAH-APENTENG (Ghana), said he took pride in the adoption of the resolution. The United Nations Mission in the Sudan now had a mandate to make a positive difference in the lives of the people of Darfur. As many as 16 African countries were already participating in the African Union mission, and his country was proud to take part in it.

Although the text adopted today was not a magic wand, its passage was timely and gave the Sudan an opportunity to take part in the resolution of the crisis, he continued. It still left open the door for effective cooperation between the Government, the United Nations, the African Union and other actors. On the other hand, if the Government of the Sudan failed to cooperate, it would be in clear breach of the Darfur Peace Agreement and relevant resolutions of the Security Council. Today's vote also reaffirmed one of the principles of the African Union, which recognized the Union's right to intervene in the affairs of a member State if it failed to protect its own citizens. The Government had the responsibility to protect the victims of war in the Sudan, and for that reason, his delegation had had reservations about the inclusion of explicit language in the text for the Government to give its agreement to the deployment of an international force.

In conclusion, he once again called on the Government to heed the voices of the international community.

Appendix 9: UN Resolution58 (1982) (PDF)

I. Background

The 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to the Convention are the modern legal embodiment of the ancient and universal tradition of providing sanctuary to those at risk and in danger. Both instruments reflect a fundamental human value on which global consensus exists and are the first and only instruments at the global level which specifically regulate the treatment of those who are compelled to leave their homes because of a rupture with their country of origin. For half a century, they have clearly demonstrated.

* The views expressed are the personal views of the authors and may not necessarily be shared by the United Nations or by UNHCR.¹ 189UNTS150;606UNTS267.

Introduction: refugee protection in international law their adaptability to changing factual circumstances. Beginning with the European refugees from the Second World War, the Convention has successfully afforded the framework for the protection of refugees from persecution whether from repressive regimes, the upheaval caused by wars of independence, or the many ethnic conflicts of the post-Cold War era.

International refugee protection is as necessary today as it was when the 1951 Convention was adopted over fifty years ago. Since the end of the Cold War, simmering tensions of an inter-ethnic nature - often exploited by populist politicians - have erupted into conflict and strife.

Communities which lived together for generations have been separated and millions of people displaced -

whether in the former Yugoslavia, the Great Lakes, the Caucasus, or Afghanistan.

The deliberate targeting of civilians and their enforced flight have not only represented methods of warfare but have become the very objectives of the conflict. Clearly, this forced displacement is for reasons which fall squarely within the Convention refugee definition. Yet States in some regions have often been reluctant

to acknowledge this at the outset of the crisis and have developed ad hoc, discretionary responses instead.

There are also many longstanding refugee situations resulting from conflicts which have not been resolved with the ending of the Cold War and have taken on a life of their own, often fuelled by the plunder of valuable natural resources and/or illicit trade in small arms. Endemic instability and insecurity often accompany displacement within and from failed States or States where central government only controls part of the territory - hardly offering conditions for safe return.

The displacement resulting from such situations can pose particular problems to host States, especially if they provide asylum to large refugee communities, sometimes for decades. There is thus a real challenge as to how best to share responsibilities so as to ease the burden on any one State unable to shoulder it entirely. There is also a need to

put in place burden sharing - not burden shifting mechanisms which can trigger timely responsibility sharing in any given situation.

Xenophobia and intolerance towards foreigners and in particular towards refugees and asylum seekers have also increased in recent years and present a major problem. Certain media and politicians appear increasingly ready to exploit the situation for their own ends.

In addition, security concerns since the attacks in the United States on 11 September 2001 dominate the debate, including in the migration area, and have at times overshadowed the legitimate protection interests of individuals. A number of countries have, for instance, revisited their asylum systems from a security angle.

2 See generally, UNHCR, *The State of the World's Refugees* (Oxford University Press, 2000).

3 See, e.g., UN General Assembly resolution on the role of diamonds in fuelling conflict, UN doc.

A/RES/55/56, 1 Dec. 2000; generally also <http://www.un.org/peace/africa/Diamond.html>. For the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001, see UN doc. A/CONF. 192/15 and <http://disarmament.un.org/cab/smallarms/>.

Overall perspective :

and have in the process tightened procedures and introduced substantial modifications, for example, by broadening grounds for detention or reviewing claims for the purpose of detecting potential security risks. In

some situations, it has been noticeable that the post-September 11 context has been used to broaden the scope of provisions of the 1951 Convention allowing refugees to be excluded from refugee status and/or to be expelled. The degree of collaboration between immigration and asylum authorities and the intelligence and criminal law enforcement branches has also been stepped up.

The growth of irregular migration, including the smuggling and trafficking of people, presents a further challenge. These developments are in part a consequence of globalization, which has facilitated and strengthened transport and communication networks and raised expectations. In part, the increase in irregular migration can also be viewed as a result of restrictive immigration policies in many industrialized States, which oblige economic migrants and refugees alike to use irregular channels, whether they are in search of a better life or, more fundamentally, freedom from persecution. Visa requirements, carrier sanctions, readmission agreements, the posting of immigration officers abroad and other similar measures are all migration control tools which require proper protection safeguards and procedures if refugees are to be able to reach safety.

More specifically, in terms of the interpretation of the 1951 Convention itself, some States use various complementary forms of protection, which have had the effect in some instances of diverting Convention refugees to lesser forms of protection. When the protection afforded by international human rights instruments

is also taken into account, the result is that many States now have several different procedures for determining international protection needs. This in turn raises questions concerning the inter-relationship between international refugee law on the one hand and international humanitarian and human rights law on the other.

Within the asylum procedure, systems in many States face significant challenges in ensuring a proper balance between the need for fairness and for efficiency.

Dilemmas abound. How can notions such as safe third countries, and safe countries of origin or indeed accelerated procedures for manifestly unfounded cases, which have been introduced in many jurisdictions, be implemented both efficiently and in a protection sensitive manner. Are the victims of violence and persecution by non-State actors - militias, paramilitary groups, separatist rebels, bandits, mafia, violent husbands entitled to protection as refugees in another State. To what extent can the notion of 'persecution' and the 'particular social group' ground in the 1951 Convention refugee definition reasonably be extended to protect women from gender related violence, not least rape in the context of conflict but also, perhaps, harmful traditional practices, trafficking or domestic violence. If only part of the State of origin is affected by conflict, to what extent are individuals able to relocate to other areas inside that State and how does this affect their claim for refugee protection. What bearing do other conventions such as the 1989 Convention on Introduction: refugee protection in international law the

"Rights of the Child" have on asylum procedures and the treatment of refugee children?

Differing approaches within regions have also led States to develop regionally specific legal frameworks for handling refugee claims. Such endeavors can strengthen refugee protection but need at the same time to ensure consistency with the 1951 Convention regime and thereby promote its 'full and inclusive application'. Concepts, such as the safe country of origin or safe third country notions, developed in some regions are sometimes also 'exported' to other parts of the world, which may receive far fewer claims or have less well-developed protection capacities.

Ultimately, the full realization of the international protection regime with the 1951 Convention at its heart hinges on the ability of the international community to find durable solutions to forced displacement situations, whether these be voluntary repatriation, resettlement in a third country, local integration, or a combination thereof. The challenge is how to realize solutions for individuals, as well as for refugee groups, which are both lasting and protection based. In short, the 1951 Convention and 1967 Protocol are the global instruments setting out the core principles on which the international protection of refugees is built. They have a legal, political, and ethical significance that goes well beyond their specific terms. Reinforcing the Convention as the foundation of the refugee protection regime is a common concern. The Office of the United Nations High Commissioner for Refugees

(UNHCR), as the guardian of the Convention, has a particular role to play, but this is a task which requires the commitment of all actors concerned.

II. The structure of the book and the purpose of this overview :

The different parts of this book address nine key legal themes of contemporary relevance to the international refugee protection regime and in particular the interpretation of the 1951 Convention. These nine subjects were considered under the 'second track' of the Global Consultations on International Protection, 4 UNGA Res. 44/25, 20 Dec. 1989.

5 See, e.g., European Council, 'Presidency Conclusions', Tampere, Finland, 16-17 Oct. 1999, para. 13.

6 See generally, E. Feller, 'International Refugee Protection 50 Years On: The Protection Challenges of the Past, Present and Future', 83 International Review of the Red Cross, Sept. 2001, pp. 581-605; other special journal issues on the occasion of the fiftieth anniversaries of the 1951 Convention and of UNHCR include 14(1) Revue Quebecoise de droit international, 2001; 10 Forced Migration Review, April 2001; and 35 International Migration Review, Spring 2001. See also, UNHCR, The State of the World's Refugees, above n. 2; G. Loescher, The UNHCR and World Politics: A Perilous Path (Oxford University Press, 2001); I. C. Jackson, The Refugee Concept in Group Situations (Kluwer Law International, The Hague, 1999).

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which were launched by UNHCR in 2000 and are outlined in the table on p. xxi of this book/ The book is therefore a concrete outcome of the second track and is also specifically mentioned in the Agenda for Protection. The wider political, operational, and other challenges to the refugee protection regime, which were addressed in the third of the three 'tracks' of the Global Consultations, lie outside the scope of this book, which focuses on selected aspects of the legal protection of refugees.

The purpose of this overview is to provide additional background to the debate against which the examination of the nine legal topics developed in this book has proceeded, not least in the context of the 'second track' of the Global Consultations, but also beyond. The overview seeks to highlight the essential tenets of the issues emerging from the background papers and the discussions at the four expert round tables held on these topics in 2001. At the same time, it attempts to synthesize possible ways forward on a number of issues, bearing in mind the complex nature of parts of the current debate. It is hoped that this overview can serve as a guide to the reader and provide some further insight into the current thinking on these issues.

In addition to this overview. Part 1 of the book contains a paper on the age and gender-sensitive interpretation of the 1951 Convention. This indicates some of the ways in which gender equality mainstreaming and age-sensitivity are being or could be implemented to ensure the age- and gender-sensitive application of international refugee law. Part 1 also

contains the text of the Declaration adopted at the first ever Ministerial Meeting of States Parties to the 1951 Convention and/or 1967 Protocol, which was co-hosted by UNHCR and the Government of Switzerland in Geneva on 12-13 December 2001 as the 'first track' of the Global Consultations.

7 For further details, see also preface by the Director of International Protection, E. Feller, in this volume; UNHCR Global Consultations on International Protection, 'Update', Aug. 2002.

8 UNHCR, 'Agenda for Protection', UN doc. A/AC.96/965/Add.1, 26 June 2002.

9 Background papers written for the 'third track' of the Global Consultations intended to address these issues were UNHCR, 'Protection of Refugees in Mass Influx Situations: Overall Protection Framework', UN doc. EC/GC/01/4, 19 Feb. 2001; UNHCR, 'The Civilian Character of Asylum: Separating Armed Elements from Refugees', UN doc. EC/GC/01/5, 19 Feb. 2001;

UNHCR, 'Practical Aspects of Physical and Legal Protection with Regard to Registration', UN doc.

EC/GC/01/6*, 19 Feb. 2001; UNHCR, 'Mechanisms of International Cooperation to Share Responsibilities and Burdens in Mass Influx Situations', UN doc. EC/GC/01/7, 19 Feb. 2001; UNHCR and IOM, 'Refugee Protection and Migration Control: Perspectives from UNHCR and IOM', UN doc. EC/GC/01/11, 31 May 2001; UNHCR, 'Asylum Processes (Fair and Efficient Asylum Procedures)', UN doc.

EC/GC/OI/12, 31 May 2001; UNHCR, 'Reception of Asylum-Seekers, Including Standards of Treatment, in the Context of Individual Asylum Systems', UN doc. EC/GC/OI/17, 4 Sept. 2001; UNHCR, 'Complementary Forms of Protection', UN doc. EC/GC/OI/18, 4 Sept. 2001; UNHCR, 'Strengthening Protection Capacities in Host Countries', UN doc. EC/GC/OI/19*,19 April 2002; UNHCR, 'Voluntary Repatriation', UN doc. EC/GC/02/5,25 April 2002; UNHCR, 'Local Integration', UN doc. EC/GC/02/6, 25 April 2002; UNHCR, 'Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities', UN doc. EC/GC/02/7,25 April 2002; UNHCR, 'Refugee Women', UN doc. EC/GC/02/8, 25 April 2002; and UNHCR, 'Refugee Children', UN doc. EC/GC/02/9, 25 April 2002. These documents are available on the UNHCR website, www.unhcr.ch.

Introduction: refugee protection in international law

The nine parts of this book which follow Part 1 each address a key legal issue,namely, non-refoulement, illegal entry, membership of a particular social group,gender-related persecution, internal flight, relocation or protection alternatives,exclusion, cessation, family unity and reunification, and UNHCR's supervisory responsibility.

Each of these parts contains, first, the background paper which formed the basis for discussion at the relevant expert roundtable. These papers present the position of the individual refugee law expert. Sometimes a paper advocates one particular interpretation rather than the range of approaches which may exist. The papers do not therefore purport to be a

definitive position, but rather are part of a process of taking the debate forward on key issues of interpretation on which opinion and jurisprudence continue to differ. Each paper has been updated in the light of the discussions and major relevant developments since the roundtables and is therefore more comprehensive than the earlier versions posted on the UNHCR website, www.unhcr.ch, at the time of the second track of the Global Consultations.

Secondly, each part contains the 'Summary Conclusions' of the expert round-table concerned which reflect the tenor of the discussion at the roundtable. These do not represent the individual views of each participant or necessarily of UNHCR, but reflect broadly the understandings emerging from the discussion on the issue under consideration. Finally, each part contains a list of participants at the roundtable. In the interests of ensuring a fruitful and in-depth discussion of the topics, and in view of funding and space constraints, UNHCR was obliged to limit participation in the expert roundtables. Participants were selected by UNHCR on the basis of their experience of and expertise in these issues. In drawing up the lists for the four roundtables, UNHCR's Department of International Protection reviewed the academic literature on the relevant topics, considered names suggested by governments and non-governmental organizations (NGOs), and consulted UNHCR field offices. Care was taken to ensure a diversity of viewpoints by including experts working in government, as well as

NGOs, academia, the judiciary, and the legal profession. Regional and gender balance were also taken into consideration.

To broaden discussion and draw on an even wider pool of experts, the discussion papers were posted on the UNHCR website for comments, which were received from States, NGOs, and many individuals.

The second track consultations process, including notably the Summary Conclusions, is already feeding into the policy-making process at the international level. Drawing on this process, UNHCR is in the process of revising, updating and publicizing its guidelines on many of the issues discussed at the roundtables. These are being issued as a series of 'UNHCR Guidelines on International Protection', the first two of which were issued in May 2002, followed by the third in February 2003. These Guidelines are issued pursuant to UNHCR's supervisory role under 10 UNHCR, Guidelines on International Protection: "Membership of a Particular Social Group" within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating Overall perspective its Statute in conjunction with Article 35 of the 1951 Convention and Article II of the 1967 Protocol. They are intended to provide legal interpretative guidance for governments, legal practitioners, decision makers and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field. At the regional level, the Summary Conclusions from the second track roundtable meetings have also begun to feed into discussions in other forums. One example concerns the Council of Europe's Ad Hoc Committee of Experts on Legal Aspects of

Territorial Asylum, Refugees and Stateless Persons (CAHAR), as is described in greater detail below in section III.C on membership of a particular social group.

III. The nine different topics of the papers and roundtable Summary Conclusions :

This section provides a brief outline of each of the nine topics addressed in the papers and expert roundtable meetings. It identifies the significant new issues and understandings which have resulted from the process of analysis, discussion, and synthesis involved in the second track of the Global Consultations. Where relevant, it draws attention to areas where differing interpretations or approaches persist.

The scope and content of the principle of non-refoulement

Part 2 of this book contains a Legal Opinion by Sir Elihu Lauperpacht QC and Daniel Bethlehem on the scope and content of the principle of non-refoulement. It conducts a detailed survey of international and regional human rights and refugee law instruments and standards as they relate to the principle of non-refoulement under both Article 33 of the 1951 Convention and international human rights law, their application by international courts, and their incorporation into national legislation. In our view, this represents a tangible and wide-ranging manifestation of State practice coupled with evidence of opiniojuris.

Both the Opinion and the Summary Conclusions of the roundtable held in Cambridge, United Kingdom, in July 2001 state that non-refoulement is a principle of customary international law. The Declaration of the

December 2001 Ministerial to the Status of Refugees', UN doc. HCR/GIP/02/02, 7 May 2002; UNHCR, 'Guidelines on International Protection: Gender-Related Persecution within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees', UN doc.

HCR/GIP/02/01, 7 May 2002; UNHCR, 'Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention Relating to the Status of Refugees (the "Ceased Circumstances" Clauses)', UN doc. HCR/GIP/03/03, 10 Feb. 2003, available on www.unhcr.ch. 11 Statute of the Office of the United Nations High Commissioner for Refugees, A/RES/428 (V), 14 Dec. 1950. 12 See also, e.g., Executive Committee, Conclusion No. 25 (XXXIII), 1982, para. b. A recent article goes as far as to assert that the principle of non-refoulement has acquired the status of *jus cogens*.

Introduction: refugee protection in international law Meeting mentioned above also affirms the principle of non-refoulement as being embedded in customary international law.

The Opinion shows that States' responsibility for their actions encompasses any measure resulting in refoulement including certain interception practices, rejection at the frontier, or indirect refoulement, as determined by the law on State responsibility. On this issue, the Opinion brings into the analysis the draft Articles on State responsibility adopted by the International Law Commission of the United Nations on 31 May 2001" and endorsed by the General

Assembly at the end of that year, demonstrating how they affect State action. Such action may be taken beyond a State's borders or carried out by individuals or bodies acting on behalf of a State or in exercise of governmental authority at points of embarkation, in transit, in international zones, etc. These actions are frequently carried out at borders far from public scrutiny, beyond borders in other countries, or on the high seas – the prohibition on refoulement applies in all such situations.

In their detailed analysis. Sir Elihu and Bethlehem also make a distinction between rejection, return, or expulsion in any manner whatsoever to torture or cruel, inhuman or degrading treatment or punishment, and such measures which result in return to a threat of persecution on Convention grounds. The former draws on principles of international human rights law and allows no limitation or exception. In the case of return to a threat of persecution, derogation is only permissible where there are overriding reasons of national security or public safety and where the threat of persecution does not equate to and would not be regarded as being on a par with a danger of torture or cruel, inhuman or degrading treatment or punishment and would not come within the scope of other non-derogable customary principles of human rights. The application of these exceptions is conditional on strict compliance with principles of due process of law and the requirement that all reasonable steps must first be taken to secure the admission of the individual concerned to a third country.

See, J. Allain, 'The Cogent Nature of Non-Refoulement' 13(4) International Journal of Refugee Law, 2001, pp. 533-58.

13 The Declaration acknowledged:

the continuing relevance and resilience of this international regime of rights and principles [comprising the 1951 Convention, its 1967 Protocol, other human rights and regional refugee protection instruments], including at its core the principle of non-refoulement, whose applicability is embedded in customary international law.

For the full text of the Declaration, see Part 1.3 of this book.

14 International Law Commission, 'Articles on the Responsibility of States for Internationally Wrongful Acts', UN doc. A/CN.4/L.602, 31 May 2001. See also, J. Crawford, *The International Law Commission's Articles on State Responsibility: Introduction, Text and Commentaries* (Cambridge University Press, 2002), ch. 2.15 In a resolution on 12 Dec. 2001, the UN General Assembly, expressed 'its appreciation to the International Law Commission for... the completion of the final draft articles'. See UNGA, 'Report of the International Law Commission on the Work of its Fifty-Third Session', UN doc. A/RES/56/82, 18 Jan. 2002, para. 2.

Overall perspective :

Since the drafting of the Opinion, the attacks in the United States on 11 September 2001 and their aftermath have led governments to contemplate and/or introduce a range of security measures. Obviously, States have legitimate concerns to ensure that all forms of entry and stay

in their territories are not abused for terrorist ends. It is nevertheless essential that more stringent checks at borders, strengthened interception measures, particularly against illegal entrants, and other such measures also include mechanisms to ensure the identification of those with international refugee protection needs. It is therefore, for instance, important that admissibility procedures do not substitute for a substantive assessment of the claim, which could result in the State failing to identify someone in danger of return to persecution. In the contemporary context, it is worth recalling that the principle of non-refoulement also applies with respect to extradition. The 1951 Convention does not in principle pose an obstacle to the extradition and prosecution of recognized refugees in third countries as long as the refugee character of the individual is respected by the third State, as set out in Article 32(2). In this case, the State's obligations towards the refugee would in effect be transferred to the extraditing State.

Agreement would therefore need to be reached on return after prosecution has been completed and/or the sentence served (unless of course exclusion, cancellation or cessation arise), so that any danger of indirect refoulement is avoided. Extradition requests from the country of origin may, however, be persecutory in intent and therefore require particular scrutiny. If, in a specific case, it is assessed that extradition would amount to return to persecution, prosecution in the country of asylum would be the appropriate response.

Whereas extradition is a response to crimes committed elsewhere, the exception to the non-refoulement principle in Article 33(2) of the 1951 Convention could under extraordinary circumstances also come into play in response to crimes committed in the country of refuge. The Convention specifies that refugees have obligations or duties towards the host country. This reflects the necessity that refugees not be 16 See generally, UNHCR, 'Addressing Security Concerns without Undermining Refugee Protection% Nov. 2001.

17 Ibid., paras. 5-9. See also, UNHCR, 'Regional Workshops in Ottawa, Ontario (Canada) and in Macau', UN doc. EC/GC/01/13,31 May 2001; UNHCR, 'Refugee Protection and Migration Control: Perspectives from UNHCR and IOM', UN doc. EC/GC/01/11,31 May 2001; UNHCR, 'Interception of Asylum-Seekers and Refugees: The International Framework and Recommendations for a Comprehensive Approach', UN doc. EC/50/SC/CRP.17, 9 June 2000; UNHCR, 'Asylum Processes (Fair and Efficient Asylum Procedures)', above n. 9.18 See generally. Executive Committee Conclusion No. 17 (XXXI), 1980. The issue is also addressed in the paper on the application of the exclusion clauses by G. Gilbert in Part 7.1 of this book. 19 where a serious crime has been perpetrated, multilateral conventions, including in the antiterrorism context, have in recent years stipulated a duty to extradite or prosecute. In the post September 11 context, there is a danger that the increased tendency to depoliticize offences in the extradition context could make persecution considerations secondary in the overall assessment of cases.

Introduction: refugee protection in international law seen, and that refugees do not see themselves, as a category outside or beyond the law. While they are a special category of non-nationals, they are bound by the laws of their host country in the same way as others present on the territory. If they transgress the law or infringe public order in their country of asylum, they are fully liable under the relevant domestic laws. While criminal law enforcement measures do not in principle affect their refugee status. Article 33(2) provides an exception to the principle of non-refoulement. This means in essence that refugees can exceptionally be returned on two grounds: (1) in cases of a serious threat to the national security of the host country; and (2) in cases where their proven and grave criminal record constitutes a continuing danger to the community. The various elements of these extreme and exceptional circumstances need, however, to be interpreted restrictively. Any ultimate State action will also need to take account of other obligations under international human rights law.

Article 33(2) recognizes that refugees posing such a danger may be expelled in pursuance of a decision reached in accordance with due process of law. In such situations, the danger to the country of refuge must be very serious. In addition, there must be a rational connection between the removal of the refugee and the elimination of the danger, refoulement must be the last possible resort to eliminate the danger, and the danger to the country of refuge must outweigh the risk to the refugee upon refoulement. In such cases, the procedural safeguards of Article 32

apply, including that States should allow a refugee a reasonable period of time to obtain admission to another country. In view of these safeguards, it is also inappropriate to use this exception to the non-refoulement principle to circumvent or short-circuit extradition procedures.

These issues have come under scrutiny in the judgment concerning *Swresft* issued by the Supreme Court of Canada in January 2002. The Court accepted UNHCR's argument in its factum before the Court that Article 33 of the 1951 Convention should not be used to deny rights that other legal instruments make available to everyone without exception. It concluded that international law generally rejects deportation to torture, even where national security interests are at stake. In a key passage, the **Court ruled:**

In our view, the prohibition in the ICCPR [International Covenant on Civil and Political Rights] and the CAT [Convention Against Torture] on returning a refugee to face a risk of torture reflects the prevailing international norm.

20 For further information, see Human Rights Committee, 'General Comment No. 15: The Position of Aliens under the Covenant', 1986, UN doc. HRI/GEN/1/Rev/5, pp. 127-9, paras. 9-10; Committee on Migration, Refugees and Demography of the Council of Europe Parliamentary Assembly, 'Expulsion Procedures in Conformity with Human Rights and Enforced with Respect for Safety and Dignity', 10 Sept. 2001; Council of Europe Commissioner for Human Rights, 'Recommendation

Concerning the Rights of Aliens Wishing to Enter a Council of Europe Member State and the Enforcement of Expulsion Orders', CommDH/Rec(2001), 19 Sept. 2001, available on <http://www.commissioner.coe.int/new/dyn/docs.asp?L=2&S=3>.

21 Suresh v. Canada {Minister of Citizenship and Immigration}, Supreme Court of Canada, [2002] SCC 1, 11 Jan. 2002, available at http://www.scc-csc.ca/cases/2002/2002-0001/index_e.html. Overall perspective Article 33 of the Refugee Convention protects, in a limited way, refugees from threats to life and freedom from all sources. By contrast, the CAT protects everyone, without derogation, from state-sponsored torture. Moreover, the Refugee Convention itself expresses a profound concern for refugees' and its principal purpose is to 'assure refugees the widest possible exercise of fundamental rights and freedoms' (Preamble). This negates the suggestion that the provisions of the Refugee Convention should be used to deny rights that other legal instruments make universally available to everyone. The Court recognized 'the dominant status' of the Convention Against Torture in international law as being consistent with the position taken by the Committee Against Torture. It described 'the rejection of state action leading to torture generally, and deportation to torture specifically' as 'virtually categoric', arguing that 'both domestic and international jurisprudence suggest that torture is so abhorrent that it will almost always be disproportionate to interests on the other side of the balance, even security interests'. Such an assessment could appear to represent a stance that is less than the absolute ban on torture set out in the

Convention Against Torture and other human rights instruments. It remains to be seen whether national, regional, or international courts will identify cases where the danger to the State outweighs the threat of torture upon return and how such an approach could be reconciled with the absolute ban on return to torture set out in numerous international human rights instruments (shown for some instruments through consistent interpretation by the relevant treaty monitoring bodies).

Most recently, the Council of Europe in May 2002 opened for signature Protocol No. 13 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, Concerning the Abolition of the Death Penalty in all Circumstances. This new Protocol to the Convention, by barring the death penalty even 'in time of war or of imminent threat of war' (as is excluded from the Protocol No. 6 ban on the death penalty), may further solidify the current jurisprudential understanding of the scope of non-refoulement. Jurisprudence under the European Human Rights Convention has generally dealt with the prohibition on return to torture, inhuman or degrading treatment or punishment under Article 3 of that Convention rather than the death penalty. For its part, the European Commission on Human Rights has ruled that it can be a breach of Protocol No. 6 to extradite or expel a person to another State where there is a real risk that the death penalty will be imposed. The eventual entry into force of Protocol No. 13 may and, in our view, should have the effect of barring in absolute terms the return of an individual from States Parties to these Protocols to situations where he or she may face the death penalty.

