

AFRICAN UNION

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**EIGHTY-SEVENTH ORDINARY SESSION OF THE
CENTRAL ORGAN OF THE MECHANISM FOR
CONFLICT PREVENTION, MANAGEMENT AND
RESOLUTION AT AMBASSADORIAL LEVEL**

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**REPORT OF THE INTERIM CHAIRPERSON ON THE MISSION
UNDERTAKEN BY A DELEGATION OF THE AFRICAN UNION
TO THE SUDAN AND ERITREA
(20-25 October 2002)**

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I. BACKGROUND

1. On 8 October 2002, on the basis of media reports on the escalation of the fighting in Eastern Sudan, along the border with Eritrea, I issued a press release in which I:

- reiterated the appeal I had made to the parties to the Sudanese conflict to cease all hostilities as a mark of their commitment to the Machakos peace process, in Kenya;
- called upon Eritrea and The Sudan to exercise maximum restraint and, as members of the African Union, to uphold the spirit of good neighbourliness, which is a sine qua non for peace in the Horn of Africa, a region that has seen so much turbulence and the traumatization of its peoples from civil war and conflict.

2. By Note Verbale dated 8 October 2002, the Embassy of The Sudan in Addis Ababa transmitted a letter, dated 6 October 2002, which the Sudanese Minister of Foreign Affairs had addressed to me. In that letter, the Minister informed me that, on 3 October 2002, the Eastern border of The Sudan was the target of a military offensive launched from within the Eritrean territory and that established facts proved that the Eritrean regime provided military equipment and intensive artillery support.

3. The Minister consequently appealed to the African Union to assume its responsibilities and bring to an end the disastrous practices of the Eritrean regime. He reiterated the commitment of the Sudanese Government to the principles of International Law and to dialogue, and pointed out that the Sudanese Government would exhaust all peaceful means to achieve peace in the entire region. At the same time, the Minister informed me that his Government reserved the legitimate right to defend its people and its territorial integrity by all the means at its disposal.

4. On 8 October 2002, President Isaias Afwerki addressed a letter to me in which he drew my attention to the events in The Sudan, including the promising progress in the peace process in Machakos and, in particular, the signing, on 18 August 2002, of the Machakos Protocol. President Isaias stressed Eritrea's commitment to that process, which addressed the root

causes of the civil war in The Sudan. He also drew my attention to the accusations of the Sudanese authorities regarding the alleged involvement of Eritrea in the civil war in The Sudan.

5. President Isaias stressed that Eritrea refrained from responding to the provocations of the Sudanese Government. Finally, he expressed his conviction that there was a need for effective and concerted action to persuade both parties to the Machakos process to resume negotiations with the requisite sincerity and seriousness, in order to achieve a comprehensive peaceful solution.

6. Relations between Eritrea and The Sudan were considered during a session of the Central Organ at ambassadorial level, held on 11 October 2002. At the end of the deliberations, the Central Organ issued communiqué in which it:

- expressed its grave concern about tension in the relations between the two countries and the threat posed by the situation to peace and security in the region;
- appealed urgently to the leaders of the two countries to exercise restraint, to refrain from all acts that would heighten the tension, and to resolve their differences through dialogue, in conformity with the relevant principles of the Constitutive Act of the African Union; and
- expressed satisfaction at the decision of the Interim Chairperson of the Commission to dispatch a mission to The Sudan and Eritrea, and urged the authorities of the two countries to cooperate with the AU delegation.

7. Pursuant to that decision of the Central Organ, I dispatched, to The Sudan and Eritrea, a delegation led by Ambassador Said Djinnit, Interim Commissioner in charge of Peace, Security and Political Affairs, and comprising:

- Mr. Emile Ognimba, Head of Humanitarian Affairs, Refugees and Displaced Persons Division;
- Colonel Jaotody Jean de Matha, Senior Officer in the Conflict Management Centre; and
- Mr. Musifiky Mwanasali, Political Analyst in the Conflict Management Centre.

8. On 18 October 2002, the Commission of the African Union addressed a Note Verbale to the Embassies of the two countries in Addis Ababa, informing them of the arrival of the delegation in their respective capitals and of its composition.

9. On 20 October, I wrote to the Minister for Foreign Affairs of The Sudan and the President of Eritrea, in reply to their afore-mentioned letters. I informed them, *inter alia*, of my decision to dispatch a mission to the two countries and specified the mandate as follows:

- to collect information from the authorities of The Sudan and Eritrea on the situation obtaining between the two countries;
- to reiterate the appeal for restraint made by the Central Organ to the two Governments;
- to offer the good offices of the African Union to defuse the tension and facilitate the normalization of relations between the two countries.

II. THE MISSION

A. Methodology

10. The delegation expressed its readiness to meet all the authorities and all the persons the two Governments would place at its disposal to give it the information they wished to bring to the attention of the African Union. At the same time, it specified to the two Governments that, in order to assess the humanitarian situation prevailing in The Sudan and Eritrea before and after the events of 3 October 2002, it intended to hold discussions with the representatives of the UNHCR and ICRC in the two countries.

B. Visit to The Sudan

11. The delegation first traveled to Khartoum, where it stayed from 20 to 23 October 2002. During its stay, it met with the Minister for Foreign Affairs, Dr. Mustafa Osman Ismail, with his advisors, and with the Adviser to the President on Peace, Dr. Ghazi Salah Edin. It was received in audience by President Omar Hassan Ahmed Elbashir. The delegation also held a number of meetings with Sudanese Officials, including from the security apparatus, during which various persons were presented who introduced themselves as follows: two persons who introduced themselves as officers of the Eritrean army, who had defected; one person who introduced himself as an SPLA Officer who had been made prisoner before the events of 3 October; one person who

introduced himself as an Eritrean officer captured during the incidents of 3 October; two persons who introduced themselves as SPLA soldiers who were made prisoners during the events of 3 October; as well as other persons who introduced themselves as dissident members of the NDA/SPLM/A. The Sudanese officials handed over to the delegation one document and a CD Rom containing statements of four alleged Eritrean prisoners of war reportedly captured during the events of 3 October. Finally, the delegation seized the opportunity to hold talks with the representatives of the UNHCR and ICRC on the humanitarian situation before and after the events of 3 October 2002.

C. Visit to Eritrea

12. The delegation stayed in Asmara from 23 to 25 October 2002. It met with the Minister for Foreign Affairs, Mr. Ali Said Abdallah, and was received in audience by President Isaias Afwerki. It also met with the Commissioner in charge of Relief and Refugees, Mrs. Hewit Zemichael. It held talks with representatives of the National Democratic Alliance (NDA). Finally, it met with the representatives of the UNHCR and ICRC to discuss the humanitarian situation prevailing in the country before and after the events of 3 October.

D. Talks With The Sudanese and Eritrean Authorities

13. The content of the discussions held with the Sudanese and Eritrean authorities is reflected in the minutes of discussions enclosed herewith

14. During the different talks, the two parties expressed their positions as follows:

➤ **The Sudan:**

- reiterated its commitment to the Machakos peace process;
- accused the Eritrean Government of sabotaging the Machakos process;
- expressed its preference for a peaceful resolution of the tension between the two countries but did not exclude, if necessary, the use of force to defend its territory;
- accused Eritrea of supporting the NDA/SPLM/A and of being involved, alongside with them, in the military activities carried out in Eastern Sudan, including in the attacks of 3 October;

- in support of those accusations, presented individuals - including NDA dissidents and alleged Eritrean military defectors and prisoners of war - who testified about the support of Eritrea to the Sudanese armed opposition, as well as its involvement in the hostilities in Eastern Sudan, including during the events of 3 October 2002 ;
- stressed the role that the African Union could play in the search for a peaceful solution to the tension prevailing between The Sudan and Eritrea;
- requested the establishment of a joint verification or control mechanism at the common border, under the auspices of the African Union.

➤ ***Eritrea:***

- stressed the primacy of the Machakos peace process and the need to include the NDA in the negotiations, and expressed its support for that process;
- doubted the commitment of The Sudan to the Machakos process;
- denied any military involvement of the Eritrean forces, along with the NDA/SPLM/A, in the hostilities in Eastern Sudan (the NDA/SPLM/A representatives, who were met in Asmara, affirmed that Eritrea did not give military support and was not involved in the fighting);
- rejected the so-called proof given by the Sudanese authorities about the involvement of the Eritrean armed forces elements, which were neither brought to its attention nor presented to public opinion;
- stressed the destabilizing role of The Sudan and its support for international terrorism;
- considered that the problems between the two countries should be dealt with through dialogue and the existing bilateral channels, making resort to a third party unnecessary;
- considered that a verification/control mechanism was not necessary - the observance of the ceasefire, including in Eastern Sudan, made such a mechanism superfluous.

E. Humanitarian Situation

15. The UNHCR and ICRC representatives informed the delegation of the humanitarian situation prevailing in The Sudan and in Eritrea before and after the events of 3 October 2002. In particular, they noted that those events resulted in the suspension of the repatriation operation of Eritrean refugees in The Sudan, which had begun immediately after the signing, in May 2001, of a Tripartite Agreement between Eritrea, The Sudan and UNHCR. The first phase of that operation had led to the repatriation of 51,000 Eritrean refugees out of a total of 168,000 refugees in the camps. The UNHCR and ICRC representatives appealed for the opening of the border between the two countries for the resumption of the operations.

III. OBSERVATIONS AND RECOMMENDATIONS

16. In light of the information gathered by the delegation of the African Union, I reiterate my concern about the real risk of military escalation between the two countries, which would seriously compromise peace and stability in the region.

17. The Central Organ is called upon to consider the situation, and may:

- reiterate its appeal to the leaders of the two countries for restraint and to refrain from any action likely to heighten tension, and to strive, through dialogue, to resolve their dispute, in conformity with the principles stated in the Constitutive Act of the African Union;
- appeal to the parties to take confidence-building measures, including at their common border;
- recommend that the AU Chairperson, with the support of the Commission, take steps he deems appropriate to assist in the efforts to defuse tension between the two countries;
- decide to remain seized with the matter.

2002-12-04

Report of the Interim Chairperson on the Mission Undertaken by a Delegation of the African Union to the Sudan and Eritrea (20-25 October 2002)

African Union

Peace and Security Department

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