

## Consultation

### Justice and Reconciliation during Sudan's Post-2011 Transition

19 – 22 September 2010

## CONCLUSIONS

### Preamble

1. We, a broad and inclusive group of individual Sudanese citizens and friends of the Sudan, have been meeting at Lucy Cavendish College, Cambridge, United Kingdom, at the invitation of Concordis International, to consider issues of justice and reconciliation as they relate to the current and future transition in the Sudan. Among our number are senior men and women of the National Congress Party, the Sudan Peoples' Liberation Movement, the Democratic Unionist Party (original), the Umma National Party, the Justice and Equality Movement, the Sudan Liberation Movement, the Liberation and Justice Movement, and a variety of Sudanese civil society organizations.
2. Although we clearly bring views derived from our backgrounds and official positions, we have met in our personal capacities, not speaking formally for any government or other agency. We are grateful to Concordis International for acting as a non-partisan facilitator and providing an inclusive forum for discussion of these issues, and to the expert consultants who informed our discussion.
3. Our discussions are intended to build on a similar consultation facilitated by Concordis in 2007. We have reviewed the work of that meeting and noted that achieving justice and reconciliation requires a balance between leaving violence behind, truth-telling about the past and forms of justice appropriate to the particular society. We recognised that different countries have worked towards reconciliation in different ways, including official amnesia about the past, truth commissions and prosecutions.
4. While it is difficult to speak of reconciliation while fighting is still going on, dealing with justice and reconciliation is a long-term process; determining the most appropriate means of achieving it in Sudan is a complex matter that must be given early in-depth consideration. Comprehensive national reconciliation requires that the root causes of conflict be addressed comprehensively and justly. Among the most important barriers to a national reconciliation process is the lack of a comprehensive and just political settlement of the Darfur conflict. Moreover, various impediments have meant that the national process of reconciliation stipulated in the Comprehensive Peace Agreement (CPA) has not yet been put into place. Nevertheless, peace agreements are only the starting point for a process of national

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reconciliation. In addition, we recognise the important role of women in achieving reconciliation in their society.

5. Considering justice and reconciliation is especially important as Southern Sudan approaches the referendum regarding its potential secession. If the South becomes a separate country, a reconciliation process will still be needed but its form will be different than in the case of a continued unified Sudan.
6. We share the goal of achieving a just and peaceful future for Sudan, where all elements of Sudanese society coexist peacefully with each other on the basis of justice and peaceful settling of difference, on the foundation of our shared history and culture and a commitment to human rights and fundamental freedoms.
7. We considered some specific issues and methods of achieving justice and reconciliation, as detailed below.

### **Truth Commissions**

8. With expert assistance, we have considered the experiences of dealing with the past in other countries such as Angola, Mozambique and Rwanda. In particular, we looked at different forms of truth commissions in other countries, including Morocco, South Africa and Timor-Leste. We recognised the many tensions between peace, security, different forms of justice, truth, reconciliation, amnesty, healing and forgiveness. However, peace and justice are clearly inextricably linked.
9. Without concluding whether a truth commission would be right for Sudan, we considered what form of commission might be appropriate. We agreed that a truth and reconciliation process for Sudan would have to exist at multiple levels. At the community level, it should be founded on traditional methods of conflict resolution appropriate to the particular region of Sudan. However, there is also a need for a consistent and coordinated national process for truth and reconciliation. Moreover, a truth process can not lead to unconditional amnesty for all violations of human rights; there are severe crimes that must be dealt with through court procedures and immunity from prosecution should not enable impunity from accountability for wrongdoing.
10. In the potential context of a separate Southern Sudan, the model of newly independent Timor-Leste's Truth and Friendship Commission with Indonesia has much to offer.
11. We considered reparation and compensation for past wrongs and agreed they are very important. While reparation to individuals for established individual loss is appropriate, the traditional Sudanese culture is based on community, so that reparation to communities for the purpose of economic development can make a very constructive contribution to reconciliation.
12. The design of a truth and reconciliation process is as important as the process itself. In Sudan, such a process should be designed in an inclusive and transparent way that includes all elements of society and therefore develops a sense of ownership of the process.

## **The Role of Religion**

13. We recognised that politicised religion has at times been a cause of division and violent conflict in Sudan. However, Sudan's religious and cultural traditions emphasise both peace and forgiveness and religious leaders can have a significant positive role in supporting reconciliation. In particular, religions stress that genuine apology can be very powerful in encouraging forgiveness.
14. By honestly recognising difference, celebrating diversity, openly seeking common ground and respecting our common humanity under God, religious leaders can work constructively together in their communities. By visibly working together, they can harness the power of symbols and example.

## **Broader Issues**

15. While there are many political differences between us, we recognise that remaining in dialogue and taking practical steps to build confidence and trust may help us to settle them peacefully. Recognising that we were not here to develop a peace agreement on Darfur or any other area, we considered practical steps towards building trust between Sudanese of all political persuasions.
16. We emphasise the importance of addressing inequalities and the need for economic justice in the distribution of wealth and power. All Sudanese should work together constructively and accountably to achieve fairness.
17. The media and education are both powerful tools. Use and control of the media - radio, television, newspapers, the internet – can be used both positively and negatively. Choice of language can cause intended or unintended insult or it can build co-operation. In education, the future can be either constructively or destructively influenced, particularly by the way history is taught.
18. We recognised the danger of building mistrust through increasing perceived threat. There is therefore an urgent need to undertake creative confidence-building. Potential methods include inclusive conferences, meetings, visits, agreed boundaries, de-militarised areas, dialogue, and stage-by-stage reduction of weapons.

## **Specific areas on which there has been consensus**

19. At the conclusion of our meeting we achieved consensus on a number of matters concerning the future of Sudan, which we commend for consideration by others as they work towards ensuring a peaceful future for Sudan and between the North and the South. At the highest level these were the following:
  - Peace and 'justice' should be promoted
  - there should be an inclusive political process
  - there needs to be a commitment to a process involving 'truth and reconciliation'

- rights should be capable of being enforced through law and, in particular, citizenship rights (and the obligations that go with them) and the right to access resources and equal opportunity
- agreements should be implemented and effective mechanisms for enforcement of rights should be available

20. In terms of implementing these goals, we were able to agree (in addition to the matters referred to in paragraphs 1 to 14 above) upon the following:

- Sudanese people with different interests and views need to keep talking to one another
- there is a need for parties in conflict to engage in a way that builds trust
- the right to self-determination of the people of Southern Sudan and Abyei through free, fair and transparent referenda that represent the will of the people of Southern Sudan and Abyei should be respected, and popular consultation in Southern Kordofan and Blue Nile should be carried out according to the CPA
- there should be peaceful settlement of the conflicts within Sudan
- the Interim National Constitution is adequate in its statement of the requirements for a Bill of Rights in Sudan
- in the event that Southern Sudan secedes, joint committee(s) to develop areas of common interest between North and South are needed on issues including trade, social interaction, resources and economic infrastructure
- there should be a constitutional review to ensure compliance with international standards
- consideration should be given to commissioning a group of academic historians from all parts of Sudan to write a comprehensive history of Sudan, exploring both its strengths and its problems with a view to strengthening the cohesion of Sudanese people.

## **Conclusion**

21. Despite our many differences, there are areas on which we have achieved consensus on issues of transitional justice and reconciliation amid the complexities of Sudan. We see a need for national consensus on how Sudan can deal with its past for the sake of our future. A just and sustainable political solution to the conflict in Darfur is an essential step on this path.

22. We appreciate the support of Concordis International in bringing us together and look forward to future opportunities for Sudanese to work together on policy issues with the facilitation of Concordis. Such activities are healthy and should be promoted. We are committed to resolving the tensions between peace and justice, human security and stability, immunity and impunity, and truth-telling and reconciliation.