

continue and for ECOMOG to maintain a consolidated, firm and assured presence. With regard to the question concerning discussion of the organization of the work of the Commission for the Consolidation of Peace with the United Nations, the Under-Secretary-General pointed out that the Commission was a national one created

under the Agreement and was not a Commission under the responsibility of the United Nations Mission. It was therefore essentially for the Sierra Leoneans themselves to organize and discuss it.⁸⁹

⁸⁹ Ibid., pp. 16-18.

9. Letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council concerning the extradition of the suspects wanted in the assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa, Ethiopia, on 26 June 1995

Initial proceedings

Decision of 31 January 1996 (3627th meeting): resolution 1044 (1996)

By a letter dated 9 January 1996 addressed to the President of the Security Council,¹ the representative of Ethiopia, in accordance with Article 35 of the Charter of the United Nations, requested an urgent meeting of the Security Council in view of the refusal of the Government of the Republic of the Sudan to comply with repeated demands for extradition to Ethiopia of the terrorists sought for their role in the assassination attempt against President Hosni Mubarak of Egypt and the serious implications of such non-compliance. In this regard the letter also referred to the meeting held between Ethiopia and members of the Security Council on 21 December 1995. The letter also included information on the assassination attempt as well as the statements issued at the end of the 11 September and 19 December 1995 meetings of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution.

At the 3627th meeting of the Security Council, held on 31 January 1996 in response to the request contained in a letter dated 9 January 1996 from Ethiopia,² the Security Council included the letter in its agenda, without objection. At the same meeting, the President, with the consent of the Council, invited the representatives of Ethiopia, Pakistan and the Sudan, at

their request, to participate in the discussion without the right to vote.

At the same meeting, the Council had before it the text of a draft resolution submitted by Botswana, Chile, Egypt, Guinea-Bissau, Honduras and Indonesia.³

At the same meeting, the President drew the attention of the Council to the following letters: a letter dated 15 January 1996 from the representative of Ethiopia addressed to the President of the Security Council,⁴ concerning "false accusations" of alleged Ethiopian aggression by the Sudan; a letter dated 11 January 1996 from the representative of the Sudan addressed to the President of the Security Council,⁵ transmitting the response of the Government of the Sudan to the allegations of the Government of Ethiopia against his country regarding the assassination attempt on the life of the Egyptian President; a letter dated 12 January 1996 from the Foreign Minister of the Sudan to the Secretary-General of OAU,⁶ concerning the assassination attempt against President Mubarak of Egypt; and a letter dated 12 January 1996 from the representative of the Sudan addressed to the President of the Security Council,⁷ requesting an urgent meeting of the Security Council to deal with the issue of Ethiopian aggression against the airspace and territory

¹ S/1996/10.

² Ibid.

³ S/1996/69.

⁴ S/1996/30.

⁵ S/1996/22.

⁶ S/1996/25.

⁷ S/1996/29.

of the Sudan, in accordance with the principles of the Charter and the mandate of the Security Council in the maintenance of international peace and security.

The representative of Ethiopia stated that while his country enjoyed excellent relations with its neighbours and continued to contribute towards finding a durable solution to the crisis in Somalia, their efforts to cultivate and maintain good relations with the Sudan had not “yielded fruit”. This was because the forces that directed the Sudan had placed themselves on a collision course with the entire subregion. He stated that the “assassination attempt” directed against the President of Egypt had stunned the nation and shocked the world, especially Africa, whose leaders were congregating in Addis Ababa for the Organization of African Unity (OAU) summit. Even though the assassination attempt failed, the mounting evidence unearthed by their investigation team that implicated the Government of the Sudan clearly illustrated the continuing threat to the peace and security of the region. He maintained that it was with regret that they had brought the matter before the Council since it had been the intention of his Government to resolve the issue at the bilateral level. After investigation revealed that three of the terrorists suspected of involvement in the crime were taking shelter in the Sudan, his Government had provided the relevant information to the Government of the Sudan and requested it to extradite those three terrorists, on the basis of the 1964 extradition Treaty. He maintained that an act of State-sponsored international terrorism undertaken in the territory of another State constituted a clear threat to international peace and security, and since their efforts at the bilateral level had failed they were appealing to Council. He expressed their strong belief that a Security Council resolution calling on the Sudan to comply with the request made earlier by Ethiopia and then by OAU for the extradition of the three terrorists would confront the Sudanese authorities with a direct challenge. The Sudan needed to accept and carry out the decision of the Security Council, as stipulated in Article 25 of the Charter of the United Nations. He added that such action by the Security Council in support of the decisions of OAU would further enhance and strengthen cooperation and complementarity between the United Nations and regional organizations in the maintenance of peace and security. He noted that certain countries had been mentioned in their submission, which had provided some details of their investigation. Those were Kenya, Pakistan, Saudi

Arabia and Yemen, and he underlined that none of these States, except for the Sudan, were involved in supporting the activities of the terrorists in any way.⁸

The representative of the Sudan stated that in the submission of Ethiopia to the Security Council, it had accused the Government of the Sudan of sheltering three suspects of Egyptian nationality and requested that the Sudan be called upon to cooperate in this matter without consideration being given to the efforts already made by the Sudan towards solving the issue and without awaiting the outcome of the ongoing regional efforts. He underlined that the Sudan condemned, in the strongest terms, terrorism in all its forms and manifestations. They had consistently stated that the Sudan would not allow its territory, nationals or institutions to be used in any manner whatsoever for direct or indirect terrorist activities and were prepared to apply the severest punishments to all persons implicated in such acts. They were particularly outraged at the tragic incident of the terrorist assassination attempt on the life of the Egyptian President and condemned it, as the Sudan had done before on many other occasions involving attacks on the life of other Egyptian Presidents and Ministers. He noted that two weeks earlier, in an informal meeting with the members of the Security Council, the Minister for Foreign Affairs of the Sudan had reviewed what the Sudan had done in the face of the requests concerning the three Egyptian suspects and his delegation believed that it would be useful to recall the steps taken by the Sudan, with the aim of demonstrating the extent to which the Sudanese authorities had cooperated, and how much they wanted to uncover all the facts relating to those Egyptian suspects. He reiterated that upon receipt of the Ethiopian request the competent authorities in the Sudan had acted promptly in response. He informed the Council that the President of the Sudan himself had decreed the establishment of a high-level investigation committee from the relevant authorities and endowed it with all the necessary powers to undertake thorough investigations. The report of the investigations was communicated to the Government of Ethiopia within 10 days. The report reached the conclusion that there was no clue whatsoever showing that two of the terrorists had entered the Sudan at any time before or after the incident. Concerning the third suspect, the

⁸ S/PV.3627, pp. 2-3.

investigation had confirmed entry into the Sudan of a person bearing one of the three names given by the Ethiopian authorities, on a regular flight of Sudan Airways from Addis Ababa, and his disembarkation card was submitted in good faith. However, due to the time that had elapsed the Committee could not definitely locate the suspect, and this was conveyed to the Ethiopian authorities. He stated that in addition his country had reintroduced visa restrictions for entering the Sudan, which had been lifted for some nationalities. These had been adopted at great cost to their friendly relations with a number of countries, but were taken to cater to concerns expressed by the Government of Ethiopia and to assert the Sudan's cooperation and good will. The Government of Ethiopia responded to the Sudanese request for additional information with "more than rejection", and had preferred to bring the matter to the attention of OAU. The latter, without formally inviting the Sudan to attend the meeting, passed its resolution on 11 September 1995, in clear violation of the most basic principles of the established procedural rules of international organizations and basic principles of natural justice. He maintained that although the Sudan was disappointed at the outcome of the Central Organ meeting, it had loyally accepted the verdict and continued its cooperation by responding to the OAU mission, headed by an envoy of the Secretary-General of OAU, which visited the Sudan. The report of the Secretary-General was put before the meeting of the Central Organ of the OAU of 19 December 1995 and their Minister for Foreign Affairs had been invited to attend and address the meeting. He continued that, surprisingly, the same day as the adoption of the statement by OAU, the Deputy Foreign Minister of Ethiopia had flown to New York to bring the matter to the attention of the Security Council, which he had addressed informally on 21 December 1995. He asked why "some members of the Council" refused to await the outcome of OAU efforts on the question and why they were exerting pressure on the Security Council to consider the question at the same time as OAU was considering it. He maintained that the problem had not been created by any lack of cooperation on the part of the Sudanese authorities and that on the basis of OAU decisions, it had taken concrete, practical measures and had requested the Secretary-General of OAU to contact the Sudanese authorities with a view to implementing these decisions. He reaffirmed that the Sudan had always abided by the resolutions of OAU and any

resolutions adopted by the United Nations. He stated that the draft resolution sought to achieve two main objectives: first, to send a clear message that the international community was determined to deal firmly with terrorism; and second, to ensure that the perpetrators of the attempt were brought to justice. The Sudan strongly supported these two aims. However, the draft resolution was imbalanced for a number of reasons including that it did not take into consideration the repeated position of the Sudan, which was to cooperate fully and unconditionally. He also noted the hasty manner in which the draft resolution had been prepared. Its authors had "spared no effort to inject into the draft all negative elements, relevant or irrelevant with only one objective: to implicate the Sudan, as the symbol of international terrorism". He stated that operative paragraphs 4 (a) and (b) were a clear, indisputable example of the real intentions of the original authors of the draft resolution. The language of operative paragraph 4 (a) completely ignored the 19 December 1996 decision of the Central Organ, the last meeting held by OAU, in which the Sudan was called upon to locate and, if they were found and apprehended, extradite the three terrorists. He also stated that the draft resolution reflected a new dimension of Security Council resolutions, based on "hypothesis and assumptions". It assumed that the three suspects were in the hands of the Government of the Sudan and that all the Government needed to do was to take immediate action to extradite them. Regarding relations between the Sudan and its neighbours, as reflected in operative paragraph 4 (b), he stated that it was not the Sudan that had committed aggression against the territories of its neighbours or occupied part of their territories. He asked the Council to recall the acts of aggression committed against the Sudanese territories. He noted that all African States were equally obligated to respect the Charters of OAU and the United Nations and the sovereignty of States. He informed the Council that the Sudan's answer to all the allegations was the invitation extended by the Minister for Foreign Affairs to the Secretary-General of OAU to visit the Sudan and establish a fact-finding mission consisting of all the interested African countries, to verify the allegations that the Sudan was assisting, supporting and facilitating terrorist activities and giving shelter and sanctuary to terrorist elements. In conclusion, he once again appealed to the parties concerned to adopt a cooperative attitude so as to bring about a peaceful resolution to the dispute and to the

Council to persuade the other parties to do the same. He expressed his wish to put on record that the Sudan abided by the United Nations Charter and that it accepted that all Security Council resolutions were binding and must be complied with, and welcomed the role that the Secretary-General was expected to play in resolving the issue, stating that they would undertake to cooperate fully with him.⁹

The representative of Indonesia expressed his indignation at the assassination attempt on the President of the Arab Republic of Egypt, which was particularly abhorrent because it occurred in Ethiopia, thus constituting a glaring violation of the sovereignty and territorial integrity of that State. The Indonesian delegation strongly condemned acts of violence and terrorism, which were the most flagrant violation of human rights, and called for intensified cooperation, at the national, international and regional levels, in the fight against terrorism, wherever it might occur. He maintained that the most expeditious way to resolve this question would be for the Council fully to support the continuing bilateral efforts that had already been made. These endeavours needed to be augmented by OAU, as regional efforts would also make a substantial contribution. He stated that they gave their full support to operative paragraph 7 of the draft resolution, which requested the Secretary-General to seek the cooperation of the Government of the Sudan. There was merit in this proposal because the method established required the cooperation of the Government of the Sudan, without which cooperation the task of OAU would be rendered infinitely more difficult. He noted that the Government of the Sudan had expressed its condemnation of international terrorism and had voiced its willingness to cooperate with OAU and the countries concerned, and had extended invitations to the Secretary-General of OAU. He noted that the draft resolution should be viewed as supporting the thrust and the objectives of the statements by the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, adopted on 11 September 1995 and 19 December 1995. He stated that he had decided to vote in favour of the draft resolution because it offered a pragmatic approach and provided OAU with a flexible and appropriate mechanism for resolving the question. His delegation was confident that the good offices of the

⁹ Ibid., pp. 4-7.

Secretary-General of the United Nations and OAU would yield positive results.¹⁰

The representative of Botswana stated that it pained them to discuss this issue before the Security Council, because it was an African problem that deserved an African solution, and that they would have preferred to resolve the issue without reference to the Council. However, they were fully aware that any State Member of the United Nations had the right to bring any issue to the attention of the Council, and Ethiopia had exercised that right. He stated that the draft resolution before the Security Council was in no way intended to usurp the role and authority of OAU in this matter. They were convinced that OAU would greatly welcome and appreciate an early implementation of its decisions. In this respect, OAU needed the support of the international community. There was only one Security Council, and international legitimacy and authority stemmed from it alone. It was only natural, therefore, that the Council should support OAU in its efforts to bring the three suspects to justice. The draft resolution did not call for the imposition of any measures against the Sudan. It simply called upon the Government of the Sudan to comply with the requests of OAU to extradite without delay the three suspects to Ethiopia, and it was for those reasons that Botswana supported the adoption of the draft resolution.¹¹

The representative of Honduras stated that they had always unequivocally condemned all acts, methods and practices of terrorism, wherever and by whomever they were committed. There was an urgent need for States to cooperate with each other at all levels and for the United Nations to foster such cooperation in order to prevent and eradicate them. The assassination attempt was a clear example of an intolerable practice that had damaged the sovereignty and stability not only of Ethiopia but also of the African region as a whole. It served as a reminder to States of their obligation to adopt measures to combat and eliminate terrorism. He expressed his belief that one of the ways to combat and eliminate such acts and secure conviction of the guilty was cooperation between States and international organizations and he commended Ethiopia's efforts to resolve the problem of extraditing the suspects, both bilaterally and regionally. It was also necessary for

¹⁰ Ibid., pp. 7-8.

¹¹ Ibid., p. 8.

States to show a resolute will and it was appropriate for the Council to urge the Sudan to comply with the requests contained in the statements of OAU. He would therefore vote in favour of the draft resolution.¹²

The representative of Chile stated that they supported the draft resolution and vigorously condemned the assassination attempt against a world leader. He noted that this reflected the position of the international community as expressed in General Assembly resolution 49/60. The unanimous decision of the Assembly was reinforced by the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which applied particularly in this case involving a Head of State. He stated their support for the decisions of OAU in this matter, and underlined that the draft resolution in no way interfered with or replaced or duplicated the work of that regional organ. He appealed to the Sudan to comply urgently with the decisions of OAU in this regard. He expressed his hope that the subject they were dealing with would help them deepen international cooperation in combating terrorism and that by adopting the draft resolution, the Security Council would be providing clear guidance in this field.¹³

The representative of China stated that they had always strongly opposed and condemned acts of terrorism in all forms, for they not only endangered innocent lives and social stability but also posed a threat to international security, and that China was deeply shocked by the terrorist assassination attempt on the President of Egypt. He noted that other countries in the region and OAU had made numerous efforts to learn the truth, apprehend suspects and resolve disputes arising from this matter, and the Sudan had also openly condemned terrorism and had expressed its readiness to cooperate with OAU and the other countries concerned. He expressed their appreciation and support for those efforts and noted that the main purpose of the draft resolution was to demonstrate the Council's support for and cooperation with OAU in this regard. The Council needed to observe the purposes and principles of the Charter, act strictly according to the norms of international law, and make its own judgment in a fair and objective manner

by respecting the facts and giving due importance to the evidence. The Council needed to be careful, serious and prudent when taking any action. Therefore, they had reservations about that part of operative paragraph 4 (b) that called upon the Sudan to desist from engaging in activities of assisting, supporting and facilitating terrorist activities. The Council needed to listen fully to the views of the parties concerned and of OAU and allow them to play their respective roles to the fullest possible extent. Having clarified the position of China, he stated that his delegation would vote in favour of the draft resolution.¹⁴

The representative of Guinea-Bissau reaffirmed its firm position and determination in the fight against all acts of terrorism in all forms, which endangered or ended innocent lives and adversely affected international relations, to the detriment of the peace and security of States. His delegation believed that the international community had to further strengthen cooperation at all levels and reaffirm its determination to combat this scourge by adopting practical, effective measures to spare their societies from these odious acts. He reaffirmed their commitment to the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly in 1994 and their respect for article III of the Charter of OAU, which unreservedly condemned political assassination. His delegation reiterated its vigorous condemnation of and its indignation at the terrorist assassination attempt against the President of Egypt. He stated that the seriousness of the matter called for it to be given the appropriate attention by the international community, and accordingly operative paragraph 7 of the draft resolution before them asked for close cooperation between the Council and OAU and the authorities of the Sudan in the search for a comprehensive solution to the crisis.¹⁵

Several other speakers spoke, stating their support for the resolution, condemning international terrorism in all its forms and the attack on the President of Egypt in particular, noting the threat to international peace and security and the responsibility of the Council to bring the three suspects to justice, noting that the resolution endorsed and complemented

¹² Ibid., pp. 10-11.

¹³ Ibid., p. 11.

¹⁴ Ibid., pp. 11-12.

¹⁵ Ibid., pp. 12-13.

the actions taken by OAU and strengthened the authority of that organization.¹⁶

At the same meeting the draft resolution was put to the vote and adopted unanimously as resolution 1044 (1996), which reads:

The Security Council,

Deeply disturbed by the worldwide persistence of acts of international terrorism in all its forms which endanger or take innocent lives, have a deleterious effect on international relations and jeopardize the security of States,

Recalling the statement made by the President of the Security Council on 31 January 1996 when the Council met at the level of heads of State and Government, in which the members of the Council expressed their deep concern over acts of international terrorism and emphasized the need for the international community to deal effectively with all such acts,

Recalling also the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, opened for signature at New York on 14 December 1973,

Stressing the imperative need to strengthen international cooperation between States in order to make and adopt practical and effective measures to prevent, combat and eliminate all forms of terrorism that affect the international community as a whole,

Convinced that the suppression of acts of international terrorism, including those in which States are involved, is an essential element for the maintenance of international peace and security,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Noting that the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, at its third extraordinary session on 11 September 1995, considered that attack as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Taking note of the statements of the Central Organ of the Mechanism of 11 September and 19 December 1995, and supporting the implementation of the requests contained therein,

¹⁶ *Ibid.*, pp. 8-9 (Republic of Korea); pp. 9-10 (Germany); p. 12 (Poland); pp. 14-15 (Italy); p. 15 (France); and pp. 17-18 (United Kingdom).

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the Mechanism set out in those statements,

Taking note of the letter dated 9 January 1996 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council,

Taking note also of the letters from the Permanent Representative of the Sudan to the United Nations dated 11 January and 12 January 1996 addressed to the President of the Security Council,

1. *Condemns* the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt in Addis Ababa on 26 June 1995;

2. *Strongly deplores* the flagrant violation of the sovereignty and integrity of Ethiopia and the attempt to disturb the peace and security of Ethiopia and the region as a whole;

3. *Commends* the efforts of the Government of Ethiopia to resolve this issue through bilateral and regional arrangements;

4. *Calls upon* the Government of the Sudan to comply without further delay with the requests of the Organization of African Unity:

(a) To take immediate action to extradite to Ethiopia for prosecution the three suspects sheltering in the Sudan and wanted in connection with the assassination attempt on the basis of the 1964 Extradition Treaty between Ethiopia and the Sudan;

(b) To desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements, and to act in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the charter of the Organization of African Unity;

5. *Urges* the international community to encourage the Government of the Sudan to respond fully and effectively to the requests of the Organization of African Unity;

6. *Welcomes* the efforts of the Secretary-General of the Organization of African Unity aimed at the implementation of the relevant provisions of the statements of 11 September and 19 December 1995 of the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity, and supports that organization in its continued efforts to implement its decisions;

7. *Requests* the Secretary-General, in consultation with the Organization of African Unity, to seek the cooperation of the Government of the Sudan in the implementation of the present resolution and to report to the Council within sixty days;

8. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of the United States emphasized with reference to the terrorist attack on President Mubarak of Egypt that terrorism,

much of it externally sponsored, was a recurring fact of life, not just for the people of Ethiopia and Egypt, but also in places stretching from Eritrea to Israel to Pakistan and Sri Lanka. However, with the growth of worldwide information links in the government and financial sectors, the web of money, weapons and communications that sustained terrorists was ever more transparent. With the stronger international consensus against dealing with terrorists and the States that support them, the number of places where terrorists could find refuge was ever smaller. She maintained that the United States had found that the evidence gathered by Ethiopia on the perpetrators of this crime to be compelling and convincing. The Government of the Sudan had to bear responsibility for the acts it had allowed its guests to perform, and also had the responsibility to extradite those guests to face justice. She maintained that contrary to what the Government of the Sudan had been claiming, this resolution was “not the product of a conspiracy” but had stemmed from their failure to observe the most basic norms of international relations, and the unanimous vote that had adopted it was a measure not only the balanced approach of those non-aligned members who drafted it, but also of the international isolation in which the Government of the Sudan had chosen to live. She maintained that the United States shared with the Government of the Sudan the wish for good relations between their two countries, but positive bilateral relations were built upon concrete action, not declarations. She noted that the demands in the resolution were simple and straightforward: the Government of the Sudan had to extradite immediately the terrorists it was sheltering, and stop its assistance and support for terrorism. The United States supported the resolution because, like the OAU decision on which it was based, its requirements were logical and justified. She expressed her belief that it was within the power of the Government of the Sudan to comply immediately and fully with these requirements and her hope that the Secretary-General would be able to report within 60 days that the Sudan had extradited the suspects.¹⁷

The representative of Egypt stated that the unanimous adoption by the Security Council of resolution 1044 (1996) had to send a clear, unambiguous message to the Government of the

¹⁷ Ibid., pp. 13-14.

Sudan: that the international community, as represented by the Council, was resolute in its support for the implementation of all the decisions of the OAU Mechanism for Conflict Prevention, Management and Resolution. The resolution of the Council had condemned the assassination attempt as a flagrant violation of the sovereignty and integrity of Ethiopia and as an attempt to disturb the peace and security of the region as a whole. The resolution had thus reaffirmed the statement of OAU that there was a conspiracy, whose consequences extended beyond Ethiopia, the State on whose territory the attempt had taken place, and also beyond Egypt, because the attempt was against the whole of Africa. Therefore, it was clear that the Council was dealing with a dispute that concerned the peace and security of the whole of Africa. After the efforts made on the bilateral level failed, Ethiopia resorted to the OAU Mechanism for Conflict Prevention, Management and Resolution, twice, and OAU did not confine itself to the adoption of clear statements but also sent a mission to the Sudan to urge it to cooperate in the full implementation of the resolution. He noted that when Ethiopia resorted to the Security Council it had done so using its rights under the Charter of the United Nations, particularly Article 35. In addition Article 54 made it clear that the Security Council should be kept fully informed of activities undertaken by regional organizations for the maintenance of international peace and security. He maintained that the fact that the Council had considered the matter could well spare the international community a real crisis, which could threaten regional security and stability and jeopardize international peace and security. He expressed their sincere hope that the Government of the Sudan would take the Council’s resolution and the decision of OAU with all necessary seriousness and comply without delay or equivocation, given that, under the Charter, all the Council’s resolutions were binding on all States.¹⁸

The representative of the Russian Federation stated that they strongly rejected the evil that was international terrorism, in all its forms and manifestations, and firmly condemned the attempt to assassinate the President of Egypt. In the struggle against this threat to international peace and security, the Russian Federation stood ready to work constructively alongside all States and international

¹⁸ Ibid., pp. 15-17.

and regional organizations to solve the global problem of establishing the necessary conditions for eradicating terrorism worldwide. He maintained that the greatest possible involvement by the regional machinery, the Organization of African Unity, was the best way to go, though he welcomed constructive cooperation between the United Nations and regional organizations, and also the involvement of the Security Council, where necessary, to support those organizations. However, he expressed his belief that there was no justification for the Council's taking their place in this issue. He stated that the Russia Federation was gratified that the sponsors had taken a number of his delegation's amendments, which were made in that spirit, into account and that the resolution would receive an appropriate response, first and foremost in Khartoum, and would give the Sudan an additional incentive to step up its efforts to uncover the three suspects. He also noted with satisfaction the explanations by the authors of the resolution that it was not aimed at isolating the Sudan internationally or at adopting measures against it, and that the appeal to the international community to encourage the Government of the Sudan to respond fully and effectively to OAU requests assumed, first and foremost, that bilateral diplomatic channels would be used to promote a solution, which in their view was the method most likely to succeed.¹⁹

**Decision of 26 April 1996 (3660th meeting):
resolution 1054 (1996)**

On 11 March 1996, pursuant to Security Council resolution 1044 (1996), the Secretary-General submitted to the Council a report on the implementation of resolution 1044 (1996).²⁰ In his report, the Secretary-General observed that in regard to the three suspects, the Government of the Sudan had not yet complied with the demands of the Council. After extensive investigations as well as on the basis of information gathered from interviews with three of the criminals involved in the assassination attempt, the Government of Ethiopia had reached the conclusion that the Sudan was sheltering the suspects. For its part, the Government of the Sudan maintained that the Government of Ethiopia had not provided it with adequate information on which to base its search for

the suspects. Furthermore, even this sketchy information was received from Ethiopia after a lapse of 32 days. The Sudanese authorities had assured his Special Envoy that they were continuing with their efforts to look for the suspects. The Secretary-General observed that similar differences prevailed with regard to the second demand of the Security Council contained in paragraph 4 (b) of resolution 1044 (1996). All the neighbouring countries visited by his Special Envoy, Egypt, Eritrea, Ethiopia and Uganda, were unanimous in their conviction that the Sudan was actively engaged in supporting terrorist elements who operated from Sudanese territory, carrying out destabilizing activities in their countries. They had affirmed that they had conclusive evidence of the Sudan's involvement in such terrorist activities but were not willing to reveal it for reasons of security and confidentiality. They also affirmed that the Sudan was running camps for training terrorists. The Government of Tunisia had told his Special Envoy that the Sudan, until about two years ago, was actively supporting some Tunisian dissidents, furnishing them with sabotage equipment and even, in some cases, giving them Sudanese passports. The position of the Sudan on paragraph 4 (b) was that it was the Sudan who was the victim of destabilizing activities encouraged and supported by its neighbours. The Sudanese interlocutors had stated that heavy equipment, including tanks and anti-aircraft guns, had been observed in the South, and which, according to them, could only have come from Uganda. They also had referred to the activities of the Sudanese rebels who were alleged to be operating from Eritrean territory with the active and public support of the Government of Eritrea. The Sudanese authorities had complained about attacks launched by Ethiopian forces on its border and had maintained that it was Egypt that had illegally occupied Sudanese territory in Halaib. He stated, that in view of the situation, it was obvious that the Sudan had not yet complied with the demand of the Security Council to extradite the three suspects to Ethiopia and that all the neighbours of the Sudan, visited by his Special Envoy, had accused the Sudan of supporting terrorist activities within their territories.

At its 3660th meeting, held on 26 April 1996 in accordance with the understanding reached in its prior consultations, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Security Council, invited the

¹⁹ *Ibid.*, p. 17.

²⁰ S/1996/179.

representatives of Ethiopia, the Sudan and Uganda, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Botswana, Chile, Egypt, Guinea-Bissau, and Honduras²¹ and also to a technical correction in the English text of the draft resolution.

At the same meeting, the President also drew the attention of the Council to the following documents: letters dated 14 and 15 March 1996, respectively, from the representative of the Sudan addressed to the Secretary-General,²² transmitting a report on actions taken by the Sudanese authorities in response to Security Council resolution 1044 (1996) as well as the resolutions of OAU, and a comment by the Sudan on the Secretary-General's report dated 11 March 1996; a letter dated 28 March from the representative of the Sudan addressed to the President of the Security Council;²³ a letter dated 4 April 1996 from the representative of the Sudan addressed to the President of the Security Council,²⁴ transmitting a statement concerning the decision of Ethiopia to hold secret trials for the three Egyptians and some Ethiopians suspected of involvement in the assassination attempt against the Egyptian President and also asking the international community to urge Ethiopia to hold the trials in public; a letter from the representative of the Sudan dated 8 April 1996 addressed to the President of the Security Council,²⁵ conveying the protest of the Government of the Sudan regarding the flagrant and massive attacks by Ethiopian forces against the territories of the Sudan; a letter from the representative of the Sudan dated 22 April 1996 addressed to the President of the Security Council;²⁶ and a letter dated 11 April 1996

from the representative of the Sudan addressed to the Secretary-General.²⁷

The President further drew the attention of the Council to a letter dated 8 April 1996 from the representative of Ethiopia addressed to the President of the Security Council;²⁸ a letter dated 11 April 1996 from the representative of Ethiopia addressed to the President of the Security Council,²⁹ transmitting a copy of a note from the Ministry of Foreign Affairs of Ethiopia to the Ministry of Foreign Affairs of the Sudan in response to the accusations by the Government of the Sudan that Ethiopian armed forces had launched attacks on Sudanese territories; a letter dated 15 April 1996 from the representative of Uganda addressed to the President of the Security Council;³⁰ and a letter dated 12 April 1996 from the representative of the Central African Republic addressed to the President of the Security Council,³¹ transmitting the text of a communiqué informing the Council that they were holding in Bangui the tripartite Chad-Sudan-Central African Republic summit and issuing an appeal that preference be given to the search for a peaceful solution precluding punitive measures against the Sudan, which might considerably compromise the initiatives that were being undertaken.

The representative of the Sudan stated that when Security Council resolution 1044 (1996) was adopted, the pretexts used by the Council were the claims that the Sudan had not complied with the requests of the OAU statements. Regardless of the validity of these claims, the objective of the resolution was to reaffirm the strong will of the international community to combat terrorism, to pursue terrorists and to support the efforts of OAU. He noted that the provisions of Chapter VIII of the Charter established the legal

²¹ S/1996/293.

²² S/1996/197 and S/1996/201.

²³ Letter reporting that the President of the Sudan intended to address the meeting of Heads of State and Government of the members of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, scheduled to be convened at Addis Ababa on 15 and 16 April 1996 (S/1996/226).

²⁴ S/1996/246.

²⁵ S/1996/255.

²⁶ Letter drawing the Council's attention to the report published by the Arabic newspaper *Al-Hayat* containing an interview from Konar, Afghanistan, with Mustafa Hamza, one of the three suspects the Council asked the Sudan to extradite to Ethiopia and calling on them to establish a fact-finding commission to investigate the

new information (S/1996/311).

²⁷ Letter transmitting a peace agreement signed at Khartoum on Wednesday, 10 April 1996, between the Government of the Sudan and the two rebel factions (S/1996/271).

²⁸ Letter transmitting the text of a press release issued by Ethiopia concerning the implementation of Security Council resolution 1044 (1996) (S/1996/254).

²⁹ S/1996/264.

³⁰ Letter transmitting a statement by the Government of Uganda on the report of the Secretary-General pursuant to Security Council resolution 1044 (1996) (S/1996/288).

³¹ S/1996/294.

framework for cooperation between the United Nations and regional organizations, including OAU. Yet the States parties to the current dispute had resorted directly to the United Nations in order for it to adopt measures to condemn and punish the Sudan. The OAU Mechanism should have been given the opportunity it needed to prove its ability in this regard. He stated that despite the fact that the report of the Secretary-General expressed his intention to remain in close contact with all parties concerned and with the Secretary-General of OAU with regard to all aspects of the resolution, the Security Council was again meeting in order to adopt coercive measures against the Sudan. He asked about the value of resolution 1044 (1996), which was aimed primarily at giving OAU the opportunity it needed to do its work, and whether the conflict-settlement Mechanism had reached a dead end, therefore making it incumbent upon the Council to discharge its responsibility under the Charter. Referring to the draft resolution he noted that the draft resolution fell within the framework of the measures provided for in Chapter VII of the Charter. He recalled that resolution 1044 (1996) had contained no condemnation of the Sudan, and had only called on the Sudan to comply with the resolutions of OAU, under Chapter VI of the Charter. Furthermore, the Security Council resolution had not taken the form of a warning to be followed by sanctions because that was not the main objective of its adoption, especially considering that the Security Council had not considered the substance of the dispute and considered what OAU had done to be sufficient in that regard.

He further noted that the Secretary-General's claim that the Sudan had not complied with paragraph 4 of resolution 1044 (1996) was amazing. Paragraph 4 (a) of that resolution called upon the Sudan to comply with the requests of OAU by immediately extraditing to Ethiopia the three suspects. However the Council had ignored the text of the OAU Mechanism of 12 December 1995, in which it called on all the parties to the dispute to cooperate and to provide all the necessary data and information that could help the Government of the Sudan to search for and locate the suspects and extradite them to the Ethiopian authorities. In fact, as to the extradition of the suspects, the Government had declared its full readiness to apprehend them once it knew their location and subsequently to extradite them, and had informed the

Special Envoy of all the steps it had taken in this regard,³² and had also called upon Egypt and Ethiopia to cooperate and exchange information in order to clarify the situation with regard to the suspects. He asked whether it was fair to describe these efforts as constituting non-compliance with resolution 1044 (1996). He emphasized that the move by some States to persuade the Council to adopt a resolution imposing sanctions against the Sudan under Chapter VII of the Charter, under the pretext that it had not responded to the demands of paragraph 4 (a) of resolution 1044 (1996), would lead to a dead end. He stated that it was regrettable that the principles and objectives under which the United Nations Charter gave the Security Council the primary responsibility for the maintenance of international peace and security, were being exploited as a pretext for punishing States and peoples that were not well liked by some members of the Council. He maintained that the draft resolution completely ignored the positive developments that had taken place in the Sudan during the last three months, vis-à-vis the first free presidential and parliamentary elections in the history of the Sudan. He stated that the adoption by the Council of any measures against the Sudan under Chapter VII of the Charter would be an obstacle to its achievements. The imposition of any measures against the Sudan would have a far-reaching effect on the stability of the country and on the unity of its territory, and therefore would have a grave effect on the stability of the region as a whole. In conclusion he maintained that the Council's return to adopt a resolution to impose sanctions against the Sudan despite all the facts raised a number of questions as to the priority in the work of the Council, in accordance with the principles of the Charter of the United Nations. He emphasized that the Sudan remained committed to the implementation of all resolutions adopted by all international organizations, including those of the Organization of African Unity and those of the Council, however contrary they might be to the spirit of justice and equality.³³

The representative of Uganda stated that since the matter before the Council dealt, to a large extent, with the dangerous policy of the Government of the Sudan's support for terrorism in the subregion, he would inform the Council of the persistent and determined efforts by

³² S/1996/197.

³³ S/PV.3660, pp. 2-10.

the Sudanese regime to destabilize Uganda. He stated that in spite of their efforts to maintain a policy of good neighbourliness, the Sudanese regime had continued its activities of assisting, supporting, facilitating and even giving shelter and sanctuary to two rebel movements based on its soil, whose sole purpose was to wreak havoc on civilians in Uganda. Both rebel movements were based well inside the territory of the Sudan, from where they made incursions into Uganda. He maintained that while their people and security forces were playing their appropriate roles in defending the country against foreign aggression, they also needed the support of the international community, and the Security Council in particular. He underlined that Uganda condemned in the strongest possible terms the unprovoked acts of aggression visited upon it in April by the Government of the Sudan, and he called upon the Security Council and the international community at large to do the same and to take the strongest possible measures to halt them completely. It was the duty of the Council to live up to its responsibilities with regard to maintaining international peace and security by sending a clear and strong signal to the regime in Khartoum that terrorism and aggression would not be rewarded in today's world. He stated that they had looked at the draft resolution and he expressed their disappointment that it did not send the strong signal that Uganda had hoped for. Therefore, he reiterated the need for the Security Council to take any measures necessary, including an arms embargo against the Sudan, to ensure that it desisted from engaging in activities that were not just destabilizing Uganda but plunging the entire subregion into chaos.³⁴

The representative of the Russian Federation stated that it confirmed with the utmost clarity its strong, unwavering rejection of the evil of international terrorism in all its manifestations and that his country was ready at a solid and practical level, to cooperate constructively, with all international and regional organizations and States. They strongly condemned the attempted assassination of the President of Egypt, and urged that an objective investigation of this crime, to establish the facts, be carried out fully and be completed, and that those involved be brought to justice. He stated that this position underlay their approach in seeking an effective and fair way for the

Security Council to take action, including taking account of the regional context. The task could be successfully carried out only through close cooperation between all interested parties, including OAU and other regional mechanisms and also on a bilateral level. He maintained that it was that approach that provided a real chance of finding the suspects and of unravelling this web of confusion with regard to the Sudan and of strengthening stability in this region of Africa. However, he noted that as events of the last few months had shown, their views were not taken duly into consideration. He stated that one could not avoid feeling that the draft resolution was used not so much to speed up the search for the suspects as to isolate the Sudan internationally. And it was a pity that such an important organization such as OAU, with such authority, was not able to counter that trend, basically just distancing itself from implementing its own decisions on the matter. He maintained that really convincing evidence about the involvement of Khartoum in the assassination attempt and the whereabouts of the suspects had not been given to the Security Council or to the Secretary-General. The co-sponsors of the draft resolution were forced to acknowledge that when they indicated that the Secretary-General of the United Nations needed to be asked to establish the facts. The situation had become even more complicated in view of recent reports that the suspects, or at least one of them, were not in the Sudan. Of course, the information needed to be checked very thoroughly. However, he stated that the draft resolution, with all of the proper and correct provisions it contained, in other parts basically disregarded the points which he had just underlined. Moreover, the draft had created an extremely serious problem which was totally unrelated to the situation in the Sudan, but referred to the overall approach to the use of an instrument such as international sanctions. He stated that the members of the Council and the United Nations had on several occasions come to realize that the arbitrary application of sanctions was essentially flawed when there were no clearly formulated criteria and conditions governing their imposition and their lifting. This problem was specifically being considered in the General Assembly Working Group on the Supplement to the Agenda for Peace, where the problem was being given special attention. He stated that apart from the understandable demand for the extradition of the three suspects, abstract demands were being made of Khartoum along the lines of living

³⁴ Ibid., pp. 12-14.

in friendly relations with its neighbours and complying with the Charter of the United Nations and with the Charter of OAU. He expressed his belief that objective criteria for checking the implementation of such vague demands simply did not exist. That meant that, if desired, the Sudan could be kept under sanctions indefinitely. Then they would have a repetition of what they were already seeing in other situations, namely, the introduction of economic sanctions with no time frame, the suffering of broad sectors of the population, an unavoidable humanitarian crisis, and the search for ways of dealing with that crisis, including, probably, the adoption of a resolution along the lines of resolution 986 (1995), and then it would go on and on in that already rather well-known vicious circle. He stated that the fact that it was known in advance that this kind of demand could not be met, along with the logic contained in operative paragraph 8 of the draft resolution, predetermined in a way the inevitability of a further escalation of sanctions against the Sudan, and this could lead the Security Council in the very near future into a stalemate, with no simple way out. He underlined that they were in favour of involving the Security Council in a real struggle against international terrorism, but they were against attempts to make use of this in order to punish certain regimes or in order to attain other political goals of one or more Member States. Such an approach was unacceptable, for it was not only destructive for the people of the Sudan and the countries in the region, but it also created a very dangerous precedent which could do real damage to the authority of the Security Council and could create the impression that the Council was not able to draw conclusions from the lessons of very recent history. Accordingly, he informed the Council that the Russian delegation could not support the draft resolution. They had found it possible not to prevent its adoption simply because implementation of the measures contained therein relating to diplomatic pressure on the Sudan would depend on the Members of the United Nations themselves and he trusted that what they had said had been heard and understood in all of its details, including what they had said about future consideration of this matter in the Security Council in two months' time.³⁵

The representative of Indonesia reiterated their steadfast position against international terrorism and

³⁵ *Ibid.*, pp. 14-15.

all acts of violence, and unequivocally condemned the assassination attempt. He stated that while they were aware of the fact that the Sudan had indeed already taken some steps and was still continuing its efforts to fulfil its obligations under Security Council resolution 1044 (1996), it had not yet fully fulfilled all its obligations with regard to the efforts undertaken by OAU. However the fact that the Sudan had extended invitations to the Secretary-General of OAU to visit Khartoum and had requested assistance from INTERPOL in looking for the suspects, reflected the positive attitude of the Government in the Sudan. He expressed his belief that in order to ensure compliance with the Council's demands, it would have been more appropriate to deal with the situation in a gradual manner, by way of a presidential statement, which was their preference, rather than a draft resolution containing elements of sanctions. He also expressed belief that close cooperation between the United Nations, OAU, Ethiopia and the Sudan was of the utmost importance if the matter was to be resolved in a peaceful manner. In this respect, it was his delegation's fervent hope that the efforts of OAU, as the regional organization directly concerned, would make substantial contributions towards the resolution of the issues. It would also be appropriate for the Council to consider the letter of the Sudan pertaining to this matter.³⁶ If, after all avenues had been explored and all efforts exhausted, the Council ultimately assessed that the Government of the Sudan had still not fully complied with its requests, only then should the Security Council consider adopting further measures to ensure implementation of resolution 1044 (1996). While his delegation considered the draft resolution as supporting the thrust and objectives of the statements adopted by the OAU Mechanism for Conflict, Prevention, Management and Resolution, he expressed concern that the text contained measures which constituted sanctions. He maintained that the imposition of sanctions as a means to bring pressure on some Governments was a matter of the utmost seriousness. The imposition of sanctions needed to be considered only after all means for the pacific settlement of disputes under Chapter VI of the Charter had been exhausted and thorough consideration had been undertaken of the long-term and short-term effects of such sanctions. Sanctions were not meant to

³⁶ S/1996/311.

be punitive, but it was widely acknowledged that, irrespective of their objectives, they did affect the innocent population, and the adverse humanitarian impact therefore deserved their serious consideration and had to be given primary attention. In conclusion, he expressed his delegation's understanding of some paragraphs contained in the draft resolution: with regard to operative paragraph 1 (a), his delegation was of the view that the matter of extradition was a legal one and only involved two States. In this case the Sudan could extradite to Ethiopia only those suspects who were in its territory. With regard to operative paragraph 8 it did not prejudge whether further measures would be taken by the Council. The adoption of further measures by the Council would be determined only by its assessment of the situation and of the conditions prevailing after the 60-day re-examination period had elapsed. He stated that under those conditions, and in the light of those observations, his delegation would vote in favour of the draft resolution.³⁷

The representative of Botswana appealed to the Sudan and its neighbours to respect each other's territorial integrity. He stated that his delegation voted in favour of resolution 1044 (1996) because of its firm aversion to terrorism, which was the scourge of world society today, and it was incumbent upon all States, including the Sudan, to get rid of that scourge. The draft resolution sent the right message about commitment of the international community to effectively combat terrorism and it was therefore Botswana's ardent hope that the Government of the Sudan would also cooperate in this endeavour and take concrete steps to ensure compliance with the demands of the international community.³⁸

The representative of Germany stated that the draft resolution clearly reminded all States Members of the United Nations of their obligation in fighting terrorism and that Germany could accept the draft resolution. He maintained that the purpose of sanctions should not be punishment but that they should serve to achieve the implementation of measures decided upon by the Council, and should only be used if the issue was so serious that coercive measures were required. That condition was being met here, where the purpose

was to put those suspected of an attempt on the life of the President of Egypt on trial. At the same time, he appreciated the efforts to target the sanctions in such a way that they did not affect the population as such but were limited to those who were in a position to take the required measures, since nobody wanted to see harm being inflicted on the Sudanese civilian population. He stated that what the draft resolution intended to do was to ensure compliance by the Government of the Sudan with Security Council resolution 1044 (1996). The Sudan had to do all it could to ensure that the three suspects who were sheltering or had taken shelter in the Sudan could be prosecuted in Ethiopia. The Sudan could not free itself from its obligations by allowing the suspects to leave for other countries, and the Sudan, like other countries, also bore responsibility for persons outside its borders whom it supported in one way or another. He appealed to the Government of the Sudan to use the 60-day period to take the necessary steps not only to avoid even farther-reaching measures, but to allow for an early lifting of the measures the Security Council was imposing.³⁹

The representative of China stated that the Chinese Government vigorously opposed and strongly condemned all forms of terrorism, particularly the attack on the President of Egypt. He held that terrorist activities not only wrought havoc on life, property and social stability, but also threatened international peace and security. Second, he stated their view that this act of terrorism, like any other international question, needed to be addressed by the Council in accordance with the purposes and principles of the United Nations Charter. It was necessary to act based on facts, making sure that they stood on legal ground, paid attention to evidence and dealt with this question in a fair, objective and serious manner. Thirdly, in principle, they were against frequent recourse to sanctions under Chapter VII of the Charter. No matter how complex the question might be and how difficult it was to resolve it, they should always insist on a peaceful solution through dialogue, consultation and mediation. Facts had shown that sanctions were often in the way of a settlement and worse still they might even exacerbate tension, bring suffering to the countries and peoples of the region and have serious adverse effects not only on the target country, but also on the neighbouring countries. He maintained that although the draft

³⁷ Ibid., pp. 16-17.

³⁸ Ibid., p. 17.

³⁹ Ibid., p. 19.

resolution talked about diplomatic sanctions only, diplomatic sanctions were still a form of sanctions, and by invoking Chapter VII of the Charter, the draft resolution also made reference to further measures to be taken by the Council, thus paving the way for possibly strengthening of the sanctions. They were of the opinion that imposing sanctions on the Sudan before incontrovertible evidence was in hand would set a bad precedent for the future work of the Council. Their position had been made clear by their delegation when the Council adopted resolution 1044 (1996). He also reaffirmed once again their reservations on the part of the draft resolution that called on the Sudan, in accordance with resolution 1044 (1996), to refrain from engaging in activities of assisting, supporting and facilitating terrorist activities. Accordingly, they would abstain in the voting on the draft resolution. He stated that ever since the failed assassination attempt, the United Nations, OAU and others had made tireless efforts in trying to resolve this question as early as possible. Egypt, Ethiopia and others had also done a great deal of painstaking investigative work in seeking to establish facts and track down the suspects. The Government of the Sudan had also publicly condemned terrorism and clearly stated its willingness to continue cooperation, with OAU and other States, in order to have the problem properly resolved. It had also held consultations with those countries for that purpose. He stated China's appreciation and support for all those efforts and he hoped that the parties concerned would, through dialogue and consultation, and taking full advantage of the role of OAU, continue their efforts in that regard.⁴⁰

Several other speakers spoke, stating their support for the resolution and calling on the Sudan to comply with the resolutions of the Council and OAU. Some speakers condemned all acts of terrorism and the attempted assassination of President Mubarak and noted that the sanctions imposed by the resolution did not seem to have economic implications that could adversely affect the civilian population of the Sudan. Some speakers also stated that operative paragraph 8 demonstrated the Council's determination to consider further measures, in the event that the Council's

demands specified in operative paragraph 1 were not complied with within the 60-day period.⁴¹

At the same meeting, the draft resolution was put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 1054 (1996),⁴² which reads:

The Security Council,

Reaffirming its resolution 1044 (1996) of 31 January 1996,

Taking note of the report of the Secretary-General of 11 March 1996, submitted pursuant to paragraph 7 of resolution 1044 (1996), and the conclusions contained therein,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Noting that in its statements of 11 September and 19 December 1995 the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity considered the attempt on the life of President Mubarak as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the Mechanism set out in those statements,

Noting the continued effort of the Secretary-General of the Organization of African Unity to ensure the Sudan's compliance with the requests of the Central Organ of the Mechanism,

Taking note with regret that the Government of the Sudan has not responded adequately to the efforts of the Organization of African Unity,

Deeply alarmed that the Government of the Sudan has failed to comply with the requests set out in paragraph 4 of resolution 1044 (1996),

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is essential for the maintenance of international peace and security,

Determining that the non-compliance by the Government of the Sudan with the requests set out in paragraph 4 of resolution 1044 (1996) constitutes a threat to international peace and security,

⁴⁰ Ibid., pp. 19-20.

⁴¹ Ibid., pp. 17-18 (Guinea-Bissau); p. 18 (Republic of Korea); after the vote: p. 22 (Honduras); and p. 24 (Poland).

⁴² For the vote, see S/PV.3660, p. 20.

Determined to eliminate international terrorism and to ensure effective implementation of resolution 1044 (1996), and to that end acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Government of the Sudan comply without further delay with the requests set out in paragraph 4 of resolution 1044 (1996) by:

(a) Taking immediate action to ensure the extradition to Ethiopia for prosecution of the three suspects sheltered in the Sudan and wanted in connection with the assassination attempt of 26 June 1995 on the life of the President of the Arab Republic of Egypt in Addis Ababa;

(b) Desisting from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements, and by henceforth acting in its relations with its neighbours and with others in full conformity with the Charter of the United Nations and with the charter of the Organization of African Unity;

2. *Decides* that the provisions set out in paragraph 3 below shall come into force at 00.01 Eastern Standard Time on 10 May 1996, and shall remain in force until the Security Council determines that the Government of the Sudan has complied with paragraph 1 above;

3. *Decides* that all States shall:

(a) Significantly reduce the number and the level of the staff at Sudanese diplomatic missions and consular posts and restrict or control the movement within their territory of all such staff who remain;

(b) Take steps to restrict the entry into or transit through their territory of members of the Government of the Sudan, officials of that Government and members of the Sudanese armed forces;

4. *Calls upon* all international and regional organizations not to convene any conference in the Sudan;

5. *Calls upon* all States, including States not members of the United Nations and the specialized agencies, to act strictly in conformity with the present resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any license or permit granted prior to the entry into force of the provisions set out in paragraph 3 above;

6. *Requests* States to report to the Secretary-General of the United Nations within sixty days from the adoption of the present resolution on the steps they have taken to give effect to the provisions set out in paragraph 3 above;

7. *Requests* the Secretary-General to submit to the Council within sixty days of the date specified in paragraph 2 above an initial report on the implementation of the present resolution;

8. *Decides* to re-examine the matter sixty days after the date specified in paragraph 2 above and to consider, on the

basis of the facts established by the Secretary-General, whether the Sudan has complied with the demands in paragraph 1 above and, if not, whether to adopt further measures to ensure its compliance;

9. *Decides* to remain seized of the matter.

Speaking after the vote, the representative of France stated that they supported efforts to combat international terrorism and, in particular, to shed light on the attempted assassination of President Mubarak. He stated that the resolution was aimed mainly at requiring the Sudan to fulfil its obligations under resolution 1044 (1996) and in particular to work to extradite to Ethiopia the individuals suspected of having participated in the attack and who were within its territory. The text of the resolution needed to be understood in the light of available information that led the Council members to suppose that the three suspects were in the Sudan. To comply with the resolution, the Sudan was required to work towards the extradition of those individuals if they were indeed within its territory. To ask more of it would not be in accordance with international law on extradition, nor was the resolution intended to do so. The Council could not hold the Sudan responsible for what it was not. He maintained that the Council had chosen not to impose on the Sudan sanctions that would have a noticeable economic impact on the population, which was among the most destitute in Africa. He noted that the Council would have to consider on the basis of facts established by the Secretary-General whether the Sudan had met the demands made of it, and if it had not, whether it needed to envisage the adoption of further measures. In this way, the Security Council's ability to judge the situation was retained.⁴³

The representative of the United States stated that his Government supported the resolution with reservations, because they did not believe that the sanctions outlined in the resolution were sufficient to convince the Government of the Sudan to cease its sponsorship of international terrorism and "return to the fold of responsible, law-abiding nations." He stated that while his Government welcomed the Council's concern to combat terrorism, failing to impose more meaningful sanctions against the Sudan risked further insecurity and instability for the people of eastern Africa, the Middle East and the Sudan itself.

⁴³ *Ibid.*, p. 20.

Resolution 1044 (1996) had required two simple steps from the Sudan, the surrender of the three remaining suspects and the cessation of its support for terrorism, and the Sudan had refused to comply with either. Instead, Khartoum had focused its efforts on a public-relations campaign and on smuggling the three suspects out of the Sudan. He maintained that as shocking as the complicity of the Sudan in the attack on the President was, it was only part of a broader pattern of Sudanese support for terrorism. He informed the Council that the efforts of the Sudan to export terrorism had even reached the United Nations. Two employees of the Sudanese Mission to the United Nations were active accomplices in the plot to assassinate the President of Egypt and to blow up the United Nations Secretariat in New York. They had provided information on the President's itinerary and offered to provide identification cards and parking passes so that terrorists could plant a bomb in the United Nations building. He continued that the Sudan regularly abused the prerogatives of sovereign States by giving out Sudanese passports, both diplomatic and regular, to help non-Sudanese terrorists travel freely, as documented in cases involving Ethiopia, Egypt and Tunisia. It used Sudan Airways to transport terrorists and their weapons, made financial resources and safe refuges available, and it provided the weapons terrorists used, as in the attempt in Addis Ababa. He stated that his delegation's objective was to bring about an end to the Sudan's support of terrorist groups. To do that they needed to turn their words into actions, and the resolution was another step towards that. On the positive side, the Council had determined that the Sudan's actions in supporting the attack on President Mubarak, and fostering terrorism internationally were indeed a threat to international peace and security, and the Council was telling the Sudan that they would not be content with mere words. He maintained that the Sudan should not take comfort in the fact that the measures of the resolution were not as strong as they might be, because the Council had promised that if they failed to meet the requirements in the next 60 days, the Council would seek more meaningful sanctions.⁴⁴

The representative of Egypt stated that the Council had adopted resolution 1044 (1996) to send a clear, unambiguous message to the Government of the

⁴⁴ Ibid., pp.20-22.

Sudan that the international community, as represented by the Council, was taking a firm stand against international terrorism, and to deter those contemplating supporting terrorism, including those countries. He noted that OAU had considered the assassination attempt against President Mubarak of Egypt to be an attack on the whole of Africa, threatening regional stability and international peace and security. He recalled the Secretary-General's report had drawn two firm conclusions: first, that the Sudan had not yet complied with the demands of the Security Council to extradite the three suspects to Ethiopia; and second that all the neighbouring countries of the Sudan visited by the Secretary-General's Special Envoy accused it in one way or another of supporting terrorist activities within their territories. He further maintained that although the Government of the Sudan had hinted that it was about to change its policies vis-à-vis the support of international acts and activities that targeted the security and stability of neighbouring countries, his delegation did not see that the words of the Sudan matched their deeds. By adopting resolution 1054 (1996), under Chapter VII of the Charter, the Council had reaffirmed that the dangers of international terrorism represented a grave threat to international peace and security and that concerted efforts by countries to eliminate that threat and deter those whose assisted in its perpetration were a basic requirement for the maintenance of international peace and security in the world. He underlined however, that Egypt categorically rejected the inclusion of any measure that would harm the Sudanese people or any measure that would negatively affect the unity, independence, and territorial integrity of the Sudan; a position which the members of the Council had supported. He stated that the measures imposed by the adopted resolution were restricted to diplomatic action in order to send to the Sudan a clear warning of the consequences of continuing its present policies. The Council was determined, in accordance with the resolution, to ensure the implementation of resolution 1044 (1996), and would look at the matter again in 60 days to decide whether the Sudan had complied with the resolution, and whether other measures could be adopted in order to guarantee compliance.⁴⁵

The representative of the United Kingdom stated that it was because the Sudan had not complied with

⁴⁵ Ibid., pp. 22-24.

the demands in resolution 1044 (1996) that the Council had to take further action and it had nothing to do with the orientation of the current Government in the Sudan. He expressed his delegation's full support for the resolution and their hope that it would contribute to an early change of heart in Khartoum. He noted that one of the principal demands of the resolution was the requirement for the Sudan to ensure that the three suspects were extradited, and the United Kingdom was convinced that the Sudan knew where they were. If they were still in the Sudan, the Government had to extradite them under the terms of the Bilateral Extradition Treaty. If the Sudan had helped at least one of the three leave the country, the resolution clearly required that the Government of the Sudan take immediate action, including, for example, by providing the necessary evidence, to bring about extradition to Ethiopia, and the United Kingdom would not be satisfied until the Sudan had secured that objective and had also ceased its support for international terrorism. The last paragraph of the resolution was a clear message that the Council would remain engaged in this matter.⁴⁶

The representative of Chile stated that they condemned and repudiated terrorism and rejected the attempted assassination of the President of Egypt. He stated that Chile had listened carefully to the African members of the Security Council to find guidance with respect to the path it should follow and had given special consideration to the option of regional action, the views of the countries of the region and that of OAU. Chile had been guided by the need to follow a procedure and a treatment of the question that would be fair and transparent and in which the Security Council would have all available background information and evidence. He noted that the Sudan and all Governments who wished to express their views had been offered full cooperation and the possibility of holding an open debate, which had not been requested. The draft had given rise to considerable discussion on the measures to be adopted and he noted that Chile had doubts as to the effectiveness of sanctions. Economic sanctions disproportionately affected the innocent and the weak rather than the leaders responsible. He maintained that in this case, they were using diplomatic sanctions, which while exerting a considerable degree of pressure, could not be equated with economic

⁴⁶ *Ibid.*, p. 24.

sanctions. He stated that the Council would continue to follow developments related to the implementation of the resolution and he appealed to the Sudan to do everything in its power to comply with it.⁴⁷

**Decision of 16 August 1996 (3690th meeting):
resolution 1070 (1996)**

On 10 July 1996, pursuant to Security Council resolution 1054 (1996), the Secretary-General submitted to the Council a report on steps taken to give effect to the provisions set out in paragraph 3 of resolution 1054 (1996).⁴⁸ In his report, the Secretary-General observed that while the Security Council had determined that the three suspects involved were sheltered in the Sudan and had called on the Government of the Sudan to ensure their extradition, the Government of the Sudan claimed that its investigations had produced no trace of their presence in the Sudan and that the identity of the third suspect was unknown. In addition, the Security Council had demanded that the Government of the Sudan desist from engaging in activities of assisting, supporting and facilitating terrorist activities and from giving shelter and sanctuary to terrorist elements, while the Government of the Sudan had asserted that it condemned terrorism and did not condone terrorist activities.

At its 3690th meeting, held on 16 August 1996 in accordance with the understanding reached in its prior consultations, the Council included the above report in its agenda as well as the report of the Secretary-General of 11 March 1996, submitted pursuant to Security Council resolution 1044 (1996).⁴⁹ Following the adoption of the agenda, the President (Germany), with the consent of the Council, invited the representative of the Sudan, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁵⁰

At the same meeting, the President further drew the attention of the Council to letters dated 31 May and 24 June 1996, respectively, from the representative of

⁴⁷ *Ibid.*, p. 25.

⁴⁸ S/1996/541 and Add.1, 2 and 3.

⁴⁹ S/1996/179.

⁵⁰ S/1996/664.

the Sudan addressed to the President of the Security Council,⁵¹ transmitting a report on the measures taken by the Sudan pursuant to Security Council resolution 1054 (1996), including the departure from the Sudan of Osama bin Laden, and reiterating their condemnation of terrorism; a letter dated 2 July 1996 from the representative of the Sudan addressed to the President of the Security Council,⁵² informing the Council of reports of the presence of Mustafa Hamza in Afghanistan, including a statement by the Government of Afghanistan, and of the meetings of the Presidents of the Sudan and Egypt; and a letter dated 10 July 1996 from the representative of Ethiopia addressed to the President of the Security Council,⁵³ transmitting a statement of the views of the Government of Ethiopia entitled "The Sudanese authorities continue to defy the Security Council and to hoodwink the international community".

The representative of the Sudan stated that the Sudan's firm condemnation of terrorism and the tragic terrorist attempt on the life of the Egyptian President as expressed in all international forums stemmed from its firm principle of refraining from violence and following a path of peace and security. He reiterated that the Sudan had not, and would not allow its territory to be used for any act of terror or to be used as a shelter for terrorists or by those who had eluded justice. The Sudan had expressed its full readiness to cooperate with all parties to bring the suspects to justice and taken tangible steps in that respect. However, to request the Sudan to extradite suspects it did not have was like asking it to square the circle, and was unjustified, unless the objective was to find an excuse to impose unjust sanctions. He noted that resolutions 1044 (1996) and 1054 (1996) had referred to three suspects. However, the only information available to the Sudan was a first name, that he was an Egyptian national, his age, and that he was married and lived in the Amarat quarter of Khartoum. Moreover, there was no photograph. They could find no trace of such a person and had concluded that he did not exist. Nonetheless, the Sudan was committed to turning over all available information stemming from the ongoing investigations. He stated that the rationale for holding the Sudan responsible for the presence of those people

on its territory during a certain time period could also be used to make each State which they had passed through or resided in responsible. In that sense, Ethiopia, where the crime took place and where the suspects had remained for a considerable period of time, entering and leaving over a two-year period, could be considered directly responsible. It was unacceptable to fail to provide adequate information that would help the Sudan find the suspects, nor was it acceptable to use the pretext of protecting classified and delicate sources, because those sources were usually made available precisely at the critical moment when they were needed, and not afterwards. He asked why the suspects were being tried in secret and no one, including the ambassadors of the permanent members of the Council, was allowed to meet them.

With reference to the Security Council resolutions calling on the Sudan to desist from supporting terrorism and terrorists and from providing them with shelter, he noted that the Government of the Sudan had seriously sought to enter into contacts with the countries that had levelled those accusations. He further noted that the first reaction by the Government of the Sudan following the attempt on the life of the President of Egypt was to reintroduce the visa system. Pursuant to resolution 1044 and 1054 (1996) they had requested all foreigners to leave the country, though he clarified that the Sudan had not received accusations from any State against any of those expelled from the Sudan and none of those expelled was anyone who needed to be brought to justice in any country. They were expelled because the Sudan wished to be outside the circle of suspicion and to comply with the Security Council resolutions. He reiterated that the steps that had been taken by the Sudan were genuine measures that had yielded tangible and well-known results. Noting that the Security Council had called upon the Sudan to improve its relations with its neighbours, he noted that the Sudan had 10 neighbour States and had extremely good, friendly relations with 6 of them, to which they were committed through various agreements and joint ministerial committees that met regularly. He stated that the relations between the Sudan and Ethiopia had been very good, until the attempt on the life of the President of Egypt caused a misunderstanding between them. The Sudan had been eager to continue its contacts with Ethiopia to try to settle the problem and move forward. Their second neighbour was Uganda, with regard to which they inevitably harboured some resentment since it was well

⁵¹ S/1996/464 and S/1996/513.

⁵² S/1996/513.

⁵³ S/1996/538.

known that Uganda had supported the insurgency movement in southern Sudan. Eritrea, he said was a “poison dagger”, which posed dangers that threatened to spread throughout the Horn of Africa. He noted that the President of Eritrea had declared in public that it would provide armed assistance to any opposition groups aiming to topple the legitimate Government of the Sudan. In addition, there had been intrusions into Sudanese territory and the laying of mines inside residential areas. Nevertheless, he underlined that the Sudan had not initiated hostilities against Eritrea and stood ready to eliminate the tension between the two countries if Eritrea showed its good intentions towards the Sudan. Regarding Egypt, he noted that major efforts had been made between the officials of their two countries, which had been crowned with success at the summit meeting between their Presidents in Cairo. In conclusion he stated that these were the efforts that the Sudan had made to comply with the Security Council resolutions.⁵⁴

Speaking before the vote, the representative of the United Kingdom stated that despite everything that had just been said by the representative of the Sudan, his delegation was unfortunately not persuaded that the Sudan had yet complied with the Council’s demands in resolutions 1044 (1996) and 1054 (1996). That was why the Council had to take further action, it had nothing to do with the orientation of the current Government in the Sudan. Therefore, they welcomed the initiative of Egypt in bringing forward the draft resolution on which they were about to vote. The solution to the problem was simple: the Government of the Sudan had to recognize international concern about its behaviour and comply with the demands of the Security Council and OAU. He noted that one of the principal demands of the resolution was the requirement for the Sudan to ensure that the three suspects were extradited, and his delegation was convinced that the Sudan knew where they were. If they were still in the Sudan, the Government had to extradite them under the terms of the Bilateral Extradition Treaty. If the Sudan had helped at least one of the three leave the country, the resolution clearly required that the Government of the Sudan take immediate action, including, for example, by providing the necessary evidence, to bring about extradition to Ethiopia, and they would not be satisfied until the

⁵⁴ S/PV.3690, pp. 2-8.

Sudan had secured that objective and had also ceased its support for international terrorism. He noted the moves the Sudan had made to distance itself from some of the terrorist groups it had supported and the claims made that it had demonstrated its readiness to cooperate with all parties concerned in seeking and apprehending suspects, but it still needed to do more to comply with the demands of the resolution. The draft resolution showed that the Council would remain engaged in this matter, and that it would not hesitate to implement air sanctions after a period of 90 days if Sudanese compliance were not forthcoming. Finally, he urged those States that had not yet reported to the Secretary-General on the steps they had taken to implement resolution 1054 (1996) to do so, noting that rigorous enforcement of sanctions was an important factor in ensuring the compliance of the Sudan.⁵⁵

The representative of the Russian Federation stated that they had always taken the position of resolutely resisting international terrorism in all its manifestations, including the attempted assassination of the President of Egypt, and had cooperated with various States in a concrete and constructive manner, including contributing in preparing the anti-terrorist decisions of the Group of Eight. He stated that an objective investigation of the assassination attempt could be accomplished only through constructive cooperation between all interested parties, including within OAU and other regional mechanisms, as well as at the bilateral level, with the involvement of competent international agencies. He noted that they were familiar with the pertinent proposal at Interpol, which unfortunately had been left floating in the air. Important information might come to light also during the in camera trial going on in Addis Ababa, and he repeated their request for members of the Security Council to be informed about that trial. He stated that his country could not fail to be concerned by the fact that when resolutions 1044 (1996) and 1054 (1996) were adopted, the prevailing approach in the Council was aimed not so much at investigating those suspected of perpetrating a terrorist act as at isolating the Sudan. In order to satisfy short-term interests, the voices were ignored of those who strongly objected to the unsound practice of imposing sanctions on the basis of vague, and therefore hard-to-meet demands, without clearly formulated criteria and conditions for their imposition

⁵⁵ *Ibid.*, p. 9.

and lifting. Unfortunately, a repetition of that approach could be seen in the draft resolution. The draft resolution predetermined the inevitability of an air embargo, without an attempt being made to assess the negative humanitarian consequences of this measure for the population of the Sudan, despite the fact that his delegation had suggested that such a prior evaluation be conducted. Moreover, operative paragraph 3 of the draft resolution would impose sanctions not only on Sudan Airways but on all other Sudanese airlines, which had never been accused of anything. He maintained that the question was how the Sudan should comply with the provisions of the resolution when they went beyond the limits of the Sudan's national jurisdiction and real capacity. The rash use of the sanctions instrument was not only destructive for the people of the Sudan and the countries of the region, but created a precedent which could do real damage to the authority of the Council by giving the impression that the Council was not able to draw conclusions from past lessons. In that light, his delegation could not support the draft resolution.⁵⁶

The representative of Indonesia stated that they were deeply concerned by the attempt against the President of Egypt and had always held a position against international terrorism, and reiterated that the Sudan bore the ultimate responsibility for fully complying with the provisions of Council resolutions 1044 (1996) and 1054 (1996). However, he expressed his belief that a gradual approach to dealing with the matter would have been preferable, particularly in the light of the efforts made by the Sudan. Given the insufficient information available at this juncture, he expressed his belief that it would be more constructive for the Council to further encourage the Sudan to undertake efforts to provide information on the suspects, including their whereabouts, by allowing more time and avoiding overly harsh measures that in the end might prove to be counterproductive in their attempt to ensure the cooperation of the Sudan with the international community. Therefore, he expressed his delegation's reservations regarding the imposition of wide-ranging sanctions against Sudan Airways, as reflected in operative paragraph 3 of the draft resolution. He also expressed their concern about the impact of the sanctions on the Sudan, noting that sanctions were not meant to be punitive and the

⁵⁶ Ibid., pp. 10-11.

adverse humanitarian impact, in particular in the case of the Sudan, could not be so quickly dismissed. He stated that while it was imperative to address not only the concerns of the issue at hand, but also to maintain strict adherence to the basic principle of non-punitive sanctions. For it would be a meaningless exercise if resolutions were adopted which were not implementable, as that would only affect the credibility of the Council. In the light of those observations, he stated that he would vote in favour of the draft resolution.⁵⁷

The representative of China stated that their delegation had reaffirmed on many occasions that it had consistently and resolutely been opposed to any form of terrorist activities, and that the attempt on the life of the President of Egypt constituted a serious incident. He maintained that all sides concerned needed to join in a common effort to apprehend the suspects for prosecution. Ever since the Council adopted resolution 1054 (1996), all sides concerned had made considerable efforts to implement its relevant provisions. In his report, the Secretary-General also pointed out that as a party directly concerned, the Sudan had on many occasions indicated in specific terms its opposition to terrorism and had taken some practical actions. He stated that in China's view, the Council needed to continue to encourage all sides to make greater efforts in order to settle the question as soon as possible. He maintained that China's position of principle on sanctions was a consistent one: they did not consider sanctions a panacea because sanctions, or the tightening of sanctions, could not solve a problem, but might aggravate it. Restrictions on Sudan Airways constituted an escalation in the sanctions regime on the Sudan. He maintained that although the draft resolution did not determine the date of entry into force of its provisions, it represented a clear decision on imposing such sanctions. This question concerning the Sudan was already quite complicated and he expressed their concern that tightening sanctions against the Sudan might further compound the problem. He noted that the Chinese delegation proposed some amendments to the draft resolution during consultations but that those reasonable suggestions had not found acceptance.

⁵⁷ Ibid., pp. 11-12.

Therefore, they would abstain in the vote on the draft resolution.⁵⁸

Several other speakers spoke, condemning international terrorism and the assassination attempt on the President of Egypt as a threat to international peace and security, stating that the Sudan had not fully complied with resolution 1044 (1996) and calling on them to do so, and noting that the draft resolution specified possible measures to be taken if the Sudan failed to comply after 90 days.⁵⁹

At the same meeting the draft resolution was put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 1070 (1996),⁶⁰ which reads:

The Security Council,

Recalling its resolutions 1044 (1996) of 31 January 1996 and 1054 (1996) of 26 April 1996,

Having considered the report of the Secretary-General of 10 July 1996,

Taking note of the letters dated 31 May, 24 June and 2 July 1996 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council,

Taking note also of the letter dated 10 July 1996 from the Permanent Representative of the Federal Democratic Republic of Ethiopia to the United Nations addressed to the President of the Security Council,

Gravely alarmed at the terrorist assassination attempt on the life of the President of the Arab Republic of Egypt, in Addis Ababa on 26 June 1995, and convinced that those responsible for that act must be brought to justice,

Noting that in its statements of 11 September and 19 December 1995 the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution of the Organization of African Unity considered the attempt on the life of President Mubarak as aimed, not only at the President of the Arab Republic of Egypt, and not only at the sovereignty, integrity and stability of Ethiopia, but also at Africa as a whole,

Regretting the fact that the Government of the Sudan has not yet complied with the requests of the Central Organ of the Mechanism set out in those statements,

⁵⁸ *Ibid.*, pp. 12-13.

⁵⁹ *Ibid.*, p. 12 (Republic of Korea); p. 13 (Italy); p. 13 (Botswana); and pp. 13-14 (Guinea-Bissau). After the vote, p. 16 (Poland); p. 16 (Chile); pp. 16-17 (Germany); and pp. 15-16 (France).

⁶⁰ For the vote, see S/PV.3690, p. 14.

Noting the continued efforts of the Organization of African Unity to ensure the Sudan's compliance with the requests of the Central Organ of the Mechanism, and regretting that the Government of the Sudan has not responded adequately to the efforts of the Organization of African Unity,

Deeply alarmed that the Government of the Sudan has failed to comply with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996),

Reaffirming that the suppression of acts of international terrorism, including those in which States are involved, is essential for the maintenance of international peace and security,

Determining that the non-compliance by the Government of the Sudan with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996) constitutes a threat to international peace and security,

Determined to eliminate international terrorism and to ensure the effective implementation of resolutions 1044 (1996) and 1054 (1996), and to that end acting under Chapter VII of the Charter of the United Nations,

1. *Demands once again* that the Government of the Sudan comply fully and without further delay with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996);

2. *Notes* the steps taken by some Member States to give effect to the provisions set out in paragraph 3 of resolution 1054 (1996), and requests those States that have not yet done so to report to the Secretary-General as soon as possible on the steps they have taken to that end;

3. *Decides* that all States shall deny aircraft permission to take off from, land in, or overfly their territories if the aircraft is registered in the Sudan, or owned, leased or operated by or on behalf of Sudan Airways or by any undertaking, wherever located or organized, which is substantially owned or controlled by Sudan Airways, or owned, leased or operated by the Government or public authorities of the Sudan, or by an undertaking, wherever located or organized, which is substantially owned or controlled by the Government or public authorities of the Sudan;

4. *Also decides* that it shall determine, ninety days after the date of adoption of the present resolution, the date of entry into force of the provisions set out in paragraph 3 above and all aspects of the modalities of its implementation, unless it decides before then, on the basis of a report submitted by the Secretary-General, on the compliance of the Sudan with the demand in paragraph 1 above;

5. *Requests* the Secretary-General to submit, by 15 November 1996, a report on the compliance of the Sudan with the provisions of paragraph 1 above;

6. *Decides* to remain actively seized of the matter.

The representative of Egypt stated that since the adoption of resolution 1054 (1996) in April, and despite the fact that it imposed limited diplomatic measures to compel the Sudan to comply with the demands of the international community, the Sudan had persisted in its attempts to avoid complying with the Security Council's requests. He informed the Council that at the time of the meeting of the Presidents of Egypt and the Sudan at the Arab summit, Egypt had thought that the Sudan had the political will expected of it by the international community and had accepted the request of the Sudan to open a channel of communication between the countries' security authorities. Unfortunately they had later realized that the Sudan's aim was not to enter into a dialogue, but rather to try to take advantage of Egypt's assent to starting that dialogue to give the false impression to the international community that the Sudan was doing

what was expected of it. He stated that resolution 1070 (1996) was a "mere wake-up call" addressed to the Sudan, which said that it must cooperate with the Council and with the concerned countries in order to comply with the requests of the Council. He reiterated that Egypt found it unacceptable to be behind anything that affected the interests of the Sudanese people, added to their economic suffering in their daily life or harmed the Sudan's territorial integrity. He called on the Sudan to take advantage of the grace period given it by the Council until the middle of November 1996, to translate "sweet talk into proper action". He expressed his hope that the coming period would witness positive developments, in terms of the extradition of the suspects, the provision of any information the Sudan had about them and the severance of all ties with terrorist organizations so that the interests of the people of the Sudan would not suffer.⁶¹

⁶¹ Ibid., pp. 14-15.

10. The situation in the Great Lakes region

Initial proceedings

Decision of 1 November 1996 (3708th meeting): statement by the President

By letters dated 14 October and 24 October 1996, respectively, addressed to the President of the Security Council,¹ the Secretary-General informed the Council of the outbreak of hostilities and worsening situation in eastern Zaire. In South Kivu, hostilities had broken out in the region of the Banyamulenge, who spoke the language of Rwanda and included both Hutus and Tutsis, though the majority were Tutsis. They were already settled in this area when Zaire became independent in 1960. In 1972, like all persons living within Zaire's borders, they were granted Zairian nationality. However, a nationality law of 1981 subsequently withdrew this status from them but the law had not been enforced until the early months of 1996. Pressure on the Banyamulenge to leave Zaire and move to Rwanda had resulted in escalating hostilities between the Zairian armed forces and Tutsi groups, attacks on refugee camps and escalating tensions between Rwanda and Zaire, including cross-border

exchanges of heavy weapons fire and mutual accusations between the two Governments. The result was that the humanitarian situation had further worsened. An estimated 300,000 people were on the move in the Uvira and Bukavu regions of Zaire, bordering Rwanda and Burundi, in the face of intensified fighting. Those on the move included the 220,000 refugees — 143,000 from Burundi and 75,000 from Rwanda — who had fled camps over the weekend of 19-20 October 1996. He had come to the conclusion that the deteriorating situation required him to offer his good offices to assist the Government of Zaire in addressing the political and security aspects of the problems in the eastern part of the country because of the threat they presented to peace and the security in the region and also because it could have a negative impact on the efforts already launched by the United Nations, at that Government's request, to provide assistance to the elections planned for 1997. He stated that once again the failure to address the root causes of the conflicts in the region of the Great Lakes, in political and economic as well as security terms, had

¹ S/1996/875 and S/1996/878, respectively.