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Past and Future of UNAMID: Tragic Failure or Glorious Success?

By Abdelbagi Jibril



A burned AMIS armoured personnel carrier, Haskanita Camp, By Alfred de Montesquiou, AP

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Executive Summary

At the end of July 2010 the UN Security Council is expected to renew the mandate of the African Union/United Nation Hybrid operation in Darfur (UNAMID). The forthcoming renewal will mark the end of the third year of UN Security Council resolution 1769(2007) adopted on 31st July 2007 with the overall objective of protecting civilians in Darfur, in addition to facilitating the humanitarian relief operations and providing an environment conducive to the attainment of peace and security in the region. Realization of these ambitious objectives required mobilization of vast human and material resources and, above all, the necessary political will to enable robust response and action. So far UNAMID has achieved little success in any of these three vital areas.

UNAMID has great potential to succeed but also all the ingredients to fail. The unprecedented attention accorded to the humanitarian situation in Darfur by high-level regional and international decision-making bodies is a clear signal of the world's determination to put a halt to the commission of massive atrocities by States against their own citizens thus giving effects to the universally acclaimed concept referred to as the Responsibility to Protect (R2P). The mobilisation of massive human and material resources for relief operation in Darfur saved the lives of millions of war-affected communities and played a major role in averting a humanitarian crisis of much larger scale. Yet UNAMID works against many odds in Darfur. It operates in difficult conditions in a hostile, dangerous and insecure environment that lacks sufficient infrastructure. UNAMID was left without choice but to collaborate with unwilling and intransigent local stakeholders some of them manifestly have no interest to see the peacekeeping operation comes to a successful conclusion. This Briefing Paper attempts to provide critical analysis of the role of UNAMID in Darfur and to advocate for measures to enhance its work.

Introduction

Violent clashes between the Government of Sudan (GoS) and the Darfur insurgent movements as well as military build-up and aggressions, including aerial bombardment of civilian targets and the *Janjaweed* attacks against civilian populations, are in the increase in Darfur. Inter-clan fighting between the pastoralist clans in which the *Janjaweed* took active role was also reported. As a direct result of the ongoing clashes, civilians have been killed and displaced and humanitarian operations and aid workers continue to face mounting challenges and attacks, with devastating effects on the victims of the armed conflict in Darfur that are dependent on humanitarian relief assistance.¹ The number of internally displaced persons (IDPs) and war-affected communities in Darfur has been in steady increase since the deployment of UNAMID in Darfur in January 2008.

Humanitarian operations in Darfur and the provision of life-saving relief material to the needy people in the region are on the verge of collapse. Insecurity, intimidation, targeted attacks, abduction, hostage-taking and killing of relief workers and peacekeepers are on the rise.² Humanitarian operations and aid workers in Darfur also face serious obstacles because of mounting criminality, carjacking, and the restriction of movements due to security concerns. However, one of the most important impediments remains the government's policy to hinder delivery of relief material to the needy people in Darfur, either through restrictive administrative measures or by expulsion of relief agencies from the country. In this respect, UNAMID could do very little to protect humanitarian operations and aid workers or to persuade GoS to lift the bureaucratic obstacles it has purposely imposed on relief agencies.

Political negotiations for a peaceful settlement of the armed conflict in Darfur are still nascent although they started as early as November 2004. So far, no viable negotiated political settlement has been reached and the *Darfur Peace Agreement (DPA)* signed in Abuja in May 2006 exists only on paper. The most important insurgent movements that are politically organised and militarily active in Darfur are not taking part in the ongoing round of political negotiations in Doha (Qatar) because of what they considered biased behaviour of the AU/UN Joint Chief Mediator for Darfur, partisan stand of the host country in support of GoS as well as GoS's non-respect of agreed upon confidence-building measures. No one investigated these serious allegations that were repeatedly made by Darfur insurgent movements. Efforts of the Mediation Team, the host country or the international facilitators

are so far ineffective or sustained to address the concerns raised by the hold-out insurgent movements and to accommodate these groups in the talks. Under the circumstances, any peace agreement to be signed at the end of the Doha round of political negotiations will provide a partial solution the questions of peace and security in Darfur.

In short it can be asserted that the protection, humanitarian and political tracks entrusted upon UNAMID by the international community have not generated the required positive result. There is no doubt that UNAMID's mandate, composition and capabilities are responsible for the little progress that it has achieved so far. Nonetheless, the major impediment remains the resistance of GoS to effective deployment of UNAMID as well as the diplomatic and political support that GoS continues to receive from Africa, the Arab and the Islamic countries despite the almost universal unanimity of opinion that the presence of a robust and capable UNAMID would have salutary effect on the victims of the armed conflict in Darfur.



AMIS Soldiers in South Darfur by Derk Segaar (2005)

Protection of IDPs and war-affected civilian populations in Darfur

Despite the great sacrifice made by its personnel, there is no important progress made by UNAMID in the area of protection of IDPs and the war-affected civilian populations that can be reported here. At least 2.9 million IDPs are still languishing in miserable camps and similar settlements around the major towns all over Darfur and in the rest of Sudan. Protracted low-intensity internal displacement of civilians has been reported throughout the period of UNAMID's presence in Darfur (January 2008 – June 2010). In 2008, militia attacks, violence, tribal fighting, and military operations rendered some 317,000 people as internally displaced, often for the second or third time since the conflict in Darfur started in early 2003.³ The number of IDPs in Darfur registered an important increase in the last six months with new waves of uprooted Fur people forced to leave the area surrounding Jebel Marra. IDPs who venture to return to their areas of origins to cultivate the land are quickly forced to return to IDP camps by violence, presence of armed *Janjaweed* militiamen and the mounting criminality. Intimidation, harassment and sexual violence against women and girls are endemic especially around IDP settlements. Over 300,000 civilians from Darfur still live as refugees in eastern Chad, the Central African Republic and elsewhere in the world with no hope of repatriation in the near future. Inter-clan fighting among the pastoralist tribes of Darfur, such as the Rezeigat Nawaiba camel herders, Missiriya, Hotiya, Saada and other groups of Arab extraction, has reportedly claimed the lives of about 220 people in June 2010.⁴ According to tribal sources in the area the fighting left a total of 730 casualties (300 dead from Rezeigat and 430 from Missiriya, Hotiya and Saada tribes). In the words of UNAMID's Chief these intertribal clashes "*... have resulted in substantial civilian fatalities and the displacement of communities, and have hampered the delivery of humanitarian assistance ...*"⁵ During the government military campaign against the Justice and Equality Movement (JEM) areas in May 2010 about 600 persons – including 440 soldiers and about 157 civilians – were killed in Darfur.⁶

On 25th August 2008, GoS launched a brutal attack against the IDPs in Kalma camp near Nyala in Southern Darfur State. In that attack, about 1,000 fully-armed soldiers and security agents stormed the camp and killed more than 30 IDPs and wounded more than one hundred others.⁷ A government military source justified these tragic incidents by saying that the attack had been tolerated by UNAMID in agreement with the Sudanese army to cleanup the camp from alleged weaponry and armed elements accused of creating

unrest. Although there were no arms found after the attack, no independent investigation to identify responsibility of the GoS or that of UNAMID has been conducted. A GoS military source has reportedly declared that UNAMID is the party to be questioned for the attack on Kalma camp and that UNAMID gave GoS the green light to dismantle and neutralize the threats in the camp.



UNAMID peacekeeper patrols a village in Darfur to ensure security of his colleagues PHOTO/WWW.UN.Org

Protection of UNAMID Soldiers

The irony of it all is that UNAMID soldiers in Darfur are in dire need of protection themselves, let alone the 4.7 million IDPs and war-affected communities that looked at them as their saviors. UNAMID soldiers have been subject of frequent attacks and cold-blood killing since the beginning of their mission in Darfur. Only one week after its inauguration in January 2008, UNAMID soldiers were attacked by GoS army while they were traveling in a supply convoy between Umm Baru and Tine in Northern Darfur State. The deadliest attack against UNAMID forces was reported on 8th July 2008 during which 7 soldiers were killed and 22 others wounded when a UNAMID's joint police and military patrol was ambushed by about 200 unidentified attackers near Um Hakibah village, Wadah, 100 km, southeast of El-Fasher, Northern Darfur State.



Burial ceremony of 7 AMIS soldiers from Nigeria killed in Darfur, 5th October 2007. AP Photo/Sunday Alamba

It was observed that attacks against mobile UNAMID forces are premeditated, well-planned and punctual and that such attacks appear to be facilitated by prior knowledge of the timing and routes used by UNAMID troops in their movement, which is information usually shared by UNAMID with the parties to the conflict in Darfur in advance. It was also observed that the overwhelming majority of the deadly attacks against UNAMID were committed in areas under the control of GoS or in areas that witness active presence of GoS's *Janjaweed* allies or Sudan Liberation Army/Movement (SLA/M) factions that signed peace agreements with GoS.⁸ Some of these attacks were even committed inside the major cities in Darfur including El-Fasher, which is the seat of UNAMID Headquarters. See Annex One for a non-exhaustive list of attacks against UNAMID forces in Darfur between January 2008 and June 2010.

The situation of security of UNAMID's personnel is deteriorating rapidly with the killing of two Egyptian soldiers in May 2010 and three Rwandans in June 2010.⁹ If UNAMID soldiers continue to fall easy prey to attacks and killings in this intolerable manner, the whole operation is doomed with failure and the dishonourable withdrawal from Darfur. In November 2007, the then UN Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Marie Guéhenno asserted that: *"The international community will be confronted with hard choices: do we move ahead with the deployment of a force that will not make a difference, that will not have the capability to defend itself and that carries the risk of humiliation of the Security Council and the United Nations and tragic failure for the people*

of Darfur?” The recent developments in Darfur testify to the accuracy of Mr. Guéhenno’s prophesy about the tragic failure of UNAMID, which has, *alas*, become a reality.



Gambian soldiers lay down the UN flag and pay respect to 7 fallen UNAMID colleagues, El Fasher, 12th July 2008, REUTERS/Albany Associates/Stuart Price/Handout (SUDAN)

UNAMID’s inability to make important progress in the protection of IDPs and the war-affected communities or to arrest violence and military activities in Darfur is due to the structural deformation that impedes it from offering sound intervention in these critical areas. UNAMID has been built upon the military force deployed by the African Union (AU) in Darfur under the banner of the African Union Mission in Sudan (AMIS) which had been in place in Darfur since July 2004. On 31st December 2007 the presence of UNAMID in Darfur was officially inaugurated when AMIS soldiers changed their AU green helmets with the UN blue helmets. In the process, the new hybrid military force inherited AMIS’s overstretched mandate, reputation and incompetent soldiers, relaxed response, as well as its ineffective deployment tactics and *modus operandi*.

AMIS sets the Field

By way of reminder it is important to note that since the early days of the armed conflict in Darfur, the AU, which is Africa’s main continental political organ, has decided to take the lead in ending it. The AU intervention in Darfur has largely been in response to its constituent commitment to “... *intervene in a Member State pursuant to a decision of the*

Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity."¹⁰ The main AU organ that leads its political and military efforts in Darfur is the Peace and Security Council. In its intervention in Darfur, the AU was driven by its slogan of "*African solutions to African problems.*" Such slogan is appealing to pan-Africanist groups and institutions as it carries with it a sense of pride, responsibility and initiative. However, the AU decision to shoulder the heavy burden of Darfur was advanced by Sudan and its allies within the AU for ulterior motives. Soon after the AU's disciplined and courageous stand on Darfur, the continental body faced mounting odds. The international community also used Sudan's fervent advocacy of a predominant African character of any peacekeeping force in Darfur as a pretext to devolve responsibility to address this challenging situation to the AU member States. The AU intervention in Darfur is mainly confined to: 1. the deployment of a military force to observe the ceasefire arrangements and eventually to protect civilians; and 2. the mediation of a negotiated political settlement of the armed conflict.



UNAMID soldiers Moving onto difficult terrain, August 2009, AFP

Despite the seriousness, determination and courage with which the AU assumed its responsibility in Darfur, it has achieved little success in realizing its overall objectives as set above. The AU's military intervention in Darfur started in 2004 with the dispatch of 300 soldiers into the region under the auspices of AMIS with a mandate to protect the AU team of 150 ceasefire monitors in Darfur.¹¹ As such, the dispatch of the AU contingent in 2004 was meant to oversee the implementation of the *Humanitarian Ceasefire Agreement* signed

in N'djamena on 8th April 2004. In October 2004, the AU upgraded its military presence in Darfur into a full-scale military force of about 3,320 men with an extended mandate to protect humanitarian operations and deter armed groups from attacking civilians.¹²

Because of its small number, lack of essential combat equipment, close collaboration with and perceived dependency on GoS, AMIS lost the confidence of the Darfur insurgent movements as well as the trust of the IDPs and the war-affected communities. On 30th September 2007, the SLA/M insurgents reportedly attacked an AMIS base in *Haskanita* area, Northern Darfur State without warning. They killed ten soldiers and wounded seven others. The attack followed a major GoS military offense against the insurgents and the later accused AMIS of not being neutral and even leaking intelligence to GoS.¹³ As the case with the ongoing attacks against UNAMID, most of the aggressions against AMIS soldiers were carried out in areas under the control of the government and sometimes in proximity of GoS security checkpoints. See Annex Two for a non-exhaustive list of attacks against AMIS force in Darfur between July 2004 and December 2007



UNAMID soldiers convoy traveling in civilian vehicles, AFP

Manipulation of AMIS Mandate

In a typical AU conciliatory manner, the AU Peace and Security Council allowed Sudan – as a concerned country – to play a leadership role in negotiating the terms of AMIS deployment and in drafting the provisions of the AU resolution that authorised this deployment. The AU acceptance that Sudan drafts the terms of reference and exercise veto powers on any amendments of AMIS deployment agreement has sentenced the AU military force in Darfur to premature failure. Because of the AU blanket support to Sudan at the

international level, some of AMIS's deployment conditions were repeated, almost *verbatim*, in consecutive UN Security Council measures that authorised the deployment of the joint UN/AU hybrid military force in Darfur.

Sudan's involvement in negotiating and drafting the terms of the AU resolution that enhanced AMIS presence in Darfur and authorised the deployment of additional troops, (Communiqué PSC/PR/Comm.(XVII) dated 20th October 2004), explains why the AU measures were very broad and too weak to make a real difference in the complicated situation in Darfur. These measures mainly covered areas of "reporting", "observing", "investigating" and "verifying" allegations of violations of practically non-existent arrangements such as the *Humanitarian Ceasefire Agreement* and other difficult to achieve matters such as confidence-building between the warring factions, etc. They only promised to contribute to a secure environment for the delivery of humanitarian relief and the return of IDPs and refugees to their homes. However, the resolution did not make a clear commitment to protecting civilian victims of the armed conflict like IDPs and the war-affected communities or humanitarian operations in the affected areas of Darfur. Instead it provided for "... *protecting civilians whom it encounters under imminent threat and in the immediate vicinity, with resources and capability, it being understood that the protection of the civilian population is the responsibility of the GoS.*"¹⁴

AU Communiqué PSC/PR/Comm.(XVII) has not identified the IDPs and other direct war-affected communities as specific vulnerable groups that need protection and instead it accorded equal status to all the civilian populations in Darfur. This purposeful omission proved to have had profound negative implications on the peacekeeping efforts in Darfur. The use of the generic term "civilian population" whose protection "is the responsibility of GoS" covers all the civilian populations in Darfur including IDPs, war-affected communities and other civilian populations. The war-affected communities, especially IDPs, are prime victims of war crimes, crimes against humanity and other atrocious acts committed by GoS which were described as "... *no less serious and heinous than genocide ...*"¹⁵ The IDPs and war-affected communities should have been, therefore, identified as the most vulnerable civilians in need of UNAMID's direct protection. Indeed protection of the wider civilian population in Darfur is clearly not the responsibility of UNAMID and should be that of GoS.

On the humanitarian workers and operations, the AU resolution decided to "*Protect both static and mobile humanitarian operations under imminent threat and in the immediate*

vicinity, within capabilities."¹⁶ The wording of this provision is restrictive and ambiguous in many respects which weakened AMIS mandate and eventually made it impossible for the AU's small military force to protect victims of the armed conflict in Darfur or to secure the humanitarian operation in the region. This is because the AU efforts were limited to what takes place in its immediate vicinity with available capabilities and that protection of civilians in Darfur, including victims of government and Janjaweed raids, was agreed upon as the responsibility of GoS. The contents of this provision are apparently behind Sudan's fierce objection to any efforts to improve UNAMID's military capabilities in Darfur.

Efforts of the AU to deploy an effective military force into Darfur were also crippled by Sudan's manoeuvring within the AU institutions especially the Peace and Security Council. **Despite its cardinal role in the security and humanitarian crisis in Darfur and the African sub-region, GoS served as a full-fledged member in the first AU Peace and Security Council (2004 – 2006).**¹⁷ Through such tactics, the AU's efforts in Darfur were substantially slowed down and eventually rendered meaningless. The Darfur insurgent movement or concerned civil society groups were not properly consulted during meetings of the AU Peace and Security Council and the whole process was left to the influence of GoS and its allies within AU institutions.¹⁸ On the other hand the lack of financial resources¹⁹ as well as the limited military capabilities of the AU troop-contributing States and the AU's dependency on donor funds to finance its peacekeeping operations have severely limited AMIS role in Darfur. Consequently, AMIS could not recruit adequate soldiers from the beginning of its operation in Darfur and it had been unable to dispatch the full authorized contingent of 7,000 soldiers until it was replaced by UNAMID in January 2008.²⁰

UNAMID: Mandate and Composition

External military intervention in Darfur is currently under the auspices of UNAMID²¹ which was agreed upon as a result of compromise between the AU and the UN. UNAMID establishment was driven by fierce objection from Sudan and its allies to the deployment of UN-sponsored international military force in Darfur that could include combat troops from Western European countries.²² UNAMID came into existence following mounting concerns about the inability and ineffectiveness of AMIS in addressing the situation in Darfur. These concerns were translated into the decision of the *UN Department for Peacekeeping Operations* to develop a three-phased approach to augment AMIS when

it has recommended – for the first time in the history of the UN-sponsored peacekeeping operations – the establishment of a joint UN/AU peacekeeping operation in Darfur.²³ This recommendation was endorsed by the *AU/UN High-Level Consultative Meeting* held in Addis Ababa in November 2006²⁴ thus paving the way for the adoption of UN Security Council resolution 1769 (2007) which authorized the deployment of UNAMID.²⁵

The mandate of UNAMID is so broad and comprehensive that it has the effects of overstressing the peacekeeping effort beyond its operational capacity. UNAMID's mandate was designed in a manner that dilutes and diminishes the peacekeepers' presumed basic role and primary objective of providing physical protection to the civilian victims of violence and military action in Darfur such as the IDPs.²⁶ The mandate includes, *inter alia*, the protection of civilians in addition to contributing to security for humanitarian operations, monitoring and verifying implementation of ceasefire agreements, assisting an inclusive political process, contributing to the promotion of human rights and the rule of law, helping to secure environment for economic reconstruction and development, monitoring and reporting on the situation along the borders with Chad and the Central African Republic.²⁷ Furthermore UNAMID was required – as a main task – to support the mediation efforts for peace in Darfur and to monitor and prevent non-disruption of the implementation of the DPA and subsequent peace agreements.

In addition to its broad mandate, UNAMID faced a myriad set of operational, logistical and administrative difficulties which severely hindered its efforts and rendered it practically ineffective. Obstacles placed by the GoS and delaying tactics caused UNAMID to lose precious time, enthusiasm and momentum during the early stage of its deployment. Sudan's rejection of the deployment of Western European and Latin American troops in Darfur is behind reluctance of some States to provide UNAMID with the necessary technical expertise and crucial equipment including means of transport, communication, logistics and combat helicopters which are equipments necessary for an effective military operation.²⁸

Lack of competent troops to meet the required numbers of soldiers is another difficulty that UNAMID continues to face to the extent that by mid-2010, or about three years after the UN decision to dispatch UNAMID into Darfur, it has not been able to deploy its full authorized strength of 26,000 military officers and civilian personnel. By April 2010 UNAMID had only been able to deploy 17,157 troops and 1,812 police units.²⁹ These troops were mainly contributed by Sudan's friends and allies from carefully selected countries in Asia

and Africa. There are no convincing reasons or acceptable justification why GoS assumed a selective approach in accepting troops from some countries and rejecting others.

Regarding UNAMID's administrative cadre, some serious discrepancies were also reported. For example the top UNAMID field offices in the three States of Darfur known as Sectors Headquarters are headed by officials from one African country. There are also growing allegations about the impartiality, neutrality and independence of some senior UNAMID Officials. UNAMID's Deputy Joint AU/UN Special Representative for Operations and Management (DJSR) and head of Northern Darfur State Sector is accused of being very close to GoS and an advocate of its political position on issues of peace in Darfur. Treatment of UNAMID's staff, in particular the national staff, is poor which affected their morale and performance. In June 2010, a UNAMID national staff member was arrested and detained by the security forces in El-Geneina. He was interrogated about internal matters related to his work within UNAMID. He was held for two days before being released. UNAMID did not intervene with the security forces and ensure his immediate release as a protected UN staff member.

During the run off to the general and presidential elections held in Sudan in April 2010, it was reported that the former governor of Southern Darfur State, his entourage and armed guard were seen in March 2010 using a UNAMID's helicopter in a political campaign tour to the localities of Buram, Rehid El-Birdi and Sheriea. He was also seen in January 2010 boarding a clearly marked UNAMID helicopter in Um Dukhun after addressing a political rally.

One of the problematic areas that severely affected the performance of UNAMID is that all the aspects regarding its composition, provisions, movement and work in Darfur are negotiated with unwilling partners. In fact UNAMID is now under effective control of GoS which is also responsible for the protection of its soldiers and assets.³⁰ On several occasions GoS prevented UNAMID from visiting certain areas in Darfur, especially when they planned to investigate reports about military activities or *Janjaweed* attacks. Ban on UNAMID flights was reported on repeated occasions including a total ban on helicopter flights for two weeks in May – June 2010 which severely hindered UNAMID's ability to provide some basic services.³¹

On some occasions the GoS went as far as disguising its military vehicles and combat helicopters using the same colours and signals used by UNAMID forces which caused confusion and alarm among the humanitarian community.³² The difficulties that UNAMID faced in Darfur have considerably reduced its ability to assume its functions effectively and to demonstrate a strong will to generate the required change on the situation on the ground in Darfur, in particular with regard to the protection of IDPs and the war-affected civilians. In fact, UNAMID soldiers are losing confidence and trust in the IDPs and the war-affected populations. Often these soldiers encounter angry demonstrations or have been victims of stone-throwing IDPs while their properties and vehicles were burned or destroyed. They also have to cancel planned operations or reduce their movements and the ability to intervene in some areas of Darfur fearing retaliatory action from the IDPs.³³

Increase in the number and frequency of incidents of aggression against UNAMID soldiers and personnel including, killings, armed attacks and stone-throwing indicate that UNAMID is disdained, resented and mistrusted by all the stakeholders in Darfur including the IDPs and the war-affected civilian populations as well as the Darfur insurgent groups and the GoS whose soldiers had launched the first ever armed attack against UNAMID in January 2008.³⁴

It appears that the warring parties in Darfur, especially GoS is using its position in control of the situation and the work of UNAMID to send warning signals to the international community and to certain troop-contributing countries through the killings and intimidation of their soldiers. It is believed that the effect of such strategy is to force the troop-contributing countries to change their positions or soften their stands on legal and political issues confronting GoS such as the arrest warrants issued by the International Criminal Court (ICC) against government officials, including the President of Sudan, or to silence calls for a just and viable political solution at the Darfur peace negotiations.

Protection of Humanitarian Operations

In the area of facilitating smooth inflow of relief material and operations in Darfur, UNAMID's contribution is disproportionate with the need for protection of humanitarian operations and security of aid workers. Targeted assassinations, intimidation, abduction and hostage-taking in addition to arbitrary expulsion of relief workers from Darfur have seen

a disturbing increase in the last two years. Mounting insecurity in Darfur has forced many relief organisations to restrict their presence in the region, cut down staff and reduce the service rendered to the needy people. UNAMID has not been able to persuade GoS to change its particularly unfriendly attitude towards the international relief efforts in Darfur or propose alternative models to ensure delivery of relief material to the needy people.

GoS's hostile policy towards humanitarian organisations and relief agencies has been demonstrated in the intensification of the expulsion of relief organisations from the country in a systematic manner since March 2009. Restriction of movement of aid workers and access to the needy areas in Darfur by delaying or denying the granting of travel permits and entry visas for foreign humanitarian workers are common and appear to be a constant and systematic policy of GoS.³⁵ These restrictions were consolidated with the enactment of the *Organisation of Humanitarian and Voluntary Work Act* of 2006 that imposed a range of restrictions on relief work in the country. This Act grants the *Humanitarian Aid Commission (HAC)* – which is the government authority responsible for implementation of its policy towards aid agencies and organisations – sweeping discretionary powers and authority over the operations of humanitarian agencies and NGOs especially in Darfur.

In March 2009, Sudan expelled 13 international relief agencies from northern Sudan and closed down 3 national human rights and relief organisations, and in January 2010 it expelled 26 relief organisations from the country.³⁶ The agencies expelled in March 2009 are the major relief groups working in Darfur and together they provided health services to over 1.5 million people, water and sanitation as well as food assistance to more than 1 million people.³⁷ In addition GoS imposed restrictions on the movement of UNAMID to deprive them the possibility to deliver humanitarian assistance to the affected population especially in the Jebel Marra area where the fate of more than 100,000 new IDPs' remains unknown since February 2010. The situation has become intolerable and at a high-level meeting held in El Fasher on 5th July 2010, a number of Special Envoys to Sudan "... underscored the need for full humanitarian access and freedom of movement for UNAMID and the humanitarian community. In particular, the meeting stressed the need for the Government of Sudan to lift all restrictions on the use of UNAMID air assets."³⁸

The Sudan Social Development Organisation (SUDO), which is one of the three national organisations that were shut down by GoS in March 2009, has challenged the

government decision in courts of law. On 21st April 2010 the *Khartoum Administrative Appellate Court* ruled that the GoS's decision to revoke SUDO's registration has no legal ground and that HAC has no authority to dissolve SUDO. The Court ruled that all subsequent acts imposed on SUDO are null and void and ordered GoS to allow SUDO to continue its activities as an NGO registered according to existing Sudanese law. GoS is yet to return SUDO's property or allow it to resume its work. The continuing expulsion of NGOs from Darfur and closure of national human rights advocacy organisations does not only deprive people in need of humanitarian assistance of live-saving material like food, medicine, shelter, clean water and sanitation, but it also jeopardises human rights protection, monitoring and reporting in the region.³⁹



UNAMID speaks to internally displaced persons (IDPs) in Abu Shock IDP camp.

Support to the Peace Process

UNAMID's influence and contribution to the peace process in Darfur remains minimal. At present a new round of political negotiations on peace in Darfur is taking place in Doha. Issues of security and ceasefire arrangements are some of the key areas to be addressed during these talks. UNAMID has been invited by the Mediation Team on Darfur to lead discussion on the relevant security protocol. In this capacity, a UNAMID's representative addressed the participants at the Doha talks earlier in July 2010 and publically assumed a pro-government posture. He asked the representatives of Darfur IDPs to join a specific rebel movement. In light of its performance in Darfur in the last two years there is plausible cynicism about the ability of UNAMID to come up with a sound proposal

acceptable to all the parties and which could make a radical change in the situation on the ground.

One of the areas of UNAMID's contribution to the peace process has been assistance in the transportation of the insurgent military field commanders and civil society representatives from Darfur to attend the ongoing talks in Doha. Some of Darfur's insurgent movements complained that the logistic support provided by UNAMID has created difficulties for them and that the transport of their field commanders outside Darfur purges the region of trained senior commanders. Inability of the field commanders to return to their areas in turn leads to a surge in criminal acts committed by undisciplined soldiers or by pro-government militiamen in areas under their control. UNAMID usually airlifts the rebel military commanders from Darfur without passports or proper documentation. With very few exceptions, all the insurgent military field commanders airlifted by UNAMID could not find their way back to Darfur either because UNAMID refused to do so or because they are not in possession of passports and valid travel documents or do not have logistical means to return to Darfur on their own. At present most of the political negotiators representing the Darfur insurgent movements and all their military field commanders that were brought by UNAMID from Darfur and elsewhere to the political talks in Doha are practically held hostages because they do not have valid passports or travel documents to allow them to return to Darfur or to go anywhere else. They are now left without option but to sign any peace agreement with GoS in order to be able to return to Sudan and Darfur.

Another area of concern is that the Doha peace negotiations are not inclusive of all the insurgent movements, manifestly disingenuous and are marred by uncertainty and mistrust. Although in February 2010 JEM and GoS signed two agreements (Goodwill Agreement signed on 17th February 2010 and the Framework Agreement signed on 23 February 2010) the two agreements were not fully honoured or violated within days of their signing. The Framework Agreement provided for ceasefire clauses which were repeatedly violated within weeks of their entry into force. The GoS and JEM have practically abandoned the Framework Agreement as they could not agree on a final peace accord by 15th March 2010 which they had wilfully agreed upon as final deadline to sign a peace agreement.

Earlier in June 2010, JEM suspended its participation in the Doha peace talks due to what they considered as biased behaviour of the Mediation Team and the host country in

favour of GoS and because of renewed government military attacks against its positions in Darfur. In the absence of genuine attempts to investigate these accusations or to address them and provide measureable assurances on the compliance of the parties with the agreed upon ceasefire arrangement, the Mediation Team and the host country insisted that all the parties take part in the negotiations under the present arrangements. Encouraged by the silence and inaction of the international community or UNAMID, GoS started vilifying and incriminating the disgruntled insurgent groups and asked the Interpol to issue arrest warrants against some of their leaders. This new development complicated the process further and diminished the chances for intervention to ensure the participation of the concerned insurgent group.

The ongoing political negotiations in Doha are between GoS and an umbrella group of conflicting splinter insurgent movements known as the *Liberation and Justice Movement* (LJM) which was created in Doha in February/March 2010. There are fears that the LJM has been created with the full knowledge and approval of GoS as a rival group to undermine JEM. **These particular fears seem to be founded on solid ground and have received credibility by insistence of the Mediation Team, the host country and indeed GoS to negotiate a political solution of the armed conflict in Darfur with two separate insurgent movements in two parallel tracks to be held at the same time and venue in Doha.** The LJM is led by a hitherto unheard of rebel leader and until then UN official, Mr. Eltigani Sessi M. Ateem.⁴⁰ The ongoing process in Doha suggests that a fresh agreement on peace in Darfur is expected between GoS and LJM. If the negotiations process continues in its present form it will not lead to an inclusive and viable peace accord in Darfur and another agreement between GoS and the military active insurgent groups that are not part of the Doha process, especially JEM, would be inevitable. Any such future agreements also mean that previous political arrangements in Darfur were discarded and new rebel leaders will show up as a result of the new arrangements.

The DPA which was signed in 2006 is no longer a political option for peace in Darfur. In reality, it has been a long time since the DPA was scraped by GoS and the international community to cater to the changing dynamic of the armed conflict in Darfur and to give room to the new leaders that are engaged in the ongoing political negotiations in Doha. **The last straw on the DPA was nailed with the formation of the post-election government that was announced in Khartoum in June 2010 and from which the SLAM**

faction led by Mr. Minni Minnawi – the only main Darfur insurgent leader who signed the DPA with GoS in 2006 – was excluded. Mr. Minnawi himself was relieved from all his official functions as Senior Assistant to the President of Sudan and Chairperson of Darfur Transitional Authority. No other representatives of his movement were appointed in any of the constitutional positions both at the central government and the States' governments in Darfur.

Conclusion and Recommendations

The armed conflict and associated humanitarian crisis in Darfur have entered their seventh year without hope that they will come to an end in the near future. Because of this conflict several million people, mainly civilians including women and children, were totally uprooted and forced to languish as IDPs in miserable camps in Darfur and other parts of Sudan or to seek refuge across Sudan's international borders.

The number of IDPs and war-affected communities is increasing because of renewed fighting. IDPs live on meagre provisions of life-saving relief material, shelter, clean water and sanitation while some vital services in some localities have ceased to exist after GoS expelled major humanitarian organisations. The continuing expulsion of relief agencies and inability of those groups remained in the region to do their work effectively is an indication that a humanitarian crisis of large-scale could be building-up in many parts of Darfur.

The overall security situation in Darfur is so dangerous and so fragile that it could further degenerate into anarchy unless efforts for a negotiated political resolution of the conflict are accelerated. The armed conflict in Darfur threatens stability and peace in other parts of Sudan and represents a potential menace to security in the African sub-region. Genuine political settlement of the conflict in Darfur should, therefore, be considered a top priority.

Protection of civilian populations in Darfur and the creation of conditions conducive to the return of IDPs and refugees to their areas of origin, including disarmament of the *Janjaweed*, creating humanitarian corridors and no-fly zones, should be the top priority in the short run.

Ongoing efforts of the international community in Darfur are unlikely to succeed as most of the key recommendations made by the UN Security Council and the AU Peace and Security Council, including those concerned with political, diplomatic, military, humanitarian, human rights and legal matters, have been sabotaged by GoS. Some crucial recommendations concerning an end to military operations in Darfur, disarmament of the *Janjaweed* and protection of the civilian populations have been systematically ignored by Sudan.⁴¹

The deployment of UNAMID in Darfur has played a positive role in creating relatively improved life conditions in areas of their presence. Yet the effect of UNAMID's presence on the overall situation in Darfur is very limited and the situation in many parts remains precarious because of UNAMID's weak capabilities and inability to cover the whole region.

The responsibility to ensure physical protection of UNAMID soldiers and to enable them to carry their mission effectively is the shared responsibility of the AU, UN and GoS. AU member States should not accept that their soldiers and police in Darfur are assassinated, betrayed and humiliated in this intolerable manner. They should send a decisive signal to the warring parties in Darfur by withdrawing any diplomatic and political support so far they generously offered to them.

The UN member States should mobilize their efforts and determination to put an end to the ongoing tragic situation with or without the approval of the warring parties in Darfur. The warring parties in Darfur, and in particular GoS, should make a choice and take a decision to end all military operations in Darfur, withdraw its security forces from the region, disarm the *Janjaweed* and end obstruction of relief efforts as a confidence-building measure until a final peace agreement is reached.

The deteriorating security situation, military activities, violence and criminal acts committed against humanitarian workers in Darfur and the premeditated targeting of UNAMID soldiers are compelling reasons for the UN Security Council to reconsider a thorough review of the mandate of UNAMID before its renewal in July 2010.

UNAMID mandate should be focused on the protection of IDPs and war-affected communities as the most urgent need at present. All other important tasks that UNAMID currently required to undertake should be entrusted to other specialized bodies. These tasks include the support to economic development and reconstruction projects, monitoring and reporting on the situation along the borders with Chad and the Central African Republic and above all the implementation of practically non-existent peace agreements and ceasefire arrangements including the DPA.

Annex One: Non-exhaustive list of aggressions against UNAMID forces (January 2008 – July 2010)

Date	Area/location, state	Description of the incident; circumstances	Killed Soldiers	Injured Soldiers
07.01.2008	Umm Baru – Tine, Northern Darfur State	Sudanese armed forces attacked a clearly marked UNAMID convoy carrying food and fuel to an outpost near Tine. A diesel truck and an armed personnel carrier were damaged in the attack.		
28.05.2008	El Fasher, Northern Darfur State	John Kennedy Okecha, an Ugandan police officer was found dead with bullet wounds in his vehicle.	1	
08.07.2008	Um Hakibah, Gusa Jamat and Wadah, Northern Darfur State	7 UNAMID soldiers were killed and 22 were wounded when a joint police and military patrol was ambushed by at least 200 attackers. Ten vehicles were destroyed or taken during the attack. The victims are Charles Kabera, Nzitonda Bisukiro, Janvier Burasiyo, Theogene Murindabigwi and Emmanuel Sempundu, Rwanda; Julius Osega, Uganda; and Joseph Dawson, Ghana.	7	22
16.07.2008	Forobaranga, Western Darfur State	Shehu Abdullahi Gada, a Nigerian company commander serving with UNAMID was killed by unknown gunmen while he was on patrol.	1	
06.10.2008	Southern Darfur State	Kwari Vincent, a Nigerian peacekeeper was killed in an attack on his convoy.	1	
05.03.2010	Katila, Edd al Fursan, Southern Darfur State	Gunmen ambushed a UNAMID patrol. Two Egyptian peacekeepers were killed and three others were wounded.	2	3
07.03.2010	Jebal Marra area	Two UNAMID peacekeepers that had been missing following an ambush returned to their base after two days lost in the desert.	0	0
07.05.2010	Katila, 85km south of Ed Al Fursan, Southern Darfur State	A military convoy from UNAMID's Egyptian contingent was ambushed by a group of unidentified armed men who indiscriminately opened fire without warning. Two peacekeepers were killed in action and three seriously wounded.	2	3
21.06.2010	Nertiti, Jebal Marra, Western Darfur State.	3 Rwandan soldiers from UNAMID's Protection Force Battalion, were killed while securing civilian engineers working on a UNAMID team site. One soldier was seriously wounded in the attack.	3	1

Annex Two: Non-exhaustive list of aggressions against AMIS forces, (July 2004 – September 2007)

Date	Area/location, State	Description of the incident; circumstances	Killed Soldiers	Injured Soldiers
08.10.2005	Kourabashi, Western Darfur State	A rebel group abducted 18 members of AMIS and later released them after negotiating with the organization. Two Nigerian soldiers were killed in an ambush blamed on another guerrilla force. A third Nigerian soldier died from his injuries after being shot during that attack. Two AU contractors were also killed in the attack.	5	
29.05.2006	Masteri, Western Darfur State	A Nigerian soldier was killed when an AMIS patrol was attacked by armed militia on the road between their camp and Masteri. Two soldiers were wounded during the ambush.	1	2
30.05.2006	Masteri	Between 50 and 60 armed men attacked AMIS base in Masteri leaving five soldiers wounded.		5
19.08.2006	Kutum area (around 80 km northeast of Al-Fasher)	Unidentified armed men attacked AMIS fuel convoy in Kuma area between El Nahud to El Fasher. Two Rwandan soldiers were killed in the attack and three have been wounded.	2	3
10.12.2006	El Fasher	Two Nigerian soldiers were abducted. One was later released but the other was presumed dead.	1	
22.12.2006		AMIS vehicles were carjacked by unknown persons.		
01.02.2007	Kassab refugee camp	An AMIS CIVPOL monitor was shot dead by unknown gunmen who snatched the vehicle in which the officer with two others were riding.	1	
26.01.2007		AMIS vehicles were carjacked by unknown persons.		
05.03.2007	Graida	An AMIS team on administrative duty, two AU Protection Force soldiers (Nigerian) were abducted and subsequently killed in an ambush. A third soldier was critically injured. Earlier on the day, the DPA Implementation Officer in El Fasher was surrounded by about 30 SLM/A Minni armed elements and threatened the Officer-in-Charge of the facility.	2	1
31.03.2007	Kurni, Jebel Marra	Gunmen targeted an AMIS helicopter carrying the Deputy Force Commander, Brig. Gen. Ephreim Rurangwa and his entourage.	0	0
01.04.2007	Umbaro, Chad border, Northern Darfur State	Five AMIS Protection Force soldiers from the Senegalese contingent were killed while they were guarding a water point in Umbaro.	5	0

10.04.2007	Sortoni, Northern Darfur State	Corporal Leonard Munyaneza, a Rwandan soldier, was ambushed in Salutoni; Kabkabiya Sector IV of Darfur. Two other Rwanda Defence Forces (RDF) soldiers sustained injuries.	1	2
15.04.2007	El Fasher, Northern Darfur State	Unidentified gunmen killed a Ghanaian soldier and carjacked his car within yards of AMIS headquarters.	1	
30.09.2007	Haskanita, Southern Darfur State	About 1,000 SLA rebels attacked AMIS base a police officer from Senegal, two military observers from Botswana and Mali and seven soldiers from Nigeria. Seven peacekeepers were seriously wounded.	10	7

Endnotes

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- ¹⁷ Sudan was elected member of the first AU Peace and Security Council at the 4th Ordinary Session of the Executive Council held in Addis Ababa, in March 2004. For list of members of the first session of the AU Peace and Security Council go to <http://www.africa-union.org/root/au/organs/psc/Resultats%20des%20elections%20Eng.htm>
- ¹⁸ Unlike other similar institutions, the AU Peace and Security Council allows interested African civil society organizations and groups directly concerned to contribute during the proceeding of its meetings and provide unbinding ideas and proposals.
- ¹⁹ To secure logistics, support services and other provisions the AU has to resort to the international donor community. By the beginning of November 2004 the AU sources indicated that out of the estimated US\$ 221 million to meet the cost of deploying the AU troops in Darfur the international community pledged only US\$ 114.9.
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