HUMANITARIAN ASSISTANCE IN COMPLEX EMERGENCIES: Case Study of Darfur, Sudan

BY
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A Thesis Submitted in Partial Fulfillment of the Requirements for the Award of a Masters Degree in International Relations

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SCHOOL OF ARTS AND SCIENCES

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By:
Luluwa Khermohamed Ali

January 2007
DECLARATION

I declare that this Thesis is my original work. It has not been published or presented in any other University or learning institution other than to USIU-A for academic credit. All material herein obtained from other sources has been acknowledged.

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SIGNATURE.................................................. DATE..............
PROF. MATHEW BUYU Ph.D
DEDICATION

My special gratitude go to my Professors, Ambassador. Dr. Phillip Mwanzia and Dr. Cirino Hiteng who have been instrumental in nurturing and developing my understanding of the different dimensions of the study of International Relations and hence making it possible for me to confidently undertake this research.

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Thank you All!
# Table of Contents

Abbreviations and Acronyms ................................................................. 5  
Abstract .................................................................................................. 6  
Introduction .............................................................................................. 6  
Background to the Problem ....................................................................... 7  
Map of Sudan ............................................................................................ 9  

1. Chapter One ......................................................................................... 10  
1.2 Introduction to the Darfur Crisis ............................................................ 10  
1.3 Background to the Problem .................................................................. 11  
1.4 Problem Statement .............................................................................. 13  
1.5 Objectives of the study ......................................................................... 13  
1.6 Rationale for the Study ........................................................................ 13  
1.7 Hypotheses .......................................................................................... 15  
1.8 Operational Definition of Key Terms .................................................... 15  
1.9 Literature Review ................................................................................. 17  
1.9.1 Theoretical Framework .................................................................... 22  
1.9.2 Methodology ................................................................................... 30  

2. Chapter Two: Causes, Nature and Dynamics of the Darfur Conflict ............ 31  
2.1 Overview of the Conflict ...................................................................... 31  
2.2 Roots of the Darfur Conflict .................................................................. 39  
2.3 The Immediate Political Triggers of the Conflict ...................................... 44  
2.4 Internal and External Dynamics of the Darfur Crisis ............................... 49  

3. Chapter Three: Case Studies .................................................................... 61  
3.1 Introduction .......................................................................................... 61  
3.2 Factors behind Humanitarian Actions in Somalia and Rwanda ................ 65  
3.3 A Critical Assessment of Humanitarian Actions in Somalia and Rwanda .... 68  
3.4 A Case for Humanitarian Intervention in Darfur: Essence of the African Union Mission in Darfur (AMIS) ........................................................ 73  
3.5 Darfur Humanitarian Access Map – January 2007 .................................. 81  


5. Chapter Five: Summary, Recommendations and Conclusions .................. 108  
5.1 Summary ............................................................................................ 108  
5.2 Recommendations ............................................................................... 109  
5.3 Conclusions ......................................................................................... 111  
Bibliography .............................................................................................. 114
### Abbreviations and Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
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<tr>
<td>AMIS</td>
<td>African Union Mission in Sudan</td>
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<td>AU</td>
<td>African Union</td>
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<td>CPA</td>
<td>Comprehensive Peace Agreement</td>
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<td>ERC</td>
<td>Emergency Relief Coordinator</td>
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<td>GA</td>
<td>General Assembly</td>
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<td>GOS</td>
<td>Government of Sudan</td>
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<td>ICG</td>
<td>International Crisis Group</td>
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<td>IDP</td>
<td>Internally Displaced Person</td>
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<td>IGAD</td>
<td>Inter Governmental Authority on Development</td>
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<td>I/NGOs</td>
<td>International/Non Governmental Organization</td>
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<td>JAM</td>
<td>Joint Assessment Mission</td>
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<td>JEM</td>
<td>Justice and Equality Movement</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>OCHA</td>
<td>Office for the Coordination of Humanitarian Affairs</td>
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<td>OHCHR</td>
<td>Office for the High Commissioner for Human Rights</td>
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<tr>
<td>SLA/SLM</td>
<td>Sudanese Liberation Army/Movement</td>
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<td>UN</td>
<td>United Nations</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNJLC</td>
<td>United Nations Joint Logistics Centre</td>
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<td>UNSC</td>
<td>United Nations Security Council</td>
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<td>WFP</td>
<td>World Food Programme</td>
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Abstract

Introduction

Darfur has been embroiled in a deadly conflict for a full three years. At least 200,000 people have been killed and more than 2.5 million innocent civilians including women and children have been forced to flee their homes and are now hosted in internally displaced camps in neighbouring eastern Chad. In addition, more than 3.5 million men, women and children are entirely reliant on humanitarian assistance for survival.

Since early 2003, Sudanese armed forces and Sudanese government-backed militia known as “Janjaweed” have been fighting two rebel groups in Darfur, the Sudanese Liberation Army/Movement (SLA/SLM) and the Justice and Equality Movement (JEM). The stated political aim of the rebels has been to compel the government of Sudan to address under-development and the political marginalization of the region. In response, the Sudanese government’s regular armed forces and the Janjaweed—largely composed of fighters of Arab nomadic backgrounds—have targeted civilian population and ethnic group from which the rebels primarily draw their support—the Fur, Masalit and Zaghawa. Not since the Rwandan genocide of 1994 has the world seen what observers describe as a calculated campaign of displacement, starvation, rape and mass slaughter.

In early 2006, the United Nations High Commissioner for Refugees described the situation in Sudan and Chad as “the largest and most complex humanitarian problem on the globe”.

The problem statement here is; what makes Darfur a unique complex emergency? What other humanitarian situations can be compared to that of Darfur? And, what therefore are the factors affecting humanitarian assistance in Darfur? Also, the fact, that the Darfur situation has been termed as genocide by some countries such as the United States also warrants further investigations.

1 UN, Daily Press Briefing by the Office of the Spokesman for the Secretary-General-www.un.org
This study aims at making a critical evaluation of humanitarian actions in post-cold war Africa with specific reference to the two cases of Rwanda and Somalia. However, it is imperative to discuss the factors and events that led to humanitarian intervention in Somalia and Rwanda in the last decade. As was discussed earlier in the paper, the legal basis of humanitarian intervention is compromised from the start. This is because the United Nations Charter very strongly upholds the norm of non-interference with the internal affairs and territorial integrity of any member state. In the same vein, the decision as to when the pacific settlement of disputes should change to a full scale military operation in order to avert genocide and restore peace and order is the prerogative of the Security Council in the top organ of the United Nations system. None of the countries, such as those from the African region (including Somalia and Rwanda) is represented hence, their position(s) are thought to be highly compromised and it is only logical to observe that; it is the needs and wants of the western countries that drive their intervention into conflicts such as those that were or continue to be in Somalia and Rwanda.

This study makes a strong case using illustrations and case studies of humanitarian assistance in complex emergencies and the legal requirements and obstacles, challenges faced while undertaking this. The study also looks at a critical evaluation of humanitarian response in Darfur since the beginning of the insurgency.

Background to the Problem

In 2002, a rebel group sprang up in the Darfur region of western Sudan. This group was originally known as the Darfur Liberation Movement but later transformed itself into the Sudan Liberation Army/Movement.

Since early 2003, Sudanese armed forces and Sudanese government-backed militia known as “Janjaweed” have been fighting two rebel groups in Darfur, the Sudanese Liberation Army/Movement (SLA/SLM) and the Justice and Equality Movement (JEM). The stated political aim of the rebels has been to compel the government of Sudan to address under-development and the political marginalization of the region. In response,
the Sudanese government’s regular armed forces and the Janjaweed—largely composed of fighters of Arab nomadic backgrounds—have targeted civilian population and ethnic group from which the rebels primarily draw their support—the Fur, Masalit and Zaghawa.

The Bush Administration has recognized the Darfur atrocities—carried out against civilians primarily by the government of Sudan and its Janjaweed militia—as genocide. The norms of sovereignty, non-intervention, and self determination which are considered essential factors in the maintenance of peace and international security have limited intervention to contain the Darfur crisis. It is however argued, that the principles of sovereignty and non-intervention cannot shield governments or other perpetrators of gross violations of human rights. It follows that where there are widespread deprivations of internally recognized rights, this entails a moral obligation on the part of the international community to take action. The principles of sovereignty and non-intervention are not a moral bar to such action. Under international law, parties to an armed conflict have a responsibility to take all feasible steps to ensure the protection of civilians.

With much international pressure, the Darfur Peace Agreement (DPA) was brokered in May 2006 between the government of Sudan and one faction of the Darfur rebels. However, deadlines have been ignored and the violence escalated, with in-fighting among the various rebel groups and factions dramatically increasing and adding a new layer of complexity to the conflict. The violence has made it dangerous, if not impossible, for most of the millions of displaced persons to return to their homes. Humanitarian aid agencies face growing obstacles to bringing widespread relief. In August 2006, the former UN Emergency Relief Coordinator (ERC) Jan Egeland stated that the situation in Darfur is “going from real bad to catastrophic.”
Map of Sudan
1. Chapter One
1.2 Introduction to the Darfur Crisis

For more than 20 years, Sudan has adversely been impacted by armed conflict coupled with famine and disease largely associated with the civil war between the Government of Sudan (GOS) and the Sudan People’s Liberation Movement/Army (SPLM/A). Since now ended war, between the north and the south, began in 1983, more than two million people have died, and an estimated 628,000 Sudanese have sought refuge in neighboring countries and nearly four million people have been internally displaced, creating the largest internally displaced person (IDP) population in the world. As of December 2005, the IDP population had soured to an estimated 6.2 million. The death toll in Darfur only now exceeds 200,000, with human mortality poised to increase significantly in the coming months. As of April 2006, a total of 3.5 million people were categorized as population in need of humanitarian assistance in Darfur. New population displacements were registered weekly in January 2007 as attacks on villages, sexual violence and intimidation continued to force large numbers of people to move out throughout Darfur. Generalized violence, attacks on humanitarian assets and bureaucratic impediments continued to affect humanitarian operations throughout Darfur. In this fluid context, humanitarian organizations remain on high alert to immediately respond to the emerging gaps.

On January 9 2005, the Government of Sudan and the SPLM/A signed the Comprehensive Peace Agreement (CPA) officially ending Africa’s longest running civil war in South Sudan. With the signing of the CPA, hundreds of IDPs and refugees are expected to begin retuning to the villages they originally fled from due to fighting or famine. This has called for massive humanitarian assistance. For example USAID/OFDA and other humanitarian and development agencies aim to provide assistance to the returning population at all stages of the process. These include information and

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4 Affected Populations Report for the Horn of Africa, OCHA RSO CEA, December, 2005
5 Eric Reeves, “Ghosts of Rwanda: The Failure of the African Union in Darfur”, November, 2005
6 OCHA, ‘Fact Sheet on Access Restriction in Darfur and Other Areas of Sudan’, 20 April, 2006
7 OCHA, ‘Sudan Humanitarian Overview’, January 2007
coordination prior to transit, assistance while enroute, water and health facilities, food assistance, and emergency supplies upon arrival.\(^7\)

But Sudan is now faced with yet another deadly and complex conflict situation: the Darfur conflict/crisis. This conflict has raised much humanitarian concern. Furthermore, it stands out as an eminent obstacle to the ultimate achievement of lasting peace in the entire Sudan. It is also a conflict that seems not to have instant solutions at least in the near future.\(^8\) The Comprehensive Peace Agreement (CPA) signed by the government and the SPLM contains provisions and models that could form the basis for a political solution not only for the Darfur conflict but also for the East of Sudan where conditions have been ripe for increased violence. But neither its elements nor the prospect it offers of new players, and eventually new policies, in the central government can have a quick answer for Darfur.\(^9\)

Intense negotiations took place to broker a peace agreement between Abdul Wahid Nur, and Minii Minawi who both head factions of the Sudan Liberation Army (SLA), Khalil Ibrahim of the Justice and Equality Movement (JEM) and the Government of Sudan. The peace talks brokered by the African Union have been calling for the disbandment of rebel forces and the disarmament of the pro-government Janjaweed militia.

1.3 Background to the Problem
In 2002, a rebel group sprang up in the Darfur region of western Sudan. This group was originally known as the Darfur Liberation Movement but later transformed itself into the Sudan Liberation Army/ Movement. The conflict in Darfur pits the pro-GOS \textit{Janjaweed} militias and the indigenous African Muslims. It is believed that the Government of Sudan backs the Arab militias who are out to drive African farming communities from their arable land.\(^10\)

\(^8\) Ibid
According to the United Nations, the fighting in Darfur, which has been ongoing for three years, has displaced nearly 2.5 million people. The UN further added that the conflict has caused the world’s worst humanitarian crisis. The conflict presents itself in a state of affairs in which the rebels continue to accuse the government of neglecting the poor region and arming Arab militias to loot and burn villages- a charge that Khartoum continues to deny.11

Neighboring Chad is host to more than 200,000 refugees from Darfur. Efforts by Chad to intervene and broker peace between the rebels and the government earned fruit after several attempts when the two warring parties signed a fourth-five day cease fire brokered by the African Union. However, the cease-fire remained fragile with accusations and counter accusations from both sides of cease-fire violations.12 In addition, the refugees in eastern Chad despite refuge continue to remain vulnerable to Janjaweed predations during the dry season.

Three years into the crisis in Darfur, the humanitarian, security and political situation has deteriorated. Atrocious crimes continue with people dying in large numbers from malnutrition and disease and the threat of famine is on the loom. The general contention is that the international community is failing to protect civilians or influence the Sudanese’s government to do so. This way the Darfur crisis has captured the world’s attention as a humanitarian catastrophe but the international community has been unable to halt the violence and the mounting death toll.13

Generally, the international approach to the crisis in Darfur has been defined by tough rhetoric followed by half measures and reaction. This general lack of resolve has ensured that widespread attacks against civilians have been conducted with impunity as the growing humanitarian situation continues to take a heavy toll by any calculation.14

11 These issues are also well discussed in, “Darfur Rising: Sudan’s New Crisis” ICG Africa Report No.76 Nairobi/Brussels 25th March 2004.
12 Ibid
13 Ibid
14 Ibid
1.4 Problem Statement
According to the United Nations World Food Programme (WFP), Darfur presents a massive humanitarian crisis. It further terms the plight of Sudanese refugees as “tragic”. This is a conflict that has spiraled out of control and has thus resulted in many deaths and the displacement of hundreds of thousands of civilians in Sudan, while many others have fled into neighboring Chad\textsuperscript{15}. The conflict in Darfur presents a very complex situation with complex problems and understanding of which seems to have been already made difficult by the propaganda, which invariably accompanies war. The conflict is complex due to the fact that there are many dimensions to it: regional, national and international\textsuperscript{16} which therefore makes the situation in Darfur requiring scientific investigation. The problem statement here is; what makes Darfur a unique complex emergency? What other humanitarian situations can be compared to that of Darfur? And, what therefore are the factors affecting humanitarian assistance in Darfur? Also, the fact, that the Darfur situation has been termed as genocide by some countries also warrants further investigations.

1.5 Objectives of the study
Four major objectives guide the study. These include:

1. To examine in detail the nature of the Darfur Humanitarian Crisis.
2. To carry out a comparison of Darfur and other contemporary humanitarian crises.
3. To critically analyze factors affecting humanitarian assistance and the protection of civilians in Darfur.
4. To chart out the way forward for humanitarian action in complex emergencies especially in the African region.

1.6 Rationale for the Study
An enquiry into the factors affecting humanitarian assistance in Darfur is an undertaking that is worthy. When Darfur and the term genocide are mentioned, the nearest event that

\textsuperscript{15} See Africa Confidential 30\textsuperscript{th} April 2004, vol. 45 No. 9, pp.1.
\textsuperscript{16} Richard Cornwell analysed the situation in “Darfur Crisis Has Complex Roots with No Immediate Solution”. He is a researcher at the South African based Centre for Strategic Studies. More information can be found at http://www.voa.news.com/
comes to mind is the 1994 Rwanda Genocide. Rwanda is a black spot in human history because it is believed that it is a repetition of Hitler’s Massacre/genocide against Jews- an event that saw the bloodiest and harshest war and human atrocities in history. The Rwanda tragedy was largely blamed on the world’s community (led by the United Nations) failure to intervene in time and avert a humanitarian crisis. As though this was not enough, we are facing the same situation now in Darfur!

A study of the Darfur crisis presents both academic and policy justifications. First and foremost the Darfur conflict is on-going and its end is unpredictable. Very few secondary (scholarly writings) sources can be found. Most of the literature is to be found in Reports, Journals, Newspapers, Magazines and a few selected books. In other words, the Darfur crisis is a phenomenon that presents new challenges as far as the theory of conflict on one hand is concerned and the nature and dynamics of humanitarian assistance and/or intervention as a field of study on the other hand is concerned.

Such an exercise would bring into the limelight the major issues in the conflict. Furthermore, the limited information on Darfur has been noted and acknowledged. United Nations media sources, for example, have noted “a lack of accurate information on the conflict” and Reuters have also stated “it is hard to independently verify claims by government or rebels involved in the conflict in Darfur.”

As far as the policy angle is concerned, the Darfur situation seems to be a puzzle that various state and non-state actors appear not to be able to solve. At the local level, there are groups entangled in a protracted conflict while at the regional level, neighboring countries seem to have their own view as well as interests as far as the conflict is concerned. Regional integrated bodies such as the Inter-Governmental Authority on Development (IGAD) and the African Union (AU) have also taken several measures to


18 More on this state of affairs can be found at http://www.darfur information.com/
address the humanitarian situation in Darfur. Nevertheless, none of these efforts seems to have the panacea to the crisis.

This study will hence act as an 'eye opener' to the nature of various actors with specific reference to the major obstacles in the way of the management of the conflict as well as the dire need for continued and unhindered humanitarian assistance. The study also seeks to chart the way forward in terms of policy solutions to the crisis. In all, it acts as an exercise exploring new or improved policy alternatives and courses of action as far as how stakeholders can single out the major issues surrounding complex humanitarian situations and how to deal with them, now and in the future.

1.7 Hypotheses
The researcher identifies the following sensitive conclusions to guide the investigative process for the study. It is hypothesized therefore that:

1. Government of Sudan is likely to be the major obstacle to peace in Darfur.
2. External actors could be the major factor behind the complexity of the humanitarian crisis in Darfur.
3. The Darfur conflict is affected by multiple factors that are largely, intertwined.
4. UN-led armed intervention will provide a lasting solution to the Darfur crisis

1.8 Operational Definition of Key Terms

Conflict
A conflict arises when two or more parties have incompatible goals about something. In a simple conflict, for example, between two people, the incompatibility arises because they may both have different perceptions, goals, and ideas about how to achieve them. Underlying that situation is a conflict of visions, and often an inability or unwillingness to see the other person's point of view. This incompatibility of goals also defines more

19 Ibid.
complex conflicts, be they organization, communal or international. Political conflicts are those conflicts between groups, and their major characteristic is a high degree of organization. Political conflicts have increased, with the role of the state due to the fact that the state has penetrated all sectors of life. Therefore, even social conflicts are likely to become politicized. 

**Humanitarian Intervention**
It refers to the use of force across state borders (or group of states) aimed at preventing or ending widespread and grave violations of fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied. 

It may also take the form of non-forcible interventions such as the threat or use of economic, diplomatic, or other sanctions; as well as forcible interventions aimed at protecting or rescuing the intervening states’ own nationals. The UN’s operations in Northern Iraq and Somalia, and NATO’s operation in Kosovo have all been termed as humanitarian interventions.

**Humanitarian Assistance**
In the context of this research, the term humanitarian assistance is used to refer to the action by both states and non-state actors which is aimed at addressing the plight of non-combatants during conflict. During war, thousands of civilians mostly women and children are left destitute, hungry, sick and displaced. Various local, regional and international bodies such as Medicine San Frontiers (MSF) and the International Committee of the Red Cross (ICRC) and the Red Crescent Movement “intervene” on humanitarian grounds to supply food, water, shelter and medicine to such civilian populations until a time comes when order is fully restored. Relief assistance may also be undertaken as a result of national disasters and other related catastrophes such as famine,

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21 Ibid
23 Ibid
24 UN Office for the Coordination of Humanitarian Affairs Glossary of Humanitarian Terms in Relation to the Protection of Civilians in Armed Conflict (New York, OCHA Policy Development and Studies Branch, 2003), p.13
earthquakes, floods-tsunamis, hurricanes, fires and epidemics such as Ebola, cholera, etcetera.25

Complex Emergencies
Humanitarian disasters such as famine, earthquakes, epidemics, floods and the like all take the form of emergencies. They are often unprecedented, unexpected occurrences. Nevertheless, such situations may be occupancies of other extraneous conditions. The most serious of such situations is a situation of protracted conflict. Here, there could be a situation where war and/or famine, disease, malnutrition, and mass human exodus take place all at the same time—thereby presenting multiple problems as far as humanitarian assistance is concerned.26

In other words, it refers to a multifaceted humanitarian crisis in a country, region or society where there is a total or considerable breakdown of authority resulting from external conflict and which requires multi-sectoral international response that goes beyond the mandate or capacity of any single agency and/or the ongoing UN country programme. Such emergencies therefore have, in particular, a devastating effect on, particularly, women and children and hence the situation calls for a complex range of responses.27

1.9 Literature Review
The conflict in Darfur has been on for three years now since February 2003. The humanitarian crisis associated with the conflict has been highly publicized and discussed especially within the United Nations and African Union circles. In the same vein, the Darfur question continued to receive scholarly attention during this period. Nevertheless, such scientific enquiry has not been exhaustive. Most of the information on Darfur is to be found in newspapers, magazines, books and reports prepared by selected institutions and individuals. However, these works provide enough grounds for more research in the

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25 Ibid
26 Ibid, p. 6
27 Ibid.
area since it is a factor that calls for multiple solutions and/or answers. It remains an ongoing crisis.

According to the Inter-Agency “Evaluation of the Humanitarian Response To the Darfur Crisis 2004-2005: Observations and Recommendations”; In recent months the international community has come to recognize the Darfur crisis as an ongoing crisis of the protection of human rights within the context of an internal armed conflict and thus subject to international humanitarian law. So far, this recognition has resulted in attention and some resources being paid to finding ways albeit belatedly, to protect the civilians of Darfur from human rights violations including the deployment of African Union (AU) ceasefire monitors and the broadening of their mandate.

The Report further observes that the presence of humanitarian and human rights workers and the AU monitors has inhibited violations, but to a limited extent. The limitations are evident in the upsurge in military activity and displacement in 2004 and 2005 and the fact that women continue to be subjected to sexual violence in the vicinity of IDP camps. It is argued that ‘protection by presence’ in the case of the presence of AU ceasefire monitors, complements but cannot substitute for directed, informed action based on the rights and needs of the affected population. More recent discussions on the issue of increased protection, led to the AU Peace and Security Council (PSC) on 10 March, 2006 to renew AU Mission in Sudan (AMIS) until September and accept the UN transition in principle. Resolution 1663 of 24 March was a clear signal of Council commitment to transition, from the AMIS to a UN peacekeeping operation in Darfur, although some important differences still remain and will become clearer as events unfold.28

Concerning the general state of humanitarian assistance, the evaluation team laid more emphasis on the consolidation of activities, such as more attention being paid to preventive health measures in the more easily accessible areas, and the provision of technical support to international Non-Governmental Organizations (NGOs) undertaking

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28 Security Council Report, Monthly April 2006 Forecast
coordination functions. In their works, the assessment report presented a state of affairs in which the intervention in Darfur has reached a critical juncture.

In another inter-agency paper entitled “Rule of Lawlessness: Roots and Repercussions of the Darfur Crisis” (January 2005): The researchers were keen at examining the long term as well as short-term causes and consequences of the Darfur crisis. This work presents an exhaustive analysis not only of the roots of the conflict, but the nature and dynamics of the same. The paper then further continues to discuss the repercussions of the conflict.

According to Sudan expert Richard Comwell “Darfur Conflict has Complex Roots With No Simple Solution” in http://www.darfurinformation.com/: The fact that is made clear is that for many years the Darfur region was neglected by successive regimes while some key figures in such governments only used the region to enhance their own interests and at the expense of the peoples of Darfur. This then led to underdevelopment. This state of affairs fueled insurgency in the Darfur region with adverse effects as characterized by the on-going conflicts. The Muslim Darfur-based rebels, made up of members of local tribes, say they launched the war to put an end to decades of political marginalization and economic neglect by the Arab-dominated government in Khartoum. The Sudan Liberation Army (SLA) being one of the rebel groups in Darfur, claims that it was following the example of the southern - based Sudan People’s Liberation Army (SPLA), which fought a devastating twenty year war with Khartoum for a similar cause, and was able to force the Sudanese government to begin negotiating for a power and wealth sharing deal.

After taking several key towns from government forces, the SLA linked up with another rebel group in Darfur, the Justice and Equality Movement (JEM), whose members came mostly from the Zagawa tribe. Cornwell’s report goes on to observe that; many Sudanese believe this rebel group was formed as a result of a power struggle in 1999 between Sudanese President Omar Hassan al-Bashir and a former political ally, Hassan al-Turabi. Mr. Turabi, who is a Zagawa, hosted the power struggle, but remained a popular figure in Sudan. In Cornwell’s opinion, the conflict started at least in part, as a power play.
The International crisis group (ICG) has contributed substantial analyses on the Darfur situation. Several reports and evaluative documentation has been released by this international think tank. In; “Darfur Rising: Sudan’s New Crisis” ICG Africa Report No.76; the Group analyzed the history of the current conflict especially the question of militarizing of ethnic groups. Here also, the actors in the conflict were identified and discussed. As a way of conclusion, the Group observed that, “it has taken more than a year of war for the international community to begin to realize that the Darfur crisis requires full engagement”. The Group further recommended that over and above the humanitarian crisis caused by the conflict, it was apparent that a strong, separate international monitored political process between the government and the SLA and JEM insurgencies, tied to an international monitored ceasefire, was needed to stop the bloodshed, after which a long term process of inter-tribal reconciliation would be critical.

In another Report, “Darfur Deadline: A New International Action Plan” (August 2004): The Group undertook to examine and evaluate the humanitarian response in Darfur. The report raised concern that the humanitarian, human rights and political crisis in Darfur remained dire. It was further reiterated that concrete steps were needed immediately from the international community to keep the worst from unfolding. On the same line of argument, the report pointed out that a strengthened humanitarian response was needed at once. A call was made for funding towards the UN appeal in order to produce a major infusion of resources including greatly increased logistical capacity.

Scott Straus’s, “Darfur and the Genocide Debate” African Affairs January/February 2005: examined the major humanitarian issues especially the contentious one to do with, ‘whether the Darfur atrocities are tantamount to genocide’. Scott contends that proponents of applying the “Genocide” label emphasized two points. First, they argued that the events in the Sudan met a general standard for genocide; the violence targeted on ethnic group for destruction, was systematic and intentional, and was state supported. Second, they claimed that under the Genocide convention, using the term would trigger international intervention to halt the violence. Salih Booker and Ann-Louise Colgan from
the Advocacy Group Africa Action wrote in The Nation “we should have learned from Rwanda that to stop genocide, Washington must first say the word”.

On this stand by Colgan and Booker, Scott observes that they made a fair point: during the Rwanda genocide – exactly a decade before Darfur erupted, State Department spokespersons in Washington were instructed no to utter the “G-word” that might commit the U.S government to do something at a time (a year after the Somalia crisis) when President Bill Clinton’s White House was entirely unwilling. As a result, the United States and the rest of the world sat on the sidelines as an extermination campaign claimed at least half a million lives in three months. In the aftermath, many pundits agreed that a critical first step towards a better response the next time would be to openly call genocide, “Genocide”. This is one of the main issue surrounding the intervention debate as far as Darfur is concerned.

In an April, 2006 United Nations Association of the United States of America Occasional Paper titled, ‘Darfur: Genocide in Slow Motion’, Richard S. William draws on the records of journalists, United Nations officials and humanitarian aid workers as well as the testimonies of victims and witnesses to examine the cycle of violence unfolding in Sudan’s Darfur region. He provides a detailed account of how the diplomatic efforts to end the atrocities have failed. Williamson however, concludes that the United States is not without options. He recommends that the US should push for greater NATO involvement to help stop the killing in Darfur and press France and Germany to support NATO enforcement of a no-fly zone over Darfur. He also calls for greater US commitment to diplomatic and other resources to ensure progress at the Darfur peace talks in Abuja, including the designation of a US Special envoy to the talks. Recently, controversy has surrounded proposals for an enhanced NATO role. US President George W. Bush has pushed for a NATO lead (NATO already supports the AU Mission in Sudan (AMIS) with airlift and training). Recent statements from NATO’s Secretary-General Jaap de Hoop Scheffer suggest that the organization would only have an “enabling” role vis-à-vis UN forces.
Gerard Prunier’s recent (2005) publication of the book titled, ‘Darfur: The Ambiguous Genocide’ aims at describing and understanding the massive political, security and humanitarian crisis which has enveloped Darfur since February 2003. Prunier acknowledges that his book does not offer the answer to the Darfur problem but only brings a better understanding of the history of the region, its historical and current relationship with the Khartoum government and the world’s reaction to the Crisis.

1.9.1 Theoretical Framework

*Human rights law* establishes universal rights that every individual should enjoy at all times, in both peace and war. States are obliged vis-à-vis the individual living with their jurisdiction to respect and protect these. The central human rights instrument is the *International Bill of Human Rights*, consisting of the 1948 *Universal Declaration of Human Rights (UDHR)* and the 1966 *International Covenants on Civil and Political Rights (ICCPR)* and *on Economic, Social and Cultural Rights (ICESCR)*. Among the prominent instruments adopted subsequently is the, *Convention on the Rights of the Child.*

*Humanitarian law*, in turn, is the law of armed conflict or the law of war. It is a body of rules which in war time protects persons who are not or no longer participating in the hostilities and which limits the methods and means of warfare – to make war. The central instruments of humanitarian law are the four 1949 *Geneva Conventions* and their two Additional Protocols of 1977. Warring parties, traditionally States in international conflicts, are to comply with the provisions in these instruments. This is one of the crucial problems of existing humanitarian law in the contemporary, that is, post-cold war crisis environment: a growing number of conflicts of different kinds take place within states and involves non state parties, which raises difficult legal and practical enforcement problems.

29 See United Nations Charter 1948
The International Humanitarian Law of armed conflict, usually referred to simply as International Humanitarian Law (IHL), represents "a compromise between humanitarian consideration and military necessity". Its two main branches are concerned with, respectively, the protection of non-combatant persons and vulnerable groups (also referred to as "Geneva Law"), and the regulation of means and methods of combat with the aim of limiting the effects of violence in fighting (the so-called "Law of the Hague").

The center pieces of contemporary humanitarian law are the four Geneva Conventions for the Protection of War victims of 1949 and their 1977 protocols. They build on a series of conventions conceived since the second half of the 19th Century, including the first Geneva Convention of 1864 on Victims of War, adopted at the time of the foundation of Red Cross Movement, and the "Law of the Hague" instruments based on the outcomes of the Peace conferences in the Dutch capital in 1899 and 1907 (ICRC 1996, ch. 9). The Geneva Conventions enjoy virtually universal ratification and are thus among the most widely ratified multilateral treaties. Subsequent instruments include the 1980 United Nations Convention on Prohibitions and Restriction on the Use of Certain Conventional Weapons and various protocols, including the restriction of the use of mines.

The Geneva Conventions and Additional Protocols

Of the four 1949 Geneva Conventions, the first three deal, respectively, with the protection of the wounded and sick in armed forces in the field (I), and at sea (II), and with the treatment of prisoners of war (III). The fourth convention addresses the protection of civilian persons in time of war. All four conventions refer to international armed conflicts between two or more states. These provisions contain the core of humanitarian principles. In essence, common Article 3 stipulates that non-combatant persons:

"Shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or fair, sex, birth or wealth, or any similar criteria. Acts such as the following are prohibited under all circumstances:

"Violence to life and person, in particular murder of all kinds, mutilation, cruel
treatment and torture, taking of hostages, outrages upon personal dignity, in particular humiliating and degrading treatment; the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court. The wounded and sick shall be collected and cared for and an impartial humanitarian body, such as the International Committee of the Red Cross (ICRC), may offer its services to the parties to the conflict. The parties to the conflict should further endeavour to bring into force by means of special agreements, all or part of the other provisions of the present convention” (emphasis added). The application of the provision in Article 3 is not meant to affect the legal status of the parties to the conflict”  

Almost 30 years after the adoption of the four Geneva Conventions, two Additional Protocols were adopted in 1977 to strengthen the original provisions concerning international armed conflict and non-international armed conflict. While the first Protocol strengthens, inter alia, the provisions for the protection of civilians notably women children and sick, in situations of international conflict, the second Protocol elaborates the common Article 3 of all four conventions into a legal instrument of 28 articles dealing with the protection of civilian in non-international conflicts, extending provisions of the Conventions and Protocol to situations of internal armed conflict.

In the open debate of 9 December 2005, Mr. Jan Egeland, former Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator (ERC) reflected upon some of the positive advances that have been made to protect civilians from the ‘scourge of war’ since the inception of the United Nations. He first noted that the sustained engagement of the Security Council (SC) on protection of civilians has had considerable impact. In the last five years all peacekeeping mandates have included protection measures, including the physical protection of civilians under imminent threat of physical violence. Recently, robust peacekeeping measures have been adopted such as in eastern DRC. The sharpened focus of the SC on key protection concerns creates global

33 See, Geneva Conventions 1949
34 Ibid
awareness and builds a culture of protection. Secondly, the enhanced engagement of regional organizations has made a significant difference especially in the context of West Africa and Darfur. Thirdly, humanitarian response has been strengthened. Finally, the establishment of the International Criminal Court (ICC) is a significant step forward to tackling impunity and deterring war crimes and egregious crimes against humanity.\textsuperscript{35} As of April 2006, the resolution on the Protection of Civilians in Armed Conflict was yet to be adopted. However, the UN Security Council referred the situation in Darfur to the ICC in March 2005. The referral gave the ICC jurisdiction to investigate Khartoum’s systematic campaign of atrocities.

\textbf{State Sovereignty and International Law: Right to Assistance and Intervention}

Human Rights Law is governed by the relationship between the State and the Individual living under its jurisdiction. State sovereignty as conceived in the 17\textsuperscript{th} Century Westphalian principles is enshrined in the UN Charter (Article 2). It is also fully respected in contemporary humanitarian law. Additional Protocol II to the Geneva Conventions stipulates that none of its provisions should be invoked for the purpose of affecting the sovereignty of a state. Similarly, no provision should be invoked as a justification for intervening, directly or indirectly, in the armed conflict or in the internal or external affairs of the high contracting party in the territory of which that conflict occurs. It is these principles, which have come under assault in the course of the late 20\textsuperscript{th} century from globalization in all its forms – economic, social, cultural, political and military-, as the world moves in the direction of some kind of (organized or unorganized) regime of global governance.\textsuperscript{36}

As far as humanitarian assistance and relief are concerned, the provisions in humanitarian law, notably in the fourth Geneva Convention and the Additional Protocols, have led many to conclude that “there is an implicit right to humanitarian assistance” which would imply a right to request and receive assistance and relief. Governments which have resources at their disposal must distribute them to populations under their jurisdiction;

\textsuperscript{35} Protection of Civilians in Armed Conflict, United Nations Security Council 5319\textsuperscript{th} meeting, 9 December 2005

\textsuperscript{36} Antonio Tance \textit{Foreign Armed Intervention in Armed Conflict} (Boston, Nihuff Publishers, 1993)
those who do not have them have an obligation to accept resources from other sources. While the obligation to accept assistance can be derived from humanitarian law, there is no symmetric obligation for third States to provide such assistance that can be derived from humanitarian law and some argue that such an obligation should be established in international law.  

The considerations on the right to humanitarian assistance must be seen in the broader context of the rights to life, health, food and protection against cruel and degrading treatment and other human rights which are essential to securing the survival and well-being of the population. The right to humanitarian assistance, even if recognized as an established right, would entail a right or obligation of armed intervention for third States. This has been an issue of intense debate for more than a decade. Both the UN Charter and humanitarian law prima facie exclude such a possibility. They may be other means open to third states than outright military intervention, and if military enforcement measures are resorted to, existing law requires, at least as a general rule, that it is done as a collective operation authorized by the UN Security Council. This “general rule” was certainly not observed in the dramatic events in Kosovo in 1999 and Iraq in 2003.

What underlies the humanitarian intervention debate is a perceived tension between the values of ensuring respect for fundamental human rights and the primacy of the norms of sovereignty, non-intervention, and self determination which are considered essential factors in the maintenance of peace and international security. These values are set out in the United Nations Charter as fundamental purposes of the United Nations. However, while there are mechanisms within the Charter of the protection and enforcement of peace and international security (that is, Article 2(4) and chapter VIII), there are no equivalent provision or mechanisms in the Charter of the protection of human rights.

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37 See also, Kumar Rupesinghe and Naraghi Aderline Civil Wars, Civil peace: An Introduction to Conflict Resolution (sterling, Virginia; Pluto press, 1998)

38 Ibid

39 Danish Institute of International Issues of Humanitarianism (Copenhagen, DIIA, 1999), pp. 14-15

40 Ibid
While many developing states and their academics do not agree with the western emphasis on the individual in current human rights doctrine, it has been put forward by many western states and academics that the development of international human rights norms and international humanitarian law has modified the traditional concept of sovereignty. Thus, it has been suggested that human rights can no longer be considered a purely domestic concern and the concept of sovereignty cannot be used by governments to shield themselves from responsibility for gross violations of these rights, or from shrinking their obligations with respect to the protection and treatment of civilians in situations of intra-state conflict. The suggestion that respect for sovereignty is conditional on respect for human rights has been reflected in the practice of the Security Council.

Article 2(7) of the United Nations Charter prohibits the UN from intervening “in the domestic jurisdiction of any state.” Nevertheless, since the end of the Cold War, the Security Council has availed itself of a “right of humanitarian intervention” by adopting a series of resolutions which have progressively expanded the definition of a “threat to international peace and security” under Article 39 of the Charter to allow for Security Council mandated military intervention to respond to grave humanitarian crises, even where such crises have been purely domestic in nature. It is noteworthy that even where these internal conflicts have had international repercussions, the Security Council had not always made interference to these repercussions in defining a threat to international peace and security.” Murphy argues that the Security Council has a legal right to intervene (or to authorize intervention by a group of states or a regional organization) in another state to protect the latter’s citizens from widespread deprivation of internationally recognized human rights and that such a right is now generally recognized in international law." While there are those who contest this idea, it is arguable that UN-authorized military humanitarian interventions over the past decade reflect an emerging consensus in the international community that respect of fundamental human rights is now a matter of international concern. At the same time, the instances of the Security Council’s inactive

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or lack of timely action in the face of humanitarian crises over the same period show that this “international concern” is often outweighed by political obstacles.42

First, the Security Council is hampered by a lack of political will among its members. The issue of political will was tragically evident in the crisis in Rwanda. An independent investigation of the genocide in Rwanda commissioned by the Organization of Africa Unity (OAU and now AU) recently condemned the Security Council and its members for having the opportunity to prevent the genocide but failing to do so and, point to the role of the United States in blocking the deployment of a more effective intervention force during the genocide.43

Second, effective and consistent humanitarian intervention is made unlikely by the geopolitical realities of relations between the permanent five members of the Security Council, leading to the use of the veto and inconsistent action in the face of humanitarian crises. Such difficulties were revealed, for example, when Russia launched its attack on Chechnya to crush the rebellion (killing and displacing thousands of Chechen civilians in the process and the Security Council took no action). Further, as the ethnic conflict in Kosovo intensified in 1998 and early 1999, it became clear that, while the Security Council had classified the situation as a “threat to peace and security in the region” (UN 1998), Russia and China would exercise their power of veto on any resolution authorizing the use of force in Kosovo.44

For Realists, who perceive relations among states as anarchic, and for pluralists who view international society as a community of sovereign and independent entities, humanitarian intervention is not an option. The Realists argue that the state is the only sphere of morality. Thus states and their citizens have no overriding obligations to the citizens of other states and governments should not risk their soldiers’ lives except for the security and interests of their nation. The pluralists may accept that there exists a universal minimum moral code of intervention that undermines the foundational norms of the

42 Ibid
44 Ibid
current world order. Moreover, both schools point to a lack of consensus on the universality of human rights and on the principles guiding such interventions as providing no clear legal basis for such action.

The concern here is that intervention may present insurmountable challenges to autonomy and self-determination which would preclude a people’s determination of their own political destiny. On the other hand, the solidarists or internationalists perceive human rights universal norms and justice as an important component of international order hence, “human rights values are given as much weight as state system values”. Sovereignty is conditional. It is linked to internal legitimacy and requires governments to respect at least minimally the well-being and human rights of their citizens.

“It follows, then that a state that is oppressive and violates the autonomy and integrity of its subjects forfeits its moral claim to full sovereignty. Thus, a liberal ethics of world order subordinates the principle of state sovereignty to the recognition of the respect of human rights...the principle of an individual’s right to moral autonomy, or to put it differently, to the human rights enshrined in the Universal Declaration on Human Rights, should be recognized as the highest principle of world order, ethically speaking with state sovereignty as a circumscribed and conditional norm.”

Thus, the principles of sovereignty and non-intervention cannot shield governments or other perpetrators of gross violations of human rights. It follows that widespread deprivations of internally recognized rights entail a moral obligation on the part of the international community to take action. The principles of sovereignty and non-intervention are not a moral bar to such action.

47 Smith 1999, p.289
48 Ibid
49 Ibid
50 Ibid
In its article, “Protecting Civilians in Sudan: How far can a “Sovereign” State go?”, the Institute for Security Studies (ISS) believe that weak, failing and poverty-stricken states often use notional borders to preserve the fiction of effective sovereignty. This is certainly true in the case of Sudan and sets the context in which any discussion of intervention on the continent should be placed. Khartoum’s government is invoking sovereignty, firstly, as a veil to hide its brutal campaign against civilians; and secondly, as a shield to fend off calls for international action to protect its victims. While respect for the sovereignty of Sudan must be upheld as a core principle of international law, general principles of international law and the AU Constitutive Act itself provide for inherent limitations on the exercise of this principal, inter alia, where what is at stake is the protection of citizens from exposure to grave and massive violations of human rights in the absence of the willingness or ability of the state to protect. Therefore Sudan, needs to recognize that sovereignty, properly defined, is not a defence against demands for redress of breaches or gross violations of fundamental human rights.

The deteriorating situation in Darfur demonstrates how urgent it is for African leaders and the international community to move the debate of sovereignty versus intervention beyond semantics and to reach a consensus on when a defence of “state sovereignty” is patently unacceptable.

1.9.2 Methodology
The study utilizes mainly secondary sources of data. The target population for the study is made up of mainly the people(s) of Darfur region of Sudan. In addition, the various national, regional and international actors involved in the process of humanitarian assistance for the region also make up a formidable source of information. In this case therefore the researcher examines literature that is relevant to the topic of study. It is the strong belief of the researcher that the information obtained will provide fertile grounds to carry out investigation and make valid and reliable generalizations as far as the factors affecting humanitarian assistance in Darfur are concerned.

ISS, “Protecting civilians in Sudan: How far can a “sovereign” state go?”, 21 February, 2007
2. Chapter Two: Causes, Nature and Dynamics of the Darfur Conflict

2.1 Overview of the Conflict
Darfur presents a very complex situation with very complex problems. There can be no simple analysis of the issue. Darfur is a region located in the western most part of present-day Sudan. Its population is a complex and interwoven ensemble of tribes, both ‘Arab’ and ‘African’. The ‘Fur’ are the key population of the region, which justifies its name to date—'Dar-Fur'. Geographically, the region has a surface of nearly half a million square kilometers (150,000 square miles) and is generally dry without being desert. Darfur is an ecologically fragile area and subject to growing – and often armed – conflict over access to resources such as water and pasture. There has also been considerable armed banditry and criminality within the area with many criminals having access to automatic weapons from Chad and the Central African Republic (CAR). The region has lived in a state of endemic insecurity since the big 1984-5 Sahelian famine. Recurrent clashes between nomads and sedentary peasants had taken place in the region throughout the 1990s. In perhaps the most objective reading of the crisis in Darfur, the UN media service has made this analysis: “The conflict pits farming communities against nomads who have aligned themselves with the militia groups – for whom the raids are a way of life – in stiff competition for land and resources. The militia, known as the Janjaweed, attack in large numbers on horseback and camels and are driving the farmers from their land, often pushing them towards town centers.”

Alex de Waal helps us unpack who are the perpetrators and victims of the conflict. The Darfur rebels including the branches of the northern Rizeigat (Jalul, Mahariya, and Ereigat), Beni Halba, and Salamat, some of whom have been recruited to the infamous Janjaweed militia, remain primarily responsible for the killings in the region. Members of the Fur, Zaghawa, Masalit and Tunjur ethnic groups have been identified as the primary victims of the violence while the Government of Sudan itself has suppressed the rebellion throughout.

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52 “Widespread Insecurity in Darfur Despite Ceasefire” News Article by Integrated Regional Information Networks, UN Office for the Coordination of Humanitarian Affairs, 3 October 2003
What is clear is that just as Sudan was on the brink of resolving its long-running civil war in southern Sudan, another conflict has suddenly appeared – a conflict others see as clearly fanned by external forces and Islamic fundamentalist extremists. It has also become apparent that the Darfur issue has been caught up in the sort of propaganda and misinformation that has characterized previous coverage of Sudan. And for all the SLA’s pretence of pursuing a political agenda, they too partake in the violence. UN news service reported that “SLA rebels regularly attacked and looted villages taking food and sometimes killing people. The attacks present a real threat to people’s food security and livelihoods, by preventing them from planting and accessing markets to buy food.”

The SLA had also sought to suppress opposition within the areas it has sought to dominate by the abduction, for example of tribal leaders.

The gunmen in Darfur claim to be acting because of the region’s alleged underdevelopment. These claims are not immediately borne out of this fact. The Government claims that before it came to power in 1989, there were only 16 high schools in Darfur; there are presently some 250 schools. In 1989 there were 27,000 students in schools; there are now more than 440,000. In 1989 there was not a single university in Darfur; there are now three. There has been a three-fold increase in paved roads since 1989 and politically, Darfur is very well represented at all levels of Sudanese society from the federal cabinet on downwards. The claims made by the rebels to represent all Darfur, and that- that they are fighting because of Darfur-wide “underdevelopment”- are undermined by the fact that the SLA is based almost exclusively upon the Zaghawa tribe. What has become obvious is that whatever legitimate issues may have arisen out of concerns about underdevelopment, they have been hijacked by various opportunistic forces to serve different ends.

Islamic extremists identified with the party of Islamic fundamentalist leader Dr. Hassan al-Turabi are politically involved with the rebels. Dr. Hassan al-Turabi, the leader of the

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54 For example, “Khartoum forces free tribal leaders held hostage in Darfur” Agency France Press, 30th March 2003
55 Ibid
Islamist Popular National Congress (PNC) party, has admitted that 30 members of his party have been arrested in connection with activities in Darfur. Turabi has also admitted supporting the Darfur insurrection: “We support the cause, no doubt about it......we have relations with some of the leadership.” In November 2003, an unnamed PNC official admitted that some party members were involved in the Darfur conflict.

In any instance, it is clear that the gunmen who have caused so much havoc in Darfur have had considerable external assistance. The Sudan Liberation Army was reported by Agence France Press to have “weapons, vehicles and modern satellite communications.” UN media sources have also noted claims by tribal leaders that the rebels have better weapons than the Sudanese army. The rebels have also been receiving military supplies by air. And, in a disturbing resonance of the gunmen who have dominated parts of Somalia in four-wheel drives the gunmen have also been operating in groups of up to 1,000 men in four-wheel drive vehicles.

UN media sources have noted that it has been said that attempts to link Darfur to the wider Sudanese peace process might retard the then Kenyan talks between the Government of Sudan and SPLA and would be viewed as a “reward” for armed insurrection. It is a matter of record that the violence in Darfur was initiated just as the long-running Sudanese civil war was reaching a peaceful, negotiated conclusion through lengthy IGAD brokered talks in Kenya. Mr. Tom Vraalsen, the UN Secretary-General’s Special Envoy for Humanitarian Affairs for Sudan, pointed out the regional implications of the Darfur conflict: “A continuation of the problems in Darfur could have serious

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57 Peace still some way off in Sudan, Middle East International (London), 8 January 2004.
60 The Escalating crisis in Darfur”, News Article by Integrated Regional Information Networks, 31 December 2003.
62 “Dozens reported killed in attack in western Sudan” News Articles by Agency France Press, 6 October 2003.
political repercussions in the sense that it could destabilize the area along the Chad-Sudan border and it could have repercussions also regionally if it continues. It has to be brought to an end." The danger of another Somalia is looming. Do we want to surrender Darfur to rootless Somalia-type gunmen motivated by opportunism and greed?

The government of Sudan has declared its commitment to a peaceful solution to the Darfur conflict. The Sudanese interior minister restated this in January 2004, “whenever they (the rebels) are ready to talk, we are ready to talk to them. We have no conditions at all.” As early as February 2003, the government sought to defuse the conflict through negotiations. In 2003, the Chadian government, parts of which are drawn from the Zaghawa tribe (Chadian president Idriss Deby is Zaghawa), offered to mediate between the government and rebels. The Sudanese government has welcomed continuing Chadian mediation in the conflict and Sudanese Vice-President Ali Osman Taha also had meetings with Darfurian opposition leader Ahmed Ibrahim Dirage with a view to an immediate ceasefire. Vice-president Taha and Mr. Dirage agreed that the proper way to settle the conflict is through “dialogue”.

The government of Chad has to a certain extent been instrumental in negotiating ceasefires in western Sudan in September 2003 and earlier. Chadian government mediators’ declaration in December 2003 placed the blame for the stalling of peace talks on the rebels: “There has been a breakdown in negotiations because of unacceptable rebel demands. The talks have been suspended: It’s a failure”. In what was seen as a deliberate attempt to derail the peace talks, the SLA demanded military control of the

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63 “Situation in Sudan’s Darfur region very serious, says UN envoy” News Article by Agency France Press 29th January 2004.
64 “Government prefers political solution to Darfur Problem, Sudan’s FM says” News Article by Agence France Presse, 20 January 2004.
65 “Sudan says ready to talk peace to Darfur rebels” News article by Reuters, 13 January 2004.
66 “West Sudan rebels agree to face to face aid talks”, News article by Reuters 3 February 2004.
67 “Sudan Vice President holds talks with rebel leader”, News article by Xinhua 24 January 2004.
69 “Sudan Charges that meddling sabotages Chad-hosted peace Talks” News article by Agence France Presse, 17 December 2003.
region during a transitional period, 13 percent of all Sudan’s oil earnings and SLA autonomy in administering Darfur. It was claimed that the Islamic fundamentalist opponents of the Sudanese government had been instrumental in sabotaging the negotiations. The government named senior PNC members Hassan Ibrahim, Suleiman Jamous, Abubakr Hamid and Ahmed Keir Jebreel as having been responsible. JEM has refused to join in mediated peace talks.

The African Union has played a role in trying to bring the warring factions round the table to discuss peace. This however, has not been easy, particularly as a result of the widening rift between both political leaders and military commanders of the SLM/A as well as between the Zagahwa and Fur factions of the SLM/A which in October 2005, led to a breakdown in the movement’s command structure. The dispute between SLM/A’s president, Abdel Wahed Mohamed el-Nur and its Secretary-General Minni Arko Minnawi created disconnect between political aspirations at the October 2005 series of peace talks in the Nigerian capital Abuja, and military operations on the ground.

Dr. Salim A. Salim is the AU's Chief Mediator of the African Union- led inter-Sudanese peace talks in Abuja, Nigeria also referred to as the “Abuja Talks”. Dr. Salim, briefed the Council on 18 April on the developments in Abuja. Besides the tabling of an enhanced ceasefire, the mediators finalised on 25 April 2006 a draft comprehensive peace agreement including power- and wealth-sharing, security arrangements (including disarming the Janjaweed), the Darfur-Darfur dialogue and implementation mechanisms and modalities. Despite the positive, albeit slow progress of the peace talks, turmoil on the ground continued to be widespread.

The escalation of conflict since February 2003 has led to the displacement of hundreds of thousands of civilians. Many have fled into neighboring Chad. A humanitarian crisis has

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71 “Sudan rebels say they killed 100 Govt troops, militia”, News article by Reuters, 19 January 2004.
74 “Workers in Sudan aid convoy killed” Article by BBC News, 28 October 2003
75 “Darfur rebel dispute could divide movement” news article by IRIN, 31 October 2005.
ensued. The usual propagandistic allegations have been made that the Sudanese government has been deliberately denying aid to areas affected by the conflict. In September 2003, the government of Sudan and the SLA signed an agreement allowing “free and unimpeded” humanitarian access within Darfur. The UN has, however, quoted the government as saying “the problem is in areas controlled by the SLM. Our experience has made us hesitant to send relief to areas under the SLM because of kidnapping and attacks on trucks.” The difficulties of relief operations in western Sudan were starkly highlighted one month after the aid access agreement when nine WFP truck drivers were killed and the wounding of 14 others, in an attack on relief convoys in October 2003. The extent of the insecurity for humanitarian workers led to the United States government asking the Sudanese government for help with security and access. One month later, rebel gunmen killed two other relief workers and abducted three others. In another example, reports of interference with humanitarian workers working for the Swiss humanitarian group Medair were cited. In January 2004, UN media sources reported that “about 85 percent of 900,000 war-affected people in Darfur...are inaccessible to humanitarian aid, according to the UN mainly because of insecurity.” The UN humanitarian relief spokesman stated, “you cannot give aid when there are bullets flying”. The Sudanese government’s commitment to the provision of aid is clear but inconsistent and at times seen as a one-off exercise to save face from the international community with regard to its obligations to protect its own citizens. In December 2003,

76 “USAID Seeks Security for aid convoys to war-torn area of Sudan” news article by Agence France Presse, 26 October 2003
77 “Sudanese government accuses rebels of murdering its relief workers” News article by Agence France Presse, 17 November 2003
79 “Authorities forcibly close IDP camps in southern Darfur” News article by Integrated Regional Information Networks, UN Office for the coordination of humanitarian affairs, 16 January 2004
80 “Aid workers unable to reach most war zones in Darfur, Western Sudan” news article by Deutsche Press Agentur, 13 January 2004
81 “Sudan says trying to secure access for relief to Darfur region” News articles by Agence France Presse, 7 January 2004.
82 “Sudan urgent call for commission of inquiry in Darfur as situation deteriorates”, Press release by Amnesty International, 21 February 2003
83 “Khartoum stepping up arrests in strife-tom Darfur. Amnesty.” News article by Agence France Presse, 6 August 2003
Khartoum provided five thousand tones out of 19,000 tonnes of food aid needed and destined for immediate distribution in Darfur.\(^\text{84}\)

There has been a grey area in the human rights industry in Darfur. The fact is that scores of Sudanese soldiers and policemen have been killed while intervening in tribal conflicts and trying to apprehend those suspected of criminal acts. Human rights organization Amnesty International has previously criticized government inaction in responding to the violence and banditry in the region and has then condemned the government when it sought to restore order. In February 2003, for example, Amnesty International stated that “government responses to armed clashes have been ineffective”.\(^\text{85}\) Former government responses including the arrests of persons suspected of involvement in violence which was considered as arbitrary, have been criticized by Amnesty.\(^\text{86}\) Amnesty International have also been critical of the special criminal courts created by presidential decree to deal with offences such as murder, armed robbery, arson and the smuggling of weapons, and the firm sentences these courts have subsequently handed down.\(^\text{87}\)

The government has defended itself by stating that: “those with their own agendas are trying to give a very sad view of what is happening. The propaganda in the West is trying to exaggerate what is taking place in Darfur.\(^\text{88}\) Khartoum’s concerns about propagandistic distortion of the issue appear to be well founded. Partisan or lazy analysts or journalists seem to be unable to resist projecting the image of government supported “Arab – Janjaweed – militias attacking “African” villagers despite the scarcity of reliable information. UN media sources, for example, have noted a, “lack of accurate information in the conflict” and Reuters has also stated that “it is hard to independently verify claim by government or rebels in Darfur”.

\(\text{\textsuperscript{84}}\) “Sudan: alarming increase in executions in Darfur region” press release by Amnesty International
London, 28 June 2002
\(\text{\textsuperscript{85}}\) “The escalating crisis in Darfur” News article by Integrated Regional Information Networks, UN office for the coordination of Humanitarian affairs 31 December 2003
\(\text{\textsuperscript{86}}\) “The escalating crisis in Darfur” News article by integrated regional information networks, 31 December
\(\text{\textsuperscript{87}}\) “Pressure seen as key to ending Sudan’s western war” News article by Reuters, 28 January 2004
A January 2004 New York Times article has been typical of the unprofessional reporting that has characterized coverage of the Darfur crisis. While repeating claims of killings, kidnappings, ethnic cleansing, forced displacement, attacks by “Arab” militias supported by Sudanese soldiers and an Arab versus African clash, the New York Times admitted that “it is impossible to travel in Darfur to verify these claims.” The simple fact is that there is very little, if any, racial difference between the many tribes of Darfur, “Arab” or “African”. The UN media service noted: In Darfur, where the vast majority of people are Muslim and Arabic-speaking, the distinction between “Arab” an “African” is more cultural than racial.” Even the critical Amnesty International researchers have said that observers should be “cautious” about describing classes as ethnic cleansing. Nevertheless, the New York times has fallen back on sloppy stereotypes, speaking of an already ugly conflict between Arabs and Africans.

It is very clear that the government has repeatedly taken very firm action against those “Arab” tribesmen who have attacked “African” communities. In April 2003, for example, Sudanese courts sentenced 24 Arab armed bandits to death of their involvement in the murder of 35 African villagers in attacks on pastoralist villages. Judge Mukhtar Ibrahim Adam described the attacks as “barbaric and savage conduct” reminiscent of “the dark ages”. In a further example of the government’s firm stance, in October 2003, 14 other Arab tribesmen were also sentenced to death for the murder of non-Arab villagers during attacks and arson within villages in south Darfur state. There is also abundant evidence that there has been considerable “Arab” on “Arab” violence. In one incident alone in May 2002, as reported by the UN media service, Arab tribesmen were killed in such clashes between the Arab Rizayqat and Ma’aliyah tribes. A special criminal court sentenced 86 Rizayqat tribesmen to death for involvement in the murder of these members of the

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99 “The escalating crisis in Darfur” New articles by Integrated Regional Information Networks. 31 December 2003
98 “Sudanese govt largely responsible for abuses in Darfur, says watchdog” Article by Integrated Regional Information Networks 27 November 2003
97 “War in western Sudan overshadows peace in the south” the New York Times 17 January 2004
95 “Sudan of emergency after southern Darfur tribal clashes “, News article by Integrated Regional Information Networks UN office for the coordination f humanitarian affairs 22 may 2002.
94 “W Sudan rebels say they killed 1,000 govt troops militia “ News article by Reuters, 19 2004
Ma'aliyah tribe (the sentences are still pending appeals). These are the Arab tribesmen that it is alleged the government is militarily supporting. The reliability of rebel claims has also been highlighted by their January 2004 shooting down of 3 apache helicopter gun-ships. This will come as news to the American armies who have strictly controlled purchases of the apache helicopter.

The above briefly summarizes the complex nature of the conflict since its inception which nevertheless boils down to concerns over the affected population who bear the brunt of the insurgency and counter insurgency activities that have spiraled to uncontrolled violence.

2.2 Roots of the Darfur Conflict

The scope of the current human rights crisis in Darfur, unprecedented in modern times, obscures the fact that this conflict is deeply rooted in a history and shares strong elements of continuity with past conflicts.

Marginalisation

Successive authorities in Khartoum have, since independence, and perhaps even before, failed to extend essential services of government to Darfur, as they have to other so called peripheral areas of Sudan – the South, the Red Sea Hills, southern blue Nile (Funj and Ingassena) and Kordofan (including the Nuba Mountains).

The neglect, exploitation and repression of Darfur within Sudan is the result of the combined action of a number of agents, including the state, governments, political parties, and opportunistic economic actors. First, the consistent tendency of Sudanese state institutions –from the nation’s body of laws to the national assembly, to the military, to public utility corporations, to the bureaucracy itself- has been to operate against the interests of Darfur and the other peripheral areas. Second, successive governments have devised and implemented polices that have impoverished, weakened and divided Darfur, and these governments have failed to implement others that could have been beneficial to the region. The trend of neglect and exploitation accelerated under the three most recent governments of the past 35 years: Jafar Nimeiri’s military regime (1969-1985), the
parliamentary government of Sadiq al-Mahdi (1986-1989), and the current military
Islamist regime. Third, state institutions with a high degree of political independent,
namely various components of the state security apparatus, have long sought to further
their own political parties, and especially the ruling presidents Nimeriri and Bashir, have
built political and economic muscle by enabling favored institutions, firms, banks and
other clients to seize economic opportunities in Darfur, again at the expense of the people
of Darfur, and finally, individual Sudanese traders, merchants investors, administrators,
military officers and entrepreneurs from the Nile Valley have also been able to exploit the
situation in Darfur to their own advantage in an opportunistic manner.

Over the last 35 years, neglect in Darfur has taken a variety of forms. Mainstream voices
from Darfur have either been under-represented or ignored in national politics, whether in
government and the national assembly, within state institutions, or within the successive
ruling parties and their spin-off organizations. Under the guise of administrative and
fiscal decentralization, the central government has progressively absolved itself of much
of its obligation to pay for health, education and other services, while continuing to
extract resources from Darfur. The constant reshaping of administrative borders and local
government mechanisms has also divided communities.

The government’s decision in 1994 to carve up the old Darfur region into the three
federal states of North, South and West Darfur, as part of a- would-be federalization of
the country, created artificial divisions within Darfur and weakened the stronger non-
Arab tribes, especially the Fur. These heavy-handed divide and rule policies have also
shown the weakness of the so-called Native administration (*idara ahlia*) before the state.
The result has been damage to their legitimacy and ability to resolve local conflicts.

The state has abducted its commitment to rule of law. The police and judiciary have been
neglected, impoverished, corrupted and sidelined. Banditry and lawlessness have become
ingrained. The authorities have also shown scant commitment to resolving resource-
based conflicts; indeed they have often been accused of pursuing policies that increase
division and violence. One example is the government’s creation, in 1995, of 13
geographically defined Imarat (literally emirates, i.e. chiefdoms under the authority of an Amir, or prince) in Dar Masalit, five of which were allocated to Arab traditional leaders.95

Under-Development
The Sudanese state has failed to invest sufficiently in development activities in Darfur. This has aggravated underdevelopment, which has only increased since the withdrawal of western development actors in the 1990s. In numerous interviews of this research, people in Darfur argued that decades of a half of donor policies to withhold development monies from Darfur aggravated the lack of economic opportunity, thus contributing to local conflict investment, tax and customs regulations that continued to discriminate against producers and traders from Darfur.96

The state has also failed to implement simple policies to mitigate against food insecurity; working grain-price stabilization mechanisms, effective grain storage systems both at town and village level, just to name a few. The starkest symbol of this neglect is the failure of the state to construct the western Salvation Road to Darfur (Itariq al-Inqaz al-Gharbi). This asphalt link between Darfur and the Nile valley, planned and officially announced by the government, is still to be built.97

Not only does the government fail to take mitigating measures against food insecurity; once food crises occur in Darfur, the authorities in Khartoum manipulate the nature, shape and timing of relief operations to serve their political interests and benefit client groups, such as grain producers, gain merchants and brokers, and transporters from Central Sudan.

95 International Crisis Group: “Darfur rising Sudan’s new Crisis” (Nairobi/Brussels, 25 march 2004) pp. 7-8
96 Traditionally, local Arab leaders in Dar Masalit oversee the affairs of their communities under the overall authority and protection of the sultan of the Masalit, but do not normally have authority over territory. The creation of the five Arab emirates did two things: it gave local Arab leaders administrative control over physical territory, thus undermining the traditional status quo and it over-represented Arab political sway in Dar Masalit.
97 The large development projects in Darfur – the western savannah Development project and the Jebel marra rural development project – were shut down at that time because of donor unhappiness with the NIF regime.
98 Save the Children “the UK’s response to drought in North Darfur”, 2000-2001” (London/Khartoum, august 2002)
Pressure on Resources
Policies of exploitation and neglect, implemented over the last three decades, have compounded the rising pressure on natural resources – such as cultivable land, grazing and water – which has occurred as a result of drought and ecological destruction. Increasing cycles of drought, starting with the great Sahel drought beginning in the early 1970s and peaking in the 1980’s drastically affected the region as both pastoralists and farmers from northern Darfur tracked down to the south in search of water and pasture. In these years, populations and livestock holdings alike have increased in number, further squeezing resources. This has led to rising tensions among communities, especially between some farming and nomadic communities. Farmers blame pastoralists for wantonly destroying farms and crops during their seasonal migrations for pasture.

The latter blame the former for planting in traditional transhumance corridors, blocking them with empty enclosures (zara’ib al-hawa’), and arbitrarily confiscating livestock which they park in zara’ibhawamil (enclosures for wandering animals) and only releasing them against payment of a fine. Each side accuses the other of using unwarranted force. Ominously, both sides feel that their livelihoods – their very way of life – are under threat. And each side feels the other is responsible. This is not to say that there is generalized violent conflict between farmers and pastoralists. There is not, but tensions have risen over the past two decades, and are especially high in areas where given groups do not have access to land. The waning influence of traditional leaders and the retreat of the state from its law and order duties have only made things worse.

As a result of decades of marginalisation, all ethnic groups in Darfur suffer from neglect and have reason to feel threatened, including those among whom the main perpetrators of the current human rights nightmare have been recruited – the nomadic Arab camel-herders of northern Darfur.

Continuity with Past Conflict
While the Darfur crisis is rooted in long-term dynamics, more direct elements of continuity exist as well that show that the current violence is not altogether without
precedent. These include the nature of the violence itself, the involvement of the state, and the involvement of foreign forces.

The current violence may be unprecedented in scope, and many observers decry new forms of violence that are not in keeping with past tribal conflicts. The reality is, however, that Darfur has witnessed similar patterns of abuse in the past, albeit on a smaller scale. The Fur-Arab war of the late 1980s, for one, involved the wholesale burning of villages, the systematic destruction of agricultural assets (orchards, irrigation channels, pumps), and the killing of men and raping of women to instill fear and restrict people's movement. That war was in many ways a forerunner of this conflict. It arose between sedentary Fur communities in Jebel Marra and an alliance of 27 Arab tribes of northern Darfur, including most of the same 'northern Rizeigat' groups whose fighters currently form the bulk of the *janjaweed*. Like the current crisis, the 1987 conflict was triggered by the convergence of a political agenda in Khartoum – the ideologically driven push to expand the 'Arab belt' – and pressure on land and water as a result of the 1984-1985 drought. More recently, since 1995, Arab militia violence against Masalit communities has also involved the complete destruction of hundreds of villages. The current violence maybe new in scale, but it is not unprecedented in nature.

**Involvement of the State in Local Violence**

The support of the Sudanese state to local militias is not new. Since at least the mid 1980s, under the democratic government of Sadiq al-Madi, the central government has shown a bias towards certain, but not all, nomadic Arab groups. This bias has been mostly military, involving cooperation between Sudanese armed forces and local Arab militias who are then able to act without the restraint normally imposed by traditional conflict-mitigating processes.

**Involvement of forces from outside Darfur**

Much is made of the involvement of non-Darfur forces in the current violence; reported support from Chadian Zaghawa and other tribes to the rebels, as well as alleged

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98 Genocide of the Massaleit in western Sudan by Dawud Ibrahim Salih, Muhammad Adam Yahya, representatives of the Massaleit community in exile, Cairo, 1999 or 2000
assistance from the SPLM/A, the then main rebel group operating in the south of Sudan; and support from Arab groups and Arab governments outside Sudan to the Sudanese government and its proxy militias. There is nothing new in this. Throughout the 1970s, 1980s and 1990s various Chadian and Libya groups fought proxy wars in Darfur, often attacking local communities in the process, drawing them into broader conflicts and pitting them against one another. This violence introduced large numbers of small arms into Darfur and heightened insecurity and the erosion of the rule of law.

2.3 The Immediate Political Triggers of the Conflict

The insurgency

Insurgents appear to have been operating in Darfur since late 2001. In early 2003, they evolved into two armed rebel groups, the Sudan Liberation Movement/Army (SLA) which has its base in the Zaghawa community and later the Justice and Equality Movement (JEM) dominated by the Fur. Other than the short-lived campaign of Daud Bolad, this was the first time in modern history that Darfur witnessed a cohesive armed rebellion with a comprehensive agenda for the province, rather than merely local demands.

The SLA and JEM grew out of the convergence of a number of factors. First, discontent among local sections of Darfur’s major non-Arab tribes, the Zaghawa, Fur and Masalit, had been noticeably mounting since 2001. While rooted in a general sense of repression, the unrest seems to have been triggered by a number of specific incidents in 2001 and 2002: an Arab attack on a Zaghawa camp in Bir Tawiil (in Dar Zaghawa, between Qurnoi and Kabkabia), a riot in the Fur town of Fur following the rape by police of a local woman, and burned Fur villages in west Jebel Marra. In a meeting called by the authorities in the Jebel Marra town of Nyertete in August 2002, the government allegedly made commitments to Fur traditional leaders but did not keep their heightening anger and resentment. These iconic events are repeatedly invoked by people in Darfur and reflect

100 A number of people interviewed referred to these incidents, with some variations (dates, numbers of people killed etc)
the alienation felt by local populations. They also appear to have led to more taking to the bush and joining the embryonic rebel groups. The restiveness of these localized armed groups, whose outlook was often more local than political then converged with the broader ambitions of Fur and Zaghawa political and intellectual figures in exile outside Sudan.

A further factor often cited in the timing of the Darfur insurgency is the North-South peace process — the Machakos Protocol breakthrough in mid-summer 2002- and the subsequent negotiations between Khartoum and the SPLM/A. Many Sudanese observers and specialists indicate that the Darfur rebels (and perhaps others as well) saw the SPLM/A’s success in getting southern grievances addressed in an internationally mediated peace process as indication that armed rebellion brings economic and political gains. Other well-informed analysts state unequivocally that progress in the peace talks between the government and the SPLA/M provide the immediate trigger (to the insurgency) since the Darfur groups feared they would have little leverage after a North/South deal was concluded.101

The rebels initially attacked isolated army posts, police checkpoints and convoys: military check points were attacked in Jebel Marra localities such as Abu Gamra, Tur, Golo. Then the scope of attacks increased. In April 2003, the SLA attacked the capital of North Darfur State, El Fasher, attacking government premises, looting supplies and destroying military aircraft at the airport. Later the same year they attacked and briefly seized the town of Kutum and Mellit, also in North Darfur. They also had battleground successes in Buram in South Darfur, and continued harassing military positions throughout the region. In the space of a few months, seemingly coming from nowhere, and despite lingering confusion as to their structure and internal relationships, the Darfur rebels asserted themselves as military and political forces to be reckoned with.

The military tactics of the rebels — especially the SLA, who appear to be a better organized and more effective fighting force than the JEM — are similar to those used in

101. the International Crisis Group “Sudan now or never in Darfur” (Nairobi/Brussels, 23 may 2004) p. 1
the late 1990s by the Zaghawa rebels of Idriss Deby in Chad to defeat the then government in N'djamena and its Libyan backers. They are loosely organized in small, highly mobile units of four-by-four vehicles armed with heavy machine gun. They rely on hit and run attacks to demoralize government forces and acquire critical supplies of fuel, weapons, ammunition, and even cash. Typically, they do not hold territory, but rather deny governmental access to large areas by attacking officials, cutting roads and controlling trade flows. In addition to the warrior and raiding traditions of the Zaghawa, 'one bullet one kill' in the wry words of a former high-ranking North Darfur state official, the rebels are said to benefit from the experience of many former non-commissioned officers who served in the Sudanese military. There are also repeated reports that the SPLA provided advice, training, equipment, and supplies well into 2003, and perhaps beyond. This support is reported to have included re-supply flights, the training of as many as 1,500 SLM combatants in Raja (Bahr al-Ghazal,) and assistance with drafting political platforms and statement. Other sources of support are also routinely mentioned.\textsuperscript{102}

Popular support for the rebel groups exists on different levels. The SLA's platform, which demands an end to the Sudanese state's social, economic and political discrimination of Darfur, enjoys widespread popular support, including among 'Arabs' of Darfur. Some communities have been active in their material support of the insurgents, especially Zaghawa and Fur communities in North and west Darfur, with communities providing food, shelter and information, and merchants and other affluent people contributing cash and supplies. But most of the Darfur people interviewed for this research, rich and poor, Arab and African, victimized and not - and most of them supportive of the rebels agenda for change - stated both their opposition to armed rebellion, and their belief that the current violence escalated in response to the insurgency (which is not, of course, to say that they excused the violence).

\textsuperscript{102} The International Crisis Group backs this claim citing "numerous sources", interviewed in 2003 and 2004
Response of the Sudanese Government

The brutality of the government’s reaction to the nascent insurgency stunned people in Darfur, and by all accounts, Khartoum felt highly threatened. Politically, the insurgency in Darfur was feared that it could trigger general instability just as the government was reaching agreement with the SPLM/A on key issues around governance, self-determination and democracy. The groundbreaking Machakos Protocol was signed in July 2002. Subsequent negotiations with the SPLM/A generated dissent within ruling circles in Khartoum as to whether the considerable concessions made by the government to the SPLM/A on wealth and power sharing were desirable. The insurgency served to strengthen the hand of figures writing the regime who maintain that peace with the SPLM/A would weaken the ruling party’s hold on power.

The Darfur crisis also revived long-standing political divisions within Sudanese governing circles. In the 1980s and 1990s, Hassan al-Turabi – the charismatic leader of the Sudanese Muslim brother, founder of the National Islamic Front (NIF), and mastermind of the 1989 military coup – sought to build a political base in Darfur by reaching out to Islamist elites among the non-Arab tribes. His aim was to extend the reach of political Islam in Sudan beyond the Nile valley. He also wanted to undermine the power base of Sadiq al-Mahdi’s Umma party that traditionally drew its support from the Arab tribes of western Sudan. But Turabi was sidelined in a 1999-2000 power struggle with President Bashir, and his Darfur supporters also lost in the process. The ideological wing of the Sudanese Islamist movement, which Turabi’s People’s Congress party (PC) represents, is probably the opposition the government fears most. There are insistent reports of ties between Turabi and some rebel figures, notably a JEM leader, Khalil Ibrahim, once a close ally of Turabi. These alleged ties brought a rebellion in distinct Darfur straight into the heart of Islamist politics in Khartoum. This made it especially threatening to the government.\(^{103}\)

\(^{103}\) As the crisis drags on the government fear that its Islamist opposition (Turabi) will take advantage of the situation – whether by lining up with some of the rebels, or by castigating the government for being weak, or both – has increased.
The early military successes of the rebel insurgency, especially the attack on El Fasher, further threatened the government. There is no underestimating of the reservoir of popular ill-will toward the regime, and it was not far fetched to imagine, with little information on the actual strength of the insurgency, rebel forces moving east through Kordofan towards the cities of central Sudan where millions of people from Darfur live, many of them in poor conditions. The rebels had to be stopped. By early 2003, Khartoum had decided that it would respond with military force. It sidelined outreach initiatives such as the inter-tribal conference organized in February 2003 by the then governor of North Darfur, Ibrahim Suleiman, and other reconciliation initiatives. Suleiman – a former army chief of staff and federal Minister of Defense – resigned shortly thereafter. A Berti from northeastern Darfur, he remains a widely respected figure throughout Darfur.

The government was faced with a conundrum. In the midst of negotiations with the SPLM/A, the government did not feel it could resort to direct and forceful military intervention. The Government, itself the result of a 1989 military coup, was reluctant to entrust a brutal counter insurgency campaign to the Sudanese army which includes a high proportion of Darfur troops in its rank and file. Since the beginning of the rebellion the government has moved to purge the armed forces officer corps (and other critical government institutions, such as the police customs, and others) of Darfur elements it does not trust. It is widely believed in Sudan, for instance, that the alleged 2004 coup was used as an excuse to arrest Darfur officers and discredit Turabi by linking them to his Popular Congress party.

Khartoum then resorted to a strategy which had proven useful in the past; the use of proxy militia forces. Khartoum is said to have issued a region-wide call – to all tribes – to join the fight against the rebels, arguing that the state was under attack. Unsurprisingly, the African tribes, including the large ones – the Fur, the Masalit, the Zaghawa – declined to join in but the real push was elsewhere. Leading figures in the government and especially the security forces, worked with local Arab leaders to recruit them into the counter – insurgency effort. A number of Arab tribes began operating alongside or even

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104 Interviews, politicians and government employees from Darfur, Khartoum, May 2004
as part of the government’s auxiliary Popular Defense Forces (PDF). Some militias are reported to have been directly recruited by the military. They called themselves *janjaweed*. Since early 2003, the *janjaweed* have been the shock troops of the government’s ruthlessly brutal counter insurgency campaign in Darfur.\(^{105}\)

### 2.4 Internal and External Dynamics of the Darfur Crisis

In Sudan’s western Darfur region, a massive campaign of ethnic violence has claimed the lives of an estimated 200,000 and uprooted an estimated 2.5 million more since February 2003. The roots of the violence are complex and parts of the picture remain unclear. But several key facts are now well known. The primary perpetrators of the killings and expulsions are government-backed “Arab” militias. The main civilian victims are black “Africans” from three tribes. And the crisis is currently the worst humanitarian disaster in the world.

The bloodshed in Darfur has by now received a great deal of attention. Much of the public debate in the United States and elsewhere, however, has focused not on how to stop the crisis, but on whether or not it should be called “Genocide” under the terms of the Genocide Convention. Such a designation, it was long thought, would inevitably trigger an international response. In July 2004, the U.S congress passed a resolution labeling Darfur genocide. Then, in early September, after reviewing the results of an innovative government sponsored investigation, former Secretary of State Colin Powell also used the term and President George W. Bush followed suit in a speech to the United Nations several weeks later – the first time such senior U.S government officials had ever conclusively applied the term to a current crisis and invoked the convention. Darfur, therefore, provides a good test of whether the 56 year old Genocide Convention, created in the aftermath of the Holocaust, can make good on its promise to “never again” allow the targeted destruction of a particular ethnic, racial, or religious group.\(^{106}\)

For a long time the Convention appeared weak. Having been invoked, it did not – contrary to expectations – electrify international efforts to intervene in Sudan, Instead, the

\(^{105}\) Ibid

\(^{106}\) Ibid
UN Security Council commissioned further studies and vaguely threatened economic sanctions against Sudan's growing oil industry if Khartoum did not stop the violence. However, in late April 2006, for the first time those involved in Darfur's atrocities were directly targeted after the UN Security Council passed a resolution imposing sanctions against four Sudanese nationals accused of war crimes in Sudan's Darfur region. The four include: Adam Yacub Shant (rebel SLA commander), Gabril Abdul Kareem Badri (rebel National Movement for Reform and Development field commander), Gaffar Mohamed Elhassan (ex Sudan Air Force commander) and Sheikh Musa Hilal (Janjaweed militia leader). Russia and China, both permanent members of the Security Council with the power to veto the resolution, had initially opposed this move, but chose to abstain because it was viewed that the African nations supported the sanctions.

Discussions on a UN role in peacekeeping in Darfur have accelerated in the first few months of 2006. This has been prompted by increasing concern from the donors supporting the African Union Mission in Sudan AMIS, that a more robust presence is required for responding to the difficulties that the AU mission continues to encounter. The (AMIS) force of about 7,000 troops has generally been unable to curb the rising atrocities. The lessons from Darfur thus are bleak. Despite more than a decade of hand wringing over the failure to intervene in Rwanda in 1994 and despite Washington's decision to break its own taboo against the use of the word "Genocide," the international community has once more proved slow and ineffective in responding to large-scale, state-supported killing. Darfur has shown that the energy spent fighting over whether- to all the events there- "Genocide" was present has overshadowed difficult but more important questions about how to craft an effective response to mass violence against civilians in Sudan. The task ahead is to do precisely that; to find a way to stop the killing, lest tens of thousands more die.\(^{107}\)

To understand the Darfur story, it helps to further elaborate about the conflict itself. The crisis in western Sudan has grown out of several separate but intersecting conflicts. The first is a civil war between the Islamist, Khartoum-based national government and two

\(^{107}\)Ibid
rebel groups based in Darfur: the SLA and JEM. The rebels, angered by Darfur’s political and economic marginalization by Khartoum, first appeared in February 2003. The government, however, did not launch a major counteroffensive until April 2003, after the rebels pulled off a spectacular attack on a military airfield, destroying several aircraft and kidnapping an air force general. In the process, Khartoum responded by arming irregular militia forces and directed them to eradicate the rebellion. The militias set out to do just that, but mass violence against civilians is what followed.

The Darfur crisis is also related to a second conflict. In southern Sudan, civil war has raged for decades between the northern, Arab-dominated government and Christian and animist black Southerners; fighting, in one form or another, has afflicted Sudan for all but 11 years since the country’s independence from the United Kingdom in 1956 and has cost an estimated two million lives since 1983 alone. In recent years, the government and the main southern rebel movement has entered into comprehensive peace negotiations named after the Inter Governmental Authority on Development (IGAD), which mediated the process. After numerous rounds of talks, the two sides appeared close to finalizing an agreement in June 2004, and many international observers hoped that Sudan’s long-running war would finally end.108

Darfur, however, was never represented in the IGAD discussions, and the Darfur rebels decided to strike partly to avoid being left out of any new political settlement. Many fear that the fighting may now unravel the IGAD agreements: the southern rebels are wary of signing any deal with a government that is massacring their fellow citizens, and hardliners in Khartoum have seized on the violence to undermine the IGAD talks, which they see as too favorable toward the south. The Darfur crisis also has a third, local lineage. Roughly the size of Texas, Darfur is home to some six million people and several dozen tribes. But the region is split between two main groups; those who claim black “African” descent and primarily practice sedentary agriculture, and those who claim “Arab” descent and are mostly semi-nomadic livestock herders. As in many ethnic conflicts, the divisions

between these two groups are not always neat; many farmers also raise animals, and the African-Arab divide is far from clear. All Sudanese are technically African, Darfurians are uniformly Muslim, and years of intermarriage have narrowed obvious physical differences between “Arabs” and black “Africans”.

Nonetheless, the cleavage is real, and recent conflicts over resources have exacerbated it. In dry seasons, land disputes in Darfur between farmers and herders have historically been resolved peacefully. But an extended drought and the encroachment of the desert in the last two decades have made water and arable land much more scarce. Beginning in the mid-1980s, successive governments in Khartoum inflamed matters by supporting and arming the Arab tribes, in part to prevent the southern rebels from gaining a foothold in the region. The result was a series of deadly clashes in the late 1980s and 1990s. Arabs formed militias, burned African villages, and killed thousands. Africans in turn formed self-defense groups members of which eventually became the first Darfur insurgents to appear in 2003.

The mass violence against civilians began in the middle of that year. Khartoum responded to the rebellion in Darfur the same way it had to the conflict in the south: by arming and equipping Arab militias. Thus the janjaweed were born. Their name, which translates roughly as “evil men on horseback,” was chosen to inspire fear, and the janjaweed, who include convicted felons, quickly succeeded. Khartoum instructed the militias to “eliminate the rebellion,” as Sudan’s President Omar al-Bashir acknowledged in a December 2003 speech. What followed however was a campaign of violence that primarily targeted black African civilians, in particular those who came from the same tribes as the core rebel recruits.

Human rights groups, humanitarian agencies, and the U.S State Department have all reached strikingly similar conclusions about the nature of the violence. Army forces and the militia often attack together, as janjaweed leaders readily admit. In some cases,

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110 Ibid
government aircraft bomb areas before the militia attack, razing settlements and destroying villages; such tactics have become central to this war. In late September, a U.S official reported that 574 villages had been destroyed and another 157 damaged since mid-2003. Satellite images show many areas in Darfur burned out or abandoned. The majority of the attacks have occurred in villages where the rebels did not have an armed presence; Khartoum’s strategy seems to be to punish the rebel’s recruitment.

Testimony recorded at different times and locations consistently shows that the attackers single out men to kill. Women, children, and the elderly are not spared either. For women, the primary threat is rape; secular violence has been widespread in this conflict. Looting and the destruction of property have also been common after the Janjaweed and their army allies swoop down on civilian settlements.

This violence has produced what one team of medical researchers has termed a “demographic catastrophe” in Darfur. By mid-October 2004, an estimated 1.8 million people – or about a third of Darfur’s population – had been uprooted, with an estimated 1.6 million Darfurians having fled to other parts of Sudan and another 200,000 having crossed the border to Chad. Exactly how many have died is difficult to determine; most press reports cite about 50,000, but the total number is probably much higher and recently one analyst cited the human mortality to stand at an estimated 400,000. In October 2004, a World Health Organization official estimated that 70,000 displaced persons had died in the previous six months from malnutrition and disease directly related to their displacement – a figure that did not include violent deaths. By now, the number has probably grown much larger. Despite a huge influx of humanitarian aid since mid-2004, the International Committee of the Red Cross warned in October of an “unprecedented” food crisis; several months earlier a senior official with the U.S Agency for International Development (USAID) told journalists that the death toll could reach 350,000 by the end of year (2005). Clearly this figure has sadly been surpassed.

111 African confidential, 18 February 2005, vol 46 No 9
112 Ibid
113 Ibid
114 Eric Reeves, 'Ghosts of Rwanda: The Failure of the African Union in Darfur', 14 November, 2005
114 African confidential, 4 March 2005, vol. 46 No 5

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Most of these facts are undisputed; the reports from Darfur by aid workers and reporters have been remarkably consistent (although too little attention has been paid to rebel atrocities), Khartoum has, predictably, denied direct involvement in the attacks against civilians and both the Arab League and the African Union have downplayed the gross violations of human rights (focusing on the civil war instead). Still, not much controversy exists over what is actually happening in Darfur. Yet public debate in the United States and Europe has focused less on the violence itself than on what to call it – in particular, whether the term “genocide” applies.115

The genocide debate took off in March 2004, after New York Times columnist Nicholas Kristof published a number of articles making the charge. His graphic depictions of events there soon stimulated similar calls for action from an unlikely combination of players – Jewish, American, Africa-American, liberal, and religious-conservative constituencies. In July 2004, the Holocaust Museum in Washington, D.C issued its first ever “genocide emergency.” MoveOn.org called on Powell to use the “genocide” label for Darfur, as did the congressional black Caucus, African–American civil rights groups, and some international human rights organizations (but not Amnesty International or Human rights Watch). Editorialists from a number of major newspapers, including the Philadelphia Inquirer and the Boston globe, made similar appeals. Long concerned with the persecution of black Christian populations in southern Sudan, American evangelicals also called for a formal recognition of genocide and for U.S action—even though the victims in Darfur were Muslim.

Proponents of applying the “genocide” label emphasized two points. First, they argued that the events in Sudan met a general standard for genocide; the violence targeted an ethnic group for destruction, was systematic and international, and was state supported. Second, they claimed that under the Genocide Convention, using the term would trigger international intervention to halt the violence. Salih booker and Ann-Louise Colgan from

115 http://www.Africa-confidential.com
the advocacy group Africa Action wrote in *the Nation*, “We should have learned from Rwanda that to stop genocide, Washington must first say the word.”

Colgan and Booker made a fair point, during the Rwandan genocide – exactly a decade before Darfur erupted – State Department spokespersons in Washington where instructed not to utter the “g-word”, since, as one internal government memorandum put it, publicly acknowledging “Genocide” might commit the U.S. government to do something at a time (a year after the Somalia debacle) when former President Bill Clinton’s White House was entirely unwilling. As a result, the United States and the rest of the world sat on the sidelines as an extermination campaign claimed at least half a million civilian lives in three months. In the aftermath, many pundits agreed that a critical first step toward a better response the next time would be to openly call genocide, “Genocide.”

The idea that states are obligated to do something in the face of genocide comes from two provisions in the Genocide Convention. First, the treaty holds that contracting parties are required to “undertake to prevent and to punish” genocide. Second, Article VIII of the convention stipulates that signatories may call on the UN to “take such action... for the prevention and suppression” of genocide. Prior to the Darfur crisis, and in light of the way the genocide debate unfolded in Rwanda, the conventional wisdom was that signatories to the convention (including the United States, which finally ratified it in 1988) were obligated to prevent genocide if they recognized one to be occurring. The convention had never been tested, however, and the law is in fact ambiguous on what “undertaking to prevent” and “suppressing” genocide actually means and who is to carry out such measures.

In July 2004, the U.S. House of Representatives entered the rhetorical fray by unanimously passing a resolution labeling the violence in Sudan “genocide.” The resolution called on the Bush administration to do the same and, citing the convention, to “seriously consider multilateral or even unilateral intervention to prevent genocide if the...”

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116 http://www.ifrc.org

117 Ibid
UN Security Council failed to act. The Bush administration, however, interpreted its international obligations differently. Facing mounting appeals to call Darfur “genocide,” Powell insisted that such a determination, even if it came, would not change U.S policy toward Sudan. Powell argued that Washington was already pressuring Khartoum to stem abuses and was providing humanitarian relief; applying the “genocide” label would not require anything more from the United States. He did, however, commission an in-depth study of whether events in Darfur merited the “Genocide” label.

Meanwhile, other world leaders and opinion makers continued to show reticence about calling the atrocities in Darfur “Genocide.” The European Union, Canadian, and British officials all avoided the term, as did former UN Secretary-General Kofi Annan, who was pilloried in the media for limiting his description of Darfur to “massive violations of human rights.” Human Rights Watch and the Pulitzer prize – winning author Samantha Power favoured the slightly less charged term “ethnic cleansing,” arguing that Darfur involved the forced removal of an ethnic group, not its deliberate extermination, and that genocide is hard to prove in the midst of a crisis.118

The debate took a surprising turn in early September 2004 when, testifying before the Senate foreign relations committee, Powell acknowledged that “genocide” was in fact taking place in Sudan. Powell based his determinate on the U.S government funded study, which had surveyed 1,136 Darfuri refugees in Chad. Their testimony demonstrated that violence against civilians was widespread, ethnically oriented, and strongly indicated government involvement in the attacks. Two weeks after Powell’s speech, Bush repeated the genocide charge during an address to the UN General Assembly.

Taken together, the congressional resolution and the two speeches were momentous: never before had congress or such senior U.S officials publicly and conclusively labeled an ongoing crisis “genocide,” invoking the convention. Not, for that matter, had a contracting party to the Genocide convention ever called on the Security council to take

118 “Sudan; Gunning for Peace” BBC focus in Africa. April-June 2004
action under Article VIII (as the Untied States has done). But the critical question remained: would the Genocide convention really be any help in triggering international intervention to stem the violence?

So far, the answer seems to be no. In late July, before Bush or Powell ever spoke the term “genocide” the UN Security Council had passed a resolution condemning Sudan and giving the government a month to rein in the militias. That deadline passed without incident however, after Powell spoke out in September, the council passed a second, tepid resolution, which merely called on Kofi Annan to set up a five-member commission to investigate the charge (which he did). The resolution also vaguely threatened economic sanctions against Sudan’s oil industry (although it gave no concrete deadline for when sanctions would be imposed) and welcomed an African Union plan to send a token force to the region to monitor a cease-fire (to which neither side has since adhered). Despite its weak working, the resolution almost failed to pass. China, which has commercial and oil interests in Sudan, nearly vetoed the measure, only agreeing to abstain –along with Algeria, Pakistan, and Russia – after Annan strongly endorsed the resolution.119

In mid-November, the Security Council held an extraordinary meeting in Nairobi, Kenya, to discuss Sudan. The session won a pledge from Khartoum and the southern rebels to finalize a peace agreement by the end of the year. On Darfur, however, the Security Council managed only to pass another limp resolution voicing “serious concern”. Conceivably, Annan’s commission could still determine that genocide has occurred in Darfur – giving the Security Council yet another chance to take concrete action. Given recent history, however, such action is unlikely. So far, the immediate consequences of the U.S. genocide determination have been minimal, and despite the historic declarations by Bush, Powell, and the U.S, Congress, the international community has barely budged until recently with the resolution imposing targeted sanctions on four individuals was adopted on 25 April 2006 together with a presidential statement on the Abuja talks, thereby sending a signal that the sanctions were not aimed at pressuring the talks per se,

119 http://www.darfuinformation.com
but in response to the ongoing violations of human rights and of the ceasefire currently in force.

The Genocide debate and the Darfur crisis are thus instructive for several reasons. First, they have made it clear that “genocide” is not a magic word that triggers intervention. The term grabs attention, and in this case allowed pundits and advocates to move Sudan to the center of the public and international agendas. The lack of any subsequent action, however, showed that the Genocide convention does not provide nearly the impetus that many thought it would. The convention was intended to institutionalize the promise of “never again,” In the past, governments avoided involvement in a crisis by scrupulously each owing the word “genocide”. Sudan – at least so far – shows that the definition may not have mattered.120

Second, the Darfur crisis points to other limitations of using a genocide framework to galvanize international intervention. Genocide is a contested concept; there is much disagreement about what qualifies for the term. The convention itself defines genocide as the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such. The document also lists several activities that constitute genocide, ranging from obvious acts such as killing to less obvious ones such as causing “mental harm”. One often-cited problem with the convention’s definition is how to determine a perpetrator’s intent in the midst of a crisis. And how much “partial” group destruction does it take to reach the genocide threshold? In April 2004, an appeals chamber of the International Criminal Tribunal for the Former Yugoslavia addressed the definitional question, upholding a genocide conviction of the Bosnian Serb commander Radislav Krstic for his role in the 1995 massacre at Srebrenica. In that case, the tribunal concluded that “genocide” meant the destruction of a “substantial part” of a group, which the court defined as 7,000-8,000 Bosnian Muslim men from Srebrenica.121

120 http://www.usaid.gov/humnaitan-assistance.html

121 Ibid

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By this standard, the violence in Darfur does appear to be genocide: a substantial number of men from a particular ethnic group in a limited area have been killed. For many observers, however, genocide means something else; a campaign designed to physically eliminate a group under a government's control, as in Rwanda or Nazi Germany. The definitional debate is hard to resolve; both positions are defensible. And the indeterminacy makes genocide a difficult term around which to mobilize an international coalition for intervention.

Assuming that humanitarian intervention remains a common goal in the future, one way forward would be to revisit and strengthen the ambiguous provisions in the convention. The confusion associated with the word "genocide" is not likely to disappear, however, and the term, at least as currently defined, excludes economic, political, and other social groups from protection. A better strategy might therefore be to develop a specific humanitarian threshold for intervention- including, but not limited to genocide – and to establish institutional mechanisms to move from recognition of a rave humanitarian crisis to international action.  

Darfur also shows that the genocide debate can divert attention from the most difficult questions surrounding humanitarian intervention. Any potential international action faces serious logistical and political obstacles. Darfur is vast and would require a substantial deployment of troops to safeguard civilians. The area has poor roads, and although it is open to surveillance from the air, ground transportation of troops would be difficult. International action also would need to address the complicated but enduring problems that have given rise to the violence in the first place. Such a strategy would require pressure on both the Darfur rebels and Khartoum to make peace.

Already heavily committed in Iraq and having lost considerable international credibility over the last two years, the Bush administration is well positioned to lead such an effort. The hardest question about humanitarian intervention thus remains; who will initiate and lead it? The problem is not just theoretical: the killing continues in Darfur and is unlikely

122 Ibid
to end soon. Until a powerful international actor or coalition of actors emerges, many more thousands of civilians are likely to die in western Sudan. If the international community fails to act decisively, the brave language of the Genocide convention and the UN charter – not to mention the avowed principles of the U.S government and their states – will once more ring false.¹²³

¹²³ Ibid
3. Chapter Three: Case Studies
A Critical Evaluation of Humanitarian Actions in Post Cold War Africa: the Cases of Somalia and Rwanda

3.1 Introduction
Sean D. Murphy defines intervention as "the threat or use of force by a state group of states or international organization for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognized human rights." Early doctrines of humanitarian intervention, expounded by Hugo Crofius and others in the 17th century argued that the use of force by one or more states was a lawful recourse to halt the mistreatment of citizens by their sovereign. As did Grotius, today's humanitarian interventionists seek to erode international law prohibitions against the use of armed force.

Aspects of state sovereignty relevant to discussions of intervention include territorial sovereignty (the absolute authority over all persons and actions within a state’s territory). Personnel sovereignty (absolute authority over all of its citizens including those abroad) and jurisdiction (authority over claims including juridical and legislative power). To many, state sovereignty over internal affairs and absolute authority over citizens renders any intervention abhorrent even with a UN Security Council Resolution.

The first and most important prohibition arguing against intervention even to prevent human rights violations is Article 2(7) of the UN Charter. It embodies the UN’s general stance on uninvited interference in the domestic affairs of a state. “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to

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125 Ibid. p. 11
126 Ibid. p. 12
submit such matters to settlement under the present charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.\textsuperscript{127}

Ambiguity surrounding the UN Charter's prohibition against intervention was addressed by the UN General Assembly in its 1965 Declaration on the inadmissibility of intervention in the Domestic Affairs of states and their independence and sovereignty. These principles were reiterated in the 1990 declaration on principles of international law concerning friendly relations and cooperation among states in accordance with the charter of the United Nations, which has the status of a unanimous agreement because it passed without a vote.

At the same time, the UN Charter creates space for intervention in what is elaborated in Chapter VII as "enforcement measures"\textsuperscript{128} it is therefore stated thus that, "The Security Council shall determine the existence of any threat to the breach of peace, or acts of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security."\textsuperscript{129}

This Article collates within the Security Council's sole authority to make decisions concerning the peace, or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42 to maintain or restore international peace and security.

It is important to note that the definition of what constitutes a threat to peace or security is also first and foremost a subjective matter that renders the decision to authorize humanitarian intervention dependent upon a process that is not oriented to humanitarian issues. Protecting the rights of ethnic minorities facing state-sponsored ethnic cleansing or worse should not be a matter of political whim. However, if a rationale for justifying

\textsuperscript{128} Also see Lois Henkin et al, Editors, International Law: Cases and materials (St. Paul: west publications 1993) p. 982
\textsuperscript{129} Ibid p 982
preemptory humanitarian intervention can be established, it must be based on more than any argument discrediting the Security Council voting process.

“The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the members to the United Nations to apply such measures. These may include complete or partial interruption of economic and the service of diplomatic relations.”

On the other hand, “...should the Security Council consider that measure provided for in article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security”. Such action may include demonstrations, blockade, and other operations by air, sea or land forces of members of the United Nations.

What therefore is the stand of International Law as far as the use of force is concerned? Despite arguments against intervention, Article 2(7) of the UN Charter establishes that non-intervention should not “prejudice any enforcement measures taken in accordance with Chapter VII”. The UN Charter promotes the idea of community will (in the form of the Security Council) over state sovereignty. Because the Security Council has invoked Chapter VII when dealing with threats to the peace concerning human rights abuses (for example, Kurds in Iraq, Bosnia, Haiti) an argument can be made that Security Council actions have promoted a doctrine of collective humanitarian intervention.

Opponents of humanitarian intervention in the absence of UN Security Council sanctions contend that the most important international legal prohibition against intervention concerns the use of force. Article 2(4) of the UN Charter thus states that, “All members shall refrain in their international relations from the threat or use of force against the

territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.”

It has been argued that article 2(4) limits the prohibition against the use of force to only those cases where a state’s “territorial integrity” or “political independence” is at risk, concluding that unless a position of a state’s “territorial integrity” or “political independence” is at risk, or “a portion of a state’s territory is permanently lost”, the article does not apply.

But this rigid interpretation of article 2(4) so weakens the Article and the fundamental principle of state sovereignty on which modern international law rests; that it should not be taken seriously. It also ignores what has been called that Article’s “Center of gravity”. The use of force is prohibited in cases in which it is not “consistent with the purposes of the United Nations”. Indeed the prohibition against the use of force is an important constraint against aggression, and is as crucial to international norms protecting human rights as the requirements to obtain UN approval before engaging in armed intervention.

What all this demonstrates is that, there is a threshold running throughout the UN Charter that must be crossed before the Security Council acts. There must be a legitimate “threat to the peace, breach of peace, or acts of aggression”. In other words, the UN can act only when there is agreement concerning a legitimate threat to peace or security, a condition that renders UN intervention a matter of judgment and sentiment rather than one of objective community interest.

Furthermore, critics of the UN Security Council system rightly point out that this renders all collective responses to human rights violations and the collective management of ethno political conflict, a question of relative or situational ethics in the form of Security

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133 Ibid
3.2 Factors behind Humanitarian Actions in Somalia and Rwanda

Both Somalia and Rwanda have been faced by intra-state as well as international conflicts. Throughout its post-independence period, Somalia has had conflicts with almost all her neighbors due to the extension of its irredentist policy in the Horn of Africa region. Due to this factor, Somalia has had a tense relationship between herself and other countries in the region.\(^\text{136}\)

On the other hand, Somalia has had its own internal problems. These problems have had to do with internal power struggles among others. After Siad Barre overthrew the government of President Ali Sharmarke in 1969, he went ahead to create a one-party dictatorship through which he exercised his power. He concentrated all the wealth and political authority around his own clan and this created animosity over the years.

By the mid 1980s a number of dissident groups had organized themselves in order to overthrow the government of Siad Barre. Although the government put up a lot of resistance, it was finally overthrown in 1991. What followed was a protracted civil war in which up to 300,000 people lost their lives.\(^\text{137}\)

\(^{135}\) Ibid p.3
\(^{136}\) See William Turdoff Government and politics in Africa (Houndmills Basingstoke: London Macmillian 1993)
\(^{137}\) See also Peter A. Ngongo's Arms and Daggers in the Heart of Africa: Studies on International conflict (Nairobi, Academy of Science Publishers, 1993).
At the same time Somalia has been hit hard by drought and famine especially in the last two decades. The war situation exacerbated the situation when several millions were faced with starvation and death due to diseases and malnutrition.\textsuperscript{138}

Following the civil wars, there was an influx of several hundred thousand refugees into neighboring countries mainly Kenya. All these factors attracted the attention of the international community which reacted through various humanitarian actions in the country.

Rwanda on the other hand has had similar problems to those of Somalia. However, unlike in Somalia where the Somali have a more or less homogenous culture, in terms of language and religion, Rwanda was affected by an adverse relationship between two ethnic groups of Hutu and Tutsi which was marked by a Hutu led revolution in 1959.\textsuperscript{139}

A series of Civil wars followed in 1973 and 1990-94 respectively. The Tutsi minority that had ruled the country before independence had been displaced as refugees and political asylum seekers. Many of them lived in Uganda, Congo (DRC) and Tanzania and later formed the Rwandese Patriotic Front (FPF) which in 1994 overthrew the government of president Juvenile Habriyarimana.

It is noteworthy that the killing of president Habiryarimana in a plane crash sparked a genocide, which targeted the Tutsi minority. Up to 800,000 Tutsi and moderate Hutus were killed. This left up to 2,000,000 displaced as refugees in Congo (DRC), Burundi, Uganda and Tanzania.\textsuperscript{140}

At this juncture, it is prudent for one to discuss the nature and magnitude of the humanitarian crises that these countries were faced with. At the same time this will go

\textsuperscript{138} Ibid
\textsuperscript{140} Ibid pp 1-69
hand in hand with the actions that were taken by the United Nations among other organizations in the international system in response to the same.

It is observed that by the time UNOSOM I was established in April 1992, the challenge was not so much to prevent the outbreak of famine but to contain it as quickly as possible and save the millions of people at the risk of death. The civil war had already ravaged the countryside for over a year, particularly in the agricultural south and much of the population had been displaced. The towns where all services had been destroyed were swollen with people fleeing the violence searching for food.\textsuperscript{141}

Hundreds of thousands were in camps without access to food, water or sanitation. In the north, drought had hit several regions. Almost everywhere, food stocks were being exhausted and food prices were rising sharply. Water and sanitation systems had been destroyed. By the end of 1992, the United Nations estimated that 4.5 million Somalis nearly 65\% of the country's population required external assistance.\textsuperscript{142}

However, the warring factions in Somalia placed so many obstacles in the mission's path including attacks on international aid workers, looting of warehouses containing relief supplies and the shelling of ships bringing food that by the end of November, chaos reigned in Somalia and it was clear that more forceful action was necessary. Thus the Security Council in December 1992, decided to authorize a multinational force, organized and commanded by the United States, to establish a 'secure environment' for the delivery of humanitarian relief.

Later, in May 1993, the United Nations took up the command of a mission UNOSOM II whose mandate explicitly included enforcement powers. Once again, an action unprecedented in its history, with the partial exception of the Organization's involvement in the Congo in the early 1960s.\textsuperscript{143}

\textsuperscript{142} ibid pp 3-4
\textsuperscript{143} ibid pp 4-25
In the case of Rwanda, within twenty four hours of the start of the genocide, 250,000 Rwandan refugees flooded into Burundi, Uganda, Tanzania and Zaire (DRC). Over the next three months genocide prevailed. The killing of ten Belgian UN peacekeepers led to the irresponsible withdrawal of its entire contingent, the backbone of the UN force, from Rwanda on 12th April 1994. Brussels then lobbied for the withdrawal of all UN peacekeepers from its former colony.  

The genocidal militias and Rwandan army retreated into eastern Zaire with a hostage Hutu population of about one million people. This retreat was facilitated by the controversial UN sanctioned French intervention, “Operation turquoise” which had ostensibly come in to save lives. However, relations that France had trained and continued to arm many of Rwanda’s death squads raised troubling questions. 

Led by strong American and British demands, the UN Security Council withdrew most of its peacekeepers from Rwandans, leaving a token force of 270. It pursued an utterly inappropriate diplomatic posture in search of an elusive cease-fire. A month later, the Security Council reversed its decision and authorized the dispatch of 5,500 peacekeepers (UNAMIRII) who arrived too late to save victims of genocide.

3.3 A Critical Assessment of Humanitarian Actions in Somalia and Rwanda

First and foremost, humanitarian intervention in Somalia and Rwanda cannot be said to have been successful since response to the two crises was largely delayed. It has been argued that the international community lay idle while Rwanda burned. The crisis had simply been dismissed as another bout of primordial blood letting on “the Dark Continent.” The same case applies to Somalia which when compared to Yugoslavia’s operation was quite understated and unsuccessful. Hence, these two humanitarian crises

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144 The crisis in Rwanda is discussed in detail by Howard Adelman and Astri Surshibe editors The Path of a Genocide: the Rwanda Crisis from Uganda to Zaire. (Uppsala, Nordiska Afrikainstitutet)
145 ibid pp 281-305
146 ibid 308-321
have continued to raise a lot of negative reactions both in the academic as well as in social circles.

Indeed, the American-led UNITAF\textsuperscript{148} otherwise known as “Operation Restore Hope” ended in a stalemate, which left the place worse than it was in the very beginning. Similarly, the French-led Operation Turquoise\textsuperscript{149} in Rwanda has continually been described as a humanitarian escape from a political dead end. In fact, there have been revelations that French troops just watched as innocent civilians were butchered by Hutu militia.

Taking the same line of argument it has been observed that these humanitarian operation(s) were highly disorganized and that they lacked strategic planning and coordination. For instance, the United Nations Rwanda Emergency Operation’s Office (UNREO) which led the overall coordination of humanitarian operations had its headquarters in Nairobi. In many cases, the necessary logistical support needed for these operations could be lacking due to the proximity of the place from which they were being coordinated.\textsuperscript{150}

At the same time, one cannot heap the blame entirely on the inability of the United Nations to avert a humanitarian crisis in Rwanda and Somalia without questioning the role of African countries in the entire issue. It has been pointed out that African countries are always the first to blame the western controlled UN without asking what they themselves have done/did for Somalia and Rwanda. Their regional and sub-regional organizations/integrated bodies (such as IGAD, EAC and AU) have only stood aloof while genocide actions continue to take place on the continent.\textsuperscript{151}

In the same vein, there are a number of issues that have to do with the humanitarian crises themselves. In as much as we can argue that there have been gross violations of

\textsuperscript{148} See United State and Somalia 1992-1996, pp 4-25
\textsuperscript{149} See Howard Alderman and astir Surkhe The Path of a Genocide: the Rwandan Crisis from Uganda to Zaire Uppsala, Nordiska Afrikainstitute)
\textsuperscript{150} Ibid pp 308-321
\textsuperscript{151} also discussed by Reno William Warlord Politics and African States (London, Lynne Rienner Publishers

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international human rights law as well as international humanitarian law, it can be observed that the African countries themselves have done little to domesticate these ideals. It is common knowledge that at the height of the Somali and Rwanda crisis, it would have been difficult to tell the difference between civilians, militia, revolutionary national armies or personnel. This state of affairs makes the situation very difficult for any humanitarian operation to be successful.152

At the same time, taking the realist argument, any one country that goes/gets into any form of interaction with another; is purely in the pursuance of its national (and perhaps selfish) interests. Following this argument, one can hence make sense of the phrase “Politics of humanitarian aid.” Here it is postulated that the humanitarian operations that take place in Africa are quite costly and many countries in the West have helped create employment for their nationals as a disguise in the name of humanitarian aid and philanthropy.153 The problems that came with the humanitarian crises in Somalia and Rwanda bore heavily on the UNHCR. More often than not, this organization was caught unaware by unprecedented situations and therefore becoming part of the crisis instead of being the solution.

For instance, with the massive outflows of refugees from Rwanda in the aftermath of the April 1994 crisis, the rapidly worsening security problems in the camps in Zaire/DRC and to a lesser extent also in Tanzania and Burundi became a matter of great concern for the international community. The security issue affected all types of humanitarian assistance and protection under conditions of violence intimidation and corruption in the camps. In Zaire (DRC), the difficulties were compounded by tense relations between refugees and the local authorities as well as Zairean soldiers.154

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152 ibid  
153 See, John Prandergst Frontline Diplomacy: Humanitarian Aid and Conflict in Africa (Boulder; Lynne Rienner Publishers)  
154 Ibid
Although UNHCR is not strictly responsible for law and order in the camps, which is the primary responsibility of host country authorities, the High Commissioner has to address security issues when these prevent the organization from implementing its mandate.

However, even under these conditions it is said to learn that at the height of the crisis, huge numbers of Hutu militias in Zaire and Tanzania would get out of the camps by night, carry out attacks in Rwanda and Burundi and return to the camps at dawn. This was deemed as a violation of international humanitarian law.155

Nevertheless, the security problems were in part as a result of unpreparedness so that the issue of contingency planning must be dealt with here. In response to the crisis in Burundi in October 1993 and the subsequent outflow of refugees to Tanzania, UNHCR undertook a mission to the Great Lakes Region to assess its preparedness for a large refugee emergency.156

This resulted in regional contingency planning for refugee outflow from Rwanda and Burundi to Tanzania, Zaire (DRC) and Uganda. When the Crisis struck in Rwanda and Burundi, the first flow into Zaire was not as big as UNHCR had expected.157

Only around 7,000 persons crossed over to Goma, in DRC, during this first period from 6th April to the middle of July. However, the flow into Tanzania was faster and the largest movement UNHCR had experienced. Some 250,000 persons arrived in Ngara, Tanzania, in the course of only two days. This record was soon surpassed by the new inflow into Goma in Zaire starting on 14th July where around 1.2 million people crossed the border to Goma within four days. The size and speed of the influx was unprecedented in UNHCR’s history and caught the international community by surprise and in total disbelief.158 Such is one facet and challenge of undertaking humanitarian assistance in a complex emergency.

155 See, Ebenezer Blavo The problems of refugees in Africa (Sydney Ashgate, 1999)
156 ibid
157 See Howard Adelman and Astri Surble The Path of a Genocide: the Rwanda Crisis From Uganda to Zaire. (Uppsala, Nordiska Afrika Institutet) pp 308-381
158 ibid pp. 308-381
It is clear that the greatest predicament that faced the humanitarian actions in Somalia and Rwanda have to do with the problems associated with the movement from peacekeeping to peace-enforcement. As was discussed earlier in the paper, the legal basis of humanitarian intervention is compromised from the start. This is because the United Nations charter very strongly upholds the norm of non-interference with the internal affairs and territorial integrity of any member state. In the same vein, the decision as to when the pacific settlement of disputes should change to a full scale military operation in order to avert genocide and restore pace and order is the prerogative of the Security Council, the top organ of the United Nations system. None of the countries, such as those from the African region (including Somalia and Rwanda) is represented. Hence, their position(s) is highly compromised and it is only logical to observe that, it is the needs and wants of the Western countries that drive their intervention into conflicts such as those in Somalia and Rwanda.

Hence, the degree of impartiality and honesty in the entire humanitarian process is the bone of contention. External interests and interferences have compounded the degree of problems surrounding humanitarian actions in post cold war Africa. Last but not least, one cannot ignore the fact that the humanitarian actions have been dogged by other problems, which are political, financial, logistical and social-cultural in nature, as shown by the American-led UNITAF operation in Somalia as well as operation turquoise in Rwanda. It is also worthy to note that many other NGO’s and humanitarian agencies worked in these countries in the entire period. However, lack of co-ordination and/or communication among them and with the governments in the host countries further tinted their performance as far as the entire operation(s) was concerned.

Last but not least, the 1994 genocide in Rwanda represents a typical case of the international community’s responsibility to protect innocent civilians from genocide, in a situation where the state was unwilling and unable to perform the basic function.
Humanitarian intervention in Africa has usually focused on emergency relief to the affected population and the political level, through the brokering of cease-fire agreements. Once an agreement has been signed by the parties involved, a peacekeeping mission is sent to keep the peace and enforce the cease-fire agreement. However, the process becomes tenuous when the belligerents and the state do not uphold the human rights of the citizens.

In September 2000, the Government of Canada, together with a group of major foundations, announced at the UN General Assembly the establishment of the International Commission on Intervention and State Sovereignty (ICISS). The Commission was asked to address the whole range of questions including legal, moral, operational and political and to bring back a report that would help the Secretary General and everyone else to find a common ground. The report referred to is the ‘The Responsibility to Protect’. The core principles underlying the Responsibility to Protect are that state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself and that when a state is unwilling or unable to protect its citizens then the principle of non intervention yields to the international community’s responsibility to protect.

3.4 A Case for Humanitarian Intervention in Darfur: Essence of the African Union Mission in Darfur (AMIS)

The AU’s Peace and Security Council (PSC) first discussed Darfur on 27th July 2004, when it requested its chairperson to prepare a plan for making AMIS more effective. It emphasized the importance of disarming and neutralizing the Janjaweed militia, protecting civilians and facilitating humanitarian assistance, and raised the possibility of an AU peacekeeping mission. Although PSC decisions are legally made by AU members, the organization soon realized that Khartoum’s at least tacit cooperation was needed for successful deployment, thus limiting the scope of its activities to those acceptable to the government. As a result, the PSC retreated from its initial concept and on 20 October 2004 decided that the mission mandate should be:
To monitor compliance with the 8 April 2004 Humanitarian cease-fire agreement and subsequent agreements; To assist in confidence-building; To protect civilians encountered or under imminent threat and in the immediate vicinity, within the limits of mission capability, it being understood that civilian protection is the government’s responsibility; and to contribute to a secure environment for the delivery of humanitarian relief and the eventual return of IDPs and refugees to their homes.\(^{(159)}\)

The PSC authorized mission strengths of 3,320. While the military component is almost fully deployed, the civilian police are at only a little better than half strength. In March 2005, an AU Joint Assessment Mission (JAM) – carried out with the European Union (EU), US and UN participation, found that: AMIS makes a significant difference where it is present but large areas are beyond its reach on all but on occasional basis. Neither the assumptions on which the mission was planned nor those on which the Humanitarian cease-fire agreement was based have been borne out and; AMIS though near its authorized ceiling, is not fully effective and needs to give greater priority to creating a secure environment.\(^{(160)}\)

Subsequently, on 29 April 2005, the PSC approved a second expansion of AMIS to 7,731, to be achieved in September 2005. AU Commission chairman Alpha Oumar Konare, in line with the JAM report recommended in his report that after completion of this expansion, AMIS should be increased again, to approximately 12,300 by the second quarter of 2006, “to contribute to a secure environment throughout Darfur in order to enable full return of displaced persons.”\(^{(161)}\) The strength of AMIS as of 20 March 2006 was 5,475 military and 1,385 police personnel with key troop-contributing countries from Nigeria, Rwanda, Senegal, South Africa and Ghana. As of 1 September 2006, the strength increased to about: 5,703 military and 1,425 police. The total authorized strength is about 10,000 military and 1,500 police.

\(^{(160)}\) See also, the AU Assessment Missions to Darfur Sudan, 10-22 March 2005: Report of the Joint Assessment Team.
\(^{(161)}\) International Crisis Group “The AU’s Mission in Darfur: Bridging the Gaps” Africa Briefing No. 28 (Nairobi/Brussels, 6th July 2005.)
AMIS has contributed to the reduction in combat through its reporting and limited presence. It has had some success in reducing insecurity for civilians in the areas where it has deployed. Examples include:

One: Following months of daytime violence in Kebkabiya (north Darfur), AMIS established a permanent mission in late 2004, with the result that the Janjaweed no longer terrorise residents and IDPs inside the town markets which re-opened, and humanitarian NGOs operate in a more ‘secure’ environment;

Two: Deployment to Labado (South Darfur) in January 2005 thwarted new attacks against that town and neighboring Muhajaria and enabled some civilians to return home.

Third: Positioning a military observer Group in Geraida (South Darfur) in February 2005 allowed the road to Baram to be opened and contributed to reducing violence between the Masalit and Habaniya tribes,

Fourth: In some locations, AMIS does liaise with traditional leaders to address citizen concerns while striving to forge local reconciliation agreements to prevent cattle rustling from escalating into large-scale violence.

Lastly: AMIS has frequently ferried civilians who have been raped or attacked to hospitals or clinics, sometimes despite resistance from government forces seeking to conceal the targeting of civilian. AMIS firewood patrols in several sectors protect women from assault and rape outside the camps.  

Nevertheless, AMIS as presently envisaged cannot adequately protect civilians. Its ability to monitor the ceasefire, protect civilians and provide security for humanitarian operations is severely limited. Civilian protection in an area the size of France or Texas requires a far larger force than AMIS presently has or anticipates having at least until well into early 2007. Militias have attacked civilian targets, and the parties have attacked one another in AMIS’s presence. The recent fighting in Geraida between SLA and JEM

\footnote{\textit{Ibid}}
demonstrates that when the parties are set on violence AMIS can do little under its current mandate. In these instances, AMIS troops have come under fire. AMIS has been operational since 25 May 2004 to present. Its current mandate expires on 1 July 2007.

The limitations are partially as a consequence of AU inexperience in peacekeeping and the nascent stage of its Security Council mechanisms, particularly in mission management and force generation. But beyond these institutional problems, the AU military operations in Darfur face constraints that would hamstring even the most experienced peacekeeping force. The constraints include an inadequate mandate, insufficient forces and capabilities, and political failure to acknowledge that the Sudanese government has consistently failed to meet its responsibilities to neutralize the militias and protect its citizens.

With a restrictive mandate and limited forces, AMIS tries to establish security primarily by deploying across parts of the eight regional sectors. It does not routinely patrol those sectors but rather sends small groups of military observers (MILOBS) to selected outposts or areas of interest. These teams which are usually accompanied by squad or platoon-sized elements from the protection force resolve local social or security disputes through diplomacy and interact with the community but cannot sustain operations without daily assistance form their sector Head Quarter or local base. AMIS does not provide direct physical security for IDP camps. This is the responsibility of Sudanese police, who are widely destructed by the IDPs. The AMIS response- to unarmed Civilian Police (CIVPOL) into the camps to work alongside their Sudanese counterparts – has been hampered by slow CIVPOL deployment and lack of logistical planning. Yet even a large more permanent CIVPOL presence would have virtually no effect on reducing attacks against civilians outside the camps, where most atrocities occur. The key to improving security across the region and creating an environment where civilians feel

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163 Ibid
safe to return home are a stronger mandate to protect civilians and more troops, with improved capabilities, to implement it.\textsuperscript{165}

The JAM report described shortfalls, including "lack of clarity in the chain of command, lack of capacity and human resources, misallocation of tasks between Addis Ababa, Khartoum and El Fasher, and absence of Standard Operating Procedures (SOPS) and the most glaring deficiency that includes lack of operational focus an command presence at the EL Fasher Force Headquarters that is most apparent in the absence of a 24 hour Joint Operational Cell (JOC) and appropriately trained personnel to staff it. Without a JOC, which should be the focal point for coordination and execution of its tasks, the mission cannot respond effectively to developing situations. There has been gradual improvement since the start of the operation in operational staff procedures but more is needed. These deficiencies should be corrected as a first priority with the possibility of mission expansion. Otherwise, problems will be exacerbated and become more difficult to correct as the operational temperature and responsibilities increase.\textsuperscript{166}

Communication limitations severely curtail AMIS's ability to conduct operations. The mission lacks capability to transmit critical data such as operational orders or intelligence in a secure, high speedway. Communications are mostly passed from headquarters to units via voice transmission in the open or hard copy messages, which are labeled to be intercepted by the Sudanese government.

AMIS has a poor intelligence apparatus or collection capacity and does not actively analyze or disseminate intelligence. It is therefore, unable to give critical information to sector commanders that would permit them to take timely measures, even though intelligence gathering and monitoring of government, militia and rebel forces are two key responsibilities granted under the Abuja Security Agreement of November 2004. Troop mobility is hamstrung by inadequate ground transport vehicles, though it does have approximately ten armored personnel carriers (APCs), some with heavy machine guns,

\textsuperscript{165} More information can be found at http://www.sudantribune.com/article.php?id_article=9989
\textsuperscript{166} See also AU PSC Communiqué, 28\textsuperscript{th} April 205, op. cit ; "Report of the Chairperson of the Commission on the Situation in Darfur Region of the Sudan" PSC/PR/2 (XXVII), Addis Ababa, 28\textsuperscript{th} April 2005.
and limited number of light armoured vehicles. Its numerous light trucks and 4x4 vehicles have limited combat value since they have no armament. Not all are capable of off-road movement.\textsuperscript{167}

AMIS uses eighteen Mi-8 helicopters for most air operations. These are contracted, unarmed civilian aircraft without forward-looking infra-red (FLIR), tactical communications or night capability. AMIS ground facilities cannot communicate with or direct in flight. The mission thus cannot send forces into a hostile environment or conduct sustained day or night-time patrols, including along likely avenues of approach to targets. Attackers may use or aid agency transportation routes. Nor can it do extended reconnaissance or tactical lift. Its aircrafts perform limited patrols but not to the degree necessary to establish a presence throughout Darfur. They are not typically based at AMIS facilities, but rather at local facilities which close an added value of the facilities due to inadequate lightings and, in all likelihood, government policy. To respond to calls for help, personnel must at times go several kilometers to the helicopters, which are bedded in the open though secured by AMIS forces. Once airborne, they can reach any location in their sector within two hours. However, without night flying, AMIS cannot ferry forces to suspect locations in pre-dawn hours when most violence occurs. The helicopters are also severely hampered by fuel shortages: expected to patrol at least 60 hours per month, they average 30 hours.\textsuperscript{168}

AMIS has no dedicated fixed-wing aircraft, when it needs them, it normally rents locally. In an emergency, it turns to Pacific Architects and Engineering (PAE) the firm contracted by the U.S government to provide facilities and logistical support. Not having dedicated fixed wing planes limits the ability to deploy within Darfur in a timely manner.\textsuperscript{169}

Slow force generation by AU states is a big problem. It took six months from the October 2004 decision to deploy about 2,400 troops, and CIVPOL is still under strength. Had it not been for the contributions of Nigeria and Rwanda in particular, it is unlikely the

\begin{footnotes}
\footnote{\textsuperscript{167} Ibid.}
\footnote{\textsuperscript{168} See \url{http://www.un.org/Depts/dpko/dpko/contributors/}.}
\footnote{\textsuperscript{169} Ibid.}
\end{footnotes}

78
military component would be anywhere near strength. African militaries are stretched thin, with approximately 18,600 personnel assigned to UN peace keeping operations, and additional commitments that are looming for the UN Mission to Somalia (IGASOM) and the talked about Intergovernmental Authority on Development (IGAD) mission to Somalia (IGASOM). The AU has also stated that it intends to prepare a force of 6,000 to 7,000 to deploy to the Congo (DRC).

Expanding AMIS will exacerbate shortcomings in the areas of training and equipment. There is neither a standard force preparation package nor standard deployment equipment tables. Troop-contributing countries must make their own preparations. This has not yet been a major factor, as the majority of current troops are from Rwanda, Nigeria and other countries which have participated in earlier peacekeeping training and programs. If the AU seeks more contributions from across the continent, however, there will be even greater need to institute common standards. A more proactive mission will also require greater military cohesion. Once forces have been identified and prepared, there are still constraints in getting them to Darfur. Even though the current mission was transported by various donor countries utilizing military aircraft, a number of problems impeded the force build-up.¹⁷⁰

On July 30 2004, the UN Security Council adopted resolution 1556 demanding that the government of Sudan disarm the Janjaweed. This same demand is also an important part of the Darfur Peace Agreement (DPA) signed in May 2006. On August 31, 2006, the UN Security Council Resolution 1706 authorised a UN mission to Darfur with a force of 20,600 troops and police to deploy to Darfur with a Chapter VII mandate, allowing the use of force to protect vulnerable populations, UN personnel, humanitarian workers and enforce the Darfur Peace Agreement. The Government of Sudan has resisted the notion of a transition to the proposed UN force, insisting instead to partly finance the AU mission and proposing deployment of a hybrid tripartite force comprising of troops from

¹⁷⁰ Top government officials have pledged to cease offensive actions; it was reported “VP Osman Taha Advises Armed Forces to Continue Policy of Self-Restraint in Darfur”, Al-Ayaam, 4th May 2005.
its own army, the rebels and AMIS. It is also arguing that all forces should come under AU command and control.

International experts agree that the United Nations Security Council must deploy a peacekeeping force with a mandate to protect civilians immediately. Until it arrives, the under-funded and overwhelmed African Union mission must be bolstered. In addition, governments and international institutions must provide and ensure access to sufficient humanitarian aid for those in need.

As of January 2007, humanitarian access continues to be compromised. The latest January humanitarian access map below shows Darfur-wide access is about 64%. While access has improved in some areas, windows have closed again in others. Aid agencies are relying on a flexible quick in-and-out approach to service populations in many areas.
3.5 Darfur Humanitarian Access Map – January 2007
The Current Status of Civilian Protection
The year 2005 saw a decline in major combat between government forces and the two main rebel groups the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). Both sides have sent public and private signal that they are restraining their forces to improve the chance for peace. From the government side, Vice President Ali Osman Taha arranged high-level tribal reconciliation conferences in Khartoum and Tripoli, as well as Darfur.171

It would be wrong, however, to conclude that any of this indicates a genuine change of strategy by the parties. It is a reaction to mounting international pressure. Khartoum seeks to dilute the impact of UN Security Council Resolution 1591 and 1593. Its commitments do not run deep, as evidenced by its superficial implementation of measures adopted at the tribal reconciliation conferences. Though increasingly pressed to cease attacks on humanitarian operations, return to the negotiating table, and unify their movements, the SLA and JEM continue to splinter internally, making the quest for a political solution ever more elusive and contributing to worsening insecurity in Darfur. The gap between public postures and on the ground commitments, particularly by the government, ensures persistence of four trends.172

First a basic cause for the decline-particularly in 2005 but attacks increased again in 2006- in large attacks is the degree to which Khartoum has achieved its counter-insurgency objective as a result of the displacement and death that has already occurred. In many places, the government’s focus has shifted from displacement to controlling internally displaced persons (IDPs). In these areas, civilians fear government security forces and police - the very institutions the UN and AU have relied on to protect civilians - as much as the Janjaweed. Secondly, both sides are using the lull to rearm and reposition forces, indicating serious new fighting is a distinct possibility. Although government use of air power decreased over the past months, a recent report indicates it

171 See also Monthly Report of the Secretary General on Darfur 10th May S/2005/305
used Antonov aircraft to bomb on 23 May, 2004 to attack a village in south Darfur on 13 May.  

Thirdly, the rebels' weak leadership and command and control and their increasing divisions have contributed to delays in peace talks and produced more insecurity. Rebel attacks on humanitarian convoys and obstruction of non-governmental organization (NGOs) and the African Union (AU) in the field have jeopardized delivery of life saving food and other relief to the very people the rebels claim to represent. SLA-JEM clashes in Geraida, south Darfur on 3 June 2004, indicated a struggle for control of territory ahead of the Abuja negotiations and while the AU was redeploying troops to the area, are further worrying signs. Khartoum tries to exploit these differences by talking quietly with JEM in hopes of luring it into the government of national unity to be established with the Sudan People's Liberation Movement (SPLM).  

Fourthly, and most disturbing, is the government's continued use of proxy militia and incitement of ethnic violence. Rather than disarming its allies, the Janjaweed militia, as it has pledged numerous times, continues to recruit, train, financially support and arm ethnically based militias and police forces.  

Due to the government support and protection of the militia – responsible for more than 75 per cent of all verified killings in Darfur since the AU Ceasefire commission started work in June 2004 – the relative battlefield lull has not improved civilian security. Civilians continue to face systematic attacks, rape and murder by the Janjaweed and the regular army. More than 2 million people are fearful of venturing outside IDP camps let alone returning to their homes. The premise that Khartoum will act in good faith to protect its citizen's fulfill commitments to identify and neutralize the militias, and punish those responsible for human rights abuses is fundamentally flawed. This was demonstrated on 7 April 2004 when a government supported tribal militia ravaged Khor Abeche village despite assurances given to the AU days earlier. The government refuses to control the  

173 Ibid  
174 Ibid
leader of that militia Nasir al Tijani Adel Kaadir who freely moves around south Darfur and visits government offices in Nyala.  

\[175\] Ibid.

The Crisis in Darfur is recognized by the International Community as an ongoing crisis on the lack of protection of human rights within the context of an internal armed conflict and thus subject to international humanitarian law. This recognition has resulted in attention and some resources being paid to finding ways, albeit belatedly, to protect the civilians of Darfur from egregious human rights violations, including the deployment of African Union (AU) cease-fire monitors and the broadening of their mandate, the presence of humanitarian and human rights workers and the AU monitors that has inhibited violations, but to a limited extent. The limitations are evident in the upsurge in military activity and displacement in December 2004,176 and the fact that women continue to be subjected to sexual violence in the vicinity of IDP camps. The argument and limitation here is that 'Protection by presence' complements but cannot substitute for directed, informed action based on the rights and needs of the affected population.

Humanitarian and human rights agencies and organizations are cooperating to implement a strategy that aims at practical protective actions. But the over-riding imperative remains the need for effective international engagement to ensure that the parties to the conflict respect their obligations under international humanitarian and human rights law to protect civilians in conflict. At the same time, the international community must continue to facilitate a political resolution aimed at sustainable peace, development and justice for the people of Darfur.

Humanitarian agencies and organizations have been more successful in providing life-saving assistance to the affected population where they can be accessed (88% of the affected population in December 2004). The tables below are an example and illustration of the percentage of the population receiving assistance as of the end of September 2004 and the end of December 2004. The number of people directly affected increased by 16 percent from an estimated 2.02 to 2.40 million, over the last quarter of 2004. As a result, more people had to be reached to maintain the same coverage percentage. This should be

176 Darfur Humanitarian Profile No. 10, OCHA
borne in mind when comparing the tables below. As of December 2006, more than 3.5 million men, women and children are estimated to be entirely reliant on humanitarian assistance for survival.

<table>
<thead>
<tr>
<th>Conflict affected Population</th>
<th>Percentage of affected population reached</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>Total (IDPs + affected residents)</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>N. Darfur</td>
<td>551,578</td>
</tr>
<tr>
<td>S. Darfur</td>
<td>695,000</td>
</tr>
<tr>
<td>W. Darfur</td>
<td>774,019</td>
</tr>
<tr>
<td>Total</td>
<td>2,020,597</td>
</tr>
</tbody>
</table>

December 31st 2004 – coverage

<table>
<thead>
<tr>
<th>Conflict affected Population</th>
<th>Percentage of affected population reached</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>Total (IDPs + affected residents)</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>N. Darfur</td>
<td>725,736</td>
</tr>
<tr>
<td>S. Darfur</td>
<td>824,346</td>
</tr>
<tr>
<td>W. Darfur</td>
<td>854,388</td>
</tr>
<tr>
<td>Total</td>
<td>2,404,470</td>
</tr>
</tbody>
</table>

Outbreaks of major epidemics such as typhoid and cholera occur seasonally, particularly during the long rainy seasons (May-June). The outbreaks of Hepatitis E have been relatively contained, but did underscore the need to continue to pay close attention to water and sanitation. Anecdotal evidence shows that crude mortality rates, an important
indicator of the overall effectiveness of the response, have improved substantially since September 2004. In particular, responders have been able to avert widespread and large-scale secondary mortality from health related causes in IDP camps/settlements. However, they continue to struggle with providing adequate services to fresh influxes into existing camps. Medecins Sans Frontieres – Holland (MSF-H) reported an alarming health situation in Kalma camp, which continues to receive new arrivals, indicating an increase in mortality due to diarrhea diseases.

The transport of food aid has been disrupted by insecurity on the routes used affecting supply and distribution in all three states. In areas where food distributions have been delayed for up to two months there has been a corresponding rise in admissions to supplementary and therapeutic feeding centers (e.g., Garsila in late 2004). This demonstrates that food aid is having an impact. While there have been reductions in global acute malnutrition rates in some areas, this is not uniform across the Darfurs, and pockets of exceedingly high global acute malnutrition rates remain.

Overall, there is now more emphasis on the consolidation of activities, such as more attention being paid to preventative health measures in the more easily accessible areas and the provision of technical support to international NGOs undertaking camp coordination functions. However, access and coverage remain problematic. The military activity from early December 2004 in North and South Darfur has meant that those agencies and organizations whose programming was affected needed to undertake new assessments and reprogramming.

There are chronic deficiencies that cannot be ignored. There are tensions that need to be ameliorated. There are emerging problems that need to be addressed urgently, including the increasing food insecurity of the non-displaced. Agencies need to renew their efforts to fill gaps in coverage, both geographically and sectorally. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has been assisting in this regard by

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177 WHO, 21 February 2005
178 Reported in UN Sudan situation report dated 9 February 2005

87
examining gaps, identifying priorities and suggesting what action is required, such as inter-agency assessments, negotiations with non-state actors, etc.

The relative investment in IDP camps risks increasing displacement due to assistance sought by vulnerable households (also referred to as the ‘pull factor’). Residents in a camp or recognized IDP cluster should not be the sole determinant of need or vulnerability. The challenge for agencies and donors now is to practically and effectively target vulnerable households in the more complex non-camp/cluster setting. While it is important not to provide assistance in a manner that exacerbates conflict, humanitarian assistance should be provided on the basis of need without any consideration as to a group’s actual or perceived role in the conflict.

Expanding humanitarian assistance geographically requires the establishment of the logistical and infrastructure support needed for a significant and expanded field presence. In this regard, deploying the full complement of UN Department of Safety and Security (UNDSS) field security officers is a very high priority (see section on security below). UN agency headquarters also need to appreciate the need for increased staffing and not make simplistic comparisons with other (inadequately staffed) operations. (See section on staffing below). Broader coverage also requires good relations with non-state actors. NGO’s and the International Committee of the Red Cross (ICRC) have by far the greatest field presence and, as a result, they are shaping the response on the ground. This is a reality that is not adequately appreciated either by UN agencies in Khartoum or in headquarters. It is also not always systematically reflected in the UN’s attentiveness to NGO’s. UN agencies are more constrained by security procedures, but this is not the primary reason for their relative lack of presence. Even if UN agencies cannot be based in remote areas, their regular presence outside the capitals makes a difference to the capacity of their implementing partners and others to provide adequate services and protection.

179 The Darfur Humanitarian Profile No 10 reports that as of 31 December 2004 there were 9,109 aid workers operating in the Darfurs including 605 for the UN (135 international and 8,503 for NGOs (679 International)).
As of April 2006, more than 14,000 national and international relief workers assisted the conflict affected population, working for 84 NGOs and Red Cross and Red Crescent Societies, as well as 13 UN agencies.

UNDSS has not yet deployed two international field security coordination officers (FSCOs) per each Darfur state capital as planned, and those officers present in the field continued to be rotated frequently to fill gaps. The team heard that this has prevented UNDSS from providing humanitarian agencies and organizations with an adequate ongoing analysis of the security situation on the ground and delayed attention to assessments in some areas. Some key routes traveled daily by NGOs and ICRC have remained off limits to the UN for extended periods for the lack of a field security officer to assess them. This has, for example, inhabited coordination efforts for some time by OCHA in Jebel Marra. UNDSS FSCO responsibilities have too frequently been handed over to security staff from other agencies. This is unfairly burdening them and detracting from their own work.

Overall, UNDSS security briefings for the humanitarian community seem limited to a recitation of incidents and facts, rather than an analysis of security trends and factors aimed at proactively directing agencies and organizations where and how they can work. Nearly all actors interviewed cited, as an over-riding concern, the need for better security analysis from the UN to inform operational planning. NGOs cited cases, and the team witnessed one example, in which a UNDSS FSCO did not share, until approached, information pertaining to serious security events, even with organizations with staff in the area. Security briefings for visiting missions can clearly be inadequate. The evaluation team received only one security briefing (in El Fasher). This should be standard on arrival in any location in the Darfurs. No one asked if evaluation team members had completed the standard UN CD-ROM security training.

180 It is understood that there are now 6 Darfur dedicated UNDSS security personnel in Sudan, if not actually in Darfur.
UNDSS has provided some security training to UN staff. However – with the high turnover and increases in staffing, as well as the large number of relatively junior and inexperienced staff – the need for further training remains. Many NGOs operating in more remote areas do so without adequate security for their own operations, and put their own staff as well as others at risk. Few NGOs possess their own security capacity or protocols (exceptions include MSF and Oxfam).

National staff members of some NGOs are working in remote locations with inadequate communications, which jeopardize their security. The NGOs concerned appear to be naive as to how vulnerable their national staff members are. The safety of national staff should be accorded a high a priority as the safety of expatriate staff. Some UN entities seem unaware of the need to protect sensitive information in their offices.

There has been an increase in the quantity of mid-level staff (UN and NGO) badged as ‘protection officers’ or ‘human rights observers’ but many arrive without the requisite expertise. In some cases they need basic training in order to start their work, while higher level expertise in still missing. The quality of induction training varies greatly across agencies. The weaknesses are most evident with new or seconded personnel, some of whom are not familiar with important policy documents of the agencies they represent (e.g. the WFP enhanced commitments to women).

Staff whose primary focus should be on programming and monitoring are generally forced to spend far too much time on distractive matters for lack of proper administrative support. Senior staff members are required to spend a significant amount of time receiving visitors, distracting from their ability to focus on programming. Although this inundation of missions can be expected from the outset of the crisis, few if any agencies or organizations plan for how to deal with it.

Living conditions for staff in the state capitals are now acceptable, but those of some staff in more remote locations are very poor. This was most evident to the team in the case of national staff working on food distributions who were camping in a partly built house.
with no windows or doors, which belonged to a friend of a staff member. Medical response and evacuation services for staff are only now becoming available.

While the physical aspects of staff welfare have improved, psychological welfare is still not being adequately addressed. Demands on staff in nearly all agencies and organizations are unrealistic. It was evident to the team that some staff in Darfur and in Khartoum are being pushed beyond their limits, leading to burnout, hampering productivity and planning, and jeopardizing working relationships.

Some agencies and organizations appear insensitive to the concerns of their national staff. Many appear to be unaware of the need to ensure that there is a balance among the various groups in their national staffing. The high turnover of expatriate staff has placed additional pressures on many national staff members who have to train, orientate and sensitise their expatriate colleagues on the complexities in Darfur.

A major effort was made in December 2004 to improve the protection strategy with a focus on clear agency responsibility and accountability for particular protection activities. Protection matrices were developed – initially to capture, ‘Who does, What, Where’, but these were considered inadequate and so were reworked to create a basis from which to plan activities. This was the focus of attention through January 2005. These processes have been valuable, particularly to those directly concerned, although the matrices developed were still in too an unwieldy a format for group action planning or regular performance reporting. It remains to be seen how effectively the new arrangements coordinate the activities of protection personnel working for OCHA, the UN High Commissioner for Refugees (UNHCR), the UN Development Programme (UNDP) and the UN Children’s Fund (UNICEF).

The protection activities being undertaken are based on sound analysis and judgment, although it is difficult to assess progress to date or measure their impact. In terms of the strategy vis a vis activities and action, some NGO staff members feel that they have “reached a moment of crisis in protection.” In part, this is because some have been
warned by their local government Humanitarian Affairs Commission (HAC) counterparts not to even talk about protection (in particular not to mention sexual and gender-based violence (SGBV) issues). The NGOs perceive a need for stronger UN leadership/mediation. In West Darfur, UNHCR, which is the lead agency for protection, has increased its protection capacity substantially and is gradually establishing a series of satellite offices to reach further into the field. Other UN agencies that could be expected to support protection activities – including the UN Population Fund (UNFPA), UNDP, OHCHR and UNICEF are not yet sufficiently staffed or deployed to work alongside their NGO partners in the deeper field.

This conflict has a particular and devastating impact on children. Despite this, the crisis does not publicly have a “Child’s face”. Not enough is being questioned on the impact of armed conflict on children. The High Commissioner for Human Rights as well as UNICEF have the platform to provide opportunities and responsibilities to publicly advocate on behalf of children in this crisis – opportunities which are not being realized and responsibilities which are not being adequately met.

The protection of children from violence, abuse and discrimination cannot be effective without adequate information. A systematic monitoring, reporting and response framework would be ideal and there are moves at various levels in the international community to put this in pace. Meanwhile, there are unacceptable gaps in the information available to the humanitarian community, in turn hindering effective advocacy and response.

Education is every child’s right.181 It is also now widely accepted (and forms a basis of UNICEF’s own work on education in emergencies) that in emergencies, education is a protection tool and activity and should be prioritized as part of the humanitarian response. Despite this, the Darfur Humanitarian Profile indicates that, both in real terms and as a percentage of the affected population, access to education has diminished over the last

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few months. Many of the IDPs interviewed by the team cited education as their key priority. Yet, very few schools are functioning in the camps, and IDPs usually have to pay a monthly fee to contribute to teacher’s salaries to keep the schools open. Moreover, too many children are sharing textbooks, despite the argued high number of books apparently supplied by UNICEF. It is recognized by the fact-finding team that the paucity of teachers and poor quality of teaching staff is endemic to the region and that this problem needs to be addressed in consultation with the Ministry of Education. There are also sensitivities relating to the curriculum. It is accepted and welcome that UNICEF adopts a more robust approach with the ministry and more aggressively seek additional partners.

It is now widely accepted that conflict and crises are gendered, both in terms of the differential impact on women and men, girls and boys and the gender roles assumed during and after the immediate crisis. Many in the humanitarian community, however, still regard “gender” as relating solely to issues of sexual and gender based violence, rather than appreciating that there is a gender and women’s rights dimension to all aspects of the response, including Non-Food Items (NFI) selection and distribution, livelihood analysis and protection. Although Sudan is not yet a state party to CEDAW, the provisions of other international instruments continue to apply, including the ICCPR, and UN Security Council Resolution 1325 (requiring all agencies to ensure the involvement of women in decision-making) as well as the Beijing Platform for Action.

With some notable exceptions, where agencies consult with and seek the participation of war-affected people, this tends to be with the traditional male leadership structures, without fully exploring and building on women’s leadership and organizational capacities. This gender bias negatively impacts on agencies’ and organizations’ ability to effectively target assistance. Surprisingly, several NGO representatives in the state

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182 Convention on the Elimination of all forms of Discrimination against Women
183 International Covenant on Civil and Political Rights, 1966
capitals expressed doubt about the existence of women's leadership structures in IDP camps, unaware of the newer system of community mobilization.\textsuperscript{184}

The issue of rape in and around IDP camps is institutionally regarded as one of reproductive health, rather than women's human rights. Consequently, responses tend to coalesce around palliative care rather than prevention. Agencies and organizations should strengthen their engagement with those initiatives that are clearly successful while continuing work on the wider issues of this form of gender based violence, searching for other effective interventions and ensuring that humanitarian assistance is contributing to the solution not the problem.\textsuperscript{185}

Advocacy at all levels on issues for increased protection, reform of discriminatory legislative or procedural requirements and the provision of adequate security are central to prevention of rape.

There has been a tendency to take the quantitative aspect of the Sphere Project Minimum Standards in Disaster Response (for example, 15 litres of water per person per day, two blankets per family) as absolutes, rather than indicators. But they are a means to an end. The overriding concern should be determining what is required to meet the qualitative aspects of living with dignity and security. This means paying more attention to results (for example, health outcomes).

It should also be acknowledged that treating the Sphere Project minimum standards in absolutes can serve to inhibit, rather than facilitate, action as agencies or organizations may not wish to undertake interventions that are unlikely to meet these 'requirements' even if proceeding would fill a critical gap. This may be a factor in the reluctance of many agencies and organizations to tackle certain problems, such as the congestion of the larger IDP camps.

\textsuperscript{184} The latter is based on the cooperation of women, men and children for agricultural activities.
\textsuperscript{185} For instance, not providing fuel for cooking or means of reducing the need to collect firewood.
Ensuring equity in terms of coverage and the use of available resources typically means reaching out to the periphery. Depending on relative need, this may require foregoing consolidation at the center. While many NGOs are reaching out to the host community beyond the IDP camps, in some cases this has been undertaken in a manner that merely duplicates the assistance provided in the camps, which may not be appropriate. The environment beyond the camp meeting is far more complex. There may be circumstances for example, where vaccination of animals or providing seeds is a higher immediate priority than addressing chronic problems like poor health care services or access to water. Protecting livelihoods may have more impact, even in terms of health outcomes.

A rights-based approach to humanitarian assistance and the Sphere Project minimum standards require that beneficiaries actively participate in decision making. Nonetheless, beneficiaries have still not been effectively engaged in the management of matters that concern them directly. Ongoing discussions with Sheikhs (community leaders) and some sectoral committees have been established, but the evaluation team saw little evidence of community-based solutions to humanitarian (or protection) challenges. In addition to the lack of engagement with women’s leadership structures, there was little evidence of attempts to investigate or engage leadership structures outside camps.

The international humanitarian community has paid insufficient attention to the environmental impact of humanitarian assistance activities, and of IDP camps. A number of NGOs expressed concern to the team about the potential impact of drilling and recommended hydrological surveys. This would indicate that UNICEF’s plans to develop a ground water forum to protect the after ecosystems are not widely disseminated at the state capital and field level. The formation of this forum would help to reduce the potential of depicting water aquifers that are not naturally recharged and improve the overall management of water sources in the Darfurs.

The larger IDP camps in particular are having an impact on surrounding areas. Small trees have been cut by contractors for latrine construction and by IDPs for shelter, which has brought complaints from the authorities. IDPs (of necessity) collect a considerable
amount of fuel wood, as well as grass for building material and fodder. Several agencies/organizations have provided training in the construction of fuel-efficient stoves which can apparently reduce fuel consumption by up to 40%. Some NGOs are said to be trucking limited quantities of firewood into camps. Both are sensible interventions.

The shelter package is inadequate. Two blankets per family are insufficient in areas where the overnight temperature during winter freezes water and NGOs report that their own expatriate staff members need two or more blankets. Although some agencies and organizations attempted to rectify this problem through the common pipeline, the allocation was never in fact increased. Reliance on cumulative totals of what has been distributed is problematic. Items like blankets, plastic sheeting and mosquito nets distributed many months ago will have deteriorated (some faster than others because the quality of items distributed differs markedly from donor to donor). It was reported that some families sold the blankets they received in the summer to meet more immediate household needs.

The team also emphasized the need to improve shelter before the next rains. This remains a concern. It is understood that the UN Joint Logistics Cell (UNJLC) plans a second round distribution of NFIs, but the team queries both if it is appropriate to distribute all items at once when some are time specific, and if there are enough NGOs willing and able to effect these distributions.

Investments in the other sectors are increasing rapidly with a member of new players bringing in equipment. Although outbreaks of water borne disease (Hepatitis E, Jaundice) have been reported, water chlorination is ongoing and possible water sources of outbreaks have been dealt with effectively. The contamination of ground water by heavy metals and fluoride presents a serious health risk in some areas UNICEF and other organizations are aware of the water quality issues, and UNICEF is working to ensure that the appropriate water testing equipment is available. Testing is ongoing to ensure that water provided, either from boreholes or bladders are suitable for human consumption. In addition, UNICEF and the World Health Organization (WHO) have been working with
agencies and organization to address hygiene issues in a methodical and standardized manner.

Apart from precarious access to water, sanitation and shelter, deaths by malaria, diarrhea and respiratory infections can also reflect poor access to, or poor quality of, curative health care. WHO’s September 2004 mortality survey did not enquire into the health-seeking behaviors of IDPs, nor was any information obtained on the quality of any health care they received. This is a critical area that requires further study.

The general ration distributed by WFP is intended to be the energy equivalent of 2,100 kilocalories per person per day. However, considerably less than this is consumed because many beneficiaries barter or sell a portion of their food ration in order to cover the costs of milling, to obtain commodities not included in the ration, and/or to purchase firewood. In Zalingei, the team was informed that the effective ration may be 20 percent less than planned, based on post-distribution monitoring that suggests each IDP family has at least one unregistered member. Post distribution monitoring by WFP has been weak, by WFP’s own admission.

In certain circumstances the receipt of food aid and other humanitarian resources can endanger beneficiaries. This includes the risk of relief items being taken forcefully from beneficiaries and the risk of distributions being disrupted to deny combatants access to food. WFP has some responsibility for the safety of IDP beneficiaries but does not have the overall responsibility for protection. This issue is not currently being addressed.

The primary responsibility for assisting and protecting IDPs and for camp management lies with the government of Sudan. However, the government requires assistance in all three areas. In relation to camp management, most agencies and organizations are emphasizing their role in coordination, rather than managing, external assistance to a particular IDP camp or concentration, although a few NGOs have signed ‘camp management’ agreements with the HAC.
In September 2004, the evaluation team expressed the view that in principle, a UN agency should be appointed to ensure the overall coordination of external assistance and protection to IDP camps and concentrations (ideally the same agency for all three Darfur states). Among the UN agencies, UNHCR has the most expertise, however when requested by the Special Representative of the Secretary-General (SRSG) to take this lead in August 2004, UNHCR declined, proposing instead that it focus on border monitoring and protection in west Darfur (which it did).

Nevertheless, UNHCR has undertaken to provide some technical support to camp management in west Darfur as part of its lead responsibility for the protection (and voluntary return) of IDPs in the state. UNHCR indicated this by undertaking to pursue a number of “practical protection-based initiatives” including strengthening “the mechanisms for the protection on ‘in-camp’ IDPs by promoting and pursuing better practices of camp management and security, including training and campsite planning. In the intervening months, UNHCR has provided some training and some support to international NGOs involved in on-site camp management and/or coordination in west Darfur, but this has been constrained by limited field present and security based travel restrictions. The International Organization for Migration (IOM) has also undertaken a technical support role at the request of the HC and this remains relevant in North and south Darfur (discussed further below).

These arrangements for technical assistance left outstanding the issue of overall coordination, specifically the need to ensure that all IDPs received adequate assistance and protection and that this was well coordinated in each camp or concentration. At the end of September 2004, OCHA circulated a proposal for filling this vacuum with itself in the lead, the central element being the identification of appropriate international NGOs as ‘lead agencies’ in the larger camps/concentrations.

\[186\] UNHCR sought and was granted lead responsibility for the protection (and voluntary return) of IDPs in west Darfur by authority of the Secretary-General on 16 October 2004

\[187\] Information Note on UNHCR’s p 4 under operational role

\[188\] In early November 2004 the evaluation team provide critical comments to OCHA on its proposal and raised several points, many of which remain to be addressed.
OCHA subsequently set a target of identifying lead international NGOs for 30 camps/concentrations of more than 10,000 IDPs by the end of 2004. So far, 39 organizations have signed agreements with either OCHA or the HAC. The role of those signed agreements with OCHA includes, "the selection of appropriate sites and facilitating the provision of services and facilities to meet basic needs such as water, health, environmental sanitation, shelter, food, education and protection." Approximately 600,000 IDPs remain in camps or areas (including a large number of more than 10,000 IDPs) without a clearly identified camp coordinator.

Under the circumstances, it was sensible of the Humanitarian Coordinator (HC) and OCHA to encourage international NGOs to agree to undertake camp management/coordination tasks and this approach should be supported by all humanitarian actors and donors. The immediate challenge now is to strengthen oversight and support. The majority of the NGOs concerned have no prior experience in camp management/coordination. More than half have not yet received the staff they have sought to recruit for this purpose. Many have faced challenges. Chief among them are: negotiating their relationship with the HAC; balancing their coordination responsibilities and programme activities; and fulfilling the protection aspects of their work.

There is said to be considerable 'inclusion error' in the current registration of IDPs, including some double counting. It is also recognized that even though mechanisms are in place for ongoing registration, these arrangements do not cover all camps/areas or IDPs, thus there is some 'exclusion error' A general re-registration would address both problems. The information will be very useful to all humanitarian actors and it is rational to conduct one registration rather than continue to have several agencies/organizations conducting their own (generally partial) registrations or headcounts for non-food purposes.

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189 Sample letter of acceptance of responsibility for the coordination of IDP gatherings, OCHA, November 2004.
190 Interview; Humanitarian Coordinator, Manuel Mranda da Silva, 5 February 2005.
But the registration needs to be done quickly without occupying too many resources and in a manner that can be repeated, in whole or in part, without too much difficulty. Some agency personnel estimate that the IOM/WFP registration will take significantly longer than the planned three months, even with a large team of enumerators and the assistance of many agencies and organizations.

The problem relates not so much to the time it will take to count IDPs and provide them with a token, but to the time it will take to complete the form for each household. Estimates mentioned range from 15 to 40 minutes. The form includes information about households and place of origin that can be used to determine if there is double-counting. However, it is very doubtful that action could subsequently be taken to recover tokens. In addition, some concerns were raised about access to the information to be collected and entered on a database, and how it could be used.

At present, IDPs must stay in the camp in which they are registered in order to receive relief assistance. Yet, IDPs have the right to, and will and do, move from place to place, which has resulted in some losing their entitlements. The evaluation team came across several households that had moved considerable distances (e.g. from Kalma camp near Nyala in south Darfur to Hamidiya camp near Zalingei in West Darfur).

The Complexity of the Darfur Crisis
The Darfuris represent a classic case of a complex political emergency with its interplay of chronic and emergency needs. Yet despite this general understanding of the complexity of the situation, no agency or organization seems to have undertaken a thorough analysis and it is only now that some agencies are critically reviewing humanitarian assistance. There is little evidence at the field level of political and/or security analysis being undertaken. The lack of understanding of livelihoods and the complex relationships between nomads, agro-pastoralists and sedentary farmers impedes programming. Indeed the lack of credible information and analysis of the situation in

191 It is not clear to the team which version of the form these estimates are based on. There have been a number.
Darfur cuts across all areas and is one of the single biggest impediments to informed planning and effective action in the Darfurs.

This is not to say that assessments are not being conducted. A number have been or are being conducted for a variety of programming reasons. These include several large-scale surveys, such as the WFP-led inter-agency nutrition survey conducted in September 2004, CARE’s market survey and Save the Children United Kingdom’s (SC-UK) child focused livelihood analysis of North Darfur. These represent a base on which to build, recognizing however that the use of different methodologies reduces the comparability of data across assessments, and single sector assessments run the risk of minimizing thereby overlooking the impact of other factors on the situation. Consistency in methods and integration across models is lacking. With conflict ongoing, additional localized assessments will be needed.

Beyond the limited analysis undertaken in the monthly Darfur Humanitarian Profile there have been few efforts to systematically collect, share, compare and analyze available data in a cogent and standardized manner. The Humanitarian Information Centre (HIC) does provide data but its presence in the field is limited, as in its overall analytical capacity. WFP also has limited vulnerability Assessment and Mapping (VAM) capacity in the field. The UN OCHA Regional Office for Central and East Africa (OCHA RO-CEA) holds bi-annual Scenario Development workshops that analyze and develop most likely and worst case scenarios for countries in the Horn of Africa region including for Sudan. Cross-border scenarios such as in the case for Darfur-Chad-Central African Republic (CAR) are also developed. These workshops provide analysis on the possible implications of conflict and impact on neighboring countries is very much appreciated and also informs and feeds into the in-country contingency plans.

In relation to protection, it is evident that a lack of staff capacity and perhaps some lack of conceptual appreciation of protection issues have meant that inter-agency or single –

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192 In three of the four field locations visited by the evaluation team, there were no HIC staff on the ground at the time.
issue needs assessments are often carried out without reference to protection. Protection issues cut across all sectoral and thematic issues run the risk of applying the logic of an immediate relief intervention to longer term and chronic problems in the Darfurs. Care should be taken to distinguish between care and maintenance programs for encamped IDPs and the very different requirements of conducting interventions in other settings.

The most immediate problem posed by the relative lack of information and analysis rates to the need to plan effectively to deal with food shortages resulting from the poor 2004 harvest, which are now beginning to impact the non-displaced population, as well as to protect livelihoods made more precarious by the conflict and last year’s drought. Trade in cereals has been disrupted by the conflict and the nomadic population may no longer be able to find markets for their animals. The conflict thus impacts on normal coping mechanisms. Analysis and planning is hampered by a lack of detailed information inter alia about the diversity of traditional livelihoods, market and coping mechanisms, how they have been eroded and disrupted, and how to help restore them.

WFP, the Food and Agriculture Organization (FAO), the ICRC and a number of NGOs are well aware of the need to provide relief, agricultural and livestock support in situ, but planning to implement such strategies to sale seems to be at an early stage. The task for WFP in particular is huge in that it necessitates the pre-positioning of food stocks and contingency planning for an air bridge. Food distribution may also be disrupted during the rainy season. FAO has assisted an estimated 270,000 households with livelihood support, including seeds and tools for 190,000 households by June 2005, but continues to lack the logistical capacity to continually achieve this. Both WFP and FAO face the challenge of effectively targeting their assistance in the absence of a complete understanding of vulnerability and need.

Operational NGOs can risk their programmes if they speak out on issues that may be deemed ‘political’. It is for their UN partners, therefore, to use their position, mandate and relative strength to support the operational organizations by engaging in high-level,
public advocacy where needed, particularly where ‘quiet diplomacy’ is failing to yield the results needed.

In the areas of Public Information, two critical gaps have been identified. The first concerns the programmes and intentions of humanitarian actors. At present, the agencies and organizations in the field are by and large held in high esteem by the communities in which they work. But some individuals have reported uneasiness between themselves and residents. In the absence of effective public information, rumours are circulating, complimented by negative articles in the local press, about the intent of the international community in the Darfurs. National staff, who of course move and talk freely among the community, are in many cases themselves not informed of the humanitarian principles that guide their organization’s work. Disinformation is not being countered, which presents a threat to individuals and the operation.

Secondly, IDPs have no knowledge of the international law or principles applicable to their situation, and are therefore hampered in their ability to act as their own advocates with the authorities as well as aid organizations.

It is increasingly acknowledged that, in order to create the environment of sustainable peace, peace building and conflict prevention holds instead of waiting for the immediate conflict and humanitarian crisis to be over. This should be integrated into the response at all stages. First, though, the relevant agencies need to have a greater understanding of what may contribute either to an upsurge in conflict or to its reduction or transformation. Conflict analysis includes identifying the actors as well as the underlying factors and triggers for conflict and an analysis of the support needed to increase the capacity of civil society to reduce or transform violent conflict. If the UN is conducting this analysis it is encouraging that some NGOs are starting to engage with this issue.

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193 The Report of the High Level Panel on threats, challenges etc.
The Memorandum of Understanding (MoU) between IOM, the government and the UN and related mechanisms concerning the verification and voluntary return of IDPs has made a significant contribution to preventing involuntary returns but has not wholly prevented them. Unfortunately, the desirable relocation of IDPs from large camps and towns to nearby sites has reached an impasse in some cases despite high-level interventions including that of the SRSG.

The security conditions in the Darfur region are still not conducive for the safe, voluntary and dignified return of IDPs or refugees to their places and villages of origin. At the same time, it is clear that protracted displacement in not in the interests of IDPs nor their host communities and that the pursuit of longer term solutions to displacement – be it return, relocation and resettlement or settlement – should be supported by all humanitarian agencies and organizations, while ensuring that initiatives are based on international and regional human rights law and humanitarian law and standards. All solutions should be explored with a view to protection and confidence-building and in consultation with the most marginalized and existing populations at their core. The pursuit of durable solutions, in the manner described above, should also be supported by the political, inter-governmental and executive committees of the UN.

There is a need for consistency in the way relocation (as an interim measure to deal with overcrowding or otherwise unsatisfactory conditions) and the pursuit of durable solutions is undertaken across the Darfurs. UNHCR developed a framework for IDP and refugee return for West Darfur in 2004 and has recently signed a Letter of Understanding (LoU) with the Government. IOM’s earlier MOU concerning the verification and voluntariness of IDP return, discussed above, is not displaced but will henceforth be limited in practice to North and South Darfur. The provisions of UNHCR’s Letter of Understanding (LoU) and IOM’s MoU (and associated mechanisms) are similar but not identical. The terms of UNHCR’s LoU are more comprehensive but both state that returns will be in accordance

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194 Guiding Principles on Internal displacement principle 28
195 UNHCR Framework for IDP Refugee return in West Darfur, 20 November 2004
with international humanitarian law, international human rights law and international principles, which provides a common foundation. The particular difference is in the mandate, expertise and experience of UNHCR and IOM.

It is conceivable that UNHCR will at some point further seek to extend its role in returns in West Darfur to cover North and/or South Darfur. However, the present position is that these areas are IOM’s responsibility. Unless there is a strong indication that this will change, agencies and donors need to fully support IOM’s MoU (and related mechanisms). Some donors stressed to the evaluation team that there will also need to be better cooperation between UNHCR and IOM than has been the case to date.

In the meantime, IDPs remain uncertain about their future. They are entitled to know more. There are measures that can be undertaken now, without alarming IDPs into thinking that forced return is raising expectations unreasonably.

The 2005 United Nations and its partners work plan for the Sudan (the 2005 Work Plan) is a very well organized document and the areas specified for special attention in Darfur in 2005 are sensible. The areas include protection, voluntary returns, quality of assistance, camp management registration and common services. Appropriately, the plan anticipates that the needs associated with last season’s ‘near total crop failure’ will compound needs associated directly with the conflict. Nevertheless, the analysis and areas of strategic focus do not deal satisfactorily with the complex and dynamic overlay of acute and chronic tensions, needs and vulnerabilities confronting responders in Darfur. This stems from the lack of detailed information on which to base the analysis. It is appropriate that the priority is maintained for assistance and providing more effective protection to IDPs. What is lacking is a sense of the relative priority and means of addressing broader challenges.

In any event, the 2005 work Plan is regarded by many agencies and organizations as a ‘donor document’, i.e. something prepared to raise funds rather than a strategic framework to guide activities. It has yet to be made relevant to them. Most interviewed
outside Khartoum – including the UN heads of state capital offices – said they were not familiar with it and did not have a copy. It is understood that despite the best intentions, time constraints in late 2004, limited engagement with the field, as well as the involvement of NGOs, were impediments in the formulation of the plan.

All agencies and organizations were then requested to assist in the development of a 120 day plan by providing details of their planned sectoral activities (on forms circulated in mid-January). This is necessary to track activities but it will not bring agencies and organizations together in the pursuit of negotiated strategies. Without an additional process, the 120 day plan will be of limited use.

The challenge, as always is to establish an effective dynamic planning process – one that efficiently engages at least the majority of agencies and organizations in determining reviewing and amending common strategies. This means regularly revisiting the strategies specified in the 2005 work plan and if necessary further developing or changing them. The revised strategies should then inform subsequent 120-day plans. The UN Country team must be prepared to change course as priorities change, or fill gaps as they emerge. Headquarters will also need to be responsive to a more collaborative and dynamic form of planning. NGOs will not be receptive if the UN cannot accomplish this.

The gap between Khartoum and field-level planning should be closed and the strategic planning process must be more informed by state-based consultations. Ultimately, area-based plans developed by field actors should be considered as a means of more effectively integrating the response.

An enormous effort has been made to coordinate the response and agencies and organizations meet very regularly in various fora. The perception of some key donors however, is that the primary purpose served by most meetings is information sharing and there is an undue reticence to openly discuss problems and provide and accept constructive criticism in the interests of improving the relevance and effectiveness of the response.
The UN needs to treat NGOs as equal partners since recognition of the fact that the NGOs are for the most part the frontline responders. Many organizations – UN agency and NGOs alike – have weaknesses in their capacity. But there is little, if any, attempt to balance comparative advantages and weaknesses. Some smaller NGOs report difficulty in ‘fitting in’ to the overall response in a coherent manner. Several agencies have mentioned difficulties coordinating with agencies that fail to differentiate between capacity and intention. Opportunities were missed early in the operation to rationalize UN resources in the state capitals. The common pipeline is well-regarded, but UNJLC has been having trouble getting agencies and organizations to undertake distributions, even where CARE is able to undertake transportation to site.
5. Chapter Five: Summary, Recommendations and Conclusions

5.1 Summary

More than 3.5 million people have been affected by internal conflict in Darfur, Sudan, which broke out in 2003. Close to two million people in Darfur have been displaced and are scattered throughout the Darfur region. Most people are living in camps or makeshift shelters, clustered together near towns. The majority fled their homes with nothing more than what they were wearing. They lack food, water and shelter as well as basic supplies such as cooking materials and medicine. Many are also suffering ill health with conditions such as malaria, diarrhoea and respiratory infections.

A further 200,000 people have sought safety in neighbouring Chad. In July 2004 the UN described the emergency as “the world’s worst humanitarian crisis”. Today, the security situation continues to remain unstable. Even if the region were to be declared secure in the near future, the displaced people will continue to need assistance. Their villages have been burned, their animals stolen and they have already missed a number of planting seasons. The UN’s World Food Programme is currently feeding an average of 2.5 million people, and estimates that up to 3.25 million people will need food assistance in Darfur between August and October 2005. The insufficient rains during 2004 resulted in serious food shortages. Villagers were only able to sow a third of their usual crops and looting of seeds, tools and cattle has further worsened the situation. The inhospitable terrain and increased insecurity make it difficult for aid convoys to reach remote communities. The people in Darfur had an unreliable water supply, which was worsened by the conflict.

The conflict in Darfur presents a very complex situation with very complex problems, and understanding of which has already been made more difficult by the propaganda which invariably accompanies war. The region is home to some 80 tribes and ethnic groups divided between nomads and sedentary communities. The rebels appear to have been identified within two or three communities such as the Fur and the Zaghawa tribes which straddle the Sudan-Chad border.
There are many dimensions to the conflict, regional, national and international environmental factors – such as encroaching desertification – have led to considerable tension between nomads and more established farming communities. While the conflict has been presented as being between “African” tribes such as the Zaghawa and “Arab” nomads, a vicious power struggle between the Government and radical Islamist factions underlies much of the violence.

Humanitarian and human rights agencies and organizations are cooperating to implement a strategy that aims at practical protective actions. But the over-riding imperative remains the need for effective international engagement to ensure that the parties to the conflict respect their obligations under international humanitarian and human rights law to protect civilians in conflict. At the same time, the international community must continue to facilitate a political resolution aimed at sustainable peace, development and justice for the people of Darfur.

5.2 Recommendations

Based on the findings of the study, the researcher made the following recommendations:

- One of the prerequisites for a return to peace and stability in Darfur is for the ruling National Congress Party (NCP) to stop its destabilization of Darfur. This entails not only implementing its commitments to disarm the Janjaweed and ending its policies of arming and deploying selective tribal militias, but also allowing space for Darfurians to come together to reach a common understanding on the way forward and on reconciliation, without actively seeking to undermine, manipulate or control such a process. It will require that the central government grant Darfur a fair share of power and wealth in the centre, but will also require the emergence of a popular and broadly acceptable Darfurain leadership to carry this forward.

- The international community needs to continue to call on the government of Sudan to take all effective measures to disarm the Janjaweed in accordance with
UN Security Council Resolutions 1556, 1654 and 1591 and to prevent their further cross-border incursions into Chad.

- To ensure equity in the provision of humanitarian protection and assistance and prevent further displacement and tension between groups, all agencies, organizations and donors should continue to make determined and coordinated efforts to address the needs and vulnerabilities of IDPs and others in less accessible areas, including areas controlled by non-state actors. The UN country Team should ensure that the upcoming review of the 2008 Work Plan incorporates this reorientation.

- The UN must develop a deeper field presence to meet its mandated responsibilities, play a greater role in shaping the response, and provide support for NGOs. The latter includes inter alia mediating with the authorities to enable NGOs to pursue protection activities. This will involve a range of modalities including establishing satellite offices, mobile staff and improved communication.

- Agencies and organizations should now ensure that all staff members and consultants understand the humanitarian principles, key policies and modus operandi of their organizations, and that they can adequately explain them. These should be available (in Arabic and English) to all staff and consultants, as well as beneficiaries and the community.

- All agencies and organizations should ensure that their human rights and protection personnel have the necessary expertise and experience upon recruitment. Given the complexity and delicacy of its work, the Darfur context and the need for leadership on these issues, the Office of the High commissioner for Human rights (OHCHR) has a particular responsibility to ensure that its human rights officers are highly trained and experienced.
• In order to ensure that staff members of all agencies and organizations are conversant in the basics of international and regional human rights instruments and International Humanitarian Law (IHL), a programme of training should be commenced, or where in place continued, for all humanitarian staff. Organizations should consult regularly with their staff to ensure that they are aware of their concerns and that these are addressed.

• UNICEF, OHCHR and concerned NGOs should systematically gather information on violations of the rights of children to inform legal and political processes, programming decisions and advocacy. UNICEF, OHCHR and SRSG for children and armed conflict should continue to address violations of the rights of children with reference to the CRC and its Optional Protocol and vigorously pursue politics and public advocacy on their behalf. UNICEF and concerned NGOs should formulate an immediate plan with time bound targets to provide all war-affected children with access to education at no cost. Concrete action needs to be taken to overcome obstacles such as the payment of teachers’ salaries and lack of implementing partners.

• Greater efforts to involve the assisted population in decision-making – particularly women and other marginalized groups – should commence with an investigation of formal and informal leadership structures. Checks and balances, such as the record-keeping of meetings, should be put in place to ensure the accountability of leaders. Public notice boards should be established at all community and women’s centers, and key decisions regularly posed.

5.3 Conclusions
The irony of the situation today in Darfur is that two seemingly contradictory arguments put forward at the beginning of the conflict by the rebels, on one side, and by the government, on the other, are both being proven true.
When the rebellion began in 2003, the rebels explained their cause as being primarily political, based on a belief that the root of Darfur's problems lay with the central government with a history of poor governance and Darfur’s historic political and economic marginalization from state power and decision making structures that triggered the rebels to target the government with force.

The government on the other hand argued that the conflict was primarily a tribal affair, exacerbated by desertification and a lack of resources. The solution, they argued, was for a tribal conference to deal with the local and inter-communal grievances, and to re-build the “social fabric” of Darfur.

Looking at Darfur today, almost four years since the launch of the Darfur Liberation Front- later to become the Sudan Liberation Army- both of these arguments seem to be true.

Based on the findings of this study, the researcher arrived at the following conclusions:

- The solution to the crisis in Darfur is political. This is because the main cause(s) is political in nature. Locally, the rebels seem to be seeking autonomy and/or some sort of power-sharing settlement. The government reacted by using unconventional means of containment by sponsoring local militias who ended up unleashing terror attacks on innocent victims- women and children who are invariably women and children.

- The conflict today has also undoubtedly developed a very real tribal dimension that has grown over the course of the conflict. Analysts believe that this is largely due to the deliberate policies of the National Congress Party (NCP) to manipulate the ethnic divisions of the region, by playing on fears and traditional fault lines, and by selectively arming communities and tribes to fight against one another.
A the international level, the Darfur question is left unanswered due to historical, political and legal dilemmas presented. Since the crisis does not directly affect the countries that “call the shots in the UN system” - especially the United States - the question as to whether Darfur atrocities constitute genocide has only been a subject of mere rhetoric that lacks pragmatic action. At the same time, the question of armed intervention remains a contentious issue within the UN system - a state of affairs that seems to have made the Darfur situation from better to worse.

While Africa through the Africa Union seems to take concrete steps to ameliorate the Darfur situation, it is plagued by mainly financial problems and also lack of full commitment and practical action on the part of its member countries. The Darfur crisis and solutions to it seem to be relegated to the international media houses and NGOs who only end up telling “sad stories of rape, torture, hunger, displacement and death” which tend to fall onto deaf ears.

The complex nature of the Darfur conflict - which requires local, regional and international efforts in order to solve - has negatively affected and impacted upon regional and international efforts to provide humanitarian assistance to hundreds of thousands of affected populations. This study comes to the conclusion that Darfur presents a ripe opportunity for the world community to change the UN Charter provisions so that political obstacles to humanitarian assistance and intervention can be overcome.
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