

Protecting Two Million Internally Displaced:

The Successes and
Shortcomings of the
African Union in Darfur

by

William G. O'Neill
and
Violette Cassis

November 2005



The Brookings Institution—University of Bern
Project on Internal Displacement

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Foreword

The two million men, women and children crammed into displaced persons' camps in Darfur, Sudan often look to the forces of the African Union (AU) for protection against the attacks and violence to which they are so regularly subjected

To assess how effectively the AU is providing protection, our Project contracted with William G. O'Neill and Violette Cassis, who offer in their report a first hand account of the successes and shortcomings of the AU's intervention in Darfur. Based on interviews with AU troops, internally displaced persons and human rights and humanitarian personnel over a 7-month period, their report analyzes best practices as well as the limitations of the AU performance and comes up with a series of recommendations to reinforce the AU's capacity. We consider the recommendations important not only for Darfur but for the AU's potential role in other conflicts in Africa where international reinforcements may not be available and where the number, quality and mandate of AU troops may be limited.

For the African Union, Darfur has become a test case for African peacekeeping. Increasingly in humanitarian emergencies, regional and international military forces and police are being called upon to protect internally displaced persons in camps, facilitate their returns and safeguard humanitarian corridors and aid convoys. This is the first time the AU has deployed forces for these purposes beyond its more traditional role of monitoring a ceasefire.

For our Project, this is the second report on the role of peacekeepers in protecting internally displaced persons and we are grateful to William O'Neill for sharing his extensive expertise and experience on this subject on both occasions.

We are also most appreciative of the valuable comments provided by three expert readers: Victoria Holt (Henry L. Stimson Center), Jason Ladnier (Fund for Peace), and Lt. Col. Harry Phillips (UN Department of Peacekeeping Operations). The authors give special thanks to Joy Miller and Molly Browning of the Brookings-Bern Project for their fine editorial work in the preparation of the report.

Finally, the views presented in the paper are the authors' alone and should not necessarily be ascribed to the officers or staff members of the Brookings Institution or the University of Bern.

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Acronyms and Abbreviations

African Contingency Operations Training and Assistance	ACOTA
African Union	AU
African Union Mission in Sudan	AMIS
Airborne Warning and Control Systems	AWACS
Ceasefire Commission	CFC
Civil Military Cooperation	CIMIC
Civilian Police	CIVPOL
Convention on the Rights of the Child	CRC
Darfur Integrated Task Force	DITF
Department of Peacekeeping Operations, UN	DPKO
Economic Community of West African States	ECOWAS
European Union	EU
Humanitarian Ceasefire Agreement	HCFA
Inter-Agency Standing Committee, UN	IASC
Internally Displaced Persons	IDPs
International Committee of the Red Cross	ICRC
International Organization for Migration	IOM
Joint Operations Center	JOC
Justice and Equality Movement	JEM
Médecins Sans Frontières/Doctors Without Borders	MSF
Military Observer	MILOB
Non-Governmental Organization	NGO
North Atlantic Treaty Organization	NATO
National Movement for Reform and Development	NMRD
Office for the Coordination of Humanitarian Affairs, UN	OCHA
Organization of African Unity	OAU
Peace and Security Council, African Union	PSC
Protection Working Groups	PWG
Public Defense Forces	PDF
Rules of Engagement	RoE
Sexual and Gender Based Violence	SGBV
Standard Operating Procedure	SOP
Sudan Liberation Movement/Army	SLM/A
Tactics/techniques and procedures	TTPs
United Nations	UN
United Nations Children's Fund	UNICEF
United Nations High Commissioner for Refugees	UNHCR
United Nations Mission in Sudan	UNMIS
United Nations Population Fund	UNFPA

African Union Mission in Sudan (AMIS) Administrative Sectors



HIC-Darfur
 Main Office: Khartoum, Sudan
 www.humanitarianinfo.org/darfur

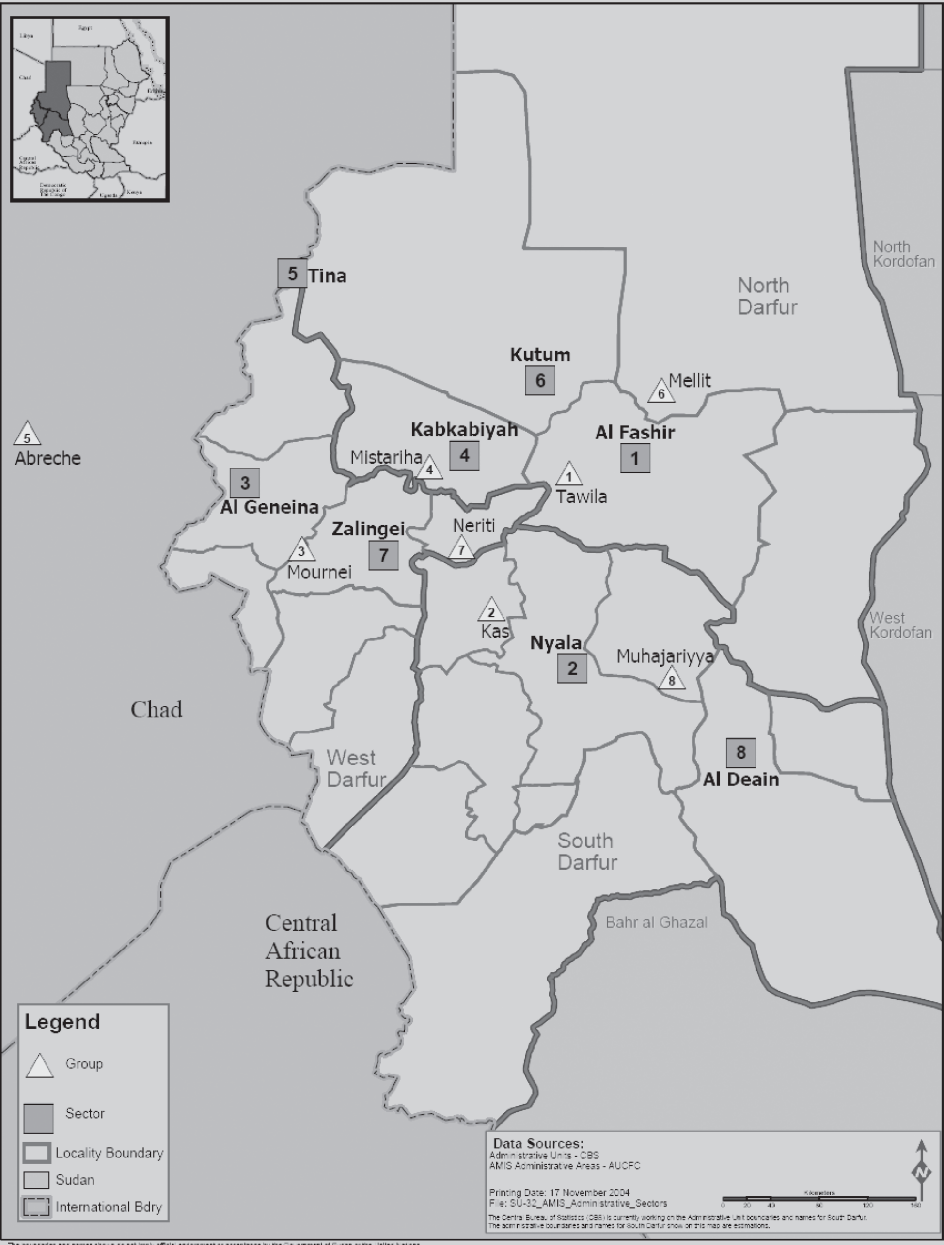


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Introduction

The predecessor of the African Union (AU), the Organization of African Unity (OAU), was notorious for refusing to interfere in what were deemed to be the “internal affairs” of other member states. The OAU perpetuated the primacy of sovereignty, even in extreme moments like the genocides in Burundi and Rwanda and Idi Amin’s brutal regime in Uganda. The OAU rarely took tough measures, including economic sanctions, against regimes that abused human rights and created large flows of refugees or massive internal displacement.

The AU seems to have adopted a different attitude, as expressed in its founding charter which provides for intervention in member states when the government is unwilling or unable to protect its people.¹ Similarly, the world’s heads of state endorsed the emerging norm of a “Responsibility to Protect” from genocide, war crimes, ethnic cleansing and crimes against humanity, in the “Summit Outcome Document” at the September 2005 United Nations General Assembly.²

The Guiding Principles on Internal Displacement establish the rights of internally displaced persons (IDPs).³ The former Representative of the UN Secretary-General on Internally Displaced Persons, Francis Deng, writes in his Introductory Note to the Guiding Principles: “The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement... Although they do not constitute a binding instrument, the Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.”

The Introduction to the Principles defines internally displaced persons as: “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” The Introduction also notes that the Principles provide guidance to “all other authorities, groups and persons in their relations with internally displaced persons; and [I]ntergovernmental and non-gov-

¹ See Articles 4(h) and 4(j) of the Constitutive Act of the African Union (established by the Heads of State and Government of the OAU at Lomé, Togo, 11 July 2000). Some argue that African leaders have subsequently backed away from this position making it more difficult to authorize interventions in a member state. See Evarist Baimu and Kathryn Sturman, “Amendment to the African Union’s Right To Intervene: A shift from human security to regime security?”, *African Security Review* 12 no. 2 (2003), <http://www.issafrika.org/pubs/ASR/12No2/content.html>

² UN General Assembly, World Summit Outcome, A/RES/60/1 (16 September 2005), paras. 138-39.

³ Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2. The principles resulted from several years of consultations among experts, supported by the UN Commission on Human Rights and the General Assembly. The World Summit Document recognized the Guiding Principles as “an important international framework for the protection of IDPs,” para. 132.

ernmental organizations (NGOs) addressing internal displacement.”⁴ Thus troops from the African Union’s mission in Darfur, along with all humanitarian agencies and human rights officers, are expected to adhere to the Principles.

Principle 3 presents perhaps the most difficult challenge to the AU in the Darfur region of Sudan: “National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.” While not a unique dilemma, the government’s systematic policy of driving from their land much of the settled farming population has made the notion of the Sudanese government having the primary duty to protect the very people it has targeted especially cruel and illusory.

This study will show that it is precisely the government of Sudan and the Janjaweed militias acting under its command and control or with its acquiescence who present the greatest danger to the approximately two million IDPs in Darfur. We will also describe how the soldiers and police of the African Union Mission in Sudan (AMIS) have struggled to fulfill their mandate which requires them to give due deference to the Sudanese government and restricts their authority to protect IDPs. We analyze how AMIS’ limitations have affected its performance. Finally, we demonstrate how even with all these handicaps — weak mandate, limited personnel, poor logistics, communications, transport, planning and management capacity, and insufficient training — AMIS has had numerous successes that have saved lives and prevented even worse catastrophes for many IDPs.

This analysis comes primarily from the AMIS soldiers and police interviewed in Darfur from February to August 2005. Important insights are revealed by IDPs who were interviewed in their camps in conditions that provided them confidentiality. We have also interviewed military experts from outside AMIS who have first-hand familiarity with its work, and humanitarian workers and human rights officers who have taken great risks to help IDPs. We have benefited from studies of Darfur prepared by academic experts and human rights and humanitarian agencies. We thank all of them for the time and effort, and in the case of the IDPs, the risks to their personal safety they took to assist us.

The study concludes by analyzing the security situation in Darfur in late 2005 and the increasing violence that endangers IDPs, civilians in general, humanitarian and human rights officers and the AMIS soldiers and police. We assess the need to enhance the size, capacity and mandate of the peacekeeping operation in Darfur, and consider whether the AU can protect civilians under such circumstances, or whether the UN, NATO or the European Union (EU) will need to take a more active peacekeeping role in Darfur.

⁴ Guiding Principles, Introduction, #3(c) and (d).

The Conflict in Darfur: A Brief Summary

The conflict in Darfur is complex and a full analysis lies outside the scope of this study. Nevertheless, to understand the challenges facing the AU's peacekeepers, some basic elements of the history and the people of Darfur should be kept in mind.

The notion of race and ethnicity is a relatively new phenomenon in Darfur. There has been much mixing over the centuries, with internal migration and intermarriage between Arabs and Africans quite common. "Individuals, even whole groups, can shed one label and acquire another."⁵ This echoes other recent ethnic identity conflicts in Rwanda and the Balkans where groups co-existed for decades and people "changed" identity easily and frequently, until politicians stepped in and "froze" ethnic identities to exploit their racially or ethnically-based ideologies.

It was only in the 1980s when severe droughts struck Darfur that ethnic identity and racial classifications started to harden. Previously, nomadic herders and pastoral farmers had a mutually beneficial relationship; through trade, pasturage rights and access to water, they regulated their dealings so that each side benefited. Farmers had their fields naturally fertilized and could buy animals for meat, while herders could graze their animals, obtain water and trade for goods otherwise unobtainable. A traditional dispute resolution process was accepted and followed to regulate the inevitable disagreements. While not perfect or paradise, the different groups in Darfur largely got along.

Darfur became part of Sudan only in 1916. As the most recent addition to what became the independent country of Sudan in 1956, it was traditionally neglected by the central government. Precious little was spent in Darfur by any of Sudan's governments since independence. Schools, roads, medical facilities, industry — Darfur lacks all. Historically Darfur has been under-represented in every branch and level of government.⁶ The famous "Black Book" released by disenchanted Darfurians in 2000 documents the dominance of Sudan's northern tribes in government and senior military posts for the past 50 years. Officials from Darfur barely register in the Black Book; even southerners are more numerous.

⁵ See Alex de Waal, "Counter-Insurgency on the Cheap," *London Review of Books* 26 no. 15 (5 August 2004): 2. The following summary of Darfur's recent history draws on this excellent account.

⁶ "The government refuses to allow Darfur's people to take development into their own hands. The people of Um Seifa built their own school because the government never provided them with any services. Shortly after it was built the Sudanese army and the Janjaweed burned the school down and killed eight children." *The Economist*, April 2-8, 2005.

When conflicts erupted between farmers and herders/nomads in the mid-1980s following drought and famine, there were few government services to ease the consequences of the struggle over diminishing resources. Tensions built over the next few years as a harsh and strict Islamist regime took power in Khartoum in 1989, led by Omar al-Bashir. Weapons flowed into Darfur as both sides sought to protect their assets (herds, livestock, crops, water holes) because the government was incapable of providing protection. Meanwhile right next door to Darfur, Libya's leader Colonel Muammar Gaddafi was backing efforts by various Arab groups across the Sahel, but especially in neighboring Chad, to create an "Arab Belt."⁷ Not only guns were imported to Darfur, but also an increasingly racist ideology of Arab supremacy. "Janjaweed leaders are among those said to have been trained in Libya."⁸

This new ideology, fuelled by weapons and ever diminishing resources due to ongoing drought, injected a new racial/ethnic dimension, one where "Arab" and "African" assumed a new, mutually exclusive and mutually antagonistic meaning. As Alex de Waal notes: "Darfur's complex identities have been radically and traumatically simplified, creating a polarized 'Arab versus African' dichotomy that is historically bogus, but disturbingly powerful."⁹ He argues that the US' calling the government's actions "genocide" by Arabs against Africans, as well as the use of the labels by journalists, humanitarian workers and outside politicians, has only encouraged this dichotomy which leaders of both communities have turned to their own advantage, further cementing the divide.

The combination of historical neglect, increasing polarization and continuing struggle over land, water and grazing routes, helps explain the attack by rebels from the Sudan Liberation Movement/Army (SLM/A) on the El Fasher airport in North Darfur in April 2003 which launched the current and most deadly phase of this conflict.¹⁰ "Unrelenting poverty has been transformed into violence by misgovernment and imported racisms."¹¹ In addition, rebels in Darfur saw that the Naivasha Peace Agreement of 2002 ending the 20-year war in the South threatened to marginalize Darfur even further. All the focus would shift to the power-sharing agreement between North and South and dividing the new oil wealth between them. The rebels saw that violence had "worked" in the South and they were determined that

⁷ For an analysis of Chad's role in Darfur see Gérard Prunier, *Darfur: The Ambiguous Genocide* (Ithaca, NY: Cornell University Press, 2005).

⁸ De Waal, "Counter-Insurgency on the Cheap," 4.

⁹ Alex de Waal, "Who is a Darfurian?" (unpublished paper on file with the author, December 2004).

¹⁰ The other major rebel group is the Justice and Equality Movement (JEM) which has links to Hassan al-Turabi, a one-time ally of Bashir who has since fallen out with the government and was placed under house arrest for a year. A third group emerged in late 2004 in North Darfur, the National Movement for Reform and Development (NMRD), which attacked a government convoy in October 2004. The NMRD is apparently a breakaway faction of the JEM.

¹¹ De Waal, "Counter-Insurgency on the Cheap," 8. De Waal also notes that the Arab Bedouin nomads being used by the government are themselves historic victims of government neglect, making this conflict even more tragic.

Darfur get its share of the new oil money flowing into Khartoum's coffers. The government panicked because it knew its army could not immediately handle this new front while many of its soldiers were still deployed in the volatile South.

Violence escalated when the Bashir government decided to arm the Janjaweed and other government allied tribes. Two reasons explain this decision. First, the Sudanese government has frequently resorted to using proxies to help fight its battles, especially in the South and in the Nuba mountains where militias, armed and supported by the military, fought government opponents.¹² Second, many soldiers in the Sudanese military come from Darfur and the government did not trust their loyalty, fearing that if they were asked to fight against family and friends, they would refuse.

Violence continued throughout 2003 and into 2004. As the number of villages burned by the military and the Janjaweed militias grew, the international community belatedly took note. Perhaps it was the 10th anniversary of the Rwandan genocide in April 2004 that finally galvanized attention, if not action. In September 2004 Colin Powell, then US Secretary of State, called the Sudanese government's war in Darfur genocide, the first time ever that a US senior government official used the term to characterize another government's behavior. This obligated the US to take action to stop the genocide under the Convention on the Prevention and Punishment of the Crime of Genocide which the US has ratified.¹³ The US, however, did no such thing. A few months later the US Congress passed a resolution also branding the conflict genocide.

The United Nations Security Council passed Resolution 1564 in late 2004 calling for a Commission of Inquiry on Genocide in Sudan. In January 2005 the Commission reported to the Secretary-General and the Council that: "The Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law...Government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur."¹⁴ The Commission of Inquiry said, based on the information it had obtained, that it could not conclude that genocide had occurred, but did not rule out the possibility, pending further investigation.

¹² Ibid., 7. "Several times during the war with in the South they had mounted counter-insurgency on the cheap — famine and scorched earth their weapons of choice. Each time they sought out a local militia, provided it with supplies and armaments, and declared the area of operations an ethics-free zone."

¹³ Entered into force on 12 January 1951, Article I states that "The Contracting Parties confirm that genocide, whether committed in a time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish."

¹⁴ *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General* (Geneva, 25 January 2005): 3-4.

The AU Steps In

When it became clear that the UN and the major powers were not going to intervene militarily to stop the killing, the African Union established a Ceasefire Commission (CFC) on May 28, 2004 and sent a small group of troops to monitor. On the eve of the AU summit two months later in early July, the AU Director of Peace and Security Sam Ibok announced that the AU would increase the number of troops to 60 Military Observers (MILOBS) and 300 soldiers to protect them. Observers from the Sudanese government and the rebels were also included, along with representatives from the European Union and the United States.

With escalating violence, however, the two year-old AU saw the Darfur conflict as a test case for its self-declared mandate to have Africans resolve African conflicts. In July 2004, armed troops primarily from Rwanda and Nigeria deployed to Darfur to protect the 60 unarmed MILOBS. AU officials scrupulously avoided describing the deployment as a peacekeeping operation, instead referring to a “ceasefire monitoring mission” largely to avoid offending Khartoum.¹⁵

¹⁵ Opheera McDoom, “African Union to Send Troops to Darfur,” Reuters, July 5, 2004.

Challenges Facing the AU: The Conflict Intensifies

Following the AU's initial deployment of troops to Burundi in 2003, the mission in Darfur is the second and its largest and most complex initiative. It could not have chosen a more daunting conflict for such an operation. Darfur is as large as France, with few passable roads, rudimentary communications systems and feeble power and water resources; life is harsh in the best of times for its people. For those forced to flee, their crops destroyed and their livestock stolen or killed, survival depends on outside assistance and protection.

This scenario would challenge the most seasoned, best trained and well equipped peacekeepers. The AU troops soon found that they could not begin to monitor the many ceasefire violations, attacks on villages, burning, looting, killing and raping that have characterized this conflict from the beginning. As one AMIS official recounted of his experience as one of the first deployed to Darfur in 2004:

They were told to monitor the ceasefire, but when they arrived, they were challenged by the situation and the expectations that were placed on them to respond to humanitarian issues and the protection of the civilian population — there were still killings, mass movements, rape and banditry. IDPs thought that the AU was there to intervene and to disarm the Janjaweed. They could not respond to cases and did not have the capacity either. They had to refer to the Government of Sudan and needed CIVPOL [AU Civilian Police] from the beginning for this task.¹⁶

Among several operational challenges facing AMIS are:

- trained, cohesive and motivated killing forces
- large, well-equipped and well-supported killing forces
- forces deployed in large and dispersed areas
- widespread, not concentrated killing
- hospitable terrain to killing forces, ideal for ambushes
- difficult terrain to move troops and supplies to affected areas.¹⁷

The Janjaweed militias and Sudanese government soldiers have committed most of the killing. By AMIS' own count, as of April 2005, in specific incidents it had investigated, 512 of 700 people killed were attributed to Janjaweed militias.¹⁸

¹⁶ Interview with AU official, July 22, 2005.

¹⁷ These factors are drawn from a list comparing challenges to peacekeeping forces in several operations. See Clifford H. Bernath and David C. Gompert, "The Power to Protect: Using New Military Capabilities to Stop Mass Killings," *Refugees International* (July 2003): 19.

¹⁸ *AU Restricted Report, Ceasefire Commission*, 5/2/16-17: 14.

AMIS concluded in a confidential report that the government mis-categorizes the Janjaweed who really are “Arab militias ...used as a counter-insurgency force, to attack, loot and burn everything in its way as we have witnessed all these six months.”¹⁹ Brian Steidle, a former AMIS military observer, asserts that the typical pattern of attack has involved government aircraft bombing towns and villages with lethal but inaccurate projectiles filled with nails — good only for killing the maximum number of people — followed by strafing from helicopter gunships.²⁰ Ground assaults ensue, often jointly with government troops and militias. The militias are then “rewarded” for their efforts with carte blanche to loot, rape, plunder and kill afterwards, reminiscent of medieval warfare long before the Geneva Conventions. This explains why the IDPs so fear both the government security forces and the Janjaweed and understandably have no trust in their promises.

Rashid, 13 years old from West Darfur, literally drew a vivid picture of the attack on his village, complete with men on camels and horseback firing weapons, while Salim, also 13 and from North Darfur, drew pictures of helicopters firing on his village with trucks pulling in from the side. Rashid told researchers from Human Rights Watch when they interviewed him in a refugee camp near the Sudan-Chad border:

I saw the janjaweed coming quickly on horses and camels. They were shooting guns and yelling, ‘Kill the Slaves...’ I saw people falling on the ground and bleeding. They chased after my brother; he is 12. One girl I saw — they tied her up, put her on a camel and went away. Our animals were taken. Then the planes came and bombed our village.²¹

According to a senior AMIS officer, most ceasefire violations occur in the deadly triangle of El Fasher-El Daien-Zalinjei.²² Approximately 75 percent of all villages in Darfur were burned by February 2005, leaving precious little remaining to destroy; many experts believe this is the reason that large-scale violence subsided in early summer 2005 and not from any change in policy or sudden government beneficence or, in fact, AU intervention. The government and militias have already achieved one of their main goals: driving off the land most of Darfur’s settled population. Now the displaced population is controlled through intimidation, while those who supported the campaign enjoy the benefits of reallocated resources and power. In an emerging trend, land owned by the IDPs is being occupied by others, often resettled nomad communities.

¹⁹ Ibid., 16, para. C.

²⁰ Marc L. Goldberg, “Anatomy of a Genocide,” *The American Prospect*, on-line version, www.prospect.org/web/page.wv?section=root&name=ViewWeb&articleID=9339, March 17, 2005.

²¹ “Darfur: The Children’s View,” *New York Times Magazine*, May 1, 2005.

²² Seth Appiah-Mensah, “AU’s Critical Assignment in Darfur: Challenges and Constraints,” *African Security Review* 14 no. 2 (2005): 11.

Conversely, former AMIS military observer Steidle estimates that “95% of incidents that the government alleged were committed by rebels turned out to be false.”²³ Yet these claims sapped scarce resources, time and energy while diverting AMIS from investigating real violations. The emergence of a third rebel group, with rumors of further splintering, only complicates AMIS’ job. The rebels have violated the cease-fire agreement many times and have continued to do so throughout 2005. They have prevented the movement of humanitarian convoys, stolen aid and stopped AMIS patrols from entering their areas. They have held aid workers hostage. In early October 2005, rebels captured and held 38 AU personnel hostage for several days before releasing them.²⁴

The Sudanese military’s priorities are illustrated by the choice made by a Brigadier General who told an AMIS military observer that he had orders to “protect the civilian population and to open the roads for commercial traffic.” Yet he also had direct orders from the capital to “clear all the villages on the main road to Khartoum.” He gave priority to the second order, after allowing Janjaweed militias and some of his own troops in uniform to attack Labado in January 2005. His response to a horrified and confused AMIS military observer: “they aren’t my troops, I cannot control them,” a lie on several counts. The general added: “This is my mission. I am a military man. I’m going to follow my orders and continue on this attack.”²⁵

The government’s objective in this campaign is clear. A document seized from a Janjaweed official that appears to be genuine orders all commanders and security officers in Darfur to: “Change the demography of Darfur and make it void of African tribes.” The document goes on to encourage “killing, burning villages, farms, terrorizing people, confiscating property from members of African tribes and forcing them from Darfur.”²⁶ This is exactly what the military and militias have done so successfully for the past two years. As one young man from the Fur ethnic group with good ties to local Arab leaders told an American reporter: “But they can never come back here...They will all be killed. This is not our land anymore. We can never come back here.”²⁷

The Role of Government-Supported Militias

AMIS has good reason to suspect the government’s sincerity to disarm the militias as required by the Humanitarian Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004. The government of Sudan committed to disarm and neutralize the Janjaweed and also promised to provide all relevant information to the AU

²³ Interview with Captain Brian Steidle, retired US Marine Corps, formerly military observer with AMIS, August 5, 2005.

²⁴ Opheera McDoom, “Darfur rebels free all African Union hostages,” Reuters, October 10, 2005.

²⁵ Goldberg, “Anatomy of a Genocide.”

²⁶ Nicholas D. Kristof, “The Secret Genocide Archive,” *New York Times*, February 23, 2005.

²⁷ Scott Anderson, “How did Darfur happen?,” *New York Times Magazine*, October 17, 2004.

Ceasefire Commission and to identify those militias it can influence. The government, according to AMIS, has not kept its promises and its disarmament plan is not serious.

Militias continue to operate freely and there is no sign that the government attempts to curtail their activities.²⁸ Mussa Mohamed Hassab, a leader of a tribal militia, admitted that “We were told to fight by the government. We also wish for this. Why would we stop now?”²⁹ Hassab added that the government had given him and his fighters ID cards, weapons and small amounts of food and money.

Musa Hilal, a well-known militia leader in North Darfur, admitted to researchers from Human Rights Watch that Sudanese military officers directed attacks by the Janjaweed and other government sponsored militias, sometimes known as the Popular Defense Forces (PDF). He said “All of the people in the field are led by top army commanders...These people get their orders from the western command center and from Khartoum.”³⁰

Militia leaders like Hassab and Hilal must be satisfied with the result of their work. They rule Darfur and can graze and water their livestock wherever they want. An enormous transfer of wealth has occurred.³¹ They have stripped two million people of their assets in an already desperately poor place. Prime farm land, seed and farming utensils have been seized from people whose survival depends on farming and now must rely on assistance from the international community. Livestock especially is central to the wealth of many Darfurians, yet experts estimate that the non-Arab population has lost 50 to 90 percent of its animals to government forces.³²

Some fear that the government plans to remove the farmers of Darfur from their land forever. A Sudanese law that allows the government to take over land that has been abandoned for more than a year has never been applied before in Darfur. If this law is applied, millions could lose their land and fuel a cycle of revenge and violence, plus permanent dependence on international charity. This would cement the ethnic cleansing that a UN official maintains was the primary objective of the Khartoum government.³³ Unlawful appropriation and occupation of land freezes ethnic cleansing and precludes returns of IDPs and refugees.

²⁸ There is some evidence that militias will fight their own government supporters, making the conflict even more complex and difficult to resolve. See Marc Lacey, “Chaos Grows in Darfur Conflict As Militias Turn on Government,” *New York Times*, October 18, 2005.

²⁹ Emily Wax, “In Divided Darfur, a Shared Will to Fight,” *Washington Post*, May 17, 2005.

³⁰ Human Rights Watch interview with Musa Hilal, reprinted in *Khartoum Monitor*, March 5, 2005.

³¹ De Waal notes an important distinction in the background of the militia members: “Most of the ‘Arab’ groups involved in militia activities including land grabbing are what we might call the Abbala remnants, with weak historic claims to ethnically-defined territories, and traditions of migration and settlement to the east and south. Meanwhile, the majority of the Baggara Arabs of south Darfur are uninvolved in the current conflict.” These latter Arabs have a more defined territory and settled claims to land. See de Waal, “Who is a Darfurian?”, 7.

³² Helen Young et al., “Darfur: Livelihoods under Siege,” *Draft Executive Summary and Recommendations*, Tufts University/Feinstein Center and Ahfad University for Women, (17 February 2005): 6, para. 28.

³³ Emily Wax, “Darfurians Could Lose Land They Fled,” *Washington Post*, December 3, 2004.

The diminished intensity of the fighting in mid-2005 was only a temporary lull. The last week of July 2005 saw an outbreak of clashes between the SLM/A who attacked a government convoy on the Nyala-El Fasher road on July 23, with the government responding to the attack by using aircraft as spotters, in violation of Security Council demands and the government's own promises. Armed rebels abducted Ministry of Health officials attempting to provide polio vaccinations in North and South Darfur; the officials were released but the rebels kept their vehicles, and most crucially, children in some SLM/A areas were not vaccinated against polio.

In early September, violence in and around IDP camps continued, with attacks on 60 women in one week alone in Kalma camp near Nyala in South Darfur. And in late September violence increased dramatically with rebels preying on humanitarian convoys and renewed Janjaweed attacks. The IDP camps are tense, prisons without bars. Violence persists in and around the camps as the militias often hover nearby, waiting to assault anyone who tries to leave or to enter the camps at night after AMIS police and soldiers have left. "If we go outside the camp, we might be raped. If we go back to the village we may be killed," according to one resident of an IDP camp in West Darfur.³⁴

On September 28, in what the UN High Commissioner for Refugees (UNHCR) called an "unprecedented attack on a camp for thousands of internally displaced persons," at least 32 people were killed and another ten seriously wounded.³⁵ UNHCR reported that 250-300 armed Arab militias on horseback and camel attacked the camp in Aro Sharow in northern West Darfur State, causing thousands to flee into the dangerous countryside in the Jebel Moon region. The IDPs usually left the camp in the daytime to work in their fields and would return at night to sleep in what they thought were safe surroundings. The AU claims that government aircraft, troops and vehicles supported this attack.³⁶

The UN Mission in Sudan (UNMIS) reported in August 2005 that armed tribesmen attacked IDPs attempting to return to their homes in Sarman Japo from the Kalma camp near Nyala.³⁷ The targeting of IDPs seeking to return home is a disturbing development.

³⁴ Tanalee Smith, "Displaced in West Darfur still facing threats that keep them from returning home," Associated Press, August 29, 2005.

³⁵ "UNHCR gravely concerned over attack on Darfur camp," 29 September 2005, <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVOD-6GPHXM?OpenDocument>

³⁶ Transcript of Press Conference of October 1, 2005, by Ambassador Baba Gana Kingibe, Special Representative of the Chairperson of the AU Commission on Darfur.

³⁷ IRIN, "Sudan: Fresh violence and looting reported in Darfur," August 17, 2005.

In late September 2005, a large group of armed men crossed into Chad from Darfur and killed herdsmen and stole livestock. Chadian President Idriss Deby asserted that the Janjaweed were responsible. If true, this is a dangerous escalation of the violence which could internationalize the conflict. President Deby warned that “if the situation in Darfur is not dealt with we could have a crisis similar to Rwanda or Congo in the Great Lakes.”³⁸

Niels Scott, head of the Darfur unit of the UN’s Office for the Coordination of Humanitarian Affairs (OCHA) in Khartoum crystallized the challenge: “There is one overriding problem that needs to be resolved — that of armed militias.”³⁹

The Insurgent Groups

There are few “good guys” on either side in the Darfur conflict. The rebels too have committed serious violations of human rights and the laws of war, although not on the same scale as the government. Raids on Arab nomads and villages, hijacking humanitarian aid vehicles, burning, looting and kidnapping — AU monitors have confirmed numerous cases throughout the three Darfur states.⁴⁰ Rebels also recruit and use child soldiers, which is a war crime under the statute of the International Criminal Court.

Both the Justice and Equality Movement (JEM) and the SLM/A increased their abductions, extortion, harassment and looting activities in the summer of 2005, reverting to what the UN Secretary-General called “predatory warlordism and criminal behaviour.”⁴¹ The SLM/A continued its aggressive behavior in August and September, establishing new checkpoints and engaging in banditry, armed robbery, extortion and looting, culminating in a vicious attack on nomads in Al Malam in South Darfur on August 25.⁴²

The SLM/A’s lack of tight command and control structures, plus rivalries among the rebel groups, increase the complexity of securing and implementing peace accords. The SLM/A in particular seems to be suffering from severe internal cleavages. One AMIS commander notes: “It doesn’t bode well for the Abuja peace negotiations that it seems the SLM/A chain of command is disintegrating.”⁴³

³⁸ Deutsche Presse Agentur, September 29, 2005.

³⁹ IRIN, “Sudan: Potential for chronic instability in Darfur,” August 9, 2005, www.irinnews.org/report.asp?ReportID=48511&SelectRegion=East_Africa&Select

⁴⁰ The AU special representative to Sudan condemned “the provocative banditry” of the SLM/A rebels following an attack on Arab nomads near Malam in South Darfur, that resulted in several killings, seven kidnapped and over 3,000 camels stolen, all this just days before negotiations were to begin between the rebels and the government. AU Press Release, “AU Denounces Rebel Group for Incompliance (sic) with ceasefire,” September 3, 2005. The Arab militias did not wait long to react, attacking SLM/A bases in South Darfur on September 19.

⁴¹ *Monthly Report of the Secretary-General on Darfur*, UN Doc. S/2005/523 (11 August 2005): paras. 3 and 29e.

⁴² *Monthly Report of the Secretary-General on Darfur*, UN Doc. S/2005/592 (19 September 2005): paras. 2-3.

⁴³ IRIN, “Sudan: Potential for chronic instability in Darfur.”

Others perceive a fragmentation along ethnic lines among some insurgents, with commanders' troops coming from the same ethnic group controlling territory populated by that same ethnic group. "The conflict has become more tribal — and livestock — oriented...It is shifting from inter-party to inter-tribal fighting."⁴⁴ "The conflict in Darfur started as a counterinsurgency campaign that lasted a few months, with huge humanitarian consequences, but it has now transformed into a low-intensity conflict which is likely to evolve into a situation of chronic instability," according to Alexandre Liebeskind, head of Darfur operations for the International Committee of the Red Cross (ICRC).⁴⁵ Such a conflict only intensifies the challenge for AMIS, which must increasingly react to attacks by rebels not only on humanitarian convoys, but also on Arab civilians and on themselves.

Darfur's Arab Communities: Often Overlooked

The toll of the conflict on Darfur's Arab nomads and semi-nomadic communities often does not appear in UN reports or independent studies of the situation in Darfur. They have suffered greatly also. As the Tufts University Report on disrupted livelihoods notes:

Never in the history of Darfur has there been such a combination of factors causing the failure of livelihood strategies and loss of assets, including: systematic asset-stripping, production failures, market failures, failures to access natural resources, and failure to transmit back remittances...The limited mobility resulting from insecurity has seriously limited the core livelihood strategies for all groups in Darfur.⁴⁶

Livestock trading markets, migratory routes and traditional mechanisms to regulate the sharing of land resources have largely collapsed. Some Arab groups face attacks by the insurgents who steal their livestock. Largely out of reach from the international community, nomads lack just about all the essentials in what is an already extremely precarious existence. Water is scarce in Darfur and pumps on traditional migratory routes are largely broken. Children have little access to education and are especially susceptible to diarrhea, respiratory infections, malaria and pneumonia, a leading cause of child mortality. The increasing polarization of the conflict between Arab and non-Arab has restricted the movement of livestock by Arab tribes in SLM/A areas. The price for their animals—their main resource—has collapsed, meaning financial ruin.

The war has destroyed the traditional trading networks with the farming community who bought their livestock in exchange for food and other goods, leaving both

⁴⁴ Ibid.

⁴⁵ IRIN, "Sudan: Darfur risks descending into anarchy," September 14, 2005.

⁴⁶ Young et al., "Darfur: Livelihoods under Siege," 2, para. 3 and 4, para. 14.

sides impoverished. Empty villages burned out from the fighting leave some of the Arab communities, who have co-existed and settled beside Fur, Zaghawa and Massalit communities since the famine of the 1980's, without access to their traditional markets and livelihood. A religious leader from a semi-nomadic clan summarizes the situation for many Arab nomads:

We lost everything — our homes, schools, mosques and camels — when the SLM/A attacked our village in July 2004...but we haven't seen any support from international organisations so far.⁴⁷

The Arab nomads' frequent moves make it difficult to provide not only humanitarian assistance but also protection from attacks by rebel groups. AMIS has provided tantalizing hope of increased security where it is present. One nomad leader whose tribe lost much of its livestock to raids has noted: "Before the AU came, our animals were being looted on a daily basis; with the presence of the AU, the number of attacks has reduced considerably."⁴⁸ Yet limited AMIS numbers mean that security is fleeting.

While relations were never perfect, Arabs and African groups mixed freely; now strict divisions prevail, with deep fear and mutual suspicion replacing trade and cooperation. Many accuse all the Arab tribes of being Janjaweed; a "guilt by association" mentality has become embedded in Darfur, even within large segments of the international community. This pernicious aspect of the war will make any type of peace agreement or effort at reconciliation even more difficult.

Debate over the Death Toll

The death toll from the fighting has attracted a great deal of controversy. US Deputy Secretary of State Robert Zoellick stated in June 2005 that it was between 60,000 and 160,000. Others who have closely followed mortality rates from malnutrition and disease and combining those with violent deaths reached a much higher figure: 400,000 as of the end of April 2005.⁴⁹ John Hagan of Northwestern University and Eric Reeves of Smith College have reviewed World Health Organization and other studies and estimate that approximately 15,000 people were dying per month in Darfur from conflict-related causes.⁵⁰ While even 60,000 is an unacceptable figure, numbers matter in the world of realpolitik because higher numbers create a sense of urgency, undermining those who claim the situation is not so bad or not so different from the world's many other crises.

⁴⁷IRIN, "Sudan: The forgotten nomads of Darfur," July 28, 2005, <http://www.irinnews.org/S-report.asp?ReportID=48355&SelectRegion=East-Africa>

⁴⁸ Ibid.

⁴⁹ "Darfur's Real Death Toll," *Washington Post*, April 24, 2005.

⁵⁰ Deaths per month in mid-2005 may have dropped to 5,000 due to increased humanitarian assistance and a temporary lull in fighting since the government had largely succeeded in its scorched earth campaign and there are not many other population centers left to attack. Attacks picked up again in August-September.

AMIS' Mandate: Challenges and Confusion

A fundamental challenge to AMIS has been the AU's Peace and Security Council's (PSC) position that Khartoum's cooperation and consent are required. This dilemma has bedeviled peacekeeping for years: how much consent is "enough" and can you "coerce" consent? The African Union, with its binding decisions through the PSC, could have "coerced" Sudan to allow greater freedom of action for AMIS. Yet the AU chose not to try and therefore severely limited the scope of AMIS' activities, especially with regard to protecting civilians. Stepping back from an initial concept that would have authorized disarming Janjaweed militias, protecting civilians and assisting humanitarian efforts, in other words, a UN Chapter VII-type peacekeeping operation, the PSC opted for a more restricted mandate.⁵¹

The AMIS mandate, as agreed in Addis Ababa in May 2004, was quite restrictive:

- i. to monitor the terms of the ceasefire agreed to between the government of Sudan and the main rebel groups in Darfur; and
- ii. to protect the monitors of the ceasefire and themselves.

On October 20, 2004, the Peace and Security Council agreed on an enhanced AMIS mission, consisting of 3,320 personnel, including 2,341 military (of whom 450 would be MILOBS), up to 815 civilian police and an appropriate number of civilian personnel. The PSC noted that the government "has formally expressed its support for the enhancement of AMIS and pledged full cooperation in that regard."⁵²

This strengthened force, called AMIS II, was mandated to ensure compliance with the Humanitarian Ceasefire Agreement (HCFA), assist in confidence building, contribute to a secure environment for the delivery of humanitarian assistance, improve the security situation throughout Darfur, and oversee the safe return of refugees and IDPs to their homes.

The PSC specified AMIS' tasks within the new mandate:

1. Monitor and verify the provision of security for returning IDPs and in the vicinity of existing IDP camps;
2. Monitor and verify cessation of all hostile acts by all parties;

⁵¹ For an analysis of the evolution in UN peacekeeping mandates, especially as they treat protection of civilians, see William G. O'Neill, *IDPs: A New Challenge for Peacekeeping*, Brookings-SAIS Project on Internal Displacement, April 2004.

⁵² AU Peace and Security Council (PSC), Communiqué, PSC/PR/Comm. (XVII), 20 October 2004, para. 2.

3. Monitor and verify hostile militia activities against the population;
4. Monitor and verify efforts by the Sudanese government to disarm government-controlled militias;
5. Investigate and report on allegations of violations of the Humanitarian Ceasefire Agreement;
6. Protect static and mobile humanitarian operations under imminent threat and in the immediate vicinity, within capabilities;
7. Protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, **it being understood that the protection of the civilian population is the responsibility of the government of Sudan (emphasis added)**;
8. Provide visible military presence by patrolling and by the establishment of temporary outposts in order to deter uncontrolled armed groups from committing hostile acts against the population;
9. Assist in the development of proactive public confidence-building measures;
10. Establish and maintain contact with Sudanese police authorities;
11. Establish and maintain contact with community leaders to receive complaints or seek advice on issues of concern;
12. Observe, monitor and report the effective service delivery of the local police;
13. Investigate and report all matters of police non-compliance with the Humanitarian Ceasefire Agreement.⁵³

This mandate, and especially task number 7 above, is based on a fundamental assumption which is false: that the government of Sudan would provide basic protection to civilians, including IDPs. Instead, government soldiers and their militias have constituted the greatest danger to civilians and especially IDPs. The UN Commission of Inquiry concluded in January 2005 that the “measures taken so far by the Government to address the crisis have been both grossly inadequate and ineffective, which has contributed to the climate of almost total impunity for human rights violations in Darfur.”⁵⁴ Government measures in the ensuing months have done little to change this conclusion.

The IDPs have been traumatized and terrorized by Sudanese military and police and have lost all confidence in them. So one must ask whether this mandate is appropriate given the reality of Darfur. The report of the AU Chairperson for the situation in Darfur in April 2005 suggests the answer is “no.”

⁵³ *Ibid.*, para. 6. Emphasis added. This list of tasks was reproduced virtually word-for-word in the AMIS Sector Commander's Office in el-Geneina, Interview, March 2, 2005.

⁵⁴ *Report of the UN International Commission of Inquiry on Darfur*, 6.

The tenuous security situation continues to undermine AMIS's hard work. The assumption on which the Mission was planned, particularly the willingness of the Government of Sudan to assume its security responsibilities and the general level of compliance with the Ceasefire Agreement have not been borne out.⁵⁵

AMIS itself has stated that "there is an urgent need to upgrade AMIS companies to battalion status and equipped organic weapons of a battalion."⁵⁶ Any weapon enhancement leads inevitably to a review of the mandate, with the clear implication that it needs to be more robust to protect civilians and IDPs. Jean-Baptiste Natama, a senior AU political officer noted: "If the situation is getting worse, we are not going to pack our luggage and leave Darfur... We are going to have to have a robust mandate to make sure we are not here for nothing. We should be able to bring peace, or impose peace."⁵⁷

The AU sent a military assessment team to Darfur in March 2005 and recommended a further enlargement of AMIS II. The Peace and Security Council agreed and decided to increase the number of military personnel to 6,171 and up to 1,560 civilian police for a total in uniform of 7,731, all to be deployed by September 30, 2005.⁵⁸

As of October 24, 2005, there were 5,583 military (including 699 MILOBS) and 1,198 civilian police for a total of 6,781, almost the full deployment mandated by the AU.⁵⁹

The AU Commission Chairman Alpha Oumar Konaré has endorsed a further expansion to 12,300 troops by the second quarter of 2006 which will double the amount of financial assistance needed. This figure would be the minimum required to "contribute to a secure environment throughout Darfur in order to enable significant returns of displaced persons."⁶⁰

Given the slow pace of deployment so far, even with improved support from NATO and the EU, deploying 12,300 troops will take many months. The Senegalese Foreign Minister Cheikh Tidiane Gadio, said he was "totally dissatisfied" with the AU's stated claims that it could stop the killing in Darfur, pointing out that it has not followed through on its promise. "We don't like the fact that the African Union has asked the international community to allow us to bring an African solution to an African problem and unfortunately the logistics from our own governments do not follow."⁶¹

⁵⁵ *Report of the Chairperson of the Commission on the Situation in the Darfur Region of the Sudan*, Peace and Security Council 28th Meeting, PSC/PR/2(XXVIII) 28 April 2005: 26 para. 105.

⁵⁶ *AU Restricted Report, Ceasefire Commission*, 5/2/16-17: 22, para. 17.

⁵⁷ Somini Sengupta, "African Union Strives to End Deadly Cycle in Darfur," *New York Times*, November 29, 2004.

⁵⁸ AU PSC Communiqué, PSC/PR/Comm. (XXVII), 28 April 2005, para. 9.

⁵⁹ Interview with UN Department of Peacekeeping Official, New York, October 24, 2005.

⁶⁰ *Report of the Chairperson of the Commission on the Situation in the Darfur Region of the Sudan*, art. 115.

⁶¹ Agence France Presse, "Senegalese FM blasts AU on Darfur," July 20, 2005.

What Do the Troops Think of Their Mandate?

“African solutions to African problems” has become the mantra for Darfur. Despite AMIS’ inability to move quickly with the proper communications, logistics and transport, the world has let Africa take the lead on Darfur. Some Africans, however, have refused to accept the limits of the mandate. The Sudanese authorities have already felt the consequences of the adage: “be careful, you may get what you wish for.”

In August 2004, when Rwanda agreed to send troops to AMIS, Rwandan President Paul Kagame announced that his troops would not just stand there and watch if civilians are attacked: “Our forces will not stand by and watch innocent civilians being hacked to death like the case was here in 1994,” Kagame said barely 10 years after the genocide that killed up to 800,000 Rwandese in 90 days.⁶² He was referring to UN troops who did not intervene to prevent the Rwanda genocide because their mandate also was restrictive and did not allow the use of force except in self-defense. Kagame confirmed that “If it was established that the civilians are in danger, then our forces would certainly intervene and use force to protect civilians.”

Rwandese soldiers in Darfur reiterated their commander-in-chief’s sentiments. Lt. Eugene Ruzianda, stationed in El Fasher, said: “Every night you go to sleep thinking ‘I could do more.’ We could do more with a better mandate.”⁶³ Private Lambert Sendegeya grew up as a refugee in Burundi and helped stop the genocide in his native country. He added: “You want to go in deep. As a Rwandan you feel this should be looked at very carefully and there should be goals.”⁶⁴

Other AMIS troops interviewed for this study said the same thing: they would not just stand there and do nothing if innocents were in danger, regardless of what the mandate says. Even AMIS Force Commander General Festus Okonkwo has been quoted as saying, “We cannot sit down and watch civilians being killed while we are around.”⁶⁵

The Sudanese authorities quickly realized that they may have been better off with troops from countries that would take a narrower and more wooden view of their responsibilities than having troops from a battle-hardened army that had defeated one of the most ruthless and murderous armies/militias in recent history. Sudan’s

⁶² Associated Press, August 17, 2004.

⁶³ Emily Wax, “In Darfur, Rwandan Soldiers Relive Their Past,” *Washington Post*, September 28, 2004.

⁶⁴ *Ibid.*

⁶⁵ Somini Sengupta, “New Guerrilla Factions Arise in Sudan Ahead of Peace Talks,” *New York Times*, October 25, 2004.

Minister of Foreign Affairs, Abdelwahad Najeb, quickly responded to Kagame that Sudan's position is that AMIS has only one purpose. "The mission for those forces is very clear: protection for the monitors. As far as the civilians, this is the responsibility of the government of Sudan, and this is very clearly stipulated in the resolution of the African Union in its meeting on the 8th of July in Addis Ababa. I think the President of Rwanda was there in the summit of the AU, and he knows what is the mandate of the Rwandan troops."⁶⁶ Sudanese officials have adamantly insisted that any increase in troop numbers be allowed only if the mandate does not change.

⁶⁶ Voice of America [Nairobi], August 16, 2004, cited by Eric Reeves, "The Meaning of AU Forces deployment to Darfur," October 26, 2004, 2.

AU Civilian Police

International civilian police (CIVPOL) are a vital component of any modern, complex peacekeeping operation like the AMIS mission in Darfur. Police fill an important need in the security spectrum, providing trained personnel who know how to defuse tense situations, advise on securing public order and provide guidance to local police on how to observe human rights while dealing with the public. Soldiers, in many cases, are not trained to interact with unarmed civilians or to use anything less than deadly force in most situations.

The tasks of CIVPOL are:

- Assist in the development of proactive public confidence building measures;
- Establish and maintain contact with government police authorities;
- Establish and maintain contact with community leaders to receive complaints or seek advice on issues of concern;
- Observe, monitor and report the effective service delivery of the Sudanese police;
- Investigate and report all matters of government police non-compliance as provided in the mandate; and
- Monitor and verify the provision of security for returning IDPs and in the vicinity of existing IDP camps.⁶⁷

Darfur presents extraordinary challenges to international civilian police. Nearly two million people are crammed into dozens of camps scattered over hundreds of kilometers. Heavily armed militias lurk nearby, free to attack, supplied with munitions from a government complicit in their actions. Meanwhile several rebel groups, splintering and fighting each other in addition to government forces, only complicate the situation. How to protect civilians would challenge the most seasoned international police officers.

The AU, like the UN in many earlier peace operations, belatedly realized the importance of stationing competent, well-trained police officers in and near the IDP camps. One UN official familiar with the AU start-up mission said “The AU had no clue on police issues. They said there was no major role for police and they never even would have considered a police component if the UN had not recommended it.”⁶⁸

⁶⁷ AMIS CIVPOL Commissioner, Presentation to the Under Secretary-General for Peacekeeping of the United Nations, July 2005 (on file with the authors).

⁶⁸ Interview with UN official, New York, September 21, 2005.

The AU had never had a police component before. They had no operational plan or recruiting criteria. The UN Civilian Police Division in the Department of Peacekeeping Operations (DPKO) offered a concept of operations and guidelines on recruiting, training, logistics and deployment. The UN even shared its roster of African police that had peacekeeping experience, but the AU did not take advantage of this valuable resource.

AMIS police also faced a logistical nightmare which made it difficult to perform these tasks. "They had nowhere to go on the ground when they arrived in Darfur. The first 250 police had only four cars among them. There was no logistics plan for the police."⁶⁹ The AU had only one police officer in headquarters in Addis Ababa to cover every aspect of the police deployment: recruiting, contracts, transport, lodging, communications and equipment.

AMIS police, who are not armed, arrive slowly and it was only in February 2005 that a significant number started to deploy. Coming from many different countries with different policing traditions, forging a unified team is difficult. The language barrier is significant. In one meeting with AMIS police in El Geneina, the interviewer had to conduct the meeting in English and in French sequentially, repeating his questions and summarizing the answers, because the CIVPOL head from Cameroon could not speak English while his military colleagues from Ghana could not speak French.

Some experts believe that the quality of the AMIS police is not adequate. Their expertise and experience is not what is required for such a difficult mission. There is little screening of applicants prior to deployment, and according to one police expert, the AU "has not even developed the desired profile and criteria they are looking for in their police. The hiring has been ad hoc and the result is that you have some police who know nothing about peacekeeping operations."⁷⁰

AMIS police positions lacked job descriptions and terms of reference the first few months. With assistance from the UN Police Unit, job descriptions have been created. Yet senior management posts are being filled based on decisions made in AU headquarters in Addis, meaning that political considerations frequently trump competence: country X would lobby for a post while country Y fought for another. This inhibits recruiting the best qualified candidates and weakens morale.

The training given to AMIS police is also flawed. They receive a four-day induction which is largely a series of briefings on the mission, its mandate, structure, health and safety matters. These are all important, but there should be much more. Police

⁶⁹ Ibid.

⁷⁰ Ibid.

need to know about the relevant laws of Sudan, international police standards, especially as they relate to human rights, how to work with the international humanitarian and human rights communities and how to report on police misconduct. Again, the UN has offered to provide 50 trainers in their initial operational plan but the AU refused, saying they were not a training mission, just monitoring.

Once deployed, the difficulties did not end. The original concept of operations called for civilian police to co-locate with members of the Sudanese police in the IDP camps and villages, yet a lack of accommodation in these locations meant the concept was a non-starter. CIVPOL officers arrived in the mission area before the command structures were in place. CIVPOL could not adequately patrol in IDP camps because there were too few armed AMIS troops to support the unarmed CIVPOL. Deploying CIVPOL based on AU military sectors created another obstacle because this command structure does not match the jurisdictional divisions and command structure of the Sudanese police, causing much confusion.⁷¹

Along with transport and equipment shortages, AMIS police also suffer from severe communications problems which, if anything, are worse than AMIS military must endure. One AMIS police sector command cannot communicate directly with another. They must physically be in the same place as AMIS military to communicate with each other. The daily Situation Reports must be sent by hand to AMIS military headquarters for transmission. There is no central, mission-wide operations center for the police, but this should change following the “Map-X exercise” held in late August 2005 which highlighted the many problems that flow throughout the mission because of poor planning and implementation of joint operations.

In June 2005, US Deputy Secretary of State Robert Zoellick pushed for an expanded AMIS police presence in the IDP camps. “The key is to get the police forces operating within the camps. That is being expanded. And we talked about 30 additional posts in the camps,” Zoellick said after meeting with AMIS headquarters staff in El Fasher.⁷²

Yet as of early July 2005, AMIS only had about 600 police overall out of 815 authorized.⁷³ By August 2005 when all CIVPOL were finally authorized, only 126 of the total were women.⁷⁴ Up until June, Kalma camp near Nyala in South Darfur was the only IDP camp where international police were stationed. Since then, and a result of the contribution from the Norwegian government for mobile police stations,

⁷¹ AU CIVPOL Commissioner, Presentation to the Under Secretary-General for Peacekeeping Operations.

⁷² US State Department Information Service, “Zoellick Calls for More African Union Police in Darfur,” June 3, 2005, available at www.usinfo.state.gov/archive/2005/Jun/03-370460.html

⁷³ AU Press Statement from the Chairperson, July 13, 2005. There are now supposed to be 1560 police.

⁷⁴ African Union Mission in Sudan (AMIS) CIVPOL Component Manpower Distribution Chart, 17 August 2005 (on file with authors).

CIVPOL has identified 40 IDP camps for immediate deployment.⁷⁵ Yet by late September in West Darfur, AMIS had established a 24-hour three-shifts/day presence in only two IDP camps, both near the capital Geneina.⁷⁶ International CIVPOL presence in the majority of areas is only during daylight.

In June 2005, CIVPOL held a workshop with the Sudanese police to identify how their work could be coordinated. The two parties agreed that the “African Union Police should contribute to promoting confidence in Sudanese Police.” Areas for cooperation include capacity building, developing a coordinating mechanism to implement the recommendations of the workshop, working with the media to ensure “specific” and “credible” information is published, reporting, working with civil society and activating criminal procedures.⁷⁷ The government agreed that AMIS police tasks are based on the assumption that the “parties will respect the conventions on human rights and international humanitarian laws” and “observe the terms of the Humanitarian Ceasefire Agreement.”⁷⁸

The IDPs, however, deeply mistrust the Sudanese police because they have not respected human rights and some have criticized CIVPOL for working too closely with the police, which is what their mandate requires. CIVPOL has tried to gain the trust of the population while trying to encourage the Sudanese police to respect rights, but getting the balance just right is difficult.

While CIVPOL monitors police investigations, they have not exerted enough pressure to improve Sudanese police practices and procedures so “business as usual” continues. Understandably, civilians fear reprisals should they report violations to the authorities. AMIS police “have not been able to get inside the police nexus” according to one UN official who has worked closely with AMIS police.⁷⁹ Violations committed by national police that are monitored and investigated by AMIS police are not reported or followed up consistently; non-compliance forms are not used. “It’s like the early days of the police mission in Bosnia when we used to just look and let the grass grow” said another UN CIVPOL expert. Thus far, CIVPOL has had limited ability to monitor the Sudanese police, build their capacity and increase public confidence, especially in rural areas. In other words, CIVPOL has failed to achieve significant elements of its mandate.

⁷⁵ AU CIVPOL Commissioner, Presentation to the Under Secretary-General for Peacekeeping Operations, 3.

⁷⁶ *Report of the Special Advisor to the Secretary-General on the Prevention of Genocide, Visit to Darfur, Sudan*, 19-26 September 2005: 4, para. 10.

⁷⁷ The Joint Workshop between the Sudanese Police and the Mission of the African Union in Darfur States, Khartoum, June 23, 2005 (on file with authors).

⁷⁸ *Ibid.*, 2, para 7.

⁷⁹ Interview with UN official, New York, September 21, 2005.

According to some police experts, the government of Sudan police, from July 2005 started to “open themselves up” to outside monitors and have indicated a greater willingness to take advice, guidance and accept the reality that some of its officers are violating human rights.⁸⁰ AMIS police in some cases have exploited this openness and become more active and interventionist. Some have urged the authorities to discipline and prosecute violators in their ranks. The new Special Criminal Court on the Events in Darfur offers a chance to test the government’s commitment to increase accountability for human rights violations. On August 15, 2005, the Special Criminal Court convicted a Lieutenant and a Captain in the Sudanese Armed Forces Military Intelligence Branch for the murder in detention of a 13-year old boy suspected of being a rebel, which establishes an important precedent.⁸¹ Several other cases are pending in the Court involving a member of the PDF and members of the military. The Special Court could also prosecute Sudanese police.⁸²

Yet despite this new “openness,” the government of Sudan has created another hurdle by integrating some Janjaweed and other militia members into the Sudanese police. One senior government official admitted this practice:

We had about 120 bandits in the area...highwaymen, cattle thieves, all kinds of criminals. But what to do with them? And then I decided, I’ll make them soldiers and policemen! Because as you know from your own experience in America, bandits and police, they’re very similar, and if they’re good at the one profession, they’ll probably be good at the other.⁸³

⁸⁰ Ibid.

⁸¹ *Monthly Report of the Secretary-General on Darfur*, UN Doc. S/2005/592 (19 September 2005): paras. 9-10.

⁸² Most cases taken by the court appear to involve common crimes and low-ranking officers dating from December 2004 to March 2005 only. Lack of clarity on how it chooses cases has undermined its credibility. *Report of the Special Advisor to the Secretary-General on the Prevention of Genocide*, 9, para. 33.

⁸³ Scott Anderson, “How Did Darfur Happen?” *New York Times Magazine*, October 17, 2004.

Overview of AMIS' Performance Protecting IDPs

Today, more than 2 million people are displaced from their homes across an expansive and remote desert landscape. There are concentrations of IDPs in large camps combined with a number of dispersed, scattered IDP settlements; some IDPs have moved to cities and towns in Darfur, often living with relatives. While many villages have been destroyed, some remain. These civilians are vulnerable to ongoing attacks and have little freedom of movement to access assistance and protection. Many IDPs and civilians rely entirely on international assistance; some in the more remote areas remain out of reach. Nomads have occupied some of their land, settling into the villages that remain, grazing their herds and even engaging in some farming. Orchards belonging to the IDPs have been burned and some Arabs have referred to areas they now occupy as “liberated land.”⁸⁴ IDPs face devastated farmlands, diminished water and food supplies and loss of assets to sustain their livelihoods. Attacks on villages and IDPs have continued throughout 2005, including ongoing sexual violence against women and girls.

This situation has presented a daunting challenge to the AU and they have responded with positive protection initiatives. Their efforts include proactive patrolling, deployments to prevent attacks, mediation and conflict resolution, deployment of CIVPOL and efforts to combat the recruitment of child soldiers. AMIS has also undertaken many joint initiatives with the humanitarian and human rights communities.

Positive Initiatives

Preventive Deployments. After many attacks on the town of Labado, South Darfur, and nearby villages in late 2004, the AU commander decided, at serious risk to his troops, to deploy soldiers there in January 2005. They patrolled and observed nearby government troops. The deployment deterred further attacks and led to the return of many town residents who started to repair their homes and rebuild their lives. The same occurred in the nearby town of Muhajaria. Here AMIS overcame its mandate restrictions by asserting that it was sending troops to protect a civilian construction crew building a base there; in reality, it was deterring an expected attack on the town by government-controlled militias. This resembles a tactic used by General Romeo Dallaire, force commander of the UN Assistance Mission for Rwanda (UNAMIR) (1993-4), who would put his troops intentionally near threatened Tutsis so that when the Hutu militias came to murder the Tutsis, the UN troops could claim they were only acting in self-defense since they perceived the

⁸⁴ *Report of the Special Advisor to the Secretary-General on the Prevention of Genocide*, 7, para. 26.

attack to be directed at them. The UNAMIR troops had a mandate to use force only in self-defense.

Likewise, in the village of Marla which lies south of the railway to Khartoum, the Nigerian Commander of AMIS in Nyala decided to install a small number of troops who had the same deterrent effect on the militias and government troops and a calming impact on the population who began to return home. Ten thousand people returned to the area, and all said that as long as the AU troops remained, they would stay.⁸⁵

Temporary Accompaniment. AMIS troops cannot establish outposts in every town or village in Darfur; and they cannot stay forever in the places where they have set up presences. After a rebel attack and a government counter-attack in the town of Tawila in November 2004, nine AMIS military observers arrived to document what had happened. Even though they were unarmed, they decided to spend the night on cots in the town and gave their rations to starving local women. Yet when the time came for them to return to El Fasher the next day, the people of Tawila said they would stay there only if the AU did. "They must stay," said a local resident, "Otherwise we can't stay."⁸⁶

Mediation and Conflict Resolution. AMIS troops often meet with local leaders to listen to their complaints, worries and concerns. One of the most devastating consequences of the conflict has been the destruction of many of the customary dispute resolution mechanisms that allowed for the peaceful solution to conflicts over water, land, livestock and personal matters. AMIS soldiers, often from societies that have similar traditional processes involving tribal elders, know the importance of re-establishing these procedures in light of all the upheaval and the often tense conditions in over-crowded and under-supplied IDP camps. One AMIS commander holds regular meetings with the sheikhs in the various IDP camps in his sector to air grievances and concerns which they greatly appreciate.⁸⁷

Flexible Patrolling. AMIS, in some sectors at least, has demonstrated a willingness to patrol, be visible and try to deter violence. The commander in El Geneina, for example, said his troops conduct two or more patrols daily. Some are "investigative patrols" where soldiers are looking into violations of the ceasefire; others are "confidence-building patrols" when an attack is anticipated and they are trying

⁸⁵ Interview with Capt. Brian Steidle, USMC (ret.), July 5, 2005. This example also illustrates some AMIS shortcomings. In Marla, for example, in early June 2005 there was another attack on the town in the presence of the AU, killing more than a dozen civilians. As one military advisor commented, "Marla is not a success story. AU was not nimble enough to move forces when they needed to and didn't respond when the problem was developing." The same day, another attack took place at Muhajaria. The SLM/A attacked the JEM and again, more civilians were killed.

⁸⁶ Somini Sengupta, "African Union Strives to End Deadly Cycle in Darfur," *New York Times*, November 29, 2004.

⁸⁷ Interview with AMIS Sector Commander, Nyala, South Darfur, February 14, 2005.

to prevent it; “negotiation patrols” involve trying to mediate some conflict or crisis. When several workers from Catholic Relief Services were taken hostage by a rebel group in the Jebel Moon area in late 2004, the AMIS sector commander hastened to the area, talked with rebel leaders from the National Movement for Reconstruction and Development (MND), securing the release of the workers.⁸⁸ “Escort patrols” involve not only accompanying women looking for firewood but can also be accompanying Sudanese government or humanitarian convoys delivering aid along treacherous areas of the road. In one case a World Food Program (WFP) driver was killed during an ambush near Morne, and AMIS went to extricate the rest of the WFP personnel who were stuck there, terrified.

AMIS has responded to requests from humanitarian agencies for increased patrols where civilians were threatened. In Masteri in West Darfur, the AU has consistently responded to calls for increased patrols. The AU is now planning to establish a camp in Masteri so that a more permanent AU presence will improve the situation further. In the Thur and Mortajell areas of South Darfur, AU confidence building patrols allowed civilians and IDPs to travel to the Nertiti market. After the eight main AU sectors were established throughout the Darfur states, the AU opened smaller camps with 24 hour/7 days-a week presence called “group sites,” which are attached to each sector to expand presence and patrol capacity. Consultations between the humanitarian agencies and the AU identified priority locations for new group sites and for CIVPOL deployments to IDP camps.

Armed banditry and robbery surged along the main travel routes in much of Darfur in late 2004, and throughout 2005. This severely hampered the ability of humanitarian agencies and the government of Sudan to deliver essential food and supplies to extremely vulnerable populations. AMIS then decided to increase its patrols by “land and air” along these corridors on January 22, 2005, which resulted in a temporary decrease in attacks.⁸⁹ Humanitarian convoys were able to get through to reach the IDP camps.

Assistance to UN Human Rights Officers. UNMIS and AMIS reached an agreement in July 2005 under which AMIS provides transportation and escorts to UN human rights observers in high risk areas where the observers otherwise would never be able to go. These are precisely where serious human rights violations occur and the need for monitoring and investigation the greatest. The AMIS sector commander must receive a written request from UNMIS Human Rights Officers and approve the proposed travel. Human rights officers proposed for such joint investigation visits to “no go areas” must have extensive field experience and have worked with military forces before. AMIS and the human rights observers have

⁸⁸ Interview with AMIS Sector Commander, El Geneina, March 2, 2005.

⁸⁹ *AU Restricted Report, Ceasefire Commission*, 5/2/16-17: para. 5.

also agreed to share information and AMIS has received human rights training from the UN human rights officers.⁹⁰ This degree of collaboration between military peacekeepers and human rights officers is rare and not without risks. Some worry that human rights and humanitarian officers are working too closely with international military which could compromise their "neutrality."⁹¹ While this may be a major concern where the international military are part of an occupying or an active fighting force as in Iraq and Afghanistan, respectively, the rewards of expanding the reach of the human rights officers' ability to provide an accurate account of the situation and to deter further violations outweigh the risks.

Good Quality Troops. The quality of the AMIS troops is generally high. According to several officers from outside the AU who have worked with them, the training and discipline of the soldiers is good, especially in the officer corps.⁹² Those trained by the United States in the African Contingency Operations Training Assistance (ACOTA) program stand out, as do officers trained by the British and French militaries in their special programs for African peacekeepers.

Troops chosen for duty in Darfur must meet stringent qualifications.⁹³ They must have no negative marks on their disciplinary records and have tested negative for the HIV virus. This latter factor is a huge impediment in African militaries especially where entire battalions have been ruled out of serving in peace operations because they are HIV positive. Unlike many UN peace operations where scandals involving forced prostitution, commercial sex with underage children and drug trafficking erupt regularly, so far the AU has been able to avoid these scandals. But as AMIS expands, along with demands placed on the AU from other peacekeeping operations in South Sudan, Congo and Somalia, combined with security crises at home (Nigeria, Ethiopia), it will become increasingly difficult to maintain quality.

High Motivation. The number of troops who say unprompted that they view Darfur as a test case for African peacekeeping attests to their commitment and morale. One realizes just how much the odds are stacked against them. AU Special Representative to Darfur, Baba Gana Kingibe noted: "We stand or fall in Darfur. If we fail here, nobody is going to look to the African Union for a solution to other conflicts on the continent."⁹⁴

The AMIS soldiers have demonstrated adaptability, trying to turn deficiencies into positives. "We didn't even have maps," Kingibe said. "But it didn't stop us, we didn't

⁹⁰ *Monthly Report of the Secretary-General*, UN Doc. S/2005/523 (11 August 2005): para. 14.

⁹¹ See, for example, Gil Loescher, "Threatened are the Peacemakers," *Notre Dame Magazine*, Spring 2005, <http://www.nd.edu/~ndmag/sp2005/loescher.html>

⁹² Interview with Steidle, August 5, 2005.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

shy away from the challenge...We have learned to respond instantly to changing situations, and this has been our success. Other peacekeeping forces would not have managed in the conditions we faced.”⁹⁵

Rapid Deployment of AMIS Police in the Main IDP Camps. Where this has taken place, it has increased the security of IDPs and improved their own sense of security. The CIVPOL presence in the Nertiti IDP camps in Jebel Marra, for example, has reduced the number of attacks and incursions into the North and South camps. With only Solidarity and Médecins Sans Frontières (MSF)/France on the ground in Nertiti, AMIS CIVPOL has helped the humanitarian actors' protection interventions with the local authorities.

While the location of some of the CIVPOL posts outside the camps and near government police stations on the camp periphery makes them inaccessible to IDPs, CIVPOL presence and foot patrols in camps and participation in discussions with IDPs on their concerns have yielded increased reporting of incidents to the Sudanese police. Increased reporting has enabled the AU to monitor more investigations and confront the current climate of impunity. As discussed above, after initial hesitations, AMIS CIVPOL now more readily pursues reported abuses with the government police, pressuring them to take appropriate action. This sends a powerful, double message. First, to the Sudanese police, military and militias: impunity is ending, you will be held accountable. This deters further violations. Second, to the IDPs and Sudanese population in general: things are changing, report violations and you will get results and not reprisals.

Positive Influence of CIVPOL on Sudanese Police. In Nyala, South Darfur, ongoing disagreements poisoned relations between the IDPs and the Sudanese police in Kalma camp. In May 2004, riots broke out in the camp when police fired on some IDPs in the camp market who then burned down the police station and the office of the government's Humanitarian Affairs Commissioner. At OCHA's request, the AU intervened and calmed the situation, although tension persisted between IDPs and the authorities, resulting in increased insecurity and difficulties for the humanitarian actors operating in the camp. When the government police tried to transfer a commander who had worked to build relations with the IDPs, AMIS CIVPOL intervened with the authorities and urged them to reconsider the transfer. The commander remained in his post. CIVPOL and humanitarian actors working in Kalma have facilitated confidence-building meetings between IDPs and the Sudanese police resulting in an improved environment in the camp.

Collaboration of Female CIVPOL and Female Sudanese Police. While capacities are needed to train Sudanese female police officers, they are now deployed in

⁹⁵ IRIN, "Sudan: On patrol with AU troops in Darfur," June 8, 2005.

some camps in North Darfur. In one camp, female AU CIVPOL and female Sudanese police officers work together to identify protection needs of IDP women.

Promotion of Information Sharing and Joint Planning in Protection Working Groups. As part of the inter-agency response in Darfur, Protection Working Groups (PWG) comprised of UN agencies and NGOs meet weekly or bi-weekly to discuss protection concerns, including freedom of movement, returns, and access to humanitarian assistance. AMIS participation has been inconsistent, and NGOs and UN agencies have expressed ambivalence about AMIS participation at the meetings. Yet AMIS' contributions have yielded improved planning for joint initiatives, increased information sharing and confidence building between the humanitarian community and AMIS. This has covered the gamut of protection: physical safety, access to humanitarian assistance, human rights questions, freedom of movement.

In one sector, AMIS MILOBs and CIVPOL participate in the PWG to support the common objective of increasing IDP protection while promoting the responsibility of local authorities for providing such protection. The PWG organized meetings between IDPs and AMIS in each camp so that CIVPOL officers and commanders heard directly from the beneficiaries. The IDPs expressed concern over the presence of armed men on camelback passing through the camps intimidating people. CIVPOL responded that they would work with the Sudanese police to identify routes so that the armed men went around and not through the camps. While such close cooperation is not consistent across the three Darfur states, other PWGs are working more closely with AMIS so that protection interventions with the authorities can be planned and harmonized.

Protection through Direct Interaction with Beneficiaries. In Nyala, IDPs and Sudanese police clashed after an incident in the market left an IDP shot dead by the police which was followed by looting. Tensions had already been high since the government imposed a trading ban on Kalma camp, preventing any commercial trucks from entering the camp to distribute or sell goods. The IDPs, understandably, did not want the Sudanese police involved in firewood patrols and at a meeting with the AU, UN representatives and NGO camp managers criticized the commercial ban and requested compensation for the looting. AMIS heard these complaints, worked to resolve satisfactory responses from the government which led to a resumption of joint firewood patrols. In the Zalingei IDP camps, direct interaction with women through the camp managers resulted in an initiative where the IDPs appointed representatives to be contact people for AMIS. The contact people would meet AMIS in the morning and join them on the patrols. This has made women collecting wood more comfortable in approaching AMIS soldiers when they see them in the area.

Provision of Security for Small-Scale IDP Returns. Although limited in number, some IDPs have returned home while others travel from the camps to their fields to farm in the day and return at night. In West Darfur, UNHCR reports that more than 20,000 people — or 2.5 percent of the displaced population — have voluntarily returned. AMIS has monitored returns and in one sector, was providing information on returns to UNHCR. This allowed UNHCR to monitor and verify the status of the returnees and to provide assistance. Following IDP returns to Khor Abeche, AMIS sent a letter to UNHCR requesting assistance for the returnees. In a meeting with IDPs, AMIS told them that if they wished to visit their places of origin to farm, AMIS would be present and patrol the area.

While limited, these initiatives demonstrate AMIS' potential. But prospects for returns in 2006 hinge on insuring that planting and harvesting is successful. If crops are destroyed or looted, returns will be impossible. AMIS will need many more troops and will also have work more closely with UNHCR and the International Organization for Migration (IOM), the respective actors tasked with return in the different Darfur states to provide security and deter attacks. These organizations also need to work more closely with Ceasefire Commission members and the MILOBS who see safe IDP returns as one of their main objectives.

Advocacy against the Use of Child Soldiers. The recruitment of child soldiers has a sorry history in South Sudan and the situation in Darfur is no different. AMIS commanders know that SLM/A recruit young boys.⁹⁶ Recruiting child soldiers is a Humanitarian Ceasefire Violation, and also violates the African Charter on the Rights and Welfare of Children, the Convention on the Rights of the Child (CRC) and the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict. Sudan is signatory to all of these treaties and thus is bound by their prohibitions on the use of child soldiers.⁹⁷ It is also a war crime under the statute of the International Criminal Court.

In some sectors in North Darfur, UNICEF and AMIS have created an informal system to share information and identify areas where child recruitment occurs. When AMIS raised the issue with the Sudanese defense forces, the numbers of child soldiers decreased afterwards. AMIS then noted an increase in child recruitment for the national police and complained to the authorities. Although admirable, AMIS has not systematically monitored and intervened to suppress the use of child soldiers throughout and should apply a consistent policy throughout Darfur.

⁹⁶ Ibid., 5.

⁹⁷ <http://www.unicef.org/crc/crc.htm>. Parties signatory to the CRC and Optional Protocol. Moreover, the government and all the parties pledged to renounce the use of child soldiers. See *Protocol between the Government of the Sudan, the Sudan Liberation Movement/Army and the Justice and Equality Movement on the enhancement of the security situation in Darfur in accordance with the N'djamena Agreement*, (Abuja, 9 November 2004).

Improved Capacity to Address Child Protection Issues. In North Darfur, UNICEF started a one-day child protection training program for all CIVPOL officers who are trained on the Code of Conduct, Child Rights and the Inter-Agency Standing Committee (IASC) principles applying to child protection.⁹⁸ This has evolved into a “training of trainers” program that has operated for more than six months, resulting in each CIVPOL officer receiving training on child protection issues prior to field deployment. Regrettably, the MILOBs and Protection Force officers in AMIS have not received similar training.

Protection Case Study: AMIS' Efforts to Combat Sexual and Gender-Based Violence (SGBV)

Countless women and girls have been raped during the conflict and the number continues to rise. A September 2005 study conducted by UNICEF and the UN Population Fund (UNFPA) found that nearly all the women and girls across the three Darfur states interviewed knew other women or girls who had been raped or sexually abused. “Women and girls have been raped in front of the male members of their families and were beaten and forcibly restrained by the attackers...in some cases the girls were raped in ceremonies called the ‘initiation to womanhood’” by armed militias.⁹⁹

As the IDP camps grew, women had to leave the camps to search for firewood, grass for thatching, fodder for their remaining animals and even food for themselves. For many women, firewood collection is the main income generating activity. Militias still roam in the areas outside the camps, attacking women and girls who are unaccompanied by men who fear being killed if they leave the camps.

Fatouma, a 15 year-old from West Darfur, has an all too common story. After leaving her IDP camp to look for firewood to both sell and cook with, a group of Arab militia who roam freely on the camp perimeter chased her and her companions. They held her overnight, gang-raping her repeatedly.¹⁰⁰ The next day she found her way back to the camp, bleeding and dazed. Nine months later she gave birth to a light-skinned, soft-haired baby girl. While tribal leaders say the women and the babies will be accepted, this is not guaranteed.

In March 2005, MSF reported that between October 2004 and the first half of February 2005, its doctors treated almost 500 rape victims in Darfur.¹⁰¹ In most cases, women are tied up and beaten with “sticks, whips or axes.” Women report-

⁹⁸ UNICEF Darfur Emergency Report: August-September 2005, 11, <http://www.unicef.org/emerg/darfur/>

⁹⁹ “The Effects of the Conflict on Health and Well-Being of Women and Girls in Darfur, Situation Analysis Report, Conversations with the Community, UNICEF and UNFPA,” August/September 2005, 20.

¹⁰⁰ Lydia Polgreen, “Darfur’s Babies of Rape Are on Trial From Birth,” *New York Times*, February 11, 2005.

¹⁰¹ Médecins Sans Frontières, “The Crushing Burden of Rape: Sexual Violence in Darfur,” March 2005, 2.

ed that they were abducted and held captive for several days while several men raped them.¹⁰²

The UN High Commissioner for Human Rights, in the July 2005 report “Access to Justice for Victims of Sexual Violence” in Darfur, asserts that “rape and gang rape continue to be perpetrated by armed elements in Darfur, some of whom are members of law enforcement agencies and the armed forces, and the Government appears either unable or unwilling to hold them accountable.”¹⁰³

Major obstacles continue to prevent most victims from seeking accountability. Many women do not report incidents, out of fear of reprisals, and are discouraged from reporting by the lack of redress for sexual violence. Some police stations refuse to register and investigate complaints of sexual violence. When cases are registered, police officials often do not vigorously investigate them. Immunity for members of the security forces and the interference of military and security officials in cases involving members of the security forces often cause indefinite delays in the examination of cases or lead to their outright dismissal.¹⁰⁴

International aid workers have suffered reprisals for condemning sexual violence in Darfur. The head of MSF/Holland was arrested and charged with crimes against the Sudanese state after the organization published “The Crushing Burden of Rape: Sexual Violence in Darfur.”¹⁰⁵

The government has not seriously investigated or prosecuted rape or sexual violence cases. They give an “impression of prosecution” according to one human rights observer.¹⁰⁶ Moreover, the Sudanese police are complicit, refusing to take charges of rape seriously and often threatening those who bring charges with “adultery” for engaging in extramarital sex. Out of the 51 cases monitored by UN Human Rights Officers in South Darfur, only six cases have reached court and in only two cases were perpetrators convicted.¹⁰⁷

The government formed a special commission to investigate rape allegations and found that there were only two cases, an astonishing result given the weight of the evidence, including the rash of light-skinned babies born. A midwife who has delivered many babies born as a result of rape noted: “The police want to cover up the cases. If a girl goes to the police, the police tell her: ‘It is better for you not to say

¹⁰² Ibid, 4.

¹⁰³ “Access to Justice for Victims of Violence: Report of the High Commissioner for Human Rights,” July 29, 2005, 2.

¹⁰⁴ Ibid.

¹⁰⁵ “Sudan Charges MSF man over report,” BBC News, May 30, 2005.

¹⁰⁶ Jeevan Vasager, “Rape by Janjaweed hard to deny,” *Guardian Weekly*, January 21-27, 2005.

¹⁰⁷ “Access to Justice for Victims of Violence,” 13.

anything about this rape.”¹⁰⁸ The government provides little counseling or medical care. A second committee to combat gender-based violence in Southern Darfur formed in May 2005 has also failed to demonstrate a commitment by the government of Sudan to end impunity for sexual violence.¹⁰⁹

As in Rwanda and Bosnia-Herzegovina, the government and its militias have intentionally used rape as a weapon of war. Accounts abound of rapists telling their victims that they will create “Arab babies” as a way to take over Darfur. Rapes were committed as part of the attacks on villages and multiple rapes were common. Such acts now constitute war crimes and crimes against humanity, based on jurisprudence created by both the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

The extent and brutality of sexual violence, especially rape, and the near complete impunity enjoyed by government police, military and militias, have challenged AMIS like no other issue. AMIS has responded with important initiatives.

Firewood Patrols. AMIS soldiers patrol while women collect firewood outside camps in each of the three Darfur states. The initiative began when the AU confronted ongoing attacks against women and girls outside of IDP camps. While there are no comprehensive statistics, all involved agree that these patrols have deterred attacks against women and girls.

One IDP woman interviewed said, “I would not go out if there weren’t patrols by the AU. I feel safer that they are in the area and I am able to collect more wood for selling.”¹¹⁰ In many camps in West Darfur, before the patrols began, women had limited freedom of movement; once the patrols started, movement and security have improved. The International Rescue Committee found that more than 800 women would go out together to collect firewood on the days of the AU patrols. As a result, in a meeting with IDPs, humanitarian representatives broached the idea of men participating in firewood collection. This is an important indicator of improved security; just months before, this would have been unthinkable because men and boys feared being killed if they traveled outside of the camps.

Accompanying women while they collect firewood has built confidence with the community. One AMIS soldier said, “it is important that we do these patrols. You can talk to the IDPs and find out what problems they face. They are a concrete way to help and you feel like you are really contributing.”¹¹¹ In one area, bi-weekly meet-

¹⁰⁸ Ibid.

¹⁰⁹ Ibid., 1.

¹¹⁰ Interview with IDP woman, West Darfur, July 15, 2005.

¹¹¹ Interview with AMIS soldier, El Fasher, July 24, 2005.

ings between AMIS, the camp managers, representatives from UNHCR, OCHA, the UN Human Rights Office and women leaders assess the patrols' effectiveness. The women identify the routes and together with AMIS and the humanitarian actors, determine the day, timing and routes of the patrols. AMIS may recommend changes to the schedule depending on their security assessments. The IDPs identify contact people to meet AMIS on the days of the patrol who then travel with them, enhancing communication between the women and AMIS soldiers. In North Darfur, CIVPOL female officers and newly deployed female Sudanese police visit the camps together to discuss IDP women's concerns, including firewood patrols.

In some camps, AMIS and local police patrol jointly. This is a sensitive issue, however, because of Sudanese police participation in grave crimes. When done properly, joint patrols can send a positive message and provide an opportunity for IDPs to understand AMIS' mandate to assist, encourage or even to pressure the Sudanese police to respect human rights. In areas where the local police do not yet participate in the patrols because IDPs do not trust them, AMIS has tried intermediate confidence-building measures. For example, in Nyala, South Darfur, after a series of problems, IDPs refused to have local police participate in the patrols. AMIS organized meetings attended by IDP leaders and the police to discuss their concerns, resulting in gradual progress as each side became familiar with the other. In one meeting, the police commander acknowledged the wrongdoing of the police and promised to punish any officers who committed offences in the camp. Meetings continued between the AU and IDP leaders and youth, leading to the resumption of Sudanese police participation in firewood patrols in September 2005.

AMIS, however, does not approach the staffing of firewood patrols consistently. In some areas, AMIS has not invested the time and energy necessary to build confidence between the IDPs and the local police. In Geneina, for example, AMIS will not initiate patrols unless Sudanese police also participate. The IDPs do not yet trust the police, so they have refused to agree; the result is no firewood patrols in Geneina. The humanitarian community also supports confidence-building measures prior to police participation, so the impasse continues while harming relations between AMIS and the IDPs and between AMIS and the humanitarian community.

AMIS' limited numbers have restricted its ability to sustain firewood patrols. In most IDP camps, the AMIS Protection Force initially conducted the patrols, but over time CIVPOL, who are not armed, have taken over. Yet in one West Darfur camp CIVPOL had no armed AU Protection Force to support them on the patrols. An AMIS CIVPOL officer commented, "if there is no protection force, we cannot do the patrols. I cannot send unarmed CIVPOL out to conduct patrols. If there is an

incident and we need to respond, we wouldn't be prepared."¹¹² CIVPOL then suggested that Sudanese police accompany them on the patrols. The IDP community rejected this idea, so patrols stopped temporarily. Since the arrival of the Rwandese battalion, CIVPOL could resume patrols outside the camp.

For women collecting wood, the shortage of qualified female AMIS staff and translators is a problem. One IDP woman said, "I never talk to the AU soldiers, they are all men." Without female Arabic speakers or women speaking local languages working with the AMIS Protection Force or CIVPOL, IDP women have no way to communicate with AMIS. This is especially true for cases involving sexual violence where women will not speak to men.

Enhanced Collaboration with Humanitarian and Human Rights Actors.

AMIS has joined UNHCR and UN Human Rights Officers in West Darfur to tackle gender violence. In March 2005, UNHCR received allegations that the government was prosecuting rape victims as adulterers under the law of Sudan, detaining and fining them under the Penal Code. One woman was also arrested for abandoning her baby, and charged with adultery and attempted murder. The pregnancy was a result of rape.¹¹³ On March 7, just days after the reports of arrests and detentions were received, an African Union helicopter transported an investigative team comprised of a UN Human Rights Officer, UNHCR community services staff and the newly deployed female CIVPOL officer to Bindisi for several days to investigate. This joint intervention forced the authorities to back down and drop the charges. There were no further arrests, detentions or fines extracted from women for these baseless charges. AMIS and the international community continue to coordinate missions to the area to monitor the situation.

One area where cooperation is just beginning and needs to be expanded is integrating the new Humanitarian and Human Rights civilian officers of AMIS into the Sexual and Gender-Based Violence (SGBV) coordination meetings which would encourage more joint initiatives and information sharing between the AU and the humanitarian community.

Improved Training on Gender-Based Violence. AMIS has welcomed training on gender violence. In West Darfur, for example, a workshop for humanitarian organizations on how to respond to victims/survivors of gender-based violence included female and male representatives of AMIS CIVPOL. In Geneina, UNHCR held training for members of the AMIS Protection Force on gender-based violence. While important, however, these are isolated examples. All of AMIS would benefit from

¹¹² Interview with CIVPOL official, West Darfur, July 16, 2005.

¹¹³ "Access to Justice for Victims of Violence," 16-17.

more systematic collaboration with protection experts and human rights officers on gender issues.

The UNICEF and UNFPA report “Women and Armed Conflict in Darfur” calls for “increased prevention and response to sexual and gender based violence interventions, including training of the police, Government of Sudan and AU military.”¹¹⁴ Women interviewed for the study requested an expansion of the AU protection forces to all areas of Darfur. The report further recommended that the AU:

- Increase its presence in and around camps, host communities and settlements;
- Increase its patrols in and around firewood collection areas (sites to be prioritized by IDPs);
- Support and monitor the Sudanese police forces to insure that criminal reports are opened and followed up as required by domestic and international laws ratified by Sudan;
- Expand confidence-building efforts with the IDP communities; and
- Explore community-based policing initiatives with IDPs.¹¹⁵

Importantly, the report also recommended that the United Nations and the international humanitarian community:

- Train African Union Military Observers and Civilian Police on protection;
- Train AU MILOBs and CIVPOL on how to respond to sexual violence; and
- Train African Union female police on interviewing survivors of sexual violence.¹¹⁶

The UN High Commissioner for Human Rights’ report also concluded that the international community, including the AU, should provide training for law enforcement officials and armed forces on international human rights and humanitarian law and women’s rights and provide technical assistance on conducting criminal investigations and collecting and processing forensic evidence.¹¹⁷

Confusion on Sudanese Criminal Law and Police Procedures. An issue that has bedeviled cooperation between the AU and humanitarian actors concerns developing a common position on Criminal Form 8 which has caused confusion and concern in Sudan and Darfur for more than year. According to Sudan’s

¹¹⁴ “The Effects of the Conflict on Health and Well-Being of Women and Girls in Darfur,” 7.

¹¹⁵ *Ibid.*, 39.

¹¹⁶ *Ibid.*

¹¹⁷ “Access to Justice for Victims of Violence,” 37, para. 84.

Criminal Act, anyone who has been a victim of a serious violent act or any grievous hurt, including rape, must obtain a Form 8 from the police before receiving medical attention. A Ministry of Health approved attending physician must receive a properly completed Form 8 so that medical evidence can be collected while the victim receives treatment. The concern of the protection and human rights officers in Darfur is that Form 8 deters rape victims from immediately receiving medical care and crucial forensic evidence is lost.

Pressure from the SGBV Working Groups in each state, and in Khartoum through the UN Human Rights Office and the SGBV Committee, led the Minister of Justice to issue a decree suspending the use of Form 8 in August 2004.¹¹⁸ Since that decree, there have been several other amendments to the procedures surrounding Form 8, including one allowing certain international health providers to gather and present medical evidence for Form 8. Yet many AMIS CIVPOL did not understand the changes to Form 8 and their impact on police investigations which has prevented them and the humanitarian and human rights actors from developing a common understanding or approach. This has hindered efforts to forge consistent monitoring of the police to insure that rape victims have immediate access to sound medical treatment while forensic evidence needed to prosecute is not lost.

Need for AMIS to Do More to Combat Gender-Based Violence. Since AMIS has no law enforcement mandate, it can only receive reports of rape and sexual violence and try to press the authorities to do their jobs. Yet Article 2 of the Humanitarian Ceasefire Agreement calls on all parties to “refrain from any act of violence or any other abuse on the civilian population.”¹¹⁹ According to the Ceasefire Reports currently available to the public on the AU website, none of the Ceasefire Commission investigations discuss the ongoing sexual violence against women and girls in Darfur.

The AU's mandate, while weak, nevertheless provides for AMIS to “assist in the development of proactive public confidence-building measures, observe, monitor and report the effective service delivery of the local police.” The UN Guiding Principles on Internal Displacement call on international organizations to build the capacity of the host government to assume responsibility for protection. A pre-requisite for any capacity-building is the government of Sudan's commitment to punish any criminal behavior or misconduct by any law enforcement or military officer. Without this promise, training and capacity-building risk becoming mere window-dressing.

¹¹⁸ Ibid., 27.

¹¹⁹ African Union, *Humanitarian Ceasefire Agreement on the Conflict in Darfur*, (8 April 2004): 2.

AMIS has not exploited opportunities to do more public reporting and vigorous advocacy for respecting national and international laws to investigate and prosecute rape and other violent gender-based crimes. This strategy would remove all the “excuses” from the government: that they didn’t know, that the claims are “exaggerated,” that the evidence is lacking, and thus pinpoint for the rest of the international community the key question: does the government of Sudan have the political will to punish those responsible for grave crimes?

AMIS' Weaknesses

In addition to the well-documented shortcomings described in the International Crisis Group's report, *The AU's Mission in Darfur: Bridging the Gaps*,¹²⁰ which includes the AU's limited experience in peacekeeping leading to poor mission management and slow force generation, close observers of AMIS both confirm and expand on these limitations.

Two military experts have posited several elements that any force trying to protect civilians at risk would need to possess in a setting like Darfur:

- fast warning of imminent attack
- continuous, all-source, and real-time intelligence
- ability to distinguish among combatants
- capacity to locate the violence/killing
- flexible command and control of distributed forces
- fast maneuvering by small, agile, stealthy forces
- rapid reinforcement.¹²¹

On virtually every one of these counts, the AMIS mission is deficient. This is only the second peace operation for the AU and many of the problems described below plague even better-equipped missions run by the more experienced UN Department of Peacekeeping Operations. But the severe imbalance between the gravity of the violence and the AU's capacity to respond makes these shortcomings even more acute than is "normal" in peacekeeping and the impact on the civilians is devastating.

Slow and Cumbersome Command and Control. Even though many African soldiers have extensive peacekeeping experience with the UN and the Economic Community of West African States (ECOWAS), this has not been evident in AMIS. The unwieldy bureaucracy at AU headquarters hampered all aspects of deployment; there is no institutional expertise for peace operations yet in the AU.

High Turnover of Sector Commanders and Limited Experience within the Command Structure. There have been three different Sector Commanders since the Zalingei Sector opened in January 2005. In Geneina, there have been three different Commanders since October 2004. For many Commanders, this AU mission

¹²⁰ Africa Briefing No. 28 (Nairobi/Brussels, 6 July 2005): 6-8.

¹²¹ Bernath and Gompert, "The Power to Protect," 22.

is their first operational experience. This high turnover and limited experience restricts AMIS' ability to understand the complexities of their area of responsibility, develop a relationship with the local authorities, rebel groups, beneficiaries and with the NGO/UN community.

Inadequate Planning and Management Capacity. Coordination is poor which affects every aspect of the mission, especially logistics. For example, seven fuel tankers are sent from Khartoum to Darfur every week. Yet this number has not changed even though the size of the mission has more than doubled, meaning there is not enough fuel to support the increased number of troops. AMIS soldiers have run out of food and fuel even before the fuel crisis of August 2005 caused by the shut-down of Khartoum's only jet fuel refinery for maintenance.

Logistical Shortcomings. There was no real logistics plan. The first three Military Observers had one satellite phone and no vehicle or lodgings when they arrived.¹²² Troops lived in rented private houses for several months until the American engineering firm Pacific Architectural Engineers constructed camps and arranged for food, water, power and laundry services. AMIS CIVPOL also initially lived in private rental housing until facilities were created for them on bases; their housing needs should have been foreseen. The number of vehicles and aircraft and the capacity to re-supply and repair all equipment is grossly inadequate. As one former military officer working in Darfur stated, "the AU has limited capacity to move large number of troops quickly, they have no armored brigades, not even a mechanized infantry."¹²³

Absence of Standard Operating Procedures (SOPs) in AMIS' First Year. Any peacekeeping operation must have standardized procedures for just about every activity. This is true for national militaries that have a certain minimum level of cohesion and unity, so it is even more necessary when the force is comprised of troops from more than a dozen countries. These "foundation documents" such as vision statements, concepts, doctrine, tactics/techniques and procedures (TTPs) and SOPs must be developed if the AU is to have effective peace support operations.¹²⁴ It was only in July 2005 that AMIS circulated a draft set of SOPs that is largely a compendium of UN peacekeeping SOPs based on prior peacekeeping operations.

Lack of Rules of Engagement (RoE) Governing AMIS' Use of Firearms or Force. This is inexcusable, especially since AMIS troops have been fired on at least eight times, including one incident where a team leader was shot in the neck and

¹²² Appiah-Mensah, "AU's Critical Assignment in Darfur," 2.

¹²³ Interview with Field Safety Officer, Darfur, August 25, 2005.

¹²⁴ See an excellent study by Col. Mike Smith, US Army, "The African Standby Force: An Interim Assessment," September 2004, which uses the metaphor of a "road" to building an African Standby Force (on file with the author).

had to be medically evacuated to Khartoum for specialized surgery. On October 8, 2005, five AMIS soldiers and two civilian drivers were killed in an ambush south of Nyala in South Darfur, AMIS' first fatalities.¹²⁵ As one AMIS Commander noted:

There was resistance in the beginning to the African Union. Patrols were stopped and investigators were shot at. Our rules of engagement and mandate limited us to act when we were challenged.¹²⁶

If soldiers do not understand something as basic as the right to return fire in self-defense, then AMIS leadership has failed its troops fundamentally.

Rules of Engagement (RoE) are included in the July 2005 draft SOPs, but Force Commander and Sector Commanders will have to insure that their troops fully understand the RoEs once they are finalized so that they will apply them consistently throughout Darfur.¹²⁷

Poor Coordination of Outside Assistance. NATO, the EU and bilateral offers of assistance to address the severe logistical shortcomings started to pour in the summer of 2005. At first, the AU was overwhelmed with offers to help but could not manage the process. At one point three different countries were offering helicopters and no one could get a response from the AU on how/when/where to deliver them.¹²⁸ The AU provided little information on mission priorities and needs and the donors just took over. This situation has improved; in August 2005 a Technical Support Group based in Addis Ababa and chaired by the European Union was formed. The Group processes requests and streamlines support from NATO and individual states described more fully below.

Weak Financial Oversight. There is no audit trail for expenses, no spreadsheets showing money coming in and how it is spent. One senior UN official described the AU mission's handling of finances as "money going into a black hole." Some donors, particularly the EU, are starting to demand greater transparency and accountability.

Poor Data Management. AMIS needs comprehensive and timely data. Information on attacks, the number of killed and wounded, patrols, humanitarian aid convoys, safe or unsafe roads, size of militias, numbers of livestock stolen or missing — people have a thirst for key data that not only paints a picture of what is happening but can help planners in AMIS and elsewhere target their limited resources more efficiently. One senior UN official who has worked closely with

¹²⁵ IRIN, "Sudan: Annan calls for international action over Darfur conflict," October 21, 2005.

¹²⁶ Interview with AMIS Sector Commander, August 8, 2005.

¹²⁷ African Union, "Peace Support Standard Operating Procedures", draft, SOP 3.05, July 2005: III-10.

¹²⁸ Interview with Col. Mike Smith, July 5, 2005.

AMIS noted that the mission does not have a good information management system in place in part because of poor data management and communications capacity. "Reports are sent by hand from the sectors to El Fasher. There is no integrated information system, no AU e-mail accounts, officers use their own Yahoo and Hotmail accounts to communicate. This is incredible."¹²⁹

Lack of Good Intelligence Information. Lack of planning and establishing an intelligence infrastructure within AMIS meant that there was no routine way to gather and analyze intelligence on either the government forces and their militias or the various rebel groups. Good intelligence is vital in Darfur, yet AMIS' capacity to gather, analyze and act on information has been very weak. "The AU does not understand the importance of having an 'intelligence cell' and of having good information on the command structure, for example, of the Janjaweed."¹³⁰ "AMIS force headquarters is blind when it comes to intelligence," according to a former advisor; there is no routine way to get intelligence on either the rebels or the government forces and no infrastructure to assemble and analyze information about the combatants.¹³¹

Until late 2005, any effort to gather intelligence on the combatants depended completely on the initiative of individual AMIS soldiers and was not part of a coherent, comprehensive strategy. For example, in one case several AMIS observers were able to predict the next Janjaweed attack by analyzing the location of previous attacks, the movement of the militias, the amount of food and water they likely had remaining and their need to replenish stocks and money.¹³²

One UN field safety officer noted that since September 2004, the Geneina AMIS sector has had four different Military Intelligence Officers.¹³³ An AMIS senior officer called the lack of strategic intelligence "data paralysis."¹³⁴ Combined with the poorly defined boundaries between the combatants, lack of intelligence makes preventive deployment very difficult. Effective patrolling and monitoring suffer.

Poor Gender Balance within AMIS. As of April 2005, of a total of 454 Military Observers, only two were women.¹³⁵ As of August 2005, only 126 out of 816 CIVPOL were women. There are no female officers within AMIS for whom Arabic is a first language and only recently have the sectors been able to hire female translators.

¹²⁹ Interview with senior UN official, New York, September 7, 2005.

¹³⁰ Interview with Steidle, August 5, 2005.

¹³¹ Interview with Smith.

¹³² Interview with Steidle, August 5, 2005. This incident revealed a related problem. When given this information, the AMIS sector commander refused to act on it to deploy troops. An attack ensued, leading to much destruction and many deaths.

¹³³ Interview with Field Safety Officer, Darfur, August 25, 2005.

¹³⁴ Appiah-Mensah, "AU's Critical Assignment in Darfur," 5.

¹³⁵ *Report of the Chairperson of the Commission on the Situation in the Darfur Region of Sudan.*

This poor gender balance inhibits AMIS from fully understanding the population it is there to protect.

Insufficient Coordination between AMIS' Military and CIVPOL. CIVPOL rely on the AMIS Protection Force for their movements but they are not currently integrated into military planning structures. In the Zalingei sector, when firewood patrols were consuming too much of the protection force patrol capacity, CIVPOL could not continue patrols for El Shebab camp. Attempts were made to integrate government police into the patrols to lessen the strain on military personnel, but this created a backlash within the IDP community. One peacekeeping advisor commented that the AU "lacks sufficient expertise to be able to identify ways of maximizing the use of their resources to be proactive and to undertake strategic measures to prevent attacks."¹³⁶

Too Close an Alliance between AMIS Civilian Police and Sudan's Police. While IDPs in general feel safer when AMIS police are present either through joint patrols or co-location in Sudanese police posts, when AMIS police have become too identified with the local police the population trusts neither and AMIS loses credibility and effectiveness. In some cases, notorious human rights abusers have been incorporated into the Sudanese police; people see the very person who led an attack now sitting alongside an AMIS police officer who is offering help and support. This is demoralizing for the population. "The AU should not get in bed with these guys, and should not help the ones who committed abuses."¹³⁷

In Kalma camp, just outside the capital of South Darfur, Nyala, one aid official recently noted that "[t]he situation is very tense and the refugees can't go more than a kilometre from the camp without the risk of falling victim to robberies and rape, in the case of women, particularly by the Sudanese police."¹³⁸ Helping these same police presents a difficult dilemma for AMIS.

Inadequate Access to Rebel-Controlled Areas. On numerous occasions, AMIS has been unable to access SLM/A and other rebel-held areas. On August 14, 2005, SLM/A rebels stopped an AMIS convoy at Shangil Tobaya and prevented it from passing between El Fasher and Nyala, South Darfur. The SLM/A said they were not aware of the convoy despite the presence of an AU group site nearby in Shangil Tobaya. Also in August, an AU armed patrol was stopped and robbed by the SLM/A, even after several warnings that this might happen. One peacekeeping advisor commented that "at this stage of the game, the AU should have established full freedom of movement" for itself.¹³⁹

¹³⁶ Interview with UN official, July 29, 2005.

¹³⁷ Interview with Steidle, August 5, 2005.

¹³⁸ Agence France Presse, "France promises 3.5 million Euro boost for Sudan peacekeepers," July 29, 2005.

¹³⁹ Interview with UN Official, El Fasher, July 29, 2005.

Limited Patrol Capacity, Small Troop Deployments to Group Sites and No Ability for Night Patrols. AMIS undertakes long and short-range confidence-building patrols to monitor the situation and to show presence in the camps and the rural areas. Long-range patrols are conducted by air and are meant to survey movements or reported build-ups of militia groups. The short-range patrols are the ground patrols and these are limited in range, with squads of 8 to 10 soldiers being able to travel in a four hour driving distance from any given group site or sector. Ground patrols have no overnight capacity. The two Armored Personnel Carriers in Geneina Sector are not working.¹⁴⁰ As a Field Safety Officer for a humanitarian organization noted, “we cannot ask AMIS to accompany us on our overnight missions because they do not have this capacity.”¹⁴¹ Group sites have small troop deployments, sometimes 30 to 40 personnel. This means that only one or two patrols can deploy at any given time. Limited ground patrols impede the ability of AMIS to regularly monitor and promote security in difficult areas. As a Sheik from a village in the Abata region of West Darfur noted, “we have seen only one AMIS patrol. They have not come back for more than two months.”

Problems of Including Sudanese Armed Forces and Rebel Groups in AMIS Investigations. A joint mission creates suspicion, can frighten witnesses and victims and allow manipulation of evidence. In some cases it tipped off the government to a pending investigation, and it destroyed evidence and warned targets of the investigation who fled. “Cooperation should not mean integrating antagonistic parties into the operational structure of AMIS.”¹⁴² This has hurt mission effectiveness. For a report to be final, all parties must sign off; frequently the government representative would refuse, questioning the evidence. For example, even though there might be overwhelming forensic evidence that military gun-ships had attacked a village from the shells, craters, extent of destruction and eyewitnesses, the government official would refuse to agree because the team had not actually seen the gun-ships’ attack. This is an impossible level of proof, but it is effective as a tactic to slow down reporting or hide incriminating evidence and has stalled the release of reports. Government representatives often add what is in effect a “dis-senting opinion” or “clarifications” to the final report.¹⁴³

Inconsistent Relationships with NGOs and UN Agencies. In its early days, AMIS rarely shared information with humanitarian or human rights organizations. AMIS often would claim that its information was classified and could not be shared, but often the real reason was that most of the investigations showed that

¹⁴⁰ Interview with Field Safety Officer, August 25, 2005.

¹⁴¹ Ibid.

¹⁴² Appiah-Mensah, “AU’s Critical Assignment in Darfur,” 18.

¹⁴³ See, for example, Ceasefire Commission (CFC) Report No. 131/04: “Alleged Government of Sudan Attack on the Village of Marla on 16 December 04,” 31 January 2005, www.africa-union.org/Darfur/homedar.htm#

the government of Sudan was responsible for violations and AMIS did not want to offend the government.¹⁴⁴

Little Experience and No Established Infrastructure for Interacting Systematically with NGOs.¹⁴⁵ AMIS' leadership did not see NGOs as a critical component, colleague or counterpart.¹⁴⁶ Without Civilian-Military Center (CIMIC) officers or a strong civilian component with expertise in humanitarian assistance and human rights, NGOs have found it difficult to liaise with the AU on issues of concern. This is slowly changing. Information is being shared, CIMIC centers are being established and liaison officers from AMIS have started to hold regular meetings with the government of Sudan, the UN Human Rights Officers and humanitarian agencies. But almost a year was lost.

Lack of Political Advisors to Assist Senior Military Officers Develop an Effective Relationship with the Government of Sudan. Many people interviewed believe that the AU was and is too soft on the government of Sudan. One Sudanese human rights activist commented that "calling on African Unity within Sudan does not work."¹⁴⁷ Other AMIS officials commented that the mission was being constrained by political considerations within the AU. One example was the fresh rounds of attacks in June 2005 in the Nyala-Fasher corridor that some AMIS troops on the ground speculated resulted from negotiators' pushing for a new verification process. One senior AMIS official noted:

the JEM and SLM/A fundamentally disagreed with the verification. There was no education from the AU strategically about what verification would lead to. And before we confirm the ceasefire with verification, we must recognize that the warring parties are not complying with the ceasefire and the situation is not yet under control.¹⁴⁸

This suggests that there is not sufficient understanding in AU headquarters in Addis Ababa of the situation on the ground, a deficiency which could be addressed by deploying political officers to AMIS.

Slow Build-Up of AMIS' Civilian Component. The team was entirely a military one for months. Civilian police arrived only in early 2005 and then in very small

¹⁴⁴ Interview with Steidle, August 5, 2005. This early reticence has largely disappeared. Now, AMIS regularly, if a bit late, posts the Ceasefire Commission reports on its web-site, and they make for fascinating reading. www.africa-union.org/Darfur/homedar.htm#

¹⁴⁵ Interview with Smith.

¹⁴⁶ Some of the blame for this difficult relationship must be shared with NGOs and humanitarian agencies who want to maintain their "independence" and not be identified too closely with the AU troops. For a critique of this position, see Paul O'Brien, "Politicized Humanitarianism: A Response to Nicolas de Torrente," *Harvard Human Rights Journal* 17 (Spring 2004): 31-40.

¹⁴⁷ Interview with Sudanese human rights lawyer, Khartoum, August 14, 2005.

¹⁴⁸ Interview with AMIS officer, El Fasher, July 26, 2005.

numbers. Three AMIS humanitarian and human rights officers were deployed to the capitals of Darfur's three states only in late 2005. There are still no gender experts. While civilians are in charge of this mission, this is not apparent from either the mission's structure or its ethos.

Too Tight a Rein on AMIS Reports out of Concern for Not Offending the Government. Between September 2004 and February 2005, the US embassy in Khartoum received only four final reports out of 80. As one AMIS Sector Commander commented, "When violations occur, the AU can only investigate and report. Violations are not addressed at the local level either with the Government of Sudan or the warring faction."¹⁴⁹ In the words of one prominent Sudanese human rights activist, "The CFC is not tangible, there is an investigation and report, but this takes a long time and there is no local impact."¹⁵⁰ The AU Chairman's report to the Peace and Security Council on April 28, 2005 reiterates that "humanitarians stress that more rapid publication of the results of the investigations could have a larger impact on the security environment in Darfur."¹⁵¹ The recent practice of posting some investigations of ceasefire violations on the AU web-site is a welcome corrective to earlier restricted access to information. The outspoken criticism of Special Representative Kingibe following government/Janjaweed attacks on IDP camps in late September 2005 may have removed this reluctance once and for all.

Insufficient Impact of the Ceasefire Monitoring Mechanism. Investigations and reports are not disclosed in a timely manner and do not adequately describe the full extent of violations. For example, Article 2 of the Ceasefire Agreement calls on all parties to "refrain from acts of violence or other abuse on the civilian population." Article 6 commits the government to "neutralize armed militias" and Article 8 calls on all parties to promote a secure environment for humanitarian relief efforts.¹⁵² Over the 18 months of AMIS deployment there have been numerous violations of these articles, including ongoing sexual violence against women and failure to follow through by the government of Sudan on its commitments. These should have been documented, reported on and followed up more actively by the Ceasefire Commission.

No Consolidated Public Information Strategy and Confusion Over Role of the Force. AMIS has two public information officers in Sudan — one in El Fasher and another in Khartoum. The operation is almost entirely military, with Sector Commanders and senior officials lacking guidance on political and public information strategies. From the outset, as one IDP leader commented, "we thought the

¹⁴⁹ Interview with AMIS Sector Commander, August 8, 2005.

¹⁵⁰ Interview with Sudanese human rights lawyer, Khartoum, August 14, 2005.

¹⁵¹ *Report of the Chairperson of the Commission on the Situation in the Darfur Region of the Sudan*, 8, para 30.

¹⁵² "Agreement on the Humanitarian Ceasefire on the Conflict of Darfur, African Union," N'djamena, April 8, 2004.

African Union was coming to protect us and to disarm the Janjaweed.”¹⁵³ The local perception of the African Union has not been corrected by a concerted public information strategy. There has been no strategy to communicate within Sudan and Darfur changes to the mandate, results of the CFC reports or statements of the AU Peace and Security Council. It is only since June 2005 that the African Union started to broadcast information through Sudanese public radio service, but even then the broadcast is limited to parts of North and South Darfur. In another positive initiative, the African Union in Sector 4 began to distribute leaflets on the AU mandate, however this leaflet was not properly translated and implied that the AU was promoting the return of IDPs and refugees.

¹⁵³ Interview with IDP leader, August 6, 2005.

The Humanitarian Community's Assessment of AMIS

Developing mechanisms for coordination and cooperation has challenged both humanitarian and peacekeeping actors. As the UN IASC found in 2004, “practical realities on the ground have gradually necessitated various forms of civil-military coordination for humanitarian operations,” and these developments require “increased communication, coordination and understanding between humanitarian agencies and military actors, and require knowledge of each other’s mandates, capacities and limitations.”¹⁵⁴

A UN humanitarian worker deployed in the early stages of the conflict said, “we were unsure how to align ourselves with the AU and how they could effectively support humanitarian operations.”¹⁵⁵ Part of this uncertainty stemmed from a lack of understanding of AMIS’ mandate, strategy and operational priorities. A humanitarian worker with prior experience in peacekeeping commented, “many humanitarian workers see the AU as an extension of the humanitarian mission.”¹⁵⁶ None of the humanitarians interviewed felt that they understood AMIS’ priorities.

Cooperation between the African Union and humanitarian actors in Darfur has relied largely on individual initiatives. It was only in mid-2005 that more formal mechanisms appeared to cement ways the AU military operation and CIVPOL would work with the humanitarian community. The deployment of AU CIMIC officers has improved these mechanisms, as has the creation of AU civilian humanitarian and human rights officers coupled with a more systematic inclusion of the AU into humanitarian coordination mechanisms like the PWGs in each Darfur state.

Humanitarians complained about the lack of consistency within the AU on information sharing and follow up, especially for humanitarian reports of protection and security incidents in rural areas. Lack of coordination within the AU was identified as another constraint; one humanitarian worker said, “sometimes the right hand doesn’t know what the left hand is doing.”¹⁵⁷ Strict command structures within the AU also impeded a quick response to information or follow up on initiatives to cooperate. High turnover of commanders prevents strong working relationships between UN agencies and international NGOs and the AU.

¹⁵⁴ IASC reference paper Civil Military relationship in Complex Emergencies, June 28, 2004, 3.

¹⁵⁵ Interview with OCHA officer, Darfur, July 22, 2005.

¹⁵⁶ Interview with UN officer, El Fasher, July 25, 2005.

¹⁵⁷ Ibid.

Nevertheless, one consistent finding among the humanitarian workers interviewed was the willingness of the AU to work directly with IDPs and humanitarians. As one AU Sector Commander expressed, "where there is a hand extended, we are willing to give a hand."¹⁵⁸ One humanitarian worker who has prior experience in Sierra Leone commented that "CIVPOL in Sierra Leone never engaged in the community like the AU is here. The AU is working directly with beneficiaries and is open to any suggestion of how to work together."¹⁵⁹

One area where coordination is surprisingly lacking, especially given the AU's mandate, is a formal mechanism for cooperation with the UN and NGOs to provide for a secure environment for humanitarian personnel, whose security situation remains precarious.¹⁶⁰ Waves of attacks against humanitarian convoys and personnel continue throughout Darfur resulting in "no go areas" for the UN. The AU has intervened to help humanitarians in need, for example in Mornei in West Darfur when riots over food distribution required the evacuation of humanitarian personnel. Yet no coordination mechanism on security exists between the UN/NGOs and the AU. The United Nations has an evacuation plan that is independent of the AU. The AU, according to one source, also has an evacuation plan for UN and NGO personnel in the event that the situation deteriorates, but there is no mechanism for either plan to be formally shared, coordinated or implemented.

Poor coordination prevents humanitarians from having access to many areas of Darfur.¹⁶¹ While security information is informally shared between field safety officers and the UN Department for Safety and Security (UNDSS), the African Union does not participate in security assessments of "go" and "no go areas" and there is no mechanism to use AMIS patrols to open "no go areas." While there is an agreement between UNMIS and the AU allowing UN Human Rights Officers to accompany AMIS to "no go areas," other UN personnel cannot travel on AMIS helicopters because they do not meet UN security requirements.

The absence of mechanisms to liaise with the AU arises from the disjointed reporting and head of mission structure of the AU and the humanitarian community. The humanitarian response to the IDP crisis in Darfur does not rely on one lead agency, but is coordinated by the UN Resident Humanitarian Coordinator through a collaborative, inter-agency approach. Commonly called the "Collaborative Response," different UN agencies have been tasked to address different aspects of the human-

¹⁵⁸ Interview with AMIS Sector Commander, August 8, 2005.

¹⁵⁹ Interview with NGO women's health coordinator, August 7, 2005.

¹⁶⁰ Peace and Security Council, Communiqué, "Protect static and mobile humanitarian operations under imminent threat and in the immediate vicinity, within capabilities," PSC/PR/Comm. (XVII), 20 October 2004, para. 6.

¹⁶¹ Still in July 2005, the Danish Refugee Council, implementing partner for the World Food Programme, relied on food drops in order to get food aid into Jebel Marra.

itarian and protection response.¹⁶² The AU Force Headquarters is in El Fasher, while most UN agencies and NGOs report to Khartoum. At the Khartoum level, the AU does not participate in the Khartoum Protection Working Group. There is little discussion between the AU, the NGOs and the different UN agencies like UNHCR, which has the lead role on protection in West Darfur, and UNFPA, the lead actor on combating sexual and gender-based violence at the Khartoum level. Most discussions between the AU and the UN are through the political pillar of UNMIS and not the Resident Humanitarian Coordinator who is responsible for the inter-agency response in Darfur. While UN Security Council Resolution 1590 of March 2005 calls for increased cooperation between UNMIS and the AU, humanitarian programs in Darfur do not fall under UNMIS, but rather the inter-agency coordinated response. As one UN senior official in Khartoum observed, while the “AU is not bound by the UN mission they are certainly affected by coordination within the humanitarian community.”¹⁶³

Inadequate coordination between the AU and humanitarian workers also flows from a mutual lack of understanding of mandates. None of the AU personnel interviewed had a clear idea of the role of NGOs or the mandates of the different humanitarian organizations. Many NGOs promote rule of law and capacity building for the Sudanese police, but the AU does not understand why these groups have launched these initiatives as opposed to just delivering food and medical assistance. As a result, the AU CIVPOL has not participated in training programs for the national police which is a crucial opportunity lost. This is slowly changing and AU police and military have contributed recently to humanitarian agencies’ rule of law projects.

Workshops and training opportunities bringing together the AU, NGOs and UN agencies have been limited, hindering coordination. CIMIC officers participated in a one-time training by OCHA and the International Rescue Committee which an AU CIMIC officer found “very valuable and there should be more in-mission training opportunities like this.”¹⁶⁴ Another AU soldier requested training on how the humanitarian community does its assessments so that AMIS patrols would know what to look for and thus provide more relevant information to UN agencies and NGOs.¹⁶⁵ The problem is not unwillingness or a narrow interpretation of the mandate on the part of AMIS, but rather lack of information and opportunities to discuss core protection issues with humanitarian counterparts.

¹⁶² For a discussion of the inter-agency Collaborative Response approach, see Dennis McNamara, “Who does what?”, *Forced Migration Review: Protection and Assisting the Internally Displaced: The Way Forward* 24 (October 2005).

¹⁶³ Interview with UN official, Khartoum, August 26, 2005.

¹⁶⁴ Interview with AMIS CIMIC officer, August 8, 2005.

¹⁶⁵ Interview with AMIS Military Liaison Officer, August 13, 2005.

The ICRC, as part of its efforts to disseminate information about its mandate and international humanitarian law, conducts workshops for the AU and, when possible, ICRC delegations in troop-contributing countries are informed of deployments so that they can organize an ICRC training prior to arrival. UN agencies should consider a similar approach and could use relevant experts in the various UN Country Teams in troop-contributing states to conduct briefings and workshops for their soldiers and police on their way to Darfur.

The United Nations Development Program, UNICEF and the Office of the High Commissioner for Human Rights have offered to train AMIS on rule of law, protection and human rights. This proposal reinforces the UN Resident and Humanitarian Coordinator's "Darfur 120 Plan" to support AMIS with training on humanitarian principles, child protection, SGBV and how to integrate a human rights-based approach into its work.¹⁶⁶ While this highlights a productive, inter-agency approach to provide the AU with comprehensive training, the project has still not been approved and is months away from being operational.

¹⁶⁶ "Capacity Building of African Union Forces in Darfur," Project Proposal to the Government of Japan, January 2005.

External Contributions to Strengthen AMIS

As of mid-August 2005, the AU faced a \$173 million gap in funding. This was precisely at the moment when the AU, under some pressure from the international community, was trying to increase the number of its troops on the ground. An AU official said “Within three months we will not be able to pay the wages of our troops who are on the ground there...The international community, UN, European Union and NATO can’t ask us to increase our force in Darfur and then not come up with the money.”¹⁶⁷

The AU’s Peace and Security Council decision in April 2005 to double the size of AMIS created an immediate need for increased financial support from its donors, most of whom are outside the AU.

A 680 strong battalion of Nigerian soldiers arrived in Darfur on July 9, even though the funds to pay and sustain them had not yet been found. A donors’ conference in May had pledged \$300 million to fund AMIS, but it needs at least \$460 million just to cover a expansion from 3,200 to 7,700 by the end of September 2005.¹⁶⁸ Within days, President Bush ordered the Pentagon to spend \$6 million in “commodities and services” to help transport African Union troops to Darfur, a useful gesture but not nearly enough. France also chipped in, contributing 3.5 million Euros in late July.

In April 2005, the African Union asked NATO to consider the possibility of providing logistical support to its operation in Darfur. On May 17, AU Commission Chairman Alpha Oumar Konaré visited NATO headquarters, the first time an AU official ever visited NATO, and provided details on the type of assistance that the African Union would require.

After several consultations, on June 9 NATO Secretary-General Jaap de Hoop Scheffer announced that NATO agreed to help airlift more troops into Darfur and to provide logistical support. This addresses one of the most important weaknesses in many African militaries: the ability to transport large numbers of soldiers across great distances and to sustain them once in place. The “strategic lift” capacity of most African defense forces is virtually non-existent. NATO promised to transport 5,000 additional AU troops and Greece was one of the first NATO members to step forward, providing two C-130 transport planes from July 1 to

¹⁶⁷ IRIN, “Sudan: African Union short of funds for Darfur mission,” August 18, 2005, www.irinnews.org/report.asp?ReportID=48634&SelectRegion=EastAfrica

¹⁶⁸ Agence France Presse, “AU Says \$200 million short for expanded Darfur Peace Mission,” July 8, 2005.

September 30, 2005.¹⁶⁹ On September 21, NATO extended to October 31 the duration of its support to AMIS to allow the transportation of three remaining battalions to Darfur.

On July 16, the US sent a C-17 Globemaster III cargo plane loaded with support equipment to Kigali, Rwanda, to start setting up a logistics and transport base. The US transported 1,200 Rwandese troops to Darfur. An additional 2,000 soldiers from Nigeria were also airlifted to Darfur in the summer of 2005 as part of this expansion.

The AU's Darfur Integrated Task Force (DITF) in a Press Release dated 7 August 2005 noted that a second Rwandan battalion of 538 soldiers plus 50 Rwandan police officers arrived and had been deployed to Sector 7, Zalingei in South Darfur, leaving two battalions from Nigeria and one each from Rwanda, Senegal and South Africa.¹⁷⁰

The UK pledged at the International Donors' Conference in Addis Ababa on May 26, 2005 to provide £6.6 million for the provision of additional vehicles, equipment and shelters, and to support civilian policing in AMIS.¹⁷¹ Fifteen experts from the Royal Air Force's Mobile Air Movements Team deployed to Nairobi, Kenya, as part of NATO's efforts to coordinate the airlift of additional battalions of AU troops. This team will help insure that the AU peacekeepers move rapidly and safely to Darfur. The UK also sent two logistics experts as part of the EU's assistance program. It is no use transporting troops who then do not have the basic support, supplies and logistical infrastructure to maintain their presence at an effective and safe level. This is especially true in the very harsh, demanding environment of Darfur.

Other important "in kind" contributions have started to arrive from a variety of countries to help the severe deficits in logistics, communications, mobility and strategic intelligence which have hampered AMIS' ability to protect IDPs. For example, Canada has sent 105 armored vehicles, and will provide 80 troops who will train and offer maintenance assistance to AMIS counterparts. This is a crucial component of military assistance, often overlooked; Darfur's awful roads, mud and sand will test even the hearty "Husky" and "Grizzly" armored vehicles, so maintenance and repair expertise is essential.

The government of Sudan, however, has refused to provide diplomatic clearance to most of these armored personnel carriers and they remain stuck in a warehouse across the continent in Dakar. The AU Peace and Security Council urged the government to allow the vehicles into Darfur as quickly as possible so that AMIS troops

¹⁶⁹ "Greece to contribute two military transport planes to Darfur," *Sudan Tribune*, June 23, 2005.

¹⁷⁰ Darfur Integrated Task Force (DITF), Information Update No. 3, "Current Status of the Military Deployment for the Enhanced AMIS," 7 August 2005.

¹⁷¹ "UK announces military support to AU force in Sudan's Darfur," *Sudan Tribune*, June 13, 2005.

would be better able to protect themselves and IDPs in danger.¹⁷² The PSC issued this call just days after five of its soldiers and two civilian drivers were murdered in an ambush. Canada is also sending personal protective equipment and has provided leased helicopters and transport planes. Canada will send 100 military experts to help AMIS in planning, procurement, logistics and other headquarters disciplines which should address some of the most serious deficiencies in the AU effort.

NATO also agreed to help in training AU/AMIS officers in areas like command and control procedures, reporting systems, battle rhythm, force generation, situational awareness and task force and headquarters standard operating procedures.¹⁷³ NATO has trained over 100 AU officers in how to manage and run a multinational military headquarters.¹⁷⁴ This has been a major challenge to AMIS and has impeded developing unified doctrine, tactics, procedures and standard operating procedures.¹⁷⁵ “Interoperability” of forces from diverse militaries has been a major stumbling block to more effective peacekeeping in Darfur. AMIS operated for months without these essential management and tactical components.

On March 24, 2005, the UN Security Council passed Resolution 1590 calling on the United Nations Mission in Sudan to find ways of utilizing its resources to provide “appropriate assistance to the African Union, including logistical support and technical assistance”.¹⁷⁶ In May, the Secretary-General reported that UN support was initiated to include a United Nations Assistance Cell in Addis Ababa to support the DITF, UN planners were deployed to support operational planning for the second phase of AU expansion, and Department of Peacekeeping Operations will give pre-deployment training for AU troops and assistance to AMIS CIVPOL for police recruitment and training.

In August 2005 as part of this enhanced support from the UN, UN peacekeeping experts along with other military advisors, conducted a “Map-X exercise” for AMIS. This exercise focused on the command post of the mission and tested staff coordination, processes and routines and command and control capabilities. Fourteen NATO trainers, operational plan writers and tactical level controllers observed the exercise and will base their follow-up training on the weaknesses revealed by the exercise. NATO plans to help AMIS create a Joint Operations Center (JOC) to address recurring problems in coordination, operations and information management.

¹⁷² AU PSC 41st Meeting, Communiqué, 10 October 2005.

¹⁷³ NATO, “Sudan: NATO diversifies aid to African Union,” August 11, 2005.

¹⁷⁴ “NATO assistance to the African Union in Darfur,” July 26, 2005, www.NATO.int/shape/news/sood/09/050926a.htm

¹⁷⁵ Interview with Smith.

¹⁷⁶ *Report of the Secretary-General on United Nations Assistance to the African Union Mission in Sudan*, UN Doc. S/2005/285 (3 May 2005): para. 1.

NATO experts will help improve the AU's ability to manage and use intelligence. Others urge NATO to provide intelligence, using AWACS surveillance and satellite imagery which could pinpoint government troops, Janjaweed and rebel movements, location of camps and large movements of civilians. Darfur is not Rwanda or the Congo with their dense forest covers, but rather is mostly treeless, arid landscape ideal for surveillance from the skies.

The European Union announced on May 26, 2005 that it would support the AU effort in Darfur, primarily by offering experts in several military disciplines. For example, Sweden said it would send eight staff officers to help the AU coordinate the military assistance now flowing in from numerous sources.

On July 18, 2005, the Council of the European Union decided to create a Civilian Police Assistance Unit for the AU in Darfur. The EU support to the AMIS Civilian Police includes Senior Police Advisors at all levels of the chain of command, in-mission training for serving AMIS police by EU trainers and support for developing a police unit in the AU secretariat.¹⁷⁷ The same decisions created a Military Liaison Unit which will provide planning and technical assistance to AMIS, military observers, training for AU troops in Darfur, strategic and tactical transportation, and aerial observation, if necessary.¹⁷⁸ This last is a crucial component that would greatly assist AMIS in the vast expanses and open skies of Darfur. Finally, the EU offered to release certain classified information to the AU and the UN, again a vital element in the drive to improve the quality of intelligence which could help forestall violence.¹⁷⁹

While support from the EU has helped, better coordination is needed and of course, more money. According to the International Crisis Group, the EU's 250 million Euro "African Peace Facility" is already largely committed through 2006 which means no real increase in contributions is possible for Darfur.¹⁸⁰

¹⁷⁷ Council Joint Action 2005/557/CFSP, July 18, 2005, articles 6 & 7.

¹⁷⁸ *Ibid.*, article 9.

¹⁷⁹ *Ibid.*, article 13.

¹⁸⁰ International Crisis Group, "The EU Partnership in Darfur: Not Yet a Winning Combination," Africa Report No. 99, October 25, 2005.

Conclusion

On October 1, 2005, in the face of escalating violence, Baba Gana Kingibe, the head of AMIS, blamed all sides for violating the ceasefire agreement and charged the government with supporting Arab militias who attacked an IDP camp while government helicopters were seen in the area before and during the attack. “This apparent land and air assault gives credence to the repeated claim by the rebel movements of collusion between the Government of Sudan forces and the Janjaweed.”¹⁸¹ He also described an alarming new act of subterfuge that violates the Geneva Conventions: Sudanese military vehicles painted white to resemble the African Union’s.¹⁸² The government forces used these vehicles in several attacks on IDP camps in late September. Kingibe concluded that all the warring parties had neither “good faith nor commitment” to the peace process.

In the midst of this swift deterioration, Jan Egeland, the UN Under Secretary-General for Humanitarian Affairs, observed: “The world is failing Darfur... We’re only playing the humanitarian card, and we’re just witnessing the massacres.”¹⁸³ He added: “There are tens of thousands of murderers around, and unarmed humanitarian workers cannot single-handedly stop the violence... The humanitarian workers are increasingly frustrated and increasingly angry with the situation where they have to become the plaster on the wound which the world is not doing enough to heal.”¹⁸⁴ Kenny Gluck, head of operations of the Netherlands branch of MSF, echoed Egeland, “We’re proud of what we do... But people’s villages have been burned, their crops have been destroyed, their wells spiked, their family members raped, tortured and killed – and they come to us, and we give them 2,000 kilocalories a day.”¹⁸⁵

The slow deployment of the under-equipped AMIS troops over the past 18 months meant that the delivery of humanitarian assistance has fallen prey to roadblocks and road-closings, bandits, looters and even attacks on supply helicopters. It was dangerous for humanitarian workers in the camps too. In July 2005 in seven out of eight IDP camps, local leaders known as “sheikhs” disrupted attempts to register IDPs fearing loss of control through manipulating ration cards; ten humanitarian aid workers were wounded and most were forced to evacuate the affected camps.¹⁸⁶

¹⁸¹ “African Union Accuses Sudan in Darfur,” *New York Times*, October 2, 2005.

¹⁸² This was confirmed by a UN official who had noted the sudden appearance of white vehicles in government military bases in El Fasher in August 2005. Interview with UN Official, New York, October 11, 2005.

¹⁸³ Nicholas D. Kristof, “The American Witness,” *New York Times*, March 2, 2005.

¹⁸⁴ Warren Hoge, “Human Rights Chief Urges U.N. to Act Quickly on Sudan,” *New York Times*, February 17, 2005.

¹⁸⁵ Nicholas D. Kristof, “The Pope and Hypocrisy,” *New York Times*, April 6, 2005.

¹⁸⁶ *Monthly Report of the Secretary-General on Darfur*, UN Doc. S/2005/523 (11 August 2005): para. 18.

Conclusion

At a press conference in Geneva on September 28, 2005, Egeland threatened a complete pull-out of the 11,000 humanitarian workers stationed in Darfur due to the growing violence. “If it continues to be so dangerous to do humanitarian work, we may not be able to sustain our operations for 2.5 million people...It could end tomorrow. It’s as serious as that.”¹⁸⁷ Barely two weeks later, the UN declared two-thirds of Darfur as a “no go area” for its staff on October 13, 2005, and the same day started to evacuate non-essential personnel from West Darfur.¹⁸⁸ Other humanitarian agencies also faced severe restrictions on their mobility, with dire consequences for IDPs. Oxfam/UK said it could not reach any of its camps in West Darfur by road and feared that fuel for water pumps would not last, “leaving tens of thousands of refugees without access to water.”¹⁸⁹

Recalling the catastrophic failures of the UN in the former Yugoslavia and Rwanda in the 1990s, Egeland went on to warn: “Is it a repeat of the safe areas of Bosnia all over again? We keep people alive, we give them food, we give them medicine but we don’t protect them and our own staff.” And he noted, as we have stated in this study, the number of AU troops is grossly inadequate to offer the minimal protection required. Egeland called for a tripling of the 5,000 AMIS soldiers currently in Darfur. “I still cannot believe how a hundred world leaders can say the biggest priority on earth is to get a large AU force in place and then, years after the crisis started, we still have a very inadequate force in place.”¹⁹⁰

Brian Steidle also raged with frustration at the limitations of AMIS to intervene to protect the innocent:

Every single day you go out to see another burned village, and more dead bodies...And the children — you see 6-month-old babies that have been shot, and 3-year olds with their faces smashed in with rifle butts. And you just have to stand there and write your reports.¹⁹¹

The gap between rhetoric denouncing “genocide” and the actual financial and logistical support given to AMIS is scandalous. Yet despite the inaction of the international community and the AU’s many weaknesses, this study shows that AMIS has often protected IDPs. Soldiers and police from across Africa, at increasing risk to their own lives, have deterred attacks, provided security for humanitarian assistance deliveries and helped create conditions for some IDPs to return home.

¹⁸⁷ Agence France Presse, “Top UN Official warns Darfur aid operations may be halted,” September 29, 2005.

¹⁸⁸ Reuters, “U.N. to evacuate some staff from Sudan’s Darfur,” October 13, 2005.

¹⁸⁹ Ibid.

¹⁹⁰ Agence France Presse, “Top UN Official warns Darfur aid operations may be halted.”

¹⁹¹ Kristof, “The American Witness.”

Yet violence has increased and AU peacekeepers themselves have become targets. The reality is that AMIS must expand or else civilians in Darfur will not receive adequate protection. The core question is does the AU have the political will and the troops necessary to increase the size and capability of AMIS?

Increasing the number of troops has proven to be difficult so far for a much smaller force than the one that is needed. Based on a Rand Corporation study of 16 peacekeeping operations, there should be about 3.5 international soldiers and police per 1,000 inhabitants for an operation like AMIS, which would mean a force of approximately 20,000 in Darfur.¹⁹² Yet the current deployment calls for 7,731 with a possible further expansion to 12,300. Finding 12,300 troops from AU countries only will be difficult enough, let alone 20,000. Many African militaries already are stretched with commitments at home and many troops, tragically, are infected with HIV/AIDS and should not be eligible for peacekeeping.

In addition to shortages of qualified troops, serious political problems loom for any AU expansion and enhancement. Can AU member states override opposition from the government of Sudan to accept a larger force with broader protection powers in Darfur? Are Nigeria, South Africa, Rwanda, Ghana and other major contributors to AMIS willing to expend political capital to overcome Khartoum's resistance? Can they resist political opposition at home to deploying troops to an increasingly hostile environment and are they ready to accept more casualties? Will the AU Peace and Security Council, with Sudan taking over the AU chairmanship in January 2006, be able to extend and enhance the mandate of AMIS in Darfur?

Alternatively, should the UN take over and merge AMIS with the UNMIS peacekeeping operation in the south? Secretary-General Annan hinted at such a move in his May 2005 report to the Security Council:

While it would be up to the States members of the African Union to decide on how to proceed, they may conclude that the completion of phase II provides an opportune moment for the wider international community to assume its responsibilities by fielding this larger operation, which would also require a substantial increase in resources.¹⁹³

Transforming AMIS into a UN operation means that soldiers and police in Darfur would have Chapter VII authority identical to their UN peacekeeping counterparts in Southern Sudan, removing AMIS' ambiguous protection mandate and authorizing peacekeepers in Darfur to act more forcefully to protect IDPs. Non-Arab

¹⁹² Rand Corporation, "The UN's Role in Nation-Building: From the Congo to Iraq" (2005), p. xxii shows a chart of peak military presence per capita and p. xxiii has a similar chart on police per capita. Missions clustered toward the median are Namibia, Cambodia, Somalia, Haiti and Sierra Leone.

¹⁹³ *Report of the Secretary-General on United Nations Assistance to the African Union Assistance Mission in Sudan*, para. 9.

Conclusion

Muslim soldiers and police from countries like Bangladesh, Pakistan, Malaysia and Turkey, many with deep peacekeeping experience, would be welcomed by most of the population.

The UN option would also have to overcome significant political resistance in many capitals, not only Khartoum. China, a close ally of Sudan, along with Algeria, might be expected to oppose such a move, and of course, China could veto any Security Council resolution. The AU may also resist handing over responsibility to the UN as a matter of pride or from fear that the change would be interpreted as an AU failure.

A third option would be to add troops from NATO and/or the EU to AMIS to reinforce the latter's capacities and effectiveness. Acting much more than mere trainers, planners or advisors, NATO/EU troops would work with AMIS along the lines outlined by General Dallaire, the former UN force commander during the 1994 genocide in Rwanda:

A mixture of mobile African Union troops supported by NATO soldiers equipped with helicopters, remotely piloted vehicles, night-vision devices and long-range special forces could protect Darfur's displaced people in their camps and remaining villages, and eliminate or incarcerate the Janjaweed. If NATO is unable to act adequately, manpower could perhaps come individually from the so-called middle nations — countries like Germany and Canada that have more political leeway and often more credibility in the developing world than the Security Council members.¹⁹⁴

Involving NATO or the EU in direct peacekeeping operations in Darfur faces significant political opposition. Would the US, already overstretched in Iraq and Afghanistan, agree to deploy troops to Darfur? Would other major military powers (France, UK, Spain or the "middling powers" like Germany, Canada, the Netherlands, Turkey) be any more likely? Tony Blair briefly floated the idea of sending UK soldiers to Darfur as an intervention force in the spring of 2004, but his idea soon evaporated. Deploying NATO troops along the lines outlined by General Dallaire or using the EU's new rapid reaction force would yield the most effective military response and deserves serious consideration for this reason alone. The political realities, however, suggest that the odds are long for this option unless the US, UK and France muster a major political effort and are willing to risk casualties from a hostile Sudanese military response.

¹⁹⁴ *The International Herald Tribune*, October 5, 2004, as cited by Eric Reeves, "The Meaning of AU Forces deployment to Darfur," October 26, 2004, 4.

The objective of whatever international force is deployed to Darfur must be to insure protection to the civilian population, support the delivery of humanitarian assistance and allow the safe return of IDPs and refugees to their homes. The international community must accordingly create a force with the requisite size, capabilities and mandate to achieve this goal. That must be the starting point.

If the AU cannot field a force capable of securing these objectives, then the UN, NATO, or the EU must intervene and build on the successes of the current mission and learn from its mistakes. Such an intervention can no longer be deferred on a misplaced reliance on “African solutions for African problems.” Otherwise the “responsibility to protect” will become as empty a phrase in the 21st century as “never again” was in the 20th.

Recommendations

The US Ambassador to the UN, John Bolton, declared on October 10, 2005 that the UN Security Council did not need more briefings on Darfur. “Why isn’t the council talking more about steps it could take to do something about the deteriorating security situation? That’s what the council should be talking about...”¹⁹⁵

The situation is dire, with the first AMIS casualties, the first militia attacks on IDP camps, the first hostage-taking of AMIS personnel and the evacuation of UN humanitarian and human rights staff from West Darfur — all of this over a two-week span in late September–early October. The AU has 6,781 troops and police in Darfur and this is not enough to protect the nearly two million who have been chased from their homes and who now rely entirely on international protection and humanitarian assistance.

To enhance the peacekeeping operation in Darfur, the international community should:

- 1. Increase immediately the number of troops in Darfur to at least 20,000 and provide the requisite financial and logistical assistance.** If the AU is not able to manage this increase, the UN, NATO or the EU should assume responsibility for the operation. In particular, the UN could merge AMIS with UN peacekeeping forces in southern Sudan, or NATO and the EU could contribute forces to those of AMIS.
- 2. Strengthen the mandate of the troops in Darfur** so that they have clear responsibility to protect civilians and IDPs, insure the safe delivery of humanitarian assistance and support the safe return of IDPs and refugees to their homes.
- 3. Enhance support to the AU Special Envoy for the Darfur talks** and increase pressure on the government of Sudan and the warring parties to negotiate a peace agreement.

To strengthen the existing AMIS mission, or whatever mission that may emerge, the AU, UN and international community should:

- 1. Enhance the mission’s capacity in logistics, communications, transport, intelligence gathering and analysis, coordination and planning.**

¹⁹⁵ Judy Aita, “US wants action, not words for Darfur,” Washington File, US Department of State, October 11, 2005, <http://usinfo.state.gov>.

2. **Strengthen the mission's headquarters' capacities in command, planning, conducting joint operations and information management.**
3. **Improve operational capacities:**
 - a. increase available aircraft to accelerate the transport of troops to and throughout Darfur;
 - b. increase the number of vehicles for military and police;
 - c. provide satellite surveillance to enable quick reaction to threats to IDPs and peacekeepers;
 - d. introduce night patrols;
 - e. insure a continuous presence in and around IDP camps, especially those known to be high-risk. AMIS has been able to sustain 24 hour presence in only 2 camps.
4. **Clarify the Rules of Engagement (RoE) to authorize peacekeepers to use force to protect themselves and civilians in danger and adopt immediately Standard Operating Procedures (SoPs).** Initiatives that have led to increased protection of IDPs and civilians should not depend on the creativity and bravery of individual commanders but should rather become standard for the entire mission. All senior officers, including Sector Commanders should be fully briefed to insure consistent application of RoE and SoPs.
5. **Enhance the civilian component of the mission in Khartoum, El Fasher and in each sector.** Increase the number and quality of political affairs officers in AMIS, especially in Khartoum and El Fasher and provide military and police officers with analyses of the political situation so that military planners are fully aware of the political context and the likely political impact of AU peace negotiations and AMIS operations. Increase the number of humanitarian and human rights civilian officers for each sector and insure they have clearly defined roles, resources and reporting lines. Recruit sexual and gender-based violence experts.
6. **Enhance support for CIMIC officers to operate effectively and consistently in all sectors.** This will require improved training for CIMIC officers.
7. **Improve training of AMIS troops, especially senior officers.** While programs like the US African Contingency Operations Training Assistance (ACOTA) have improved the skills of African officers, they are too short and reach too few. One expert has called for a doubling in the intensity of training per unit.¹⁹⁶ Training should cover coordination, command and information

¹⁹⁶ Michael O'Hanlon, *Expanding Global Military Capacity for Humanitarian Intervention* (Washington D.C.: Brookings Institution Press, 2003): 99-100.

management, as well as how best to protect IDPs, in particular vulnerable groups like women, children, the elderly and the disabled.

- 8. Improve coordination and communication between AMIS soldiers and police.** As the nature of the conflict has changed from full-scale battles to hit-and-run attacks on IDP camps, aid convoys, and people trying to return home, greater expertise in public security and criminal investigations is required. To enhance police effectiveness, soldiers and police must share information and plans, and operate jointly.
- 9. Raise the quality of AMIS police officers.** Use the tools provided by the UN Police Unit which cover recruitment and screening of candidates, training police for work in peacekeeping operations, planning, coordination with military and humanitarian actors, and oversight and advocacy with the authorities.
- 10. Address the gender imbalance of AMIS.** Increase the number of qualified female soldiers, ceasefire monitors and police. As of July 2005, there were only 2 female military observers out of 454, and only 126 female police officers out of 816. More qualified female interpreters should also be recruited as essential for investigating sexual and gender-based violence.
- 11. Seize opportunities to promote accountability of Sudanese soldiers and police.** Training for armed forces and police on Sudanese Criminal Law and Procedures should be introduced. This should be linked with a government commitment to hold its agents accountable for violating the law. If the government of Sudan does not keep this promise, the training should be suspended; otherwise it could provide an alibi or “cover” for government misconduct.
- 12. Use ceasefire reporting more strategically, issue more public reports and be frank in presenting findings and recommendations to the government of Sudan and other warring parties.** In particular, lack of commitment by the government to disarm militia groups, interruptions in humanitarian aid efforts by warring parties and abuses and violence against women should be publicly reported.
- 13. Develop a public information strategy to explain the mandate, how AMIS intends to implement it and how people can assist peacekeepers.** The strategy should also make the AMIS mandate clear to international humanitarian and human rights actors.

The humanitarian community should:

- 1. Strengthen cooperation and information sharing with AMIS.** Clarify procedures for sharing information to enhance AMIS' reporting and advocacy and its ability to plan deployments and patrols. Undertake joint advocacy on human rights and humanitarian law principles and strengthen mechanisms to harmonize and develop common protection interventions, for example, involve AMIS CIVPOL in designing strategies for preventing sexual and gender based violence and pursuing justice for the victims.
- 2. Work more closely with AMIS to assess the viability of IDP returns.** UNHCR and IOM should increase AMIS' understanding of their respective agreements with the Sudanese government, engage AMIS in a "returns working group" and monitor and share information on population movements.
- 3. Ensure that the UN Collaborative Response in Darfur accelerates training programs for the AU on the Guiding Principles on Internal Displacement, protection, sexual and gender based violence, agency mandates and human rights.** Likewise, the humanitarian community and particularly UN agencies should increase training for humanitarian personnel on civilian-military affairs.
- 4. Work jointly with the AU on confidence-building measures, reconciliation strategies and building of the capacity of government authorities, including the Sudanese police.** The UN should involve the AU in rule of law, human rights training and legal aid initiatives.
- 5. Formalize cooperation between the UN Department of Safety and Security and AMIS.** This should mean developing mechanisms for information sharing and coordination in order to increase the security of UN staff and promote a more secure environment for relief operations.

The government of Sudan, the party that is most responsible for the conflict and its horrific consequences on its own citizens, has the primary "responsibility to protect" and is the key to peace and security. Yet, the government continues to authorize attacks and has failed to disarm militias. The international community has so far failed to convince the government to honor the ceasefire agreements.

The new government, comprised for the first time of representatives of Southern Sudan, has a chance to break with the policies that have led to devastation in Darfur. No government is monolithic, especially coalitions like the current one in Sudan. The challenge is to identify those who support change and then reinforce their efforts. Otherwise, the conflict will continue.

Recommendations

As some of the government's own militias spin out of its control and the drain on its resources increases, it is in the government's own interest to end the conflict and undertake the following steps:

- 1. Disarm and disband all militias in Darfur.** Turn over for prosecution all militia and members of the armed forces implicated in committing war crimes, crimes against humanity or serious violations of human rights.
- 2. Abide by the AU protocols and Humanitarian Ceasefire Agreement.**
- 3. End all ceasefire violations and military flights in Darfur.**
- 4. Promote a secure environment for the delivery of humanitarian aid and relief operations.**
- 5. Accelerate procedures to allow vehicles and other equipment to reach AMIS.**
- 6. Allow AMIS peacekeepers to have full access to all areas of Darfur.** UN Human Rights Officers and the ICRC should have unconditional access to all prisons and detention centers, including those in rebel-held territories.

Many of these recommendations apply as well to Darfur's rebel groups who also must be held to account for the acts they commit against humanitarian aid convoys, AMIS peacekeepers, non-combatants and other violations of the ceasefire, the laws of war and international human rights standards.

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