



**THE BROOKINGS-BERN PROJECT
ON INTERNAL DISPLACEMENT**

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**WILL SECURITY COUNCIL RESOLUTION 1769 MAKE A DIFFERENCE IN
DARFUR?**

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The Security Council's July 31 resolution on Darfur is the strongest so far. To begin with, it was *unanimously* adopted, which sharply contrasts with earlier resolutions, whose authority was undercut by the abstentions of China, Russia or members of the Arab League. Second, it promises nearly to quadruple the number of troops and police on the ground from the current 7,000 African Union (AU) forces, which proved insufficient to Darfur's size, to 26,000 AU/United Nations forces. Third, it gives the troops a stronger mandate, authorizing them under Chapter 7 of the UN Charter to take the "necessary action" to prevent armed attacks, ensure the security of humanitarian workers and protect civilians, both of whom have been under ongoing attack. At the same time, the resolution emphasizes the importance of a political process, endorsing Sudanese government-rebel talks under UN/AU auspices and rightly affirming that "there can be no military solution" to the Darfur conflict. Fifth, the resolution expresses "strong concern" about the ongoing attacks on humanitarian workers and calls for their full, safe and unhindered access to populations in need, in particular internally displaced persons (IDPs) and refugees. And it looks forward to the reconstruction and development of Darfur, including the return of IDPs, compensation programs, and security in return areas. Finally, the resolution is noteworthy in not explicitly inviting Sudan's consent as did last summer's Resolution 1706, which enabled Sudan then to refuse the deployment of a Chapter 7 UN force.

This said, Resolution 1769 also has its shortcomings. The major one is its time frame. It is not until October that the new hybrid AU/UN force - UNAMID - is to set up initial command and control structures, not until the end of the year that UNAMID will take over from the AU force, and not until some unspecified time "thereafter" that full operational capability and force strength will be achieved. Indeed, it could take more than a year for 26,000 troops and police to be on the ground, in the meantime leaving beleaguered civilians unprotected. The security situation has so deteriorated in Darfur

that UN officials have expressed fear that the world's largest humanitarian operation could collapse. From January to May 2007, more than 60 humanitarian vehicles were hijacked, 56 staff abducted (and released), 31 aid convoys ambushed and looted, and 13 relief organizations forced to relocate due to attacks. Over the past six months, civilians have come under renewed assaults by Sudan's air force, by Janjaweed militias, by rebel forces fighting amongst themselves as well as by bandits and inter-Arab tribal fighting. In fact, most of the gains made in 2005-06 in reaching civilians with humanitarian aid and providing a modicum of protection have been sharply reversed by the overwhelming violence, which has also spread into neighboring Chad and the Central African Republic. The number of internally displaced Darfurians has risen to more than 2.5 million while at least 4.7 million people in Darfur and eastern Chad have become dependent on international food aid.

Putting together the UNAMID force will not be easy, and not only because of Sudan's insistence that it have a "predominantly" African character. There are no readily available strategic military reserves or a standing police force to turn to and deploy rapidly to Darfur. Moreover, the pool of experienced, trained troops available in African countries is limited as are ready numbers of civilian police, in particular female police, who are critically needed to tackle widespread sexual violence. Nor do African governments want to place their soldiers in harm's way: more than a dozen AU troops have been killed in Darfur. Although the UN will be in charge of command and control at headquarters, the AU will remain in charge of day to day operations in the field, which may not instill confidence in some governments, given its recent performance in Darfur. Joint AU-UN command and control could be a new model of regional and international cooperation in peacekeeping, but it also could become a prescription for bureaucratic confusion and inaction over a desolate area where logistics and communications are daunting and where 26,000 troops and police will need to be top grade to be effective since their numbers are still insufficient (General Romeo Dallaire recommended at least 40,000 NATO trained troops to stabilize Darfur).

Resolution 1769 is not as specific as it should be when it comes to the steps UNAMID will take to protect civilians. To be sure, the absence of detail could give greater latitude to a force commander, but it could also serve as an excuse for less robust action. To describe UNAMID's mandate, the resolution refers to earlier UN and AU reports which must be read for the specifics. They speak of the restoration of security to ensure humanitarian access and the safe provision of humanitarian aid, the prevention of attacks against civilians, monitoring of cease fires, protecting civilians under imminent threat and other functions. The resolution also calls upon UNAMID to support implementation of the Darfur Peace Agreement (DPA). Once again, one must turn to the DPA to find out that AU troops under that agreement were expected to create buffer zones around IDP camps, establish presence in the camps, assist in the creation of humanitarian corridors, help create a secure environment in areas of return, accompany IDPs and refugees to areas of return or resettlement, as well as other protection responsibilities.

It is possible that one or two of the resolution's clauses could be used to weaken UNAMID's protection mandate. For example, when authorizing the force to protect

civilians, the words, “without prejudice to the responsibility of the Government of Sudan” were added. One can only guess how this will be interpreted and applied. In the negotiations leading up to the resolution, Sudan insisted that the protection of civilians was its responsibility and objected to UNAMID’s being authorized to seize and collect arms; as a result, Resolution 1769 provides only for UNAMID’s being able to “monitor” the presence of arms in Darfur. Moreover, when the resolution speaks of “full respect” for Sudan’s sovereignty, it does not point out that sovereignty must mean responsibility for the security and well being of one’s population and that Sudan’s sovereignty can only be fully respected if it in turn respects the rights of those under its jurisdiction.

The extent to which UNAMID will be able to protect civilians will depend largely on the leadership provided by its commanders and the backing it receives from UN headquarters and the international community. Its strength will become clearer as the UN and AU finalize their negotiations with Sudan for space to house 26,000 troops and police, landing strips, flight clearances, the bringing in of supplies, and the steps to be taken to protect civilians. In the past, Sudan’s government did everything possible to thwart the operation of the AU force. The Sudanese military insisted on participating in AU patrols, compromised AU investigations, delayed the delivery of military equipment, imposed arbitrary curfews, limited AU flight time, and denied and even stole fuel from AU helicopters. It will largely be up to the international community to insist upon the implementation of the resolution’s protection provisions.

At the behest of Sudan and its allies (China and the Arab League), all reference to the threat of sanctions was removed from the text if Sudan were to obstruct compliance with the resolution. Therefore, political and economic initiatives, including the use of sanctions, will need to be designed and held in reserve, should they be needed. To date, only the United States has been willing to apply sanctions against Sudan; the European Union has strongly resisted them. In the view of some analysts, divestment campaigns may prove more effective than sanctions. Rolls Royce’s withdrawal from Sudan this past year reportedly surprised the government and affected the import of needed machine parts. The Sudanese government has publicly urged an end to divestment actions, underscoring the potential sting of their impact.

But the most potent pressure on Sudan would be China’s. As the main investor and importer of Sudanese oil, and Sudan’s main arms supplier, China’s intercessions with the government substantially contributed to its agreement to the hybrid force. Now that the resolution has passed, the UN Secretary-General plus a coalition of Western, African and Asian governments should work closely with China to ensure its implementation. China’s sensitivity to its international reputation now that it is host of the 2008 Olympics is an obvious pressure point. China should be made aware that its international standing would be enhanced if Resolution 1769 is seriously carried out, but that every sighting of Chinese jet aircraft, military trucks or rocket launchers in Darfur will fuel the “genocide Olympics” charge. So too will statements of Chinese officials whitewashing conditions in Darfur’s overcrowded IDP camps or Xinhua news agency’s false report that nearly half of Sudan’s IDPs have returned home.

China will also want to preserve its economic and political stake in Sudan, which Darfur's increasing violence can clearly threaten. Thousands of Chinese troops are reported to be in Sudan to protect China's considerable oil interests (which extend also to Darfur where it has acquired oil concessions) as well as tens of thousands of Chinese workers (some estimate far more), building pipelines, dams, railway lines and other infrastructure, including a new presidential palace for President Omar Hassan al Bashir. China should be encouraged to use this extensive leverage toward ensuring implementation of Resolution 1769. The promise of "carrots" by the international community -- whether investments, debt relief, lifting of sanctions or water resource development -- could also be used to encourage Sudan's cooperation.

To measure Sudan's compliance with Security Council resolutions, and whether pressure or sanctions are needed, the following benchmarks could serve as a guide:

- the immediate cessation of aerial attacks on Darfur's civilians;
- the reining in of militias assaulting African tribes and IDP camps;
- an end to efforts to change the demography of Darfur by ensuring that the land from which African tribes were uprooted is maintained for their return. To monitor this, an invitation to the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons should be extended;
- a public expression of support by the government for the role of humanitarian aid workers in Darfur, accompanied by more rapid approval of visas and travel permits, full and safe access to civilians at risk, the expedited entry of medical and other supplies, punishment of those who commit crimes against aid workers and instructions to local authorities and militias to cease harassment and attacks on aid workers and their convoys;
- allowing the AU force (the only one currently on the ground charged with the protection of civilians) to carry out its role without obstruction;
- facilitating efforts by the UN to bolster the AU force (with "heavy support packages") and promote the transition into the AU-UN hybrid operation;
- good faith efforts to reopen political negotiations with rebel leaders and renegotiate the terms of the Darfur Peace Agreement, in particular by offering greater political and economic power sharing with Darfurians and a larger compensation fund for the victims of the conflict.

At the same time, the UN and AU's effort to bring together the fractious rebel groups (now more than 12) will need to be supported internationally so that they can reach a political agreement with the government and be pressed to halt attacks on AU soldiers and humanitarian workers.

A decade ago, a Sudanese Ambassador at the United Nations looked on as I arranged a stack of UN Security Council resolutions so as to raise my seat for participation in a panel discussion. He remarked: "That is the best use of those resolutions I ever saw." Following four years of the worst humanitarian disaster in the world in Sudan, it is to be hoped that its government will begin to take Security Council resolutions seriously and comply with their provisions. Resolution 1769 has deficiencies but it is strong enough to

make a difference on the ground. It is up to the international community to ensure its implementation. The people of Darfur have waited too long.