

SUDAN: NOW OR NEVER IN DARFUR

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TABLE OF CONTENTS

EXECUTIVE SUMMARY AND RECOMMENDATIONS	i
I. A HUMANITARIAN DISASTER.....	1
II. A FLAWED PEACE PROCESS.....	4
A. THE CEASEFIRE AGREEMENT.....	4
B. THE POLITICAL TALKS.....	5
C. FLAWS IN THE DEALS.....	6
III. INTERNAL POLITICS.....	8
A. THE GOVERNMENT OF SUDAN	8
B. THE SLA AND JEM INSURGENTS.....	9
IV. MISSED OPPORTUNITIES.....	11
V. CONCLUSION	12
APPENDICES	
A. MAP OF SUDAN.....	14
B. MAP OF DARFUR REGION.....	15
C. ABOUT THE INTERNATIONAL CRISIS GROUP	16
D. ICG REPORTS AND BRIEFING PAPERS	17
E. ICG BOARD OF TRUSTEES, INTERNATIONAL ADVISORY BOARD AND SENIOR ADVISERS	19



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EXECUTIVE SUMMARY AND RECOMMENDATIONS

A month after the international community solemnly marked the tenth anniversary of the Rwandan genocide in April 2004 with promises of "never again", it faces a man-made humanitarian catastrophe in western Sudan (Darfur) that can easily become nearly as deadly. It is too late to prevent substantial ethnic cleansing, but if the UN Security Council acts decisively -- including by preparing to authorise the use of force as a last resort -- there is just enough time to save hundreds of thousands of lives directly threatened by Sudanese troops and militias and by looming famine and set in train a serious negotiating process to resolve the underlying political problems and reverse the ethnic cleansing.

Since it erupted in February 2003, the conflict has claimed some 30,000 lives, but experts warn that without a rapid international response, what UN officials have already called the worst humanitarian situation in the world today could claim an additional 350,000 in the next nine months, mainly from starvation and disease. Many more will die if the direct killing is not stopped.

The international response thus far has been divided and ineffectual. The Sudan government has gained time to pursue a devastating counter-insurgency strategy against two rebel groups and a wide swathe of civilians by playing on those divisions and the desire of leading states not to put at risk the comprehensive peace agreement that is tantalisingly close between Khartoum and the SPLA insurgency on what for 21 years has been the country's main civil war.

The ceasefire signed by Khartoum on 8 April 2004 with Darfur rebels is not working in either military or humanitarian terms. Its international monitoring commission has yet to begin, and plans are woefully lacking in numbers, authority and enforcement capacity. The government's strategy for "neutralising",

as it promised, the "Janjaweed" militias -- whom it in fact sponsors and who have done the most horrific damage -- is to incorporate them into its formal police and security structures. The political process the ceasefire was supposed to facilitate was still-born.

The majority of the estimated 1.2 million forced from their homes are in poorly run government-controlled Internally Displaced Persons (IDP) camps within Darfur, where they remain vulnerable to attack by the Janjaweed and have inadequate access to relief supplies. The perhaps 200,000 of these victims who have fled across the border into Chad as refugees are not safe either. The Janjaweed have followed them, and the resulting clashes with Chad's army threaten to destabilise that country and produce a full-scale international war.

Despite new -- and cynically late -- promises by Khartoum in the past few days, aid agencies have effective access, at best, to probably half the IDPs, and lack adequate pre-positioned food and other supplies to meet even their needs. The fast-approaching rainy season presents new dangers of malnutrition and water-borne diseases. To move large amounts of food and medicine, the international community needs either to get unimpeded and monitored access via the rail line, identify new cross border routes from neighbouring countries or SPLA-controlled territory in the south or create -- and be prepared to protect -- a major humanitarian air lift. And none of this will matter unless there are guaranteed safe concentration points for the IDPs -- including from government air strikes and Janjaweed attacks -- on the ground.

The Sudan government has effectively played on fears that its peace talks with the SPLA in Naivasha (the regional, Intergovernmental Authority on Development, IGAD, process) might unravel as a means to continue its brutal strategy while shielding itself from criticism. Western governments have

played directly into that strategy. They have given total priority to Naivasha while only quietly engaging Khartoum about Darfur in an effort to secure incremental improvements in humanitarian access. They have refrained from directly challenging it there even while attacks continue and access is continually impeded. But a failure to resolve the catastrophic Darfur situation will undermine not only the last stages of negotiation in Naivasha but also the prospects for implementing whatever agreement is ultimately reached there.

Urgent action is required on several fronts if "Darfur 2004" is not to join "Rwanda 1994" as shorthand for international shame.

RECOMMENDATIONS

In Order to Prevent Starvation

1. The U.S., EU member states and other donor governments should launch a high-level, aggressive public and private diplomatic offensive aimed at ensuring the Khartoum government implements its promise to provide immediate and full access for aid operations to war-affected populations in Darfur, including by opening the rail line so the UN can make massive deliveries of food and medicine from Port Sudan.
2. The U.S., EU member states and other donor governments should approach Libya, Chad, other neighbouring countries and the SPLA with a view to establishing alternative routes and channels not subject to Khartoum's veto for delivering humanitarian aid to Darfur by land and air.
3. The Darfur insurgents -- the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) -- should admit all humanitarian aid deliveries into territory they control, including from government controlled areas, provided those deliveries are not accompanied by government military forces.
4. The UN Security Council should authorise planning for a military intervention in Darfur, focusing on the creation of a half dozen internationally protected concentrations of IDPs, the means to deliver assistance to those populations, and the means to protect those deliveries, if necessary by force.

In Order to Stop Further Fighting and Atrocities

5. The African Union (AU), U.S. and EU member states should intensify efforts to implement the Ceasefire Commission that was called for in the 8 April 2004 agreement between the Darfur rebels and the Sudan government and deploy adequate numbers of ceasefire monitors, equipped with helicopters and land rovers, in the major towns of al-Geneina (West Darfur), al-Fasher (North Darfur) and Nyala (South Darfur).
6. If government bombing in Darfur recurs, the Security Council should authorise a no-fly zone to protect civilian populations and undertake urgent consultations with states that have the capacity to enforce such a restriction, and in which such an operation could be based, to act to enforce it.
7. If the Sudan government does not cease support for and disarm the Janjaweed militias, or claims that it is unable to do so, the Security Council should authorise the use of military force to achieve this.
8. The Security Council should appoint a high-level panel to investigate and report on war crimes in Darfur as a possible first step to establishing legal accountability, and to act as a deterrent to further atrocities.

In Order to Reverse Ethnic Cleansing

9. The Security Council should condemn the atrocities and insist upon the deployment of human rights monitors to accompany IDPs back to their home areas.

In Order to Advance the Political Resolution of the Darfur Conflict

10. The AU, U.S. and EU member states should harmonise positions on the venue, structure and substance of a Darfur peace process that would replace the stalled one heretofore mediated by Chad and deal with the political, economic and social roots of that crisis.
11. The Darfur insurgents should harmonise their positions and develop a more professional approach to negotiations.

**In Order to Make Clear beyond Doubt the
International Community's Commitment to these
Objectives**

12. The U.S. and EU should impose targeted sanctions (travel bans, asset freezes) against officials of the Khartoum government most directly responsible for the conduct of the conflict in Darfur and seek authority from the Security Council to apply similar measures on a universal basis.
13. The observer states at the Naivasha peace talks (U.S., UK, Norway, Italy), acknowledging that showing infinite patience with the Sudan government and the SPLA makes a successful peace agreement less, not more, likely, should adopt a new strategy with the following elements:
 - (a) given that the major substantive issues have already been agreed at Naivasha, the observers should present an early deadline for signature of the three protocols on the table and make a high-level push, including through a Security Council statement or resolution, to bring the negotiation to a successful conclusion;
 - (b) if this fails and the deadline passes, the observers should downgrade their participation at Naivasha for a time and focus on the Darfur agenda, both for its own sake and to change the dynamic of the peace talks, which have encountered endless delays since January 2004.

Nairobi/Brussels, 23 May 2004



SUDAN: NOW OR NEVER IN DARFUR

I. A HUMANITARIAN DISASTER

The current conflict in Darfur began when two loosely allied rebel groups -- the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) -- attacked government military installations in early 2003.¹ The root causes for the insurgency include economic and political marginalisation, under-development, and a long-standing government policy of arming and supporting militias from Darfur's Arab nomadic tribes against the mainly African farming communities. The situation mirrors the dynamic of other conflicts throughout Sudan, pitting a periphery that views itself as the victim of discrimination against a centre in Khartoum that is seen as holding all the economic and political cards. Ironically, progress in the peace talks between the government and the country's main insurgency, the Sudan People's Liberation Movement/Army (SPLA) provided the immediate trigger since the Darfur groups feared they would have little leverage after a North/South deal was concluded.

Following a string of rebel victories in the first few months, the government turned loose the Janjaweed militias, backed by its regular forces, on civilian populations thought to be supportive of the insurgency. Although Darfur is uniformly Muslim, the government has been able to manipulate ethnic divisions between the Arab and African communities. This has led to massive displacement, indiscriminate killings, looting and mass rape, all part of a deliberate effort to empty key parts of the region of those suspected of harbouring rebel sympathies. Communities of African

descent have been targeted while neighbouring villages inhabited by people of Arab extraction have been spared. The delicate ethnic balance in which 7 million people lived has been destroyed.

While the exact ties between the SPLA and the Darfur rebels have not been documented, there appear to be at least important tactical links. The SPLA, which has always recognised that the more rebellion could be extended to the rest of Sudan the better positioned it would be, encouraged the Darfur insurgents as a means to increase pressure on the government to conclude a more favourable peace deal at Naivasha. These connections reinforce the conclusion that it is not possible to divorce the Darfur case from the Naivasha negotiations that are being facilitated by the regional Intergovernmental Authority on Development (IGAD).²

A ceasefire, mediated by Chad with some help from the African Union (AU), several Western states and the UN, was signed by the Khartoum government and the two Darfur insurgencies in N'djamena on 8 April 2004. As will be discussed below, the negotiations were generally poorly handled, and the ceasefire has yet to take effect on the ground, due largely to the failure of the government to bring the Janjaweed militias to heel as required in the agreement.³

Despite its flaws, the agreement does provide a useful framework to end hostilities on the ground, facilitate the delivery of desperately needed humanitarian assistance to the displaced and establish a credible, internationally facilitated forum to deal with the political roots of the insurgency. But it must be implemented, starting with the humanitarian dimensions, which are literally a matter of life and

¹ For more on the root causes of the conflict, see ICG Africa Report N°76, "*Darfur Rising: Sudan's New Crisis*", 25 March 2004; ICG African Report N°73, "*Sudan: Towards an Incomplete Peace*", 11 December 2003; and ICG Africa Briefing, "*Sudan's Other Wars*", 25 June 2003. An excellent summary of the historical roots of conflict in Darfur is R.S. O'Fahey, "A complex ethnic reality with a long history", *International Herald Tribune*, 15-16 May 2004

² See extensive ICG reporting on this process at www.crisisweb.org.

³ Article 6, Humanitarian Ceasefire Agreement on the conflict in Darfur. Signed 8 April 2004 in N'djamena, Chad.

death for hundreds of thousands over the next few months.⁴

The humanitarian situation is likely to get much worse before it gets better. To prevent a major and deadly famine, the international community must act decisively, since Khartoum has in effect abdicated its responsibility to protect and address the needs of 1 million of its own internally displaced citizens.⁵ Not only have civilian populations been attacked by the government and its militias with the aim of driving them from their land, but irrigation systems and food stores have been intentionally destroyed to ensure that they do not return to their burned-out villages. As the rainy season approaches, most IDPs are without shelter, regular access to water, food or health services. Host villages do not have the capacity to shelter them in large numbers. Despite the ceasefire agreement, the Janjaweed continue to attack and harass the IDP populations, who are predominantly from the Fur, Massalit and Zaghawa tribes of African descent.

The situation in Kutum town, the capital of Kutum province in North Darfur State, is typical. Roughly 124,000 IDPs from the surrounding areas were there in mid-May 2004, reliant on the 20,000-strong host population. One of the largest Janjaweed camps in North Darfur is near Kutum and serves as the base of operations for ongoing attacks on the IDPs.

In the face of increasing international scrutiny, the government says that it is trying to return the IDPs to their home areas before the rains begin. At the same time, however, instead of neutralising the Janjaweed

as the ceasefire agreement requires, it is integrating them into its official forces.⁶

A recent UN report documented the appalling conditions of IDPs in Kailek, in South Darfur State, where Janjaweed and police purporting to "protect" the displaced are in fact holding them hostage and deliberately starving them.⁷ This is far from an isolated situation. IDPs throughout Darfur continue to refuse humanitarian assistance out of stark fear that it will make them a further target for Janjaweed attacks. After his trip to Darfur, Executive Director James Morris observed, "In all my travels as the head of the World Food Programme (WFP), I have never seen people who are as frightened as those displaced in Darfur".⁸

The SLA issued several statements in the first half of May to the effect that it will refuse to allow into areas it controls any humanitarian relief that originates in government-controlled areas -- where most UN and international NGOs are based. It fears such humanitarian relief would be used as a cover by the government to infiltrate troops, intelligence operatives and ammunition. The SLA is also concerned that Khartoum wants to gain the loyalty of the civilian population by making it reliant on the government for supplies.⁹ If the SLA enforces such a ban, the government could convincingly argue that it is at least partly to blame for the resultant suffering.

The government has already accused the SLA of attacking a humanitarian convoy in late April 2004, killing a traditional leader of the Zaghawa, Abdel-Rahman Mohamadain, who was leading it.¹⁰ The SLA maintains that the Janjaweed militias were responsible for his death but that the convoy was accompanied by government security forces and so a legitimate military target.¹¹ This issue could very

⁴ An international observer to the process said, "It is over a month into the ceasefire, and we are flailing. It is not a deal until you put teeth into the agreement". ICG interview, May 2004.

⁵ The some 1 million IDPs are in the most precarious position because they are most at risk from the Janjaweed and government forces but the refugees in Chad are also living in very difficult situations, cut off from their homes and subject to cross-border raids. The official estimate of refugees is 110,000 but this is believed to be an underestimate by nearly half. See Refugees International, "Relief Agencies Underestimating the Refugee Population in Eastern Chad", 11 May 2004. For the estimate that an additional 350,000 displaced persons could die over the next nine months, primarily due to famine, see testimony of Roger Winter, Assistant Administrator, Bureau for Democracy, Conflict and Humanitarian Assistance, U.S. Agency for International Development, before the House Committee on International Relations hearing on Sudan, 6 May 2004.

⁶ These include the army, the police, the paramilitary Popular Police and the Popular Defence Forces, as well as joint citizens defence units composed of individuals of both Arab and non-Arab descent. ICG interviews, May 2004.

⁷ The United Nations - Sudan, "Inter-agency fact finding and rapid assessment mission - Kailek town, South Darfur", 25 April 2004.

⁸ "Sudan humanitarian crisis characterised by violence and fear", UN News Centre, 7 May 2004. See also the briefing by James Morris "on the High-Level Mission to Darfur, Sudan", informal consultations of the Security Council, 7 May 2004.

⁹ ICG interviews, May 2004

¹⁰ "Sudan says Darfur rebels attack relief convoys, denounce ceasefire violation", Sudan News Agency, 29 April 2004.

¹¹ ICG interview, 6 May 2004.

easily emerge as the next obstacle towards gaining humanitarian access to Darfur. In order to resolve it quickly, the government forces should not accompany any humanitarian convoys entering rebel-held areas, and the rebels should agree to allow in humanitarian assistance from government areas provided it is not accompanied by government forces.

Khartoum has repeatedly stated its commitment to facilitate international humanitarian efforts to assist civilians affected by the war but persistently acted to obstruct or slow down the actual deployment of humanitarian workers to Darfur. Humanitarian access has technically improved, with the UN reporting in its Humanitarian Needs Profile of 16 May 2004 that 77 per cent of the IDPs were "accessible", meaning that the UN security department has cleared travel to locations where they are. However, this figure has nothing to do with the ability of the UN and other humanitarian actors to deliver assistance since the main obstacle is insufficient personnel on the ground to cope with needs, including for health care, water, and shelter¹² -- a lack of capacity that results in large part from the cumulative effect of months of obstruction by Khartoum authorities.

While claiming credit for improved access, Khartoum continues to disrupt the actual missions by manipulating visas and travel permits for the additional staff the international agencies need. For example, in mid-May it deported without explanation from Nyala, capital of South Darfur, the senior humanitarian affairs officer of the UN's Office for the Coordination of Humanitarian Affairs (OCHA), the agency responsible for coordinating the humanitarian work of all UN agencies and a majority of the independents. OCHA also warned that if government obstruction of travel permits for its personnel persists, there might be no international personnel left on the ground by early June.¹³ These incidents illustrate the need for firm, coordinated international action at a high level to bring Khartoum to meet its obligations.¹⁴

On 20 May 2004, Foreign Minister Mustafa Osman Ismail announced that the government was removing the need for aid workers to obtain special permits to enter Darfur and said that embassies would begin issuing regular visas to them within 48 hours.¹⁵ If carried through, this would be a welcome change, but it needs to be linked with free movement within Darfur if it is to have much practical effect.

Of equal concern is the continued lack of security for humanitarian workers, due mainly to Janjaweed activities. On 12 May the Janjaweed assaulted the driver of a UN truck carrying clearly marked WFP food items on the Zalengei-Mornei road.¹⁶ Failure to address this and similar recent incidents would pose serious uncertainties about future humanitarian assistance. Again, Khartoum must be pressed to guarantee the security of humanitarian workers and supplies. Bringing the Janjaweed under control would go a long way toward this as well as to creating a secure enough environment for IDPs and refugees to feel safe in returning home.

If the government continues to manipulate humanitarian access to international agencies and otherwise impede their work, the international community must give urgent consideration to developing alternatives that are not dependent on Khartoum. These could include cross-border operations, by land or air, from Chad, Libya or even SPLA-held areas of the south. If these initiatives are not sufficient because either the government or the rebels continue to obstruct humanitarian activity, the international community's choice will be between allowing very large numbers of avoidable deaths or use of force.

¹² ICG interviews, May 2004.

¹³ Reported in "Darfur Crisis, Sudan, UN Weekly Humanitarian Roundup, 9 - 16 May 2004". U.S. State Department spokesperson Richard Boucher said, "The government has continued to play games with travel permits while the humanitarian situation in Darfur has deteriorated". IRIN, 19 May 2004.

¹⁴ A senior humanitarian aid official said, "The UN would rather quietly engage the government, not rock the boat, keep a minimal presence, and keep some aid flowing, rather than pushing the government harder and more publicly for

real access. It should not be left to the humanitarians in the UN to make this case; the political side and the Security Council must step up to the challenge". ICG interview, May 2004. Both the 8 April ceasefire agreement and the 25 April political agreement signed with the insurgents (see below) commit the government to facilitate free humanitarian access to war affected populations.

¹⁵ "Sudan opens Darfur to aid workers", BBC News, 20 May 2004.

¹⁶ "Darfur Crisis, Sudan, UN Weekly", op. cit.

II. A FLAWED PEACE PROCESS

Fashioning a more effective international response to Darfur requires a better understanding of the badly flawed peace process, the latest round of which began in late March 2004 in Chad's capital, N'djamena, with host country mediation and in the presence of observers from the AU, the UN, the EU, and the U.S. Unfortunately, the pair of agreements that resulted created as many questions as they answered.

A. THE CEASEFIRE AGREEMENT

Both the SLA and JEM expressed dissatisfaction from the start since they consider Chad too friendly with the Khartoum government to be a neutral mediator. They agreed to come only after the U.S., which had its own reservations, accepted EU and UN arguments and guaranteed their safety.¹⁷ The SLA and JEM cooperated as a single delegation but the talks nearly collapsed at the outset when Khartoum, which wanted Chad's president, Idriss Deby, a long-time ally, to be the only active outsider, refused to negotiate with the international observers present. An observer claimed, "Chad was acting in Khartoum's interests".¹⁸ For the first eight days, Khartoum refused to meet with the rebel delegations face-to-face.

¹⁷ ICG interviews, April 2004.

¹⁸ ICG interview, May 2004. While Chad has close ties to Khartoum, President Deby and many of his key supporters also have strong personal links to Darfur and particularly the ethnic groups at the heart of the insurgency. While Chad sent troops to Darfur in the second half of 2003 to help Khartoum fight the rebels, its security forces are believed to have supplied the rebels with military equipment and provided other assistance. The Chad government is thought to have become increasingly worried about the impact of the Darfur conflict on its own stability as tens of thousands of refugees were pushed into its territory. Moreover, the Chadian establishment has repeatedly warned President Deby of Khartoum's increasing support of Chadian Arab militias operating within the Janjaweed's loose structures with the intent of toppling his regime. Frictions also developed between N'djamena and Khartoum subsequent to the ceasefire agreement. The Chadian mediation affirmed on 29 April that the Sudan government had not disarmed the Janjaweed. This followed a Janjaweed attack on the Chad border town of Kulbus and preceded clashes between the militia and/or the Sudanese army with Chadian troops in which both sides suffered casualties as well as violations of Chadian airspace by Sudanese military aircraft. See Agence France-Presse, 29 April 2004 and "Sudanese army clashes with the Chadian army", *al-Hayat* (in Arabic), 29 April 2004.

The international observers were indeed meant to moderate what was widely understood to be a Chadian tilt toward Khartoum. Unfortunately, differing tactical assessments and to an extent the special French relationship with Chad tended to reduce the observers' effectiveness. The U.S. and France, for example, tended to divide over whether there should be quick but essentially simultaneous settlements of the humanitarian and political issues (the French view) or whether a workable humanitarian agreement should have clear priority and be put in place before other issues were discussed (the U.S. view).¹⁹ The other EU representatives were in the middle but ultimately supported the humanitarian-first approach.

President Deby attempted to minimise the role of the international observers other than the AU in the actual negotiations. But the Western states mainly had themselves to thank for their relative lack of influence. "The process had too many players", an observer said. "It was too hard to keep the international actors united. They were a fractured, agenda-ridden group. It was a political catfight. The observers never settled their own differences".²⁰

Chad brought the Khartoum delegation to the table only after the SLA threatened to walk out.²¹ President Deby and his team then assumed complete control, presenting the parties with a draft agreement -- in English, French and Arabic -- while minimising opportunity for them to respond.²² The "final" version did not include a number of points previously agreed to, including several SLA/JEM amendments.²³ When the parties brought this to President Deby's attention, he reassured them the draft would be fixed after the signing ceremony but

Chad lodged a complaint over the cross-border activities, and President Deby on 7 May publicly demanded Khartoum halt the attacks. The Sudanese government sent a high level delegation to defuse the crisis. See "Following a meeting with the Chadian president: Sudan's minister of interior promises to bring the militias under control", Reuters, 13 May 2004.

¹⁹ ICG interviews, April and May 2004.

²⁰ ICG interview, May 2004. A senior aid official involved in Darfur commented: "The international community has totally mishandled the Darfur situation. Its divisions have allowed the Khartoum government to play governments off against each other. The humanitarian community has been indecisive and non-reactive as well. Nothing will happen as long as the international community remains divided". ICG interview, May 2004.

²¹ ICG interviews, April and May 2004.

²² "There was virtually no negotiation on the document", an observer said. ICG interview, 4 May 2004.

²³ ICG interviews, April and May 2004.

pleaded with them to sign immediately because the media was waiting.²⁴

The rebel negotiators were naive in believing the assurances. The draft was not subsequently changed. The copy of the ceasefire agreement made public was that which President Deby had convinced the parties to sign. The SLA and JEM have themselves to blame for putting their signatures to a document that was so evidently not ready for implementation.

Under the terms of the 8 April 2004 accord, the parties agreed to cease hostilities for renewable 45-day periods, to free "prisoners of war" and others detained in connection with the conflict, and to facilitate humanitarian access to IDPs and other civilian victims. The government committed to "neutralise armed militias". The agreement established a Ceasefire Commission, composed of representatives of the parties, the Chadian mediators and the international community, "in accordance with the sovereignty of Sudan". This commission has a mandate to monitor implementation of the ceasefire and assess complaints of violations. It is in turn to report to a Joint Commission of similar but presumably higher ranking composition. The parties agreed to meet under Chad's auspices within two weeks to negotiate a definitive settlement of the conflict in the framework of an inclusive conference "between all the representatives of Darfur".²⁵

B. THE POLITICAL TALKS

The EU and U.S. were not represented at the two sessions of political talks that convened under President Deby's auspices and produced a second signed agreement on 25 April 2004. It provided for the establishment of a committee consisting of three representatives each from the government, the SLA and JEM to prepare and draw up an agenda for a comprehensive conference at which "all representatives of Darfur" would discuss the political, economic and social situation in order to find a comprehensive and definitive solution to the conflict.²⁶

The accord reaffirmed commitment to the ceasefire agreement and the unhindered delivery of humanitarian assistance to civilian victims of the war regardless of their location. It also provided that "the government of Sudan must assure that the armed militias are neutralised and disarmed according to a program to be decided upon".²⁷

Reflecting the confusion that surrounds the Chadian mediation, JEM and the SLA issued nearly identical statements, on 26 and 27 April respectively, disavowing this agreement.²⁸ They insisted that their representatives in N'djamena had only been authorised to work out the technical details for the establishment of the Ceasefire Commission, had been intimidated into signing, and were being recalled to account for their actions.²⁹

The presence in N'djamena of exiled political activist Sharif Harir as a coordinator for the SLA team was a precursor of some of these internal tensions. He apparently sidelined SLA chairman Abdel Wahid. The SLA's Zaghawa leaders were able to mobilise support among their exiled constituencies and bring this to bear in shaping the group's negotiating agenda. In contrast, exiled Fur and Massaleit leaders were unable to make it to N'djamena, mainly because they were denied visas by Chad.

A similar split occurred in JEM. Hassan Khames Juru, a self-proclaimed political coordinator, announced the dismissal of the JEM president, Khalil Ibrahim, his brother Jibril, the general secretary, Mohamed Bechir Ahmed, and the coordinator, Abuker Hamid Nour, who had led JEM negotiators at the ceasefire talks. JEM's military spokesman, Colonel Abdalla Abdel Karim, quickly denounced the statement and said

²⁴ ICG interviews, April and May 2004.

²⁵ English version of the ceasefire agreement of 8 April 2004, in ICG possession.

²⁶ "Agreement between the Government of Sudan on one part, the Sudan Liberation Movement and the Justice and Equality Movement on the other, under the auspices of H.E. Idriss Deby, President of the Republic of Chad, Chief of State, assisted by the African Union and the United Nations", N'djamena, 25 April 2004. See Appendix 2.

²⁷ Ibid, article 4-b, c and d respectively.

²⁸ The Sudan Liberation Army, "Peaceful settlement only through direct talks; inclusive mechanism after negotiations, not before them", SLA press release, 27 April 2004. The Sudan Movement for Equality and Justice, "JEM reiterates its rejection for the convening of any talks on Chadian soil and reiterates its commitment to the ceasefire agreement and humanitarian assistance protocol", JEM press release, 26 April 2004. Both groups reiterated their support for the ceasefire agreement.

²⁹ ICG interviews, Nairobi, April/May 2004. See also "W. Sudan rebels deny signing deal with government", Reuters, 27 April 2004 and "W. Sudan rebels deny signing peace agreement with government: 'the agreement is a lie by the government, and its signatories don't represent us'", in Arabic, *Al-Sharq al-Awsat*, 27 April 2004.

Juru represented only himself.³⁰ In a decree issued from Paris on 24 April, Khalil Ibrahim dismissed the movement's second commander, Jibril Abdel Karim Bare, accusing him of accepting money from Khartoum's military intelligence and national security agencies to split JEM and defect with his fighters to Chad.³¹ A number of observers saw evidence of Khartoum government representatives attempting to pay off rebels at the talks.³²

Al-Haj Atta al-Manan, secretary of the ruling party (NCP) in Khartoum State and a former governor of South Darfur who is believed to be in charge of the Darfur portfolio, revealed days before the political talks that he had led a government delegation that held secret discussions with the exiled JEM leadership in Paris, 23-28 March. The joint statement that came out of those talks was limited to generalities about a peaceful solution as the preferred way to settle the dispute but the impact this meeting will have on subsequent talks is still uncertain.³³

The SLA and JEM insist they would only attend an all-inclusive conference of Darfur inhabitants and groups after negotiating a comprehensive political settlement directly with the government. They reject the kind of conference the government had already been preparing for months (and believed it had reached an understanding about in the abortive 25 April agreement), presumably because they anticipate being outnumbered by unrepresentative pro-government entities. Nevertheless, the government is forging ahead with preparation for such a "Conference on Peace and Development in Darfur".³⁴

C. FLAWS IN THE DEALS

The ceasefire agreement has a number of important weaknesses. It suffers from poor drafting, and there appear to be serious discrepancies between the signed

Arabic and English versions examined by ICG. For example, Article 4 (English) states that the mandate of the Ceasefire Commission includes "defining the routes for the movement of forces in order to reduce the risks of incidents; the administrative movements shall be notified to the Ceasefire Commission". However, the provision on "administrative movements" is absent in Arabic. Similarly, Article 6 (English) states: "The Sudanese government shall commit itself to neutralise the armed militias", while the Arabic version has an additional provision that requires the rebels to place their forces in cantonments: "The parties shall ensure that all armed groups under their control comply with this agreement. Forces of the opposition shall be cantoned in locations that shall be identified. The Sudanese government shall commit itself to neutralise the armed militias".

These irregularities are sufficiently extensive and significant to suggest they are not merely translation errors. They are the more disturbing because international observers were present. However, one such observer reportedly is in possession of a text that includes additions on cantonment in English and has an official Chadian stamp and signature, indicating an attempt at rectifying at least this discrepancy.³⁵ The weaknesses of the agreement and discrepancies in the language versions are indications of the limits of the mediation.

International efforts after the 8 April signature of the ceasefire agreement were concentrated on providing technical and financial assistance for establishment of the Ceasefire Commission. Decidedly less interest was shown in the political dimensions.³⁶

The difficulties in implementing the Ceasefire Commission's mandate demonstrate some of the larger challenges to the peace process. The Commission has no coherent plan to obtain Janjaweed disarmament, although the government's reluctance to disarm its allies is the most serious threat to the truce. The UN Human Rights Commission in Geneva in late April and the Security Council in early May squandered opportunities to respond to the militias' massive

³⁰ See "Talks on Sudan's Darfur conflict postponed a day as rebel split appears", Agence France-Presse, 20 April 2004.

³¹ Sudan Justice and Equality Movement, "Title of the decision: dismissal of second commander of JEM", in Arabic, 24 April 2004, posted at: www.sudanjem.com.

³² ICG interviews, May 2004.

³³ See "Khartoum opens secret channel with a Darfur rebel faction", Al-Jazeera, 22 April 2004. Also "Joint Communiqué", in Arabic, 28 March 2004, posted at www.sudanjem.com.

³⁴ The preparatory committee for this event is 130-strong, and the anticipated delegates number some 1,700. The opposition Umma Party and the splinter Islamist party Popular Congress are boycotting the process, challenging its legitimacy.

³⁵ ICG interview, May 2004.

³⁶ The UK ambassador to Sudan attributed this relative disengagement to the absence of a viable vehicle for achieving a sustainable political resolution of the crisis. "UK ambassador to Khartoum to al-Sahafa: dangerous situation in Darfur needing urgent solutions...", in Arabic, *al-Sahafa*, 10 May 2004. The ambassador argued that the issue was best dealt with directly among the Sudanese parties, through an inclusive approach, with the international support provided as needed.

human rights violations. There is a clear danger that the Sudan government will conclude that this equates to a green light for continuing abuses.

The AU was tasked with setting up the Ceasefire Commission and mobilising the resources to get observers on the ground as soon as possible. Following the mid-April meeting of its Peace and Security Council, it met with donor countries to present a proposal. While this was seen as wanting -- in part because the AU defined the "international community" which would participate as composed exclusively of African countries -- negotiations followed to develop an acceptable plan.³⁷

On 2 May 2004, nearly a month into the initial 45-day ceasefire, the AU presented an updated proposal to the delegations in N'djamena. However, the parties and the observers have yet to agree to the technical and budgetary plans, and the SLA has not responded formally at all.

To work out logistical details, the AU sent a reconnaissance mission to Sudan, including Darfur and Chad, from 7 to 13 May. Representatives from the UN, EU, U.S. and France were on the mission but the outcome does not augur well for speedy deployment. The government initially promised the mission freedom of movement but then refused to allow it to leave the capitals of the three Darfur states, raising concern it might similarly restrict monitoring teams. Force protection for monitors is also proving contentious, with the government offering to provide it but refusing to authorise independent security. The number of monitors is equally contested. Khartoum initially authorised twelve from the AU, six from the UN and the U.S., and a yet to be determined number from the EU. The rebels want more monitors, with expatriates included on each team. Senior international observers believe at a minimum some 80 to 100 monitors are needed, with air and ground mobility.³⁸ Most troubling, the AU must clarify the definition of the Commission mandate that, among other potentially crippling deficiencies, has no calendar for implementation and does not require the parties to redeploy to pre-designated locations. The AU is likely to use the Nuba Mountains Joint Military Commission as a model in that effort.³⁹

The parties can be expected to seize on these issues to delay the commission as they see fit.⁴⁰ The AU scheduled a meeting on 21 May with the parties and international actors to sort out problems and launch the commission. It and its partners should deny the parties any pretext for delay and press for immediate deployment of monitors and granting of diplomatic status and other privileges to them such as international members of the Nuba Mountains Joint Military Commission enjoy.

Nevertheless, there are two major flaws in the AU proposal that must be addressed for the Ceasefire Commission to succeed. First, there must be a clear definition of a violation that covers actions of militias. Secondly, the AU has proposed that the parties to the conflict and the international community serve equally on both the Ceasefire Commission and its superior, the Joint Commission. These bodies would reach decisions by consensus, but either side would have veto power and thus be able to hold the body hostage. The logical solution would be for a neutral chairperson to cast the deciding vote in the event of a deadlock. The agreement itself is silent on who should chair the two commissions but the AU has sensibly suggested that it have the authority to make both appointments.

In the meantime, while humanitarian workers report a reduction of hostilities between government forces and rebels, Janjaweed atrocities against unarmed civilians continue unabated. The rebels complained of dozens of such attacks since the ceasefire entered into force. By mid-May, the government had lodged official complaints with Chad, in the absence of the Ceasefire Commission, over two dozen serious rebel attacks.⁴¹ SLA and government forces repeatedly clashed as each moved to solidify control of territory before monitors were deployed. For instance, between 6 and 9 May, confrontations between SLA and government forces at the village of Abu Ghamri north east of Kebkabya reportedly resulted in 22 government and eight SLA deaths. That week, the SLA surrounded government forces at Banduga, took control of Dar El-Salam southeast of El Fasher, hoisted its flag and began to collect revenues at water collection points.⁴²

nubaAnxABC_e.pdf

⁴⁰ ICG interviews, May 2004.

⁴¹ "Government lodged complaints against Darfur rebels with Chadian mediator", in Arabic, MENA, 2 May 2004; posted at www.sudaneseonline.com/anews/may2-51264.html.

⁴² See "UN Humanitarian Situation Report - Darfur Crisis, Sudan", 11 May 2004.

³⁷ ICG interviews, May 2004.

³⁸ ICG interview, April 2004.

³⁹ For comparison, see Annexes A, B, and C of the Nuba Mountains Ceasefire Agreement, at www.eda.admin.ch/eda/g/home/foreign/secpe/nubamt.Par.0004.UpFile.pdf/bt_020119

III. INTERNAL POLITICS

The government and the rebels have each to cope with serious internal pressures that affect their ability to negotiate a settlement.

A. THE GOVERNMENT OF SUDAN

The government is attempting to follow its tested policy of sowing division among the ethnic groups in Darfur as part of a divide and conquer strategy. In particular, it has sought to undermine the ethnic alliances between the Fur, Massaleit and Zaghawa fighters that are the core of the SLA and JEM movements. Its reliance on the Janjaweed is consistent with this strategy, and it has been quick to paint the insurgency as an attempt by African groups to rid Darfur of the "Arab race", reflecting the ideology of the controversial extremist group, the Arab Gathering.⁴³ Ongoing efforts to reconcile the Fur and Massaleit with their Arab neighbours using communal mechanisms are an effort to isolate the Zaghawa, whom the government considers the main threat. It also tried with some success to exploit JEM-SLA differences at the April talks.

The government has serious factional problems of its own, however. In late March 2004, it arrested ten middle-ranking army officers, all westerners from Darfur and the neighbouring Kordofan region, on suspicion of plotting a coup. Days later, it detained the veteran Islamist leader Hassan al-Turabi and six top figures in his dissident Islamist faction, the Popular Congress (PC), accusing him of inciting regionalism and tribalism in Darfur. The PC denied everything and charged that the coup allegation was a pretext to repress it and justify "a crushing military campaign against the people of Darfur".⁴⁴

Half the detained officers were air force pilots, and there are suggestions they were detained in part because they refused to bomb civilian targets in Darfur,⁴⁵ where indiscriminate aerial bombings have independently been verified as a key component of the military campaign. The army also quietly discharged, transferred, or detained a few dozen other officers,

predominantly westerners. That is likely to further exacerbate regional and ethnic tensions within the armed forces.

The alleged coup plot has given the government cover to arrest dozens of PC activists. Over fifteen years, extensive pre-emptive purges and recruitment of military officers and security officials loyal to the ruling Islamist faction have reduced the influence of other political groups in the army, rendering it unlikely that the PC or the opposition Umma and Democratic Unionist parties would attempt a violent overthrow of the regime. On the contrary, these parties have repeatedly denounced politicisation of the army and repudiated coups as means for regime change. The political opposition and militant labour organisations appear to place their hopes of democratic transformation on the peace agreement the regime is negotiating with the SPLA. They denounced the alleged coup as a fabrication aimed at deflecting increasing internal and external pressures for political and human rights reforms.

The alleged coup was not the only problem the government has had to tackle in Khartoum as it prosecutes the war in Darfur. In following weeks, the ruling party had to grapple with serious dissensions within its own ranks. In mid-April, the former presidential peace adviser, Ghazi Salah al-Din Atabani, challenged Vice President Ali Osman Taha for leadership of the secretive "Islamist Movement" that forms the core of the ruling establishment and narrowly lost.⁴⁶ Additionally, a northern secessionist

⁴³ For more on the Arab Gathering, see ICG Report, *Darfur Rising*, op. cit.

⁴⁴ "Sudanese opposition leader Hassan al-Turabi arrested", Agence France-Presse, 31 March 2004.

⁴⁵ ICG interviews, April/May 2004.

⁴⁶ The body known as the "Islamist Movement" consists of a few thousand loyal members of Sudan's Muslim Brotherhood, who agreed shortly after the 1989 coup d'état to dissolve the Movement into the institutions of the state and its security organisations, leaving a core of a few dozen people labelled "al-Kayan al-Khas" (Arabic for "the Special Entity") with the tasks of consolidating the movement and ensuring its control of the state. The Special Entity oversees the membership of the movement, provides guidance to mass organisations that maintain a certain autonomy such as those of students and women, controls its sprawling financial and media empires, and develops initiatives to consolidate its political and economic power. It is also known to command an extensive "popular" security apparatus deployed throughout the country to detect and diffuse threats to the regime. The ruling National Congress Party is the public body through which the Islamist Movement dominates political life in alliances with others, including Southern Christians, other Islamist parties, and breakaway factions of the main traditional opposition parties, such as the Umma and the Democratic Unionist Party. The mid-April 2004 Islamist Movement meeting was the sixth such, but the first ever to receive publicity. The Congress

alliance emerged in late April from within the ruling party. The potential peace deal to end the civil war in the South has precipitated growing pressure in other regions, and the Darfur crisis has also played a catalytic role.

Atabani represents an increasingly critical group within the Islamist Movement that no longer feels represented by the inner circle. These people have been alienated by widespread corruption and cronyism within the government and also disagree with a number of positions the government has taken in Naivasha. Most importantly, they want the Movement to resurrect itself as a dynamic political party prepared to contest the democratic elections anticipated following a peace agreement with the SPLA.

A northern secessionist group spearheaded by Al-Tayeb Abdel Rahman Mustafa, a veteran Islamist and uncle of the president, announced establishment of a "Forum for Just Peace" on 28 April 2004. With several prominent Islamists at its helm, the Forum also includes independent personalities and leaders from several opposition parties, all united by their rejection of the emerging peace deal with the SPLA. Babiker Abdel-Salam, the chairman and former Khartoum State minister of health, defined the group as "neither secessionist nor racist", but concerned citizens alarmed by the direction of the negotiations and a move toward the slow secession of the South.⁴⁷ Forum activists argue that the Muslim North is getting a bad deal and that it might be better to split Sudan quickly into two states.⁴⁸

With the Naivasha peace talks at a critical stage, fissures are also appearing within the Islamist Movement about how it will hold on to power. The splits now being seen in Khartoum have little to do with ideology but much with control of the state.

organisers required participants in the vote to drop their membership cards in either of two ballot boxes: one for Taha, the other for Ghazi. The lack of anonymity most likely prompted two thirds of the estimated 4,000 participants to abstain. Nonetheless, the contest was narrow, with Ghazi obtaining 571 votes, Taha 744. The absentees amounted to 2,687, starting a heated debate on whom they would have chosen on a secret ballot. See "Reading between the lines of the congress of the Islamist Movement", an interview in Arabic with Dr. Hassan Mekki, a scholar and critical member of the movement, in *Al-Ayam*, 22 April 2004.

⁴⁷ "An official of a secessionist current within the regime in Sudan: we call for a quick secession from the south rather than a slow excision", in Arabic, *al-Sharq al-Awsat*, 30 April 2004.

⁴⁸ Ibid.

Faced with these challenges, the government may well believe that it has little choice but to maintain a tough line in its handling of all aspects of the Darfur crisis.

At this stage it is impossible to predict the next turn of the political wheel in Khartoum, but in-fighting is going on at high levels between officials trying to use the fluid situations at the Naivasha talks and in Darfur to position themselves in an ongoing power struggle. Early, though perhaps still provisional, beneficiaries may be Salah Abdallah Gosh and Nafie Ali Nafie, security chiefs under Vice President Ali Osman Taha (the chief government negotiator at Naivasha), who have obtained new authority over the government's hitherto fragmented security agencies.

B. THE SLA AND JEM INSURGENTS

As described above, confusion reigned among the rebels at the political talks in late April, with the two groups eventually repudiating the deal their delegations accepted. The mixed signals are indicative of serious infighting between the military and political wings. The peace process is opening up genuine rifts that the government is ready to exploit. The SLA sought to settle some of these differences in prolonged consultations between its chairman, Abdel Wahid Mohamed Nour, and its military coordinator, Minni Arkou Minawi.⁴⁹ JEM, reflecting the strong position of its political leader, Khalil Ibrahim, took a different approach, firing dissident commanders and political cadres deemed disloyal.

Despite the infighting and their youthful inexperience, the international community would be ill-advised to treat the SLA and JEM leaderships lightly. The government's heavy-handed counter-insurgency campaign has facilitated a major recruiting drive for the rebels, as suggested by the scarcity of young men in the refugee and IDP camps. The rebel organisations have intensified efforts to enhance their political cohesion and diplomatic profile. For example, the SLA's chairman and its military coordinator have conducted joint missions to Uganda and other countries in Central and Eastern Africa in an effort to mobilise diplomatic and logistical support. In Asmara, Abdel Wahid met with SPLA Chairman John Garang, who offered to help resolve the Darfur crisis

⁴⁹ ICG interviews, April/May 2004.

peacefully.⁵⁰ Khartoum immediately dismissed that offer, and a similar one subsequently made by Eritrea, as disingenuous.

The rebels rejected future mediation by Chad and a N'djamena venue for further negotiations. This appears warranted, given Chad's tilt toward Khartoum's positions. The rebel movements coordinated closely during the humanitarian negotiations and will try to do the same if political talks resume. That they can is far from a certainty since they have some significant differences,⁵¹ but their political agendas are still evolving (and poorly understood).

Broadly speaking, their demands are not dissimilar to the SPLA's. Both insist they are fighting political and economic marginalisation in a region that has been often neglected by the central government. Both want greater autonomy for Darfur from central government control and to deconstruct the current administrative system that, they argue, strongly favours Arab tribes. They add that the government's creation of new administrative boundaries has disrupted the traditional balance of power and peaceful coexistence between Darfur tribes. They have also agreed on the need for democratic elections, although their own democratic credentials remain open to question.

The leadership of both movements argue further, with varying degrees of conviction, that Darfur's problems are rooted in broader national problems, and a political resolution is tied to national issues of power and governance. This manifests itself in calls for more Darfur representation in central government as well as a mechanism for dealing with all of Sudan's political disputes in comprehensive negotiations rather than piecemeal. Finally, they agree on calls for more investment and a larger share of national resources.⁵² The SLA is a secular movement and wants to do without Islamic law (*sharia*), while JEM has not taken a position, suggesting it would support whatever legal system the Sudanese choose democratically.

Darfur's problems are negotiable -- under the right circumstances -- and could fit relatively smoothly into the governance structures being negotiated between the government and the SPLA at Naivasha. In particular, the state autonomy models for the northern states of the Nuba Mountains and Southern Blue Nile could offer the basis for a resolution in Darfur. They provide for a high degree of autonomy for sub-national states and greatly increased provincial control over decisions affecting local administrations, including on education and legal systems, and could offer a template with which to begin discussions on a political settlement for Darfur. Such solutions could only last, of course, in the context of broader changes to the political system for the country as a whole, particularly democratisation and decentralisation.

⁵⁰ See "Sudanese rebel heads SPLA's Garang, SLA's Abdelwahid hold first-ever talks in Eritrea", Agence France-Presse, 24 April 2004; and "Sudan's Garang offers to help bring peace to Darfur", Agence France-Presse, 25 April 2004.

⁵¹ "Continued coordination is unclear, because they [JEM] have some ambiguous political backing", said a leading member of the SLA. ICG interview, 4 May 2004.

⁵² ICG interviews with leaders of JEM and SLA, April 2003-May 2004.

IV. MISSED OPPORTUNITIES

A number of high level delegations have travelled to Darfur and Chad since mid-April to assess the situation. A mission from the Office of the UN High Commissioner for Human Rights visited Chad in mid-April ahead of the annual Geneva meeting of the Commission on Human Rights. Its initial report, based on interviews with refugees and leaked to the press, detailed rapes, looting and killings by the Janjaweed in cooperation with government forces, but was withheld from the official UN body.⁵³ Despite efforts from some quarters to push for a stronger condemnation of Sudan over Darfur and reinstating a special rapporteur on the human rights situation there, African solidarity forced a much weaker statement that called only for an "independent expert".⁵⁴ Further diminishing the institution's credibility, Sudan was selected by the African caucus as one of the continent's representatives on the Human Rights Commission.

A high-level UN humanitarian assessment mission, initially to be headed by Under Secretary General for Humanitarian Affairs Jan Egeland, was denied access to Khartoum and Darfur. The team was eventually admitted in late April, but under the leadership of World Food Programme Executive Director James Morris. Upon returning, Morris and Acting High Commissioner for Human Rights Bertrand Ramcharan briefed members of the Security Council on 7 May 2004. Their reports provided concrete evidence of the major human rights abuses taking place in Darfur and placed the bulk of the blame for the "reign of terror" on the government of Sudan and "government-sponsored" Janjaweed forces.⁵⁵

The briefings were a natural opportunity for the Security Council to take action, or at least sharply condemn Khartoum's policies in Darfur. Instead, the Council chose only to "closely monitor developments on the ground".⁵⁶ Members elected not to place Sudan on the Council's agenda and pursue a resolution

because they expected Khartoum and the SPLA to sign a peace deal imminently in Naivasha.⁵⁷ Within a five-week period, the international community received objective evidence documenting the grave situation in Darfur including the complicity of Khartoum and the Janjaweed in large-scale ethnic cleansing. Its tepid response will confirm Khartoum's belief it will not be held accountable and will make it more difficult to deal with the emergency.

In the days that followed the Security Council discussion, Khartoum emphatically denied charges of ethnic cleansing and sought to throw blame on the rebels. Responding to international demands to disarm the Janjaweed, Foreign Minister Mustafa Ismail said the government will not do this as long as rebel forces retain weapons. He argued that the Janjaweed were a spontaneous tribal response to Zaghawa rebels. The militias grew strong as soon as they were formed because the region is awash in small arms, he argued, apparently to rebut independent documentation of government involvement in their recruitment, training, arming and deployment in joint operations with the army and air force.⁵⁸

The government launched a sweeping attack on the rebels in mid-December 2003 -- a campaign that also marked intensification of the population clearing effort -- but left the militias alone because they were not attacking its forces, Ismail said. Developing this theme, he argued:

The government is not at war with the militias because they are not targeting government forces; the government doesn't interfere if the militias want to attack the rebels. The government targets the rebels, and we do not deny that the militias are targeting the same enemy....Disarming in Darfur should be aimed at all groups. When the West presses the

⁵³ "Sudan 'atrocities' report withheld", BBC, 22 April 2004, at <http://news.bbc.co.uk/2/hi/africa/3648451.stm>.

⁵⁴ *Africa Confidential*, Vol. 45, N°9, 30 April 2004.

⁵⁵ Report of the High Commissioner for Human Rights: Situation of human rights in the Darfur Region of the Sudan, at <http://www.unhcr.ch/pdf/chr60/chr2005-3.doc>. Briefing by James Morris, op. cit.

⁵⁶ "Big powers wary over Sudan crisis", BBC, 8 May 2004, at <http://news.bbc.co.uk/1/hi/world/africa/3695539.stm>.

⁵⁷ ICG correspondence, 11 May 2004.

⁵⁸ Foreign Minister Mustafa Ismail, interviewed in the London-based Arab daily *al Hayat*, 14 May 2004. Evidence of operational coordination between the army and the Janjaweed has been abundantly documented in the reporting of ICG, Human Rights Watch, the UN Human Rights Commission, Amnesty International, the BBC, and other independent advocacy and news organisations. ICG has quoted other government officials admitting the government's arming of the militia and its use for counter-insurgency. ICG Africa reports, op. cit. See also "Darfur Destroyed: ethnic cleansing by government and militia forces in Western Sudan", Human Rights Watch Report, Vol. 16, N°6(A), May 2004, at www.hrw.org.

government for disarming the militias, it doesn't understand that it is not feasible to do that and leave the rebels armed... This will not happen.⁵⁹

This statement appeared to contradict the Minister's own 19 April comment that the government was "serious about disarming the militias and taking to court everyone suspected of involvement in militia activities".⁶⁰

Based on these and other recent official statements, it is evident that Khartoum is unwilling to disarm the Janjaweed, rather than being unable to do so as widely claimed in recent media reports. Instead, as noted, there are increasing indications that it is taking some Janjaweed units into its official security forces.

V. CONCLUSION

Even if it is too late to stop the ethnic cleansing campaign, the international community still can reverse it and prevent a major famine from killing hundreds of thousands. Protecting civilian populations and getting them much-needed humanitarian assistance must be the first priority. The UN, AU, U.S. and EU need to do much more to get the Ceasefire Commission operating, put monitors into Darfur and open up access to IDPs and other populations in need through road, rail and possibly air options. Disarming the Janjaweed is an essential part of this process.

Rather than passively hoping for improved humanitarian access, there is a fundamental responsibility to intervene to protect the vulnerable population of more than one million IDPs.⁶¹ The U.S. could make a start by initiating much more assertive planning in cooperation with UN Secretary General Annan and his team on alternative access modalities, such as cross border operations from Libya, Chad, and other neighbouring states, or even SPLA-controlled territory in southern Sudan. It is time to begin exploring options for Chapter VII armed protection of emergency aid distribution. Given the continuing aerial attacks on civilian populations and the difficulties in securing ground aid lifelines, Chapter VII authority to establish a no-fly zone in Darfur, preparations to conduct a major airlift and efforts to secure safe havens for existing large concentrations of the internally displaced may quickly be needed.

It would be a considerable miscalculation, however, if the international community limited its involvement in Darfur to humanitarian aid. A political resolution is also needed. There must not be a repeat of much of the last fifteen years in southern Sudan, when 2 million people perished as the aid faucet was turned off and on at the whim of the government in Khartoum. Venue, structure and substance of a credible internationally supported peace process need to be studied urgently so that once the ceasefire is being truly implemented, critical steps can be taken to give political negotiations a chance.

Chad should be dropped as a mediator. The AU could be more neutral and capable even though it is naturally oriented toward existing African governments. The

⁵⁹ Ismail interview, *al-Hayat*, op, cit.

⁶⁰ "Khartoum pledges to disarm Darfur militias, jibes at Eritrean mediation", Agence France-Presse, 19 April 2004.

⁶¹ See Gareth Evans, "The World Should be Ready to Intervene in Sudan", *International Herald Tribune*, 14 May 2004.

political negotiations must go ahead regardless of what happens in Naivasha -- whether an agreement is at last signed or there is a further string of delays and disappointment. If there is an agreement there, however, Vice President Ali Osman Taha and SPLA Chairman John Garang should immediately convene the SLA and JEM -- with international observers -- and rapidly fold a political deal into it.

So far, constructive engagement and quiet diplomacy have emboldened the Sudan government to continue sowing mayhem in Darfur and delaying in Naivasha. The lesson should not be that engagement is wrong but rather that it needs to be backed by credible, concerted pressure. The major issues have essentially been agreed in Naivasha. Three protocols are ready for signature: on power sharing; on the Nuba Mountains and Southern Blue Nile; and on Abiye. What is needed is the political decision to pick up the pens.

If that happens, the government and the SPLA will have a comprehensive deal to be sure, but one that only provides the framework for full peace. After what should be a pause of a few weeks, they will need to return to negotiate important details, including a full ceasefire and an implementation agreement. This will provide yet another opportunity for delay and obfuscation, which must not be allowed to become a further cover for Khartoum's actions in Darfur. A major push is needed to finish this process and start actual implementation.⁶²

The international observer countries should make every effort to provide that push at a high level, including by setting a date for signature of the three protocols and seeking a supporting Security Council statement or resolution. If this fails, they should be prepared, counter-intuitively, to downgrade their involvement in Naivasha for a time and turn their full attention to preventing famine and further atrocities in Darfur. This would demonstrate to the government at the least that one of its major tactical reasons for stringing out the Naivasha talks has lost its utility.

When the international community has been united on Sudan and used pressures and incentives in a coordinated way, it has made progress. The

⁶² The six-month "pre-interim" period during which final details are to be worked out will not begin until these additional agreements are completed. Only after that six-month period ends will the actual six-year life of the agreement itself begin.

international observers need to work much more intently through the UN Security Council to convince others to take seriously not only the humanitarian tragedy that Darfur is but also the threat to international peace and security that is represented by the spillover effect in Chad. The Khartoum government should be given no reason to believe that it can deflect either Europeans or Americans by holding out lures of future oil and other commercial deals nor that it can satisfy the UN and the donor community with incremental aid access. A good way for the Security Council to show resolve short of moving quickly to Chapter VII would be to appoint a high level panel to investigate the commission of war crimes in Darfur, as a possible first step to establishing legal accountability before a court.⁶³

Sources within the Security Council and the UN Secretariat suggest that a particularly heavy responsibility rests with the U.S. They tell ICG they believe that if Washington is willing to engage seriously on behalf of Chapter VII authority, the dynamic of debate could change.⁶⁴ But real leadership is required. The U.S. is still fixated on getting humanitarian workers into Darfur, a worthy but insufficient objective.

Khartoum believes that it can continue to act with virtual impunity in Darfur because upcoming elections and Iraq will not permit the U.S. and others to apply meaningful new pressure. To reverse this impression, existing sanctions and pressures should be enhanced by more assertive UN Security Council action as outlined above but also by targeted sanctions (travel bans and asset freezes), ideally through the Security Council but at least by the U.S. and EU, against specific members of the regime most directly responsible for human rights violations in Darfur.⁶⁵

Nairobi/Brussels, 23 May 2004

⁶³ The International Criminal Court would be the logical body to initiate such an investigation but though Sudan and Chad have both signed its treaty, neither has ratified. In his report to the Security Council, the Acting UN High Commissioner for Human Rights, Bertrand Ramcharan, said that "Darfur is the scene of disturbing patterns of massive human rights violations, many of which may constitute war crimes and/or crimes against humanity". UN press release, 7 May 2004. The report is available at www.ohchr.org.

⁶⁴ ICG interviews, May 2004.

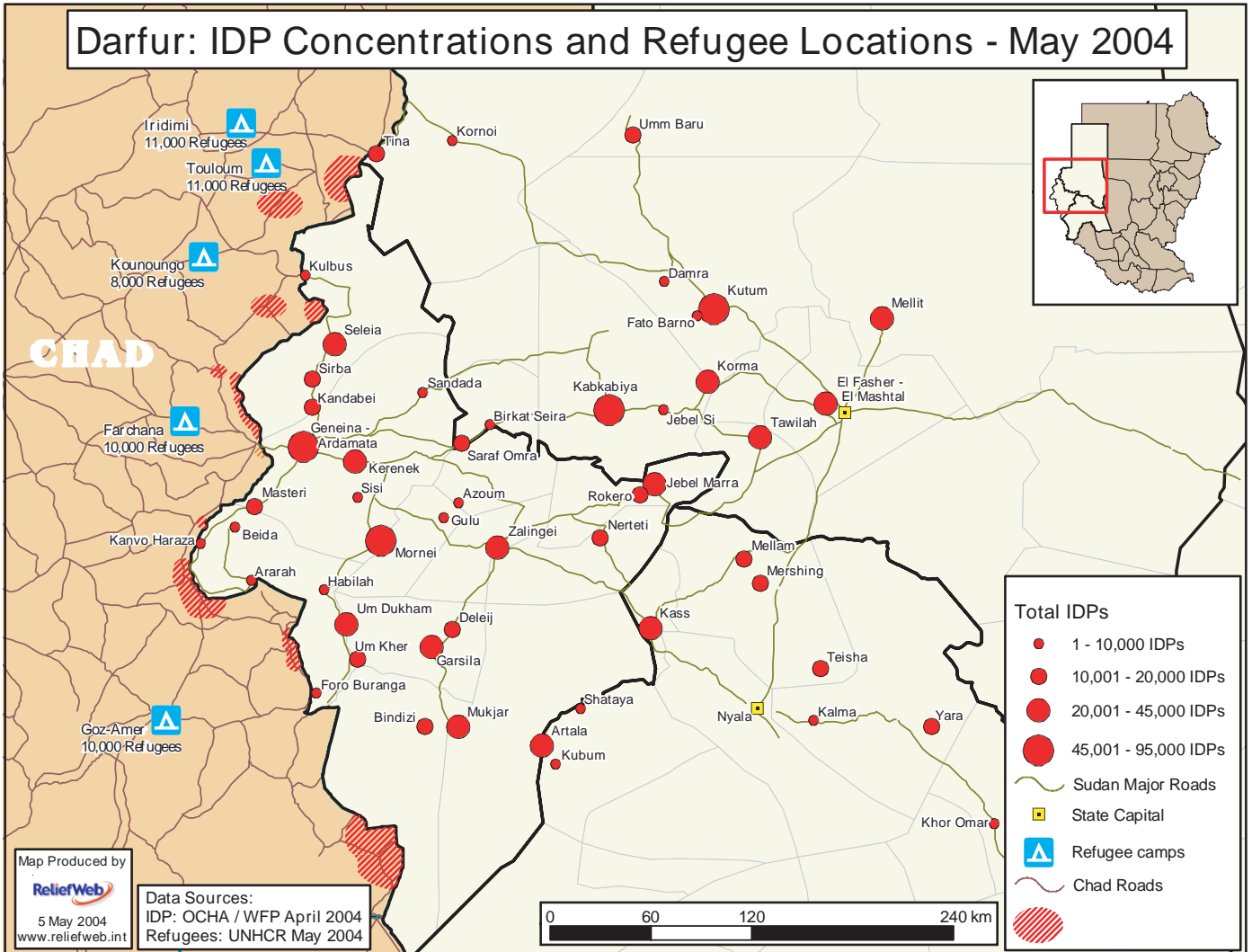
⁶⁵ A non-binding resolution calling for targeted sanctions is moving through the U.S. Congress, H. Con. Res. 403.

APPENDIX A
 MAP OF SUDAN



APPENDIX B

MAP OF DARFUR REGION



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 100 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers. ICG also publishes *CrisisWatch*, a 12-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board -- which includes prominent figures from the fields of politics, diplomacy, business and the media -- is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates seventeen field offices (in Amman, Belgrade, Bogotá, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Osh, Pretoria, Pristina, Quito, Sarajevo, Skopje and Tbilisi) with analysts working in over 40 crisis-affected countries and territories across four continents. In Africa, those countries include Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, Sierra

Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Kashmir, Kazakhstan, Kyrgyzstan, Indonesia, Myanmar/Burma, Nepal, Pakistan, Tajikistan, Turkmenistan, Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia and the Andean region.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: the Australian Agency for International Development, the Austrian Federal Ministry of Foreign Affairs, the Canadian Department of Foreign Affairs and International Trade, the Canadian International Development Agency, the Dutch Ministry of Foreign Affairs, the Finnish Ministry of Foreign Affairs, the French Ministry of Foreign Affairs, the German Foreign Office, the Irish Department of Foreign Affairs, the Japanese International Cooperation Agency, the Luxembourgian Ministry of Foreign Affairs, the New Zealand Agency for International Development, the Republic of China Ministry of Foreign Affairs (Taiwan), the Royal Danish Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, the Swedish Ministry for Foreign Affairs, the Swiss Federal Department of Foreign Affairs, the Turkish Ministry of Foreign Affairs, the United Kingdom Foreign and Commonwealth Office, the United Kingdom Department for International Development, the U.S. Agency for International Development.

Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Henry Luce Foundation Inc., John D. & Catherine T. MacArthur Foundation, John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, Sigrid Rausing Trust, Sasakawa Peace Foundation, Sarlo Foundation of the Jewish Community Endowment Fund, the United States Institute of Peace and the Fundação Oriente.

May 2004

APPENDIX D

ICG REPORTS AND BRIEFING PAPERS ON AFRICA SINCE 2001

ALGERIA*

The Civil Concord: A Peace Initiative Wasted, Africa Report N°31, 9 July 2001 (also available in French)

Algeria's Economy: A Vicious Circle of Oil and Violence, Africa Report N°36, 26 October 2001 (also available in French)

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