

**DARFUR DEADLINE:
A NEW INTERNATIONAL ACTION PLAN**

23 August 2004



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DARFUR DEADLINE: A NEW INTERNATIONAL ACTION PLAN

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The international response to the crisis in the western Sudanese region of Darfur remains limp and inadequate, its achievements so far desperately slight. The UN Security Council must, by its review deadline of 30 August 2004, endorse a new international action plan -- taking tougher measures against the Khartoum government, which has acted in bad faith throughout the crisis, and authorising the African Union (AU), with stronger international support, to follow up more decisively its efforts to improve the situation on the ground and mediate a political settlement.

History has shown that Khartoum will respond constructively to direct pressure, but this pressure must be concerted, consistent and genuine. Its sixteen-month ethnic cleansing campaign has elicited a slow-motion reaction which is having a negligible positive impact. Despite a series of high-level visitors to Khartoum and Darfur, including UN Secretary General Kofi Annan and U.S. Secretary of State Colin Powell, the Sudanese government has yet to fulfil its repeated commitments to neutralise the Janjaweed militias responsible for much of the violence. The international community has yet to make clear, as it must, that there will be a decisive cost to Sudan for that failure.

The situation in Darfur also constitutes a direct and growing threat to peace prospects in Sudan's 21-year-old civil war and to the chance for one of Africa's largest and potentially richest countries to hold together. Unless much more is done quickly, on both the humanitarian and peace fronts, not only will many tens of thousands more die, but instability will spread, impacting Sudan's neighbours.

On 30 July 2004 the UN Security Council finally passed its first resolution in response to the atrocities, including killings and systematic rape, being committed in Darfur, but that resolution was most notable for what it failed to do. It placed an essentially

meaningless arms embargo on the Janjaweed militias who have caused so much havoc and the rebels alike, but directed no measures at the Sudanese government for whom the Janjaweed have acted as a proxy and left officials in Khartoum confident they could continue indefinitely to deflect pressure to resolve the crisis. A "Plan of Action" signed by the UN with the government a few days later left ample room for it to avoid meaningful action within the 30-day deadline set by the Council resolution.

Months after Secretary Powell warned that significant international action could be only days away and Secretary General Annan raised the possibility of military intervention, Khartoum remains adept at saying and doing just enough to avoid a robust international response. Key officials, particularly within military intelligence, continue to undermine avenues toward peace, directing integration of the Janjaweed into official security bodies like the police, army and Popular Defence Forces (a paramilitary arm of the government), rather than disarming them.

The international community must do much more about the interconnected problems of humanitarian relief and security on the ground. As many as two million civilians in Darfur need emergency aid, but many are not receiving it because of bottlenecks created by the government and -- to a lesser extent -- the rebels. The number in need is underreported and will increase significantly in the coming months. The capacity to provide humanitarian assistance in terms of logistics, funding, personnel and transport equipment is simply not adequate to service those at risk. More pressure must also be placed on the government to comply with its repeated commitments to improve security by neutralising the Janjaweed.

The one bright spot is the AU's increasingly energetic response. The regional organisation's observers in Darfur have filed reports that demonstrate the

ceasefire is being violated regularly by both sides but particularly by the government. Its some 100 observers are being joined by a force of 300 Nigerian and Rwandan troops who will protect them, and it has intensified planning for a much larger force of some 3,000 troops that it wants to use for the wider purpose of protecting civilians. The European Union (EU), the U.S. and others who have indicated a willingness to support, logistically and financially, the deployment and maintenance of such a force must convincingly demand that Khartoum accept it and its mandate.

The Darfur situation poses an ever greater threat to the nearly finalised peace agreement to end the larger and older civil war between the government and the insurgent Sudan People's Liberation Army (SPLA). As long as Darfur festers, the chance remains for political forces in Khartoum opposed to the concessions that have been made in that negotiation to turn government policy back toward war. There is also less prospect that a final agreement with the SPLA, even if signed, could be implemented, or that there would be the necessary support in the West to provide both sides the help they need to make that agreement work.

It is vital, therefore, for the AU also to enhance its efforts to mediate the political problems at the root of the Darfur crisis. The international community must provide full support to the AU-sponsored Darfur talks, such as those scheduled to begin on 23 August in Abuja, while it helps keep the government/SPLA negotiation under the regional organisation IGAD (Inter-governmental Authority on Development) moving forward. The two sets of peace talks are very much interrelated. For example, the AU should utilise the terms of the deal that has been struck on the Nuba Mountains and Southern Blue Nile as a starting point for its work on the Darfur negotiations. The international community must support both processes robustly, and the mediation teams should find ways to coordinate closely. Had there been a comprehensive national peace process from the outset, the Darfur rebellion might well have been avoided: the need now is to maximise linkages and leverage.

RECOMMENDATIONS

To the UN Security Council:

1. Pass a resolution on 30 August 2004 that:
 - (a) concludes that the Government of Sudan has not satisfactorily fulfilled its obligations

within the time period established by Resolution 1556 of 30 July 2004;

- (b) imposes mandatory targeted sanctions against specific government officials most responsible for supporting the atrocities in Darfur and against the key businesses of the ruling National Congress Party (NCP), particularly those doing business abroad and those in the oil services sector;
- (c) imposes a mandatory, comprehensive and monitored arms embargo against the government;
- (d) authorises the African Union (AU) to form, lead and deploy to Darfur a mission consisting of at least 3,000 troops -- and preferably many more -- with a mandate to provide civilian protection and use force as necessary, demands that the Government of Sudan accept such a mission and cooperate with it, and indicates that if such cooperation is not forthcoming urgent consideration will be given to appropriate further action;
- (e) demands that the Government of Sudan accept deployment of a substantially enlarged contingent of UN Human Rights Monitors from the Office of the High Commissioner for Human Rights (OHCHR) and cooperate with it; and
- (f) authorises an International Commission of Inquiry into war crimes and crimes against humanity, including systematic rape and other gender-based violence, committed during the Darfur conflict.

To the African Union (AU):

2. Continue and expand urgent efforts to resolve the Darfur crisis, in particular by:
 - (a) completing the deployment to Darfur of personnel to monitor the 8 April 2004 ceasefire agreement and the deployment of the Rwandan and Nigerian-led force to protect those monitors;
 - (b) raising and deploying, under UN Security Council authorisation, an AU-led mission consisting of at least 3,000 troops -- and preferably many more -- to provide civilian protection in Darfur, using force if necessary;

- (c) being prepared to request further assistance from the UN, such as the imposition of a no-fly zone, and from member states as may be needed should cooperation not be forthcoming from the Government of Sudan or the environment in Darfur otherwise proves to be hostile; and
- (d) pursuing mediation of serious political negotiations between the Government of Sudan and the SLA and JEM movements on an agreement that addresses the root causes of the conflict.

To the U.S., EU and Others Willing to Support the AU Initiatives:

- 3. Increase assistance immediately to the AU-led Ceasefire Commission charged with monitoring and facilitating implementation of the 8 April 2004 ceasefire agreement and apply pressure to all sides to implement fully their commitments under that agreement.
- 4. Work with the AU to provide strong support, including funding, equipment, and transportation logistics (e.g., helicopters and other airlift capacity), for the rapid deployment to Darfur and effective operation there of an AU-led mission consisting of at least 3,000 troops mandated to protect civilians, using force if necessary.
- 5. Develop contingency plans to provide appropriate military reinforcement to the AU-led mission if it encounters serious resistance.
- 6. Make clear to the Government of Sudan that it cannot expect to receive the kind of peace benefit that would otherwise be its due in the event of reaching a peace agreement with the SPLA unless it meets its international commitments on Darfur and otherwise cooperates in resolving that crisis promptly.

To the UN and International Donors:

- 7. Support an urgent surge in humanitarian capacity for Darfur by fully funding the UN humanitarian appeal and providing logistical support, including military transport where necessary, to enable much greater levels of assistance to be provided rapidly to a larger number of locations in Chad and Darfur.
- 8. Negotiate with the Government of Sudan and the SLA and JEM movements to begin immediately cross-line humanitarian aid deliveries to civilian

populations in rebel-held areas, while making contingency plans to distribute such aid in the event that access is denied.

To the Government of Sudan:

- 9. Immediately implement steps to neutralise the Janjaweed militia and stabilise the situation in Darfur, in accordance with the ceasefire agreement signed on 8 April 2004, the communiqué signed with the UN on 3 July 2004, UN Security Council Resolution 1556 of 30 July 2004, and the "Plan of Action" signed with the UN on 5 August 2004. Specifically, the government should:
 - (a) identify all militia groups it has armed and supported during the course of the rebellion;
 - (b) cut off all material and political support to the Janjaweed;
 - (c) begin to demobilise the Janjaweed;
 - (d) expel all foreign elements within the Janjaweed;
 - (e) dismiss senior military intelligence officials responsible for the policy of arming the Janjaweed and turning them loose against civilians; and
 - (f) initiate legal action against individual Janjaweed responsible for war crimes.
- 10. Allow unobstructed humanitarian access immediately to all areas of Darfur and cease using claims of security considerations as justification for obstructing the delivery of humanitarian aid.
- 11. Accept the deployment in Darfur of an African Union (AU) mission consisting of at least 3,000 troops, with a mandate to provide civilian protection, and cooperate with that mission.
- 12. Allow full access immediately to Human Rights Monitors from the Office of the High Commissioner for Human Rights (OHCHR).

To the Sudan Liberation Army/Movement (SLA), and the Justice and Equality Movement (JEM):

- 13. Immediately implement all provisions of the 8 April 2004 ceasefire agreement and in particular cease attacks on aid convoys to government-controlled areas, while facilitating humanitarian relief to areas under rebel control by establishing

teams to assist populations to receive and make use of aid.

14. Clarify political agendas in advance of the formal initiation of peace talks.

To the International Supporters of the IGAD Process, especially the Observer Countries (U.S., UK, Norway and Italy), the UN, AU and Arab League:

15. Intensify collective pressures on the Government of Sudan and the SPLA to resolve the outstanding issues rapidly and sign a comprehensive peace agreement before the end of 2004.
16. Encourage the Government of Sudan and the SPLA respectively, once the negotiations on security arrangements for that comprehensive

peace agreement have been concluded and even before final signature, to involve First Vice President Ali Osman Taha and Chairman John Garang directly in the AU-facilitated negotiations on Darfur.

To the IGAD and AU Mediators:

17. Establish close cooperation and take steps to coordinate ideas on the overlap between the two peace processes, without making progress on one dependent on the other.
18. Use the IGAD provisional agreements on the Nuba Mountains and Southern Blue Nile as a starting point for work on the Darfur negotiations.

Nairobi/Brussels, 23 August 2004



DARFUR DEADLINE: A NEW INTERNATIONAL ACTION PLAN

I. INTRODUCTION

The language used by international officials about the Darfur crisis has been tough and blunt. On 7 April 2004, UN Secretary General Kofi Annan insisted, "It is vital that international humanitarian workers and human rights experts be given full access to the region, and to the victims, without further delay....If that is denied, the international community must be prepared to take swift and appropriate action. By action in such situations, I mean a continuum of steps which may include military action."¹ Similarly, U.S. Secretary of State Colin Powell said of Sudan's government during a visit to Darfur in June, "Time is of the essence, and action is of the essence. They've got to act now because we are running out of time".² Britain's ranking military commander, General Michael Jackson, said, "If need be, we will be able to go to Sudan. I suspect we could put a brigade together very quickly indeed".³

But despite the rhetoric, the Arab Janjaweed militias, whom the government mobilised as a proxy force, continue to operate with its direct support -- and more often against civilians than the insurgents of the Sudan Liberation Army/Movement (SLA) and Justice and Equality Movement (JEM).⁴ The international

community's failure to back its words with meaningful action comes at a very high humanitarian and political cost.

A. THE CURRENT SITUATION

The present situation is starkly described by Jan Pronk, the UN Secretary General's Special Representative: "There is no improvement in terms of safety, there is more fighting, the humanitarian situation is as bad as it was".⁵

More than 2.2 million people have been affected by the Darfur conflict. The internally displaced (IDPs) and refugees are scattered across Darfur and eastern Chad. Over half Darfur's villages have been destroyed, and with the rainy season in full force, the 1.2 million displaced within the region have missed the window for planting crops. The Janjaweed have deliberately destroyed the food production capacities of their non-Arab neighbours, producing a food emergency that will not quickly go away.

If access to Darfur for the humanitarian community remains inadequate and insecurity continues apace, the World Health Organisation (WHO) projects 110,000 deaths by December 2004.⁶ Other authorities fear that number could be as high as 300,000 to 350,000.⁷

¹ "Annan calls for action on Sudan", BBC, 7 April 2004, available at <http://news.bbc.co.uk/2/hi/africa/3607739.stm>. See also the statement by U.S. President George W. Bush: "The Sudanese Government must immediately stop local militias from committing atrocities against the local population and must provide unrestricted access to humanitarian aid agencies. I condemn these atrocities, which are displacing hundreds of thousands of civilians, and I have expressed my views directly to President Bashir of Sudan". White House Press Release, available at www.whitehouse.gov/news/releases/2004/04/20040407-2.html.

² "Powell tells Sudan to end its support for Darfur militias", *The Washington Post*, 30 June 2004.

³ "Britain able to send 5,000 troops to Sudan", Reuters, 24 July 2004.

⁴ For background on the Darfur crisis and related matters, see ICG reporting on Sudan, in particular, ICG Africa Report

N°80, *Sudan: Now or Never in Darfur*, 23 May 2004; ICG Africa Report N°76, *Darfur Rising: Sudan's New Crisis*, 25 March 2004; ICG Africa Report N°73, *Sudan: Towards an Incomplete Peace*, 11 December 2003; ICG Africa Report N°65, *Sudan's Endgame*, 7 July 2003; and ICG Africa Briefing, *Sudan's Other Wars*, 25 June 2003.

⁵ Somini Sengupta, "Crisis in Sudan: Thorny issues underlying carnage in Darfur complicate world's response", *The New York Times*, 16 August 2004.

⁶ In the best case scenario -- immediate and comprehensive humanitarian access and sufficient supplies -- the WHO projects 40,000 deaths by December 2004. As reported by a donor government agency to ICG on 1 August 2004.

⁷ Briefing by Roger Winter, USAID Assistant Administrator, on the humanitarian situation in Sudan, Foreign Press Centre,

There has been some improvement in humanitarian access in Sudanese government-held areas, largely in response to external pressure, but the government continues to turn the tap of relief supplies on and off at will by capriciously citing "security concerns" for which it bears the responsibility. Beyond the access problem, NGO sources say that the humanitarian aid infrastructure in Darfur and eastern Chad is only 30 to 40 per cent of what is required to meet the crisis, and the UN appeal is badly under-funded. They report that perhaps only 30 per cent of those in need have clean water, and hundreds of thousands are at direct risk of water-borne and other diseases.⁸ NGOs are largely understaffed and hampered by pressing fuel and other logistical shortages.⁹ The UN has had difficulties in negotiating and implementing a cross-line deal between the government and rebels to facilitate aid deliveries in Darfur, while refugees continue to come to the camps in Chad at a faster rate than water can be found for them. More extensive airdrops may need to be considered as the roads to some camps become inaccessible due to the rains.¹⁰

Recent arrivals in the northern Chad camps were displaced for months inside Darfur before they were finally able to make their way across the border. Recent arrivals in southern Chad are coming in response to further attacks by the Sudanese government and Janjaweed in Jebel Marra and south of Nyala. The refugee population -- presently some 200,000 -- could grow considerably, either if attacks within Darfur continue or more of the displaced there feel that security has at least temporarily improved sufficiently for them to risk a run for the border.

In government-held parts of Darfur, lack of security remains the greatest obstacle to stabilising the situation in the immediate term. Many of the displaced are restricted from relocating and are effectively trapped, often in poorly run government camps, without their normal means of survival in difficult times, including utilisation of kinship ties with neighbours and relatives. They have not been able to employ traditional coping strategies such as

foraging for wild foods, trading and slaughtering livestock, selling their labour and migrating. Better security would create opportunities, in these ways, for them to supplement what emergency aid they are receiving, greatly increasing their chances for survival. Without it, they are heavily dependent on external aid, which has been sporadic because of continued government obstruction.

Despite the existence of a ceasefire agreement and an African Union (AU) monitoring team, there are continuous reports of Janjaweed attacks on civilians, including widespread abductions, sexual slavery, torture, and rape of women. The government has failed to take meaningful steps against the militias. Arrests of alleged Janjaweed have largely consisted of roundups of common criminals, according to eyewitnesses.¹¹ Recent visitors confirm that many militias are roaming the region, either unopposed or in conjunction with government security forces.¹²

The government's efforts to weaken the rebels by eliminating the civilian populations with which they mingled -- "draining the swamp" -- has made it much harder for the insurgents to move. However, the ferocity of the government-backed ethnic cleansing has created a hardened non-Arab opposition to the government that is eager for revenge. This has increased rebel recruitment and stiffened rebel positions on potential negotiations.¹³ In interviews with refugees, IDPs and rebel soldiers, ICG has encountered strong belief that the government has promoted Arab interests in Darfur to the point where most non-Arabs believe they are no longer wanted in Sudan. "The Arabs had a meeting to wipe us out", a prominent Darfur businessman claimed, adding "they want Arab colonisation".¹⁴ Echoing similar fears, SLA soldiers insisted that their rebellion was now driven by self-defence considerations.¹⁵

Washington DC, 29 July 2004, available at <http://www.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c1256f6004c8ad5/0517f0a312375a2885256ee1006b1ede?OpenDocument>.

⁸ ICG interviews with NGO staff, July and August 2004.

⁹ The SLA continues to ambush fuel convoys, claiming that much of the fuel is being directed to the government, which it uses to mount helicopter attacks against rebel positions and villages deemed sympathetic to the SLA.

¹⁰ Site visits by ICG to Sudanese refugee camps in Chad, July 2004.

¹¹ ICG interview, July and August 2004. See also Samantha Power, "Dying in Darfur: Can the ethnic cleansing in Sudan be stopped?", *The New Yorker*, 30 August 2004.

¹² See, for example, the statement by Dr. Francis Deng after his recent trip to Darfur, "UN expert says comprehensive settlement needs to address root causes of displacement in Darfur and all Sudan", 2 August 2004, available at <http://www.unog.ch/news2/documents/newsen/hr04074e.htm>.

¹³ ICG interviews, rebel-controlled territory, Darfur, July 2004. "Future generations won't forget what has happened", one rebel soldier said.

¹⁴ ICG interviews, rebel-controlled territory, Darfur, July 2004.

¹⁵ Ibid.

Repeating the pattern seen across most of Sudan, government willingness to exploit not only ethnic but also other communal divisions for short-term tactical gain has resulted in bitter, long term fissures that threaten to tear the country apart. The conflict -- all of whose victims in Darfur are Muslim -- is not strictly Arab versus African. Many Arabs in Darfur are opposed to the Janjaweed, and some are fighting for the rebels, such as certain Arab commanders and their men from the Misseriya and Rizeigat tribes. Many non-Arabs are supporting the government and serving in its army. However, the government has deliberately fed dangerous ethnic tensions in Darfur both to justify its continued reluctance to share power and as a means of fighting the rebellion. For example, the government offered the Janjaweed a bounty for attacking the communities of the Zaghawa, whose relative wealth (in livestock and trade) have made them a particularly inviting target.¹⁶

B. ACTIVITY, BUT LITTLE PROGRESS

International action has had little impact on the government's scorched earth policy. On 3 July 2004, the UN and the government signed a joint communiqué in which Khartoum pledged to impose a "moratorium on restrictions" for all humanitarian work in Darfur; improve human rights protection and monitoring there and end impunity; protect IDPs better, including immediate steps to begin disarming the Janjaweed; and pursue a political settlement.¹⁷ However, this merely restated what the government had agreed to in the 8 April ceasefire with the insurgents. A high-level Joint Implementation Mechanism, agreed by the foreign minister and UN Secretary General's Special Representative Jan Pronk, was created to monitor the understandings in the communiqué.

That communiqué also committed the UN and the government to work as partners in assisting and protecting victims of the conflict consistent with a 90-Day UN Humanitarian Action Plan for Darfur (28 June 2004), which called for the Office of the UN High Commissioner for Human Rights (OHCHR) to deploy eight human rights officers by 31 July to support

and coordinate ongoing protection efforts by UN humanitarian agencies working in the region. After encountering visa delays, an advance OHCHR team was able to travel to Khartoum and Darfur in late July to prepare for deployment of the monitors.¹⁸ The government designated the minister of justice as the focal point for its interaction with the team. However, half the period identified by the UN as critical for rescue and protection has elapsed without these few monitors having reached their field stations. Six of the eight monitors finally made it to Khartoum by mid-August and were preparing to deploy to the region at the time of writing.

Also relevant to the human rights situation is the judicial fact-finding committee the Sudanese president established by decree in early May, with a mandate to collect information regarding human rights violations by armed groups.¹⁹ Chaired by former Chief Justice Daffallah al-Haj Yousif, it finally prepared to deploy to Darfur in early August, after three months of preparatory work in Khartoum. According to its chairman, it used the intervening period to gather reports from local and international sources and take sworn depositions from community and parliamentary leaders representing areas most affected by the conflict and from victims and their advocates. It also met with visiting human rights officials, including the OHCHR advance team, and the UN special rapporteur on extrajudicial, summary or arbitrary executions.²⁰ While editorials and articles in the Sudanese press have expressed frustration at its slow pace, it is too early to judge its performance.²¹

1. The UN Resolution

On 30 July 2004, after weeks of behind-the-scenes negotiations, the UN Security Council passed a

¹⁶ ICG interviews, Western Darfur, July 2004. "The power of the Zaghawa was our animals", said a Zaghawa leader. "The government wants to make us as poor as the Fur".

¹⁷ "Joint Communiqué between the Government of Sudan and the United Nations on the occasion of the visit of the Secretary General to Sudan", 29 June-3 July 2004, available at <http://www.reliefweb.int/w/rwb.nsf/vID/746B9FE7CD9B97D485256EC8001140EE?OpenDocument>.

¹⁸ The OHCHR monitoring will take place in a context of ongoing human rights violations during a complex humanitarian emergency. Team members will need to show diligence in following up complaints and reports of abuse. They can anticipate encountering attempts by officials or others to intimidate witnesses and will have to develop protection arrangements for those willing to testify. The team should ensure that local and national justice authorities are aware of its findings and record their responses to complaints. It should also interact with the government-appointed independent commission of inquiry.

¹⁹ "Sudanese president sets up fact-finding committee for Darfur", Sudanese News Agency, 9 May 2004.

²⁰ "Head of fact-finding commission on Darfur violations explains previously undisclosed information", *Akhbar al-Youm* (in Arabic), 5 August 2004.

²¹ See for an example of a critical response to the committee the interview with its chairman cited above.

resolution on Darfur that was too weak to influence Khartoum's calculations.²² Because several members of the Council expressed concerns about interference with Sudanese sovereignty, and the U.S., which introduced it, wanted a unanimous vote, the resolution represented the lowest common denominator.

Calling on the government to fulfil its side of the 3 July agreement with the UN, the resolution imposed an arms ban on all non-state actors in Darfur. This equated the JEM and SLA insurgents with the Janjaweed, while ignoring the direct links between Khartoum and those militias. The resolution pledged support for the AU ceasefire team and political process, and urged the parties to resume political negotiations. The key point was Article 6, which specifically demanded that within 30 days the government satisfy its commitments to disarm the Janjaweed and hold accountable those Janjaweed responsible for human rights abuses and violations of international law.²³ Although it was passed under Chapter VII of the UN Charter, which enables a full range of enforcement measures, including military action, it threatened in the event of non-compliance only unspecified "measures", a signal which the government correctly interpreted as a general lack of will by the international community to take serious action.²⁴

Immediately following passage, Information Minister Al-Zahawi Ibrahim Malik issued a statement rejecting the "Security Council's misguided resolution".²⁵ The following day, Foreign Minister Mustafa Osman Ismail changed course, grudgingly accepting it as in conformity with commitments the government had already made to the UN.²⁶ On 1 August, a press statement by Ismail, following a meeting of Khartoum's Council of Ministers, again expressed regret over the resolution and argued that the government should have 90 days to implement its commitments, as per the 3 July communiqué, rather than 30 days.²⁷ On 2 August,

an army spokesman called the resolution a "declaration of war" and threatened to fight any foreign military intervention.²⁸ The inconsistent statements suggest that fissures are developing within the ruling party over Darfur policy.

2. The Plan of Action

Less than a week after the Security Council resolution, on 5 August 2004, the Secretary General's special representative for Darfur signed a "Plan of Action" with the Government of Sudan. The Plan acknowledged that Khartoum would be unlikely to meet its commitments within 30 days, thus undermining any incentive the government had to implement the Security Council's demands and providing Council members with a rationale for not taking action when their deadline expires. The Plan provided that the government could prove its good faith by taking steps against the Janjaweed, setting up safe zones for the displaced and ordering its armed forces to respect the ceasefire. Essentially, the government did no more than repeat its earlier general commitments, while being put under no particular pressure to take immediately effective specific action. The Plan does not provide a solid set of benchmarks against which the Security Council can readily measure performance and take stronger remedial measures if dissatisfied; as such, it looks more like an escape route than a discipline upon the government and those in the Council reluctant to put more pressure upon it.

There are positive specific elements in the Plan of Action, namely the request to the AU Ceasefire Commission to monitor and report on the government's commitments: this expands the Commission's mandate and would seem to increase the likelihood of government compliance. But others are causes for concern, in particular the government's obligation to "identify and secure safe areas" for the internally displaced in Darfur. Khartoum has proven unwilling to provide security for the majority of displaced in the camps it controls. The new language could be used to justify forced relocation of IDPs as part of an effort to get them into "safe areas". Much greater clarity is needed on the timeline and specific delineation of these "safe areas", and the UN, AU and international partners must ensure that the process is fully transparent.

²² UN Security Council Resolution 1556, 30 July 2004.

²³ In addition to the 3 July 2004 communiqué with the UN, Khartoum made such a commitment in the 8 April 2004 ceasefire.

²⁴ The word "sanctions" was removed in order to ensure the unanimous vote. "Measures" as laid out in Article 41 of the UN Charter explicitly do not include the use of armed force, but allow for economic and political sanctions, including the possibility of targeted sanctions against government officials.

²⁵ "Sudan rejects U.N. sanction threat", Reuters, 30 July 2004.

²⁶ Ibrahim Ali Suleiman, "Sudan steps back from rejection of U.N. resolution, FM says rejection is unwarranted", Associated Press, 31 July 2004.

²⁷ "Sudan cabinet expresses regret over Security Council

Resolution", Sudanese News Agency, 1 August 2004.

²⁸ "Sudan army call U.N. Resolution 'declaration of war'", Deutsche Presse Agentur, 2 August 2004.

Also of specific concern is the government's commitment to "identify and declare those militias over whom it has influence" and to instruct them to halt activities and disarm.²⁹ The UN, AU and others need to exercise vigilance to ensure that *all* militia elements that have received government support in the past year and half and have taken part in military operations with the government are so identified and declared.

C. A RECORD OF NON-COMPLIANCE

The scorecard of Sudan's actions to date with respect to its commitments indicates how badly the international community has failed to come to grips with the Darfur crisis:

- While bureaucratic restrictions on aid agencies have been reduced, in some cases substantially, the government now regularly invokes security concerns to obstruct the aid effort -- just as it has long done in southern Sudan.
- The government announced expansion of its security (police) forces in Darfur from 6,000 to 12,000 over the next four months, allegedly to help with the process of disarming the Janjaweed.³⁰ Far from disarming and bringing them to justice, however, it is incorporating large segments of the militia directly into its security structures, leaving them free to operate as servants of the state by day and Janjaweed by night, to the double peril of civilians.
- Individuals the government has arrested are by most accounts simply petty criminals who have been rounded up and falsely paraded as captured Janjaweed.
- Physical security for IDPs and villagers, particularly women and girls, remains precarious because of continued fighting and Janjaweed attacks, the scale of which is declining simply because there are few villages left to burn, and the active phase of ethnic cleansing is nearly complete.
- As UN Special Representative Pronk noted in early August, "There are still many militia around.... That is leading to a great deal of insecurity", adding, "Also the rebel activities are adding to the insecurity".³¹

- In some parts of Darfur, the government has begun dispersing settlements and camps in order to encourage the IDPs to return to their burned, cropless villages, which would put many out of reach of aid delivery.

The Sudanese government has proved that it is more than willing to endure criticism as long as it is not required to change its behaviour. The Security Council resolution risks being part of a long cycle of threats that have rarely been followed up meaningfully. No evidence is yet forthcoming that the key international actors are willing to act this time. The comments of senior Sudanese officials make clear that they do not believe they are in danger of triggering a more credible response.

The mid-July meeting in Addis Ababa hosted by the African Union (AU) did plant the seeds of a political process for Darfur. An AU-led mediation team has been formed, but many questions still remain about the scope and mandate of the AU process and its relation to the existing Intergovernmental Authority on Development (IGAD) talks that are attempting to broker peace between the SPLA³² and the government in the country's older and larger civil war. These questions must be answered quickly. The substantial progress that has been made in the IGAD negotiations is increasingly threatened by what has been happening in Darfur.

The international community must continue to support the IGAD negotiations, while also lending support to the fledgling AU talks on Darfur. The two processes cannot move forward in isolation from one another. Leaving either one behind would undermine the other and make a continuation and broadening of the conflict all the more likely.³³ Yet, political progress for Darfur is only possible if the government begins to implement its commitments under the 8 April ceasefire agreement and subsequent agreements with the UN. If it does not, the full weight of the international community needs to be brought to bear.

²⁹ Point 4, "Darfur Plan of Action", signed by the UN and the Government of Sudan on 7 August 2004.

³⁰ "Darfur security force to double", BBC, 3 August 2004.

³¹ Ibid.

³² Sudan People's Liberation Army/Movement.

³³ A further complication is the Sudanese government's continuing support for the Ugandan insurgency of the Lord's Resistance Army (LRA). The LRA-induced crisis in parts of northern Uganda has serious ramifications for southern Sudan. Like Darfur and the IGAD negotiations, it requires high-level, sustained international support. See ICG Africa Report N°77, *Northern Uganda: Understanding and Solving the Conflict*, 14 April 2004.

II. THE AFRICAN UNION STRUGGLES WITH A FLAWED CEASEFIRE

Darfur's ceasefire, which was signed in Chad's capital, N'Djamena, on 8 April 2004, has been a failure to date. The agreement itself was badly flawed -- neither comprehensive nor professionally negotiated. For example, there was no requirement for the combatants to submit orders of battle or their current positions, and monitoring was stretched far too thinly. Fighting still occurs between the government and the two insurgent groups, while the Janjaweed continue to target civilians. Government forces and the Janjaweed have burned dozens of villages since the ceasefire was signed, and the ethnic cleansing campaign is ongoing despite repeated high-level visits to the region. Throughout July the government frustrated AU attempts to deploy its monitors in conflict areas in Southern Darfur by refusing to provide fuel.³⁴ Combat, including the Janjaweed attacks, has continued in August.³⁵ The latest evidence was a UN report of helicopter attacks, in conjunction with the Janjaweed in Southern Darfur on 10 August, just three days after signature of the Plan of Action.³⁶

Both sides have violated the ceasefire. The rebels are increasingly targeting humanitarian and fuel convoys. AU diplomats in private, however, candidly acknowledge that the government must take the first step towards implementing the ceasefire if there is to be progress.³⁷ The reports of the investigations by the AU-led Ceasefire Commission demonstrate that violations by the government and insurgents are not on an equal scale. In addition to attacks on fuel convoys, the insurgents have diverted some humanitarian deliveries and initially refused access to their areas for Ministry of Health workers conducting child immunisation campaigns.³⁸ The rebels also kidnapped (but later released) a tribal leader whom they suspected of collaborating with

the government.³⁹ The Commission has reported numerous cases where the government or Janjaweed were responsible for killings, lootings and rapes.⁴⁰

The political commitment shown by the AU leadership is commendable, despite a sometimes uneven performance, and should receive more meaningful international support. The regional organisation's new Peace and Security Council has made Darfur a test case of its ability to play a central role in preventing and resolving conflict across the continent.

After a clumsy beginning that cost nearly two months, all parties to the ceasefire finally agreed on 28 May 2004 to the mandates of the Ceasefire Commission and the Joint Commission to which the first body is subordinate. At full strength the Ceasefire Commission is to include some 130 military observers at six locations (five in Darfur, one in Chad), with 80 observers coming from AU countries, the remainder from Chad, which is a member of the AU as well as the Ceasefire Commission, the parties, the U.S., and EU.⁴¹ As of mid-August, there were almost 60 observers on the ground, and the Ceasefire Commission was operational in all six locations: El-Fashir, Nyala, Kabkabiya, El-Geneina, Tine and Abeche, Chad.⁴²

The AU Summit in early July decided to deploy a force of 308 soldiers to Darfur. After initial

³⁴ "Fierce fighting this week in Southern Darfur", Agence France-Presse, 4 August 2004.

³⁵ UN Weekly Humanitarian Roundup, 1 August - 8 August 2004, available at www.unsudanig.org.

³⁶ "UN: Sudan launches fresh helicopter attacks in Darfur", Reuters, 10 August 2004. See also, Gethin Chamberlain, "Sudanese forces 'directly involved in slaughter of civilians'", *Scotsman*, 4 August 2004.

³⁷ ICG interviews in Addis Ababa, July 2004.

³⁸ They subsequently reached an agreement with the UN to allow for vaccination of up to 500,000 children in rebel-held areas, "Darfur Rebels allow vaccinations", United Press International, 9 August 2004.

³⁹ The Ceasefire Commission reports are available at <http://www.africa-union.org/DARFUR/homedar.htm>.

⁴⁰ Reports of systematic gender-based violence have been particularly frequent and horrifying. Women in Darfur's towns, villages and camps have experienced grave human rights abuses, including abductions, sexual slavery, torture, and forced displacement at the hands of the Janjaweed. In some cases the Janjaweed have raped women and girls, some as young as eight, in front of their families and communities. These women and girls are being attacked not only to dehumanise them, but also to humiliate and control the Darfur communities. Beth Glick, "Help stop the violence against women in Darfur", *WomensNews*, 18 August 2004, at <http://www.womensnews.org/article.cfm/dyn/aid/1953>. See also Amnesty International, "Darfur: Rape as a weapon of war; sexual violence and its consequences", July 2004, available at www.amnesty.org/library/index/engaf54076 2004. The UN High Commissioner for Refugees has received reports of an increasing number of rapes inside government and Janjaweed-run displacement camps, a spokesperson reported on 10 August 2004.

⁴¹ The AU military observers have been provided by Ghana, Congo-Brazzaville, Nigeria, Mozambique, Kenya, Namibia, South Africa and Senegal.

⁴² ICG interviews, July and August 2004.

confusion, the Peace and Security Council on 27 July resolved that its mandate was to protect not only the monitors but also "the protection, within the capacity of the Force, of the civilian population".⁴³ Khartoum thus far rejects this expansion of the AU mandate and insists that the responsibility of the force be limited to protecting the Commission observers. Rwanda sent the first batch of 150 troops into Darfur on 14 August 2004. The Nigerian contingent is expected by 25 August.⁴⁴ Delays have cropped up, due among other things to snags with transport and lack of sufficient accommodations for the Nigerians. The decision by the Dutch government to transport the Rwandan contingent was welcome, though an African diplomat cautioned, "we're worried that it could take another two months to get the [full] force on the ground because of bureaucratic hold ups with the donors".⁴⁵

Although the protection force may be able to change the dynamic where it is actually deployed, it is far too small to patrol an area the size of France and protect more than one million IDPs. In the absence of greater signs of political will on the part of the UN Security Council, a greatly expanded AU force offers the best practical opportunity to avert further catastrophe in Darfur. To that end, the AU Peace and Security Council on 27 July requested its chairperson, Alpha Oumar Konare, to prepare:

...a comprehensive plan on how best to enhance the effectiveness of the AU mission on the ground, including the possibility of transforming the said Mission into a full-fledged peacekeeping mission, with the requisite mandate and size, to ensure the effective implementation of the Ceasefire Agreement, with particular emphasis on the disarmament and the neutralisation of the Janjaweed militia, the protection of the civilian population and the facilitation of the delivery of the humanitarian assistance.⁴⁶

However, the AU is only willing to send a peacekeeping force with the Sudanese government's agreement, and Khartoum has indicated consistently

since 27 July that it is opposed to such a mandate, indeed to any mandate that goes beyond simple force protection.⁴⁷ If an AU peacekeeping mission is to become reality, the UN Security Council will need to give it strong political backing in order to overcome this deadlock, and the wider international community will need to provide immediate and substantial funding, logistical support (particularly airlift) and supplies. "We can drop the term 'Peacekeeping' if that's what the government opposes", said an AU diplomat. "What matters is getting a larger force on the ground with the requisite mandate".⁴⁸

⁴³ Point 8, African Union Peace and Security Council Communiqué, 27 July 2004.

⁴⁴ "Sudan: Darfur still living in fear as first AU troops arrive", IRIN, 16 August 2004; ICG interview, 19 August 2004.

⁴⁵ See "Dutch back African Union's troop airlift", Reuters, 3 August 2004. ICG interview.

⁴⁶ Point 9, African Union Peace and Security Council Communiqué, 27 July 2004.

⁴⁷ See, for example, "Sudan says to accept African forces, no peacekeepers", Reuters, 7 August 2004.

⁴⁸ ICG interview, 19 August 2004.

III. GOVERNMENT-JANJAWEED LINKS

To understand why the ceasefire has largely failed to take root, it is necessary to examine the relationship between the Government of Sudan and the Janjaweed militias. The Darfur rebellion began because of increasing concern in the region that the IGAD negotiations, which are exclusively between the government and the southern-based SPLA insurgency, would make decisions over the heads of the region's people and without regard for the severe social, political and economic inequalities that were producing unrest. In the first stages, in early 2003, the insurgent SLA and JEM fighters secured much of their supplies, arms and vehicles from garrisons they overran in isolated parts of the region.

The proximate cause of Khartoum's decision to arm the Janjaweed and turn them loose against both the rebels and the surrounding civilian population was a string of spectacular strikes on army and police posts, including the SLA attack on the historical capital of Darfur, al-Fashir, in April 2003 that destroyed a sizeable portion of the air force assets deployed in the region and during which an air force general was abducted. The central government turned to the Janjaweed as a potential quick fix for its deteriorating security situation because most of the state institutions in Darfur, including the military and police, were under-resourced and dysfunctional, after years of neglect.⁴⁹

The term "Janjaweed" has been used for decades to describe bandits who prey on the rural populations through cattle rustling and highway robbery. These criminals were generally rejected by their communities because of their contempt for tribal codes and communal values. Building on the tradition of banditry, government security planners gave their new proxy militias the old name for psychological effect. From the start, many of the official Janjaweed were directly recruited by the military and issued identification cards, uniforms and arms. The ranks included tribal militias of Arab background and convicted felons released from prison, the "Ta'ibeen",⁵⁰

as well as fighters from neighbouring countries, primarily Chad.⁵¹

In each of Darfur's three states, there is at least one large official Janjaweed group as well as several autonomous groups. The largest faction in Northern Darfur state is commanded by Musa Hilal and headquartered at Misterieya and Um Sayala. In Southern Darfur, the primary Janjaweed faction is headquartered near Gardud village, south of the town of Kas. The notorious Janjaweed commander Haraika Assad Shukurtalla has operated in Western Darfur out of several large camps.⁵² The Janjaweed accommodate multiple agendas within a single marriage of convenience. Some members are largely interested in looting and crime, while others are driven by an ethnic supremacist ideology. The government gave both tendencies the green light to engage in the worst behaviour imaginable.

In general, the Janjaweed have focused their attacks on civilians rather than SLA or JEM forces. Similarly to what happened in northern Bahr al-Ghazal in the 1990s, the government and its militias have struck civilian targets at will, confident that they were unlikely to encounter significant rebel opposition. Many SLA and JEM fighters say they have been frustrated both by their relative inability to protect civilians and the disproportionate firepower the Janjaweed can call upon. Typically, one insisted, "if the Janjaweed was not supported by the government, we could have won this war".⁵³

The government has also been able to use the resulting brutal inter-communal conflict to divert attention from the structural inequities that led to civil war in the first place. However, those political roots will still have to be addressed by any peace negotiation and in a much inflamed environment.

As the international outcry grew during 2004 over brutal ethnic cleansing, Khartoum sought to distance itself from the Janjaweed without losing them as a military proxy. It redefined the name as referring simply to the traditional bandits who had long

⁴⁹ Implicitly acknowledging the disintegration of the police force in the region, in part under sustained rebel strikes, Khartoum pledged in the 3 July 2004 communiqué to rush 6,000 officers to the region to help restore security.

⁵⁰ Arabic for "Those who Repented".

⁵¹ For further analysis of the various groups that make up the Janjaweed, see "Prospects for peace in Sudan", *Justice Africa*, 30 July 2004.

⁵² ICG correspondence, interviews, 2003-2004. Shukurtalla is credibly believed to have been killed but ICG has not been able to confirm his death.

⁵³ ICG interviews in rebel-controlled territory, Darfur, July 2004. Another insurgent complained, "the Janjaweed are protected by the Antonovs and the government troops".

operated in Darfur, while arguing that the militia forces it had created and was working with were legitimate self-defence groups. It could then arrest a handful of criminals and claim to have addressed the Janjaweed problem.

President Bashir intended his pledge on 19 June 2004 to "disarm the Janjaweed" to apply only to the bandits, not the Popular Defence Forces, Popular Police or other tribesmen armed by the state to fight the rebels.⁵⁴ He insisted that any disarmament of armed forces must "begin with the rebels", because taking weapons away from the government-backed militias would "subject them to annihilation".

The Janjaweed faction in Northern Darfur commanded by Musa Hilal, however, demonstrates the close militia-government ties. Hilal, a vocal Arab supremacist, had been arrested several times by officials in Darfur for fear that he would disrupt social harmony in the region. When the insurgency began in early 2003, he was in preventive detention in Port Sudan and was only released following the humiliating April 2003 attack on al-Fashir, when the government urged him to mobilise his tribe as a militia. Hilal returned to Darfur in April or May 2003, and with the assistance of senior commanders of the Sudanese army raised a force estimated at 3,000. He operates a court system at his Misterieya headquarters, levies taxes from the population and mans extensive checkpoints. UN workers seeking to pass through the area have been referred to Musa Hilal for permission.

Hilal was made available in June 2004 for meetings with Western ambassadors and the media in an effort to paint him as the leader of a legitimate self-defence force conducting operations alongside regular army units in the context of a messy war. Hilal's armed group is widely known to have perpetrated mass killings and gang rapes after it stormed the towns of Kutum in August 2003 and Tawila on 27 February 2004, among other places. In the latter case, it and accompanying army soldiers were documented to have killed 67 people, abducted sixteen schoolgirls and raped 93 others, including six in front of their families, all in total impunity.⁵⁵ The attempt to

whitewash Hilal and the Janjaweed backfired when survivors of that incident stepped forward to tell the correspondents about Hilal's arrival on the scene in an army helicopter and his subsequent presence during the rampage.⁵⁶ Victims' advocates later identified the military officer on the trip as the same man who had overseen Janjaweed recruiting efforts in Northern Darfur. Documents have also come to light that make clear army officers were not to intervene against the Janjaweed when they committed excesses against civilians.⁵⁷

Situation Report 4 March 2004", Office of the UN Resident Coordinator, available at <http://www.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/632f6fcc7fbbcfe985256e4d00707eb0?OpenDocument>. See also "Sudan: More violence reported in Darfur", IRIN, 5 March 2004.

⁵⁶ Emily Wax, "In Sudan, 'a Big Sheikh' roams free", *The Washington Post*, 18 July 2004. Also, ICG electronic correspondence, 4 August 2004 and the forthcoming *The New Yorker* article by Samantha Power.

⁵⁷ According to official Sudanese government documents obtained by Human Rights Watch, a directive dated 13 February 2004 from the office of a sub-locality in Northern Darfur and addressed to all security units in the area stated with reference to the forces commanded by Musa Hilal, "We also highlight the importance of non-interference so as not to question their authorities and to overlook minor offences by the mujahedeen against civilians who are suspected members of the rebellion...." "Darfur documents confirm government policy of militia support", Human Rights Watch Briefing Paper, 20 July 2004, p.5. Despite evidence of government control, the Janjaweed have at times turned their arms on government soldiers and policemen. Because police were usually from the communities they were assigned to, their intervention to protect members of the community led to clashes with the Janjaweed in which many officers were killed. On 9 September 2003, the Janjaweed attacked Kidigneir and killed eighteen policemen. They killed six soldiers in a similar attack on Mirshing in November 2003 and attacked and beat soldiers inside the town of Nyala, capital of Southern Darfur, on 2 January 2004.

⁵⁴ See *Akhbar al-Youm* and other major newspapers of 23 June 2004. President Bashir said he used the term "Janjaweed" only because "malevolent powers" were employing it to "slander" the government.

⁵⁵ A UN assessment team arrived in the village shortly after the attacks and gave a detailed accounting of what took place. See "Darfur Crisis, Sudan: UN Darfur Task Force

IV. THE POLITICS OF CRISIS

Efforts to cobble together negotiations to resolve the situation in Darfur have moved forward in fits and starts. The AU has taken the lead but there is considerable disarray within the political leaderships of the insurgent movements, as well as internal division within the Sudanese government. Growing turmoil in Chad is a further complication that illustrates the risks for regional stability.

A. THE ADDIS ABABA NEGOTIATIONS

The political talks organised by the AU that opened on 15 July 2004 in Addis Ababa were a positive step despite the numerous problems they encountered. They were convened at short notice, and the joint delegation of senior SLA and JEM leaders that was expected never arrived, leaving only a small rebel team that put forward six preconditions for the government to fulfil before the insurgents would enter direct negotiations:

- ❑ a timetable for Janjaweed disarmament;
- ❑ creation of a commission of inquiry to establish accountability for war crimes;
- ❑ full and unfettered humanitarian access to Darfur;
- ❑ consultation on the venue for the next round of talks;
- ❑ release of all political detainees and prisoners of war; and,
- ❑ cessation of attacks on the rebels and the civilian population.

These points are in line with commitments the government has already agreed to, either in the N'djamena ceasefire agreement or subsequent undertakings with the UN. However, calls for implementation of the ceasefire were complicated by that agreement's ambiguity.⁵⁸ At the signing ceremony in N'djamena on 8 April 2004, President Idriss Déby of Chad added at the last minute by hand at the insistence of the government delegation a clause for the cantonment of all rebel forces.⁵⁹ This was not included in the public versions of the document, nor is it recognised by the rebels. The government delegation at Addis Ababa, however, repeatedly responded to

the rebel preconditions by insisting that the SLA and JEM place their fighters in cantonments. While demobilising rebel forces is a necessary outcome of any successful talks, it is unlikely that it can be a starting point. "We adamantly refuse to canton our forces before political negotiations, and before the government implements their commitments", an SLA official said.⁶⁰

The talks closed after two days without direct meetings between the government and rebel delegations. Nonetheless, a foundation was laid. The AU established its mediation team, led by its special envoy for Darfur, Dr. Hamid Algabid of Niger, and including representatives from the Chad government and UN. It subsequently met with the rebel leadership in Geneva and government officials in Khartoum. It hopes to open the next round of negotiations in Abuja, Nigeria, before the end of August 2004.⁶¹

B. INTERNAL DIVISIONS IN INSURGENCY AND GOVERNMENT

A good deal of ground work must still be done by both sides, but particularly the rebels, before they are able to engage in productive negotiations. The SLA leadership continues to be divided, although efforts have been made by several groups, including the National Democratic Alliance (NDA),⁶² to narrow the differences between the chairman, Abdel Wahid Mohammed Nur, and the secretary general, Minni Arkoi Minawi. The recent decision of Dr. Sharif Harir, who is also the deputy chairman of the Sudan Federal Democratic Alliance, to join the SLA gives it some much needed political experience, although his presence is also a factor in the divisions.⁶³

But more is needed. Although the JEM and SLA worked together at N'djamena and Addis Ababa, suggesting a coming together of their positions, they have yet to articulate clearly their political agendas. They have largely counted upon international pressure to produce Janjaweed disarmament and so improve their situation on the ground and appear not to have

⁵⁸ For more on this, see ICG Report, *Sudan: Now or Never in Darfur*, op. cit.

⁵⁹ ICG interviews, 19 July 2004.

⁶⁰ ICG interview, 11 August 2004.

⁶¹ "Sudan, Rebels agree to peace talks under the AU", Reuters, 8 August 2004.

⁶² The NDA is a coalition of opposition political parties dominated by the SPLA, which is, of course, the main force in the 21-year old southern-based insurgency that is the subject of the IGAD negotiating process.

⁶³ ICG interview, 9 August 2004.

reached internal agreement on a well developed set of common political demands.

A recent SLA Declaration of Principles (DOP) for resolution of the Darfur conflict, although still in draft, presents the most definite vision thus far of that movement's objectives. It speaks in broad terms about the issues that must be resolved if there is to be peace in Darfur: equal sharing of power and wealth based on decentralisation within a federal or confederal system for all Sudan; reliance on historical rights for resolving land issues in the region; respect for human rights, democracy and pluralism; need for reconciliation between the Arab and African tribes in Darfur; and separation of religion and state.⁶⁴ The SLA leadership recently presented the DOP to JEM's leaders, as the possible basis for unifying the two movements.⁶⁵ As of this writing, the JEM leadership had not responded. "I do not think they will accept the clause on the separation of religion and state", an SLA leader said.⁶⁶

The rebels may also be trying to avoid engaging in serious negotiations with the government until the IGAD peace process concludes in the hope that SPLA influence would then make Khartoum a more accommodating negotiating partner.

An early SLA/JEM effort to clarify and coordinate their political objectives, however, would be helpful not least so that the AU mediators and other supporters of both the Darfur and IGAD processes could gain a better understanding of how they need to proceed. For this to happen, the rebel political leaderships, which are largely based outside Darfur, will have to liaise with their constituencies in the field and seek a consensus. The worst-case scenario for Darfur would be for the JEM and SLA to splinter, and military elements in the field to ignore the decisions made in negotiations. This would extend the war and delay indefinitely any possibility for a lasting political settlement.

The government also approaches any peace process with differing viewpoints and a poorly articulated agenda. From the onset, it has managed the Darfur crisis from multiple political, executive and military decision-making centres. This has resulted in an array of promising internal initiatives that ended up neutralising each other and a cacophony

of contradictory official statements.⁶⁷ In Darfur itself, hardliners have generally called the shots.

The nomination of Dr. Magzoub al-Khalifa to lead the delegation in the Addis Ababa talks indicates an effort to put the government's house in order. Prominent in the Islamist movement and in charge of the political secretariat of the ruling National Congress Party (NCP), he is trying to take over responsibility for all Darfur initiatives. Nevertheless, competing hands are still at work. The NCP's own Greater Darfur Desk, which is chaired by the hard-line external trade minister, Abdel Hamid Ali Kasha, vies with the political secretariat al-Khalifa heads.⁶⁸ A parallel ministerial committee, led by former Security Chief and current Federal Affairs Minister Nafie Ali Nafie and including several service sector ministers, is also involved.⁶⁹ Real control is said to rest with operatives from the army, the interior ministry and the security apparatus, all of whom oversaw recruitment of the Janjaweed.

Al-Khalifa's approach to the Addis Ababa negotiations was not reassuring. A Darfur activist complained about the lack of advance consultations between the government delegation and advocacy groups in the region.⁷⁰ By including in the delegation officials considered sympathetic to the Janjaweed such as the cabinet affairs minister, Abdulla Safi al-Nour, and the state minister at the foreign ministry, Tigani Salih Fidail, but excluding moderates from Darfur, al-Khalifa sent an uncompromising signal to the rebels. His handling of the delegation also seemed to indicate government intent to isolate the Darfur crisis and treat its problems as unique local matters rather than ones that involves a chronic imbalance in the allocation of political power and resources between the centre and the periphery with nation-wide implications.

⁶⁴ Sudan Liberation Movement/Army, "Declaration of principles for resolution of the Darfur conflict", copy obtained by ICG on 12 August 2004.

⁶⁵ ICG interview, 13 August 2004.

⁶⁶ Ibid.

⁶⁷ On government crisis management, see earlier ICG reporting on Darfur, particularly ICG Report, *Darfur Rising: Sudan's New Crisis*, op. cit.

⁶⁸ See "Head of Greater Darfur desk in National Congress in talk about developments of the crisis", *Akhbar al-Youm* (in Arabic), 31 July 2004, available at www.akhbaralyoumsd.com/modules.php?name=News&file=article&sid=4339.

⁶⁹ See an interesting interview with the current governor of Southern Darfur and former NCP secretary for the national capital, al-Haj Atta al-Manan, "Increased likelihood of foreign intervention forced the government to carefully listen to Darfur's problems", *Akhbar al-Youm* (in Arabic), 22 June 2004, available at <http://www.akhbaralyoumsd.com/modules.php?name=News&file=article&sid=4068>.

⁷⁰ ICG interviews, July 2004.

As international calls for accountability have grown, some key government and party leaders have publicly sought to distance themselves from responsibility for the crisis, reflecting increasing disarray in government circles.⁷¹ Calls for a change of the entire government team involved with Darfur have multiplied and were partly responsible for the replacement of the hard-line Southern Darfur governor, Lt. Gen. Adam Hamid Mussa.⁷²

C. THE CHAD CONNECTION

The Darfur crisis is a serious threat to Chad's president, Idriss Déby. Several Chadian ethnic militias are involved on both sides of the conflict, including within the Janjaweed. Khartoum has taken a tough approach, both actively cajoling Déby's government to block the flow of arms and rebel movements across the border and covertly supporting Chadian Arab militias that want to use Darfur as a springboard for taking power at home. A senior Chad official told ICG, "Chadian Arabs can establish themselves in Darfur and use the Janjaweed as a cover for their anti-Déby activities".⁷³

Several African groups that straddle the border -- the Gimir and Tama -- and a few Arabs as well, have been fighting alongside the SLA since the beginning of the conflict. They brought expertise in motorised desert warfare and training to the fledgling insurgency. For its part, the SLA provided arms and equipment to fighters who are dissidents from several existing Chadian rebel groups and whose motivation and exact agenda remain obscure.⁷⁴ Ethnic solidarity has also led many Chadian Zaghawa to fight alongside Sudanese Zaghawa, who are prominent within both the SLA and JEM.

Cross-border incursions by Sudanese and allied Chadian Janjaweed militias grew more frequent and deadly in the first half of 2004. Chad alleges that the Janjaweed violate the frontier regularly, largely intent on looting camels and cattle but also killing 70 Chadians inside the country in recent months.⁷⁵ These

attacks appear designed in part to warn N'djamena that any support -- even unofficial -- to the rebels could have serious consequences. A Chad official told ICG, "the Government of Sudan knows that the Chadian Zaghawa are helping the SLA across the border; that is why Khartoum sends the Janjaweed into Chad".⁷⁶ President Déby's brother, a prominent Zaghawa businessman living on the border, suffered heavy livestock losses and told ICG Chad's patience with such incursions was limited.⁷⁷

A botched mutiny in N'djamena on 20 May 2004 that attempted to kill President Déby reportedly resulted from dissatisfaction in the ranks following surprise presidential inspections of garrisons in February that uncovered rampant corruption. Déby had dismissed, demoted and transferred several commanders after discovering that the army had 5,000 fewer soldiers than carried on government books. Paymasters were arrested, and a two-month freeze on salaries spread the repercussions to the rank and file. However, arrested ringleaders included senior commanders of the special Republican Guards unit and the Chadian Nomad and National Guards, likely indicating more severe problems than simple corruption. Differences over Darfur policy may have helped trigger the mutiny. In fact, the February inspections were said to have been prompted in part by concerns that large quantities of arms and munitions were disappearing from government garrisons and going to both the Darfur rebels and their Chadian allies.

Tensions between Sudan and Chad rose sharply following clashes between N'djamena's army and Janjaweed militiamen in May and June 2004. Alarmed senior Chadian officials warned in mid-June that the raids risked destabilising the entire region. One claimed, "there is a hidden force trying to export the conflict between the Sudanese into Chad", while the defence minister asserted Chad's patience "has its limits".⁷⁸

N'djamena appears well on the way to severing its security and political cooperation with Khartoum, although it was useful to its neighbour during the early phases of the conflict.⁷⁹ Khartoum dispatched a high-

⁷¹ See the interview with Atta al-Manan, cited above, as well as the article by Ghazi Salah al-Din Attabani, "Darfur at the crossroads", *Al-Sahafa* (in Arabic), 31 July 2004, available at www.sudanile.com.

⁷² ICG interviews, July 2004.

⁷³ ICG interview in Chad, July 2004.

⁷⁴ ICG correspondence and interviews, June and July 2004.

⁷⁵ ICG interviews in Chad, July 2004.

⁷⁶ ICG interview in Chad, July 2004.

⁷⁷ ICG interview in Chad, July 2004.

⁷⁸ See "Chadian army, Arab militias in violent clash in Darfur", *Agence France-Presse*, 18 June 2004.

⁷⁹ Chad performed weakly as mediator during the Abeche (September and December 2003) and N'djamena (April 2004) rounds of talks, allowing Khartoum's representatives to

level delegation in July to limit the diplomatic split and pledged to restrain the Janjaweed. The delegation also negotiated the revival of an agreement for deployment of a joint border force to prevent militia raids inside Chad and SLA/JEM use of the border area as a safe haven. The deployment apparently never materialised. Instead, Chad's traditional ally, France, launched a humanitarian bridge to assist refugees in eastern Chad and agreed to deploy 200 soldiers to secure the border with Darfur.⁸⁰ This sent a strong message to Sudan to contain the cross-border raids or risk serious damage to its regional position. Janjaweed incursions immediately subsided.

V. A NEW INTERNATIONAL ACTION PLAN

The humanitarian, human rights and political crisis that is Darfur remains dire. Khartoum's actions over the past year and a half show its overwhelming responsibility for what has happened and reluctance to resolve the problems it has created. Concrete steps are needed immediately from the international community to keep the worst from unfolding. These include immediate, increased humanitarian assistance to prevent looming famine and disease; measures to hold the government accountable for its actions; strong support for the AU Ceasefire Commission and for converting its small protection force into a larger, fully mandated peacekeeping force; and help both to energise the AU political process for Darfur and to finalise the IGAD agreement in a timely fashion.

A. FIRST STEPS

1. Humanitarian Response

A surge in humanitarian response is needed at once. The UN appeal must be funded fully to produce a major infusion of resources including greatly increased logistical capacity, not least via access to Western military assets such as transport planes. Non-traditional donors, including Saudi Arabia, other Gulf countries, and Libya should be approached to contribute fuel, logistics and financing. In the refugee camps in Chad, the most urgently needed additional input is the capacity to dig for clean water; China and India, which have special responsibilities as two of the largest beneficiaries of oil exploitation in Sudan, might be asked to provide drills. No one has yet stepped up meaningfully to contribute helicopters, which are critical for moving personnel and high-valued commodities. Long and short haul trucks are also badly needed. Khartoum, in addition to removing all obstacles to relief, should increase local aid in Darfur by releasing its strategic grain reserve.

2. Real Action against the Janjaweed

The Arab groups now involved in the Janjaweed represent a minority within Darfur, yet rather than looking towards reconciliation, Arab extremists such as external trade minister Abdel Hamid Ali Kasha and the governor of the northern River Nile State, Abdalla Ali Masar, both northern Rizeigat, have been trying to drag the southern Rizeigat Baggara tribes into the fight on the side of the Janjaweed. So far

dominate them; see ICG Reports, *Darfur Rising: Sudan New Crisis and Sudan: Now or Never in Darfur*, both op. cit.

⁸⁰ "French soldiers in Chad begin relief work for Sudan's Darfur", Agence France-Presse, 31 July 2003.

they have been only partially successful, due in part to the membership of some southern Rizeigat in the SLA and in part to the heavy handed tactics of the Janjaweed leaders. According to a rebel source, a 3 July meeting between Kasha and southern Rizeigat leaders, in which Kasha reportedly offered a large sum of money, brought some Rizeigat fighters into the Janjaweed.⁸¹ Yet, eyewitnesses claim that up to 25,000 southern Rizeigat IDPs in northern Bahr al-Ghazal have fled other attempts by the Janjaweed to coerce them into joining.⁸²

The developing international uproar over Darfur, worsening relations with Chad and France, and the prospect of additional pressure from the UN, U.S. and EU, may yet lead Khartoum to conclude that it must free itself of the Janjaweed. Prior to travelling to the AU peace talks in mid-July, al-Khalifa reportedly told Janjaweed leaders that they should halt their activities or they would be left out of future political arrangements, and the government would negotiate only with the rebels and Darfur civilians.⁸³ Neutralising the Janjaweed, however, will be a complex and messy process. While the government should take the lead, it cannot be trusted to arrest significant numbers of those whom it trained and financed, so there will need to be an international supervisory role.

The government is hesitant to crack down on the Janjaweed and forcibly disarm them both because it would mean losing an important battlefield tool against the insurgents and because militia leaders might document embarrassing things if they felt they were being made to take the fall for actions that Khartoum masterminded. The government has only itself to blame that the police force in Darfur has disintegrated, and it has failed to keep the army a dependable fighting force there. Rumours of Janjaweed threats to turn against the government and fight alongside the rebels may also be causing some hesitancy in Khartoum.⁸⁴

The government has hoped that it could solve its Janjaweed problem while maintaining good relations with its leaders by integrating the militias into its formal security structures. The international

community should not be taken in by the tactic. Effectively neutralising the Janjaweed will require the government to act decisively against its allies. It must identify in a transparent process that can be checked all militia groups that it has armed and supported during the insurgency. The tribal militias like those of Musa Hilal must be included, and it must immediately stop giving the groups weapons, supplies and other support and begin to demobilise them as soon as possible. The government should also immediately expel all foreign elements within the militias and move against members of the security services most responsible for propping up the Janjaweed. All this should be as transparent as possible and closely monitored by the UN, AU and others.

B. NEXT STEPS

Darfur refugees and IDPs say repeatedly that the presence of a reliable international force is a prerequisite for them to return to their homes. Creation and deployment of an AU force 3,000-strong, and preferably larger, with an effective civilian protection mandate, should be a major international focus over the next few weeks. The Secretary General of the UN and his AU counterpart should press Khartoum to accept such a force, and the U.S. and EU member states should ensure that all necessary lift and other logistic support is available to deploy and maintain it. The UN Security Council should in a new resolution at the end of August 2004 endorse this deployment and authorise it as a Chapter VII peacekeeping mission.

The composition of the force needs to be creatively and carefully designed.⁸⁵ Planning for how it would operate and what it would need successfully to carry out monitoring and protection, in both permissive and non-permissive conditions, should accelerate in the short period before Secretary General Annan reports back to the Security Council 30 days after the 30 July resolution.

1. In a Permissive Environment

An AU peacekeeping mission would obviously be considerably easier if Khartoum were to accept its

⁸¹ ICG interviews, August 2004. Kasha is said to have offered 15 billion Sudanese pounds. 2,574.50 Sudanese pounds are worth one U.S. dollar.

⁸² ICG interview, 10 August 2004.

⁸³ ICG interviews, July 2004.

⁸⁴ ICG interviews, July 2004.

⁸⁵ For example, since the majority of the internally displaced people in Darfur are women, many of whom have been traumatised by rape and gender-based violence, it would be important for the troops to receive gender-sensitive training to increase the effectiveness of their operations.

terms and cooperate, or at least not attempt to undercut it.

For credible monitoring, the AU needs to increase significantly the number of ceasefire observers from the planned 130. Donors should provide the financial and other support so they can be moved quickly into the field. The AU mission's mandate should also authorise it to fill gaps in the ceasefire agreement, which envisaged neutralisation of the Janjaweed but not monitoring of that process, as well as to assist the handful of NGO and UN humanitarian monitors who seek to keep track of access to aid (and whose numbers should also be increased). The just deployed OHCHR monitors are meant to follow broader human rights issues but the difficulties they have so far failed to overcome suggest the AU mission may also need to help them.

Significantly increasing the number of observers would deal with one element of civilian protection by allowing for more of Darfur's immense territory to be monitored. But the AU mission will also need the authority and capacity to use force if need be and even to act proactively against an imminent threat to civilian security or humanitarian convoys. For this the AU protection force requires a true peacekeeping mandate blessed by the Security Council and at least 3,000 capable troops, preferably more. Rwanda, with fresh memory of the genocide it experienced, has volunteered to make an important troop contribution.⁸⁶ Other African contributions should also be sought, and troops from non-African countries should be encouraged to supplement the effort. The U.S. and France in particular should explore the military assets they might make available to the mission. The AU

peacekeeping force would also be responsible for protecting humanitarian convoys.

2. In a Non-Permissive Environment

Given the scale of the human tragedy that has unfolded in Darfur and the dangers the crisis presents for regional stability, the international community needs to be ready to deal with the possibility that Khartoum and/or the Janjaweed will refuse to cooperate with the AU mission and that significant violence against civilians will continue. If the ceasefire agreement were to collapse completely and Khartoum withdraw permission for the AU monitoring element, or the security situation otherwise deteriorate, the monitors would not be able to operate effectively, and the AU force would be required to conduct more intrusive peace enforcement actions.

While authority for this should be covered by the mandate the Security Council equips it with initially, the mission would need additional support. For example, if Khartoum were to continue to attack villages from the air, the Security Council should authorise a no-fly zone and seek assistance from one or more of its permanent members to give teeth to a warning that government air assets in Darfur (including some seven attack helicopters based there) would be destroyed if the aerial assaults continued.

If the government were to allow the Janjaweed to continue to attack civilians or declare its inability to disarm them, the AU peacekeeping force should provide the core of the response by deploying as a protective screen in or near major settlements and along main roads by which humanitarian assistance travels. But plans should be ready for Western military assets already in the general region to provide crucial reinforcement. Ultimately, the mission would have to undertake the task of confronting and disarming the Janjaweed.

C. HUMAN RIGHTS AND ACCOUNTABILITY

The Sudanese government has a history of altering course when confronted with sustained, credible international pressure. It stopped supporting attacks by militias from Southern Kordofan and Southern Darfur around 2002 and earlier broke off ties with al-Qaeda and a number of other organisations in response to such pressure. It has also ended policies that failed to achieve their particular strategic objectives, such as use of food as a weapon in the

⁸⁶ ICG considers that what is happening in Darfur may well be genocide. But proving that it is involves difficult legal issues, essentially about specific intent, that can only be resolved in court. Whether the Genocide Convention does or does not apply should have no bearing on the level of robustness and determination that the international community applies in the coming weeks to protect civilians in Darfur, provide emergency aid to them, introduce accountability for the crimes committed against them, and support processes for comprehensive peace in Sudan. See also Gareth Evans, "Why nobody is doing enough for Darfur", Comment, *Financial Times*, 3 August 2004: "When the issue is crimes against humanity, giving their alleged perpetrators the chance to split hairs does not help mobilise international action. What should always matter most is not the 'g' word -- emotionally powerful though it is -- but the 'a' word: when atrocities occur, countries do not need the authority of the Genocide Convention to prevent and punish them".

South, indiscriminate aerial assault on southern targets and strategic clearing of populations in the Upper Nile oilfields and the Nuba Mountains.

A senior Western diplomat acknowledged, "We have achieved as much out of these folks -- in terms of progress on humanitarian aid, but nothing on security -- as we will at this level of pressure".⁸⁷ To increase leverage, the Security Council and individual member states need to stress that Khartoum and key officials will be held accountable for their actions. Introducing repercussions directly against officials responsible for the atrocities in Darfur is central to stemming further disaster. Steps should include:

- *Naming and Shaming Human Rights Violators.* When the Security Council or member states are unwilling to do more, they can at least generate public pressure on the offending party. That has not happened yet. To make it credible that it will, the Security Council should ensure that the full OHCHR monitoring team is deployed.
- *Laying the Groundwork for War Crimes Prosecutions.* The Security Council should authorise as a matter of urgency a Commission of Inquiry to investigate charges of genocide, war crimes and crimes against humanity, including systematic sexual abuse of women, and thereby establish a basis for potential international prosecution. The OHCHR team could assist. The AU is also considering establishing such a commission. The U.S. State Department's initiative to collect refugee testimony is a good start, but evidence also needs to be collected inside Darfur. In particular, experts should exhume the larger gravesites there.
- *Imposing Targeted Sanctions on Regime Officials and their Companies.* The Security Council -- or individual states if the Council is unwilling -- should impose targeted sanctions (financial, travel) against senior regime officials and, even more importantly, companies owned and controlled by them. Many of these companies are incorporated and do business abroad.
- *Increasing the Cost to the Government:* The regime as a whole must face consequences if it continues ethnic cleansing and denial of aid as a weapon of war. The Security Council should impose an arms embargo on it. General economic sanctions should be avoided, but

specific sanctions on future investment in the oil industry and trade in energy products could make a major difference in government calculations.

Any sanctions and related measures should be lifted or suspended when the government meets appropriate benchmarks.

D. PROMOTING A COMPREHENSIVE PEACE

The U.S. and UK in particular -- in tandem with IGAD and now the AU -- have repeatedly played into the government's hand. By focusing first on what was misleadingly described in shorthand as a "North-South war", the larger dynamic of periphery versus centre was ignored, leaving regions like Darfur out of the conflict resolution calculus, simmering until they exploded. Even now, negotiations between the government and the SPLA have no connection to negotiations between the government and the SLA/JEM, and no one is negotiating with the NDA -- including rebels based in the east -- or the civilian political opposition.

Because of this diplomatic miscalculation, and the constructive engagement and premature warming of relations with the regime to which it has led in pursuit of an agreement between the government and the SPLA, international leverage has been squandered. It needs to be recovered rapidly through the kinds of actions outlined above. Mediation will then be possible from a position of greater strength and with a much better chance of producing a comprehensive settlement.

1. Necessary Ingredients for the Darfur Talks

Although a process for Darfur needs to unfold in a timely fashion and in close coordination with efforts to conclude the government/SPLA deal, it would not be productive for the international community to try to force the SLA and JEM to negotiate with the government before Khartoum has begun to implement the April ceasefire and deal effectively with the Janjaweed. Assuming that progress can be made on these two crucial points, however, planning is needed for how to resolve two types of political issues. First, there are the underlying root causes of the conflict -- the lack of meaningful participation in both local and central government; feelings of political, social and economic marginalisation, and underdevelopment that mirror sentiments based on structural inequalities that are felt by many other communities throughout the country.

⁸⁷ ICG correspondence, July 2004.

Secondly, there are issues that have emerged as a result of the government's policy of using the Arab Janjaweed against the civilian populations of Darfur's African tribes, with displaced Fur, Zaghawa and Massalit increasingly adopting the anti-Arab attitudes that the government deliberately fostered by manipulating the ethnic dimensions of the conflict. These ethnic tensions must be addressed if stability is to return to Darfur. This can best be done through an inclusive Darfurian conference, including, for example, civil society groups, with substantial participation from women, and the region's traditional conflict resolution mechanisms after an agreement has been reached between the rebels and the government in a separate forum over the political causes at the root of the war.

Several things must happen for political talks to succeed. First and foremost, the government must begin to implement its commitments, most importantly regarding improved security and neutralisation of the Janjaweed. It must also accept the need to share power and wealth as set out in provisional IGAD agreements further, giving greater powers to Darfur and eventually other areas of the North.

Once a link is made between the Darfur and IGAD talks, Khartoum is likely to attempt to walk back some of the promises it has already made to the SPLA. This could stall both processes, stymie the international community, and buy the government more time to continue its military offensive in Darfur, while seeking to divide the rebel movements and to pursue divide and rule tactics in the South. A negotiated political solution for Darfur, on top of what it has provisionally conceded to the SPLA, would further weaken the ruling party's grip on power. For this reason, the government will likely continue to aim at resolving Darfur's problems through a purely internal conference that it can control. International pressure will be needed to persuade the government that meaningful decentralisation and power sharing in Khartoum is the only sustainable option for Darfur.

As discussed, the rebel movements must clarify their political demands and resolve divisions within their leadership structures. The meeting with the AU mediation team on 22 June 2004 in Geneva was a good start but more is needed. The Darfur talks should be structured to include the key senior decision-makers from both sides as soon as possible. The lower level sparring that went on for over a year before John Garang and Vice President Taha joined the IGAD negotiations cannot be afforded.

The international community should give its full, coordinated and public support to the AU mediation efforts. Neither the government nor the rebels should be given an opportunity to delay discussions with arguments about forum shopping, disagreements over venue and the like. Disagreements within the international community provide excuses for going slow. Coordination and unanimity force the parties to negotiate seriously. The mediation team should equip itself first with the greatest possible backing from AU countries, then from Sudan's key international partners -- the U.S., UK, EU, Norway, IGAD countries, and ideally China, Egypt, and others within the Arab League with close ties to Khartoum.

Finally, the relationship between the AU initiative on Darfur and the IGAD process needs to be clarified. Ambiguity would confuse the donor community, which has been supporting the IGAD process, and give the parties -- particularly the government -- too much room to manoeuvre. The AU and IGAD mediation teams should immediately initiate contact and attempt to establish good cooperation.

2. The Relationship between the Darfur and IGAD Talks

Key elements that will be relevant to a negotiated political solution in Darfur include: power and wealth sharing arrangements at the state level (autonomy); representation within the central government; security arrangements; land and pasture issues; compensation/accountability for crimes committed during the war; and a reconciliation process. The IGAD negotiations are creating a new framework for a national government and national institutions in which Darfur is included by default, and the provisionally agreed government/SPLA protocols already speak to several of these points.

The arrangements for the Nuba Mountains and Southern Blue Nile provide models for state federalism that may be applicable to Darfur. They are built on the basis of the broader government/SPLA agreement, and have guarantees stemming from the SPLA's role in the central government and the preservation of its army. Since the same guarantees will not be there for a Darfur agreement, special care will need to be taken to satisfy the security concerns it can be anticipated the SLA and JEM will have.

The key relevant points for Darfur in these agreements are the specific lists of exclusive state and concurrent state and national powers; elections

for the governorship and state legislature after three years, with the former rotating between parties prior to elections; subordination of state security organs to the governor; a state land commission with the power to review and revise existing land ownership; and adjudication of conflicts between state and national land commissions by a new constitutional court.⁸⁸ Specific government/SPLA power sharing arrangements and provisions for consultation with the people of the Nuba Mountains and Southern Blue Nile will not necessarily be relevant for Darfur.

The national structures and processes the IGAD power sharing agreement is establishing would also impact on Darfur. It envisages giving 70 per cent of the seats in each northern state legislature to the ruling National Congress Party (NCP), 10 per cent to the SPLA, and 20 per cent to other political forces during the three years before elections. Such a division would likely not satisfy the demands of the rebels and other Darfur constituencies and so would need to be renegotiated.

The IGAD negotiations on security arrangements adjourned in late July 2004 without agreement, although substantial progress was made on many of the technical issues. The IGAD mediators are trying to bring Garang and Taha together again to resolve the remaining issues -- funding of the SPLA army and southern elements of the Joint/Integrated Units, deployment of Joint/Integrated Units in eastern Sudan, and the role of the other armed groups in the South. Following conclusion of the security arrangements, the parties would start discussions on the implementation modalities of the peace agreement, the last step before signing a comprehensive agreement. It is hoped that such a comprehensive agreement, which would trigger a six-week period before drafting of the legal and constitutional framework for the National Interim Constitution,⁸⁹ can still be signed before the end of the year. However, donors and regional IGAD countries must continue to support the IGAD talks, which are nearly out of funds. Letting the process fall apart now would be a monumental mistake for everyone concerned.

3. Bringing the Darfur and IGAD Processes Together

The crucial tactical question is how to relate the IGAD and Darfur processes to each other. There are two main schools of thought: to continue with both processes separately, counting upon a solution for Darfur becoming more achievable after an IGAD agreement is signed; or trying to resolve the Darfur crisis before wrapping up the IGAD negotiations. There are pros and cons to each scenario.

Getting a Darfur agreement first would permit it to be anchored in the new national constitution and underline that the core of Sudan's civil conflicts has been structural and national, not simply North-South. Moreover, until it is resolved, the Darfur crisis threatens an IGAD agreement in two important ways. The IGAD process has come close to success as much because of international perseverance as because of the desire of the parties to end the war. Sustaining this international engagement and pressure on both sides to honour their commitments and maintaining donor support for the reconstruction of the country will be critical for implementation of any agreement. Such assistance will not be forthcoming, at least to Khartoum, as long as Darfur continues to burn. Symptomatically, the donor pledging conference that was to be held in Oslo following the signing of a final IGAD peace agreement has been put on hold until the situation in Darfur improves.⁹⁰ More immediately, the threat of the war in Darfur spilling over into other parts of the country and reigniting the fighting in the South, and particularly in the Nuba Mountains and Southern Blue Nile, is very real. Recent unconfirmed reports of the government's redeployment of Janjaweed militias from Darfur to Southern Blue Nile are particularly worrying.⁹¹

The major drawback of a Darfur-first approach is that it would leave the rest of the country without a political voice while sending a clear signal to the Beja in the east, the Nubians in the North, and other disenfranchised communities on the periphery that armed revolt is the only mechanism available in Sudan for securing rights and freedoms. It would also further entrench an already disturbing trend: the negotiation of piecemeal agreements for each regional/ethnic dispute rather than searching out national solutions to problems that are broadly national in character. In

⁸⁸ The interim national constitution is to be based on the existing constitution and the IGAD peace agreement. The parties can introduce other documents as well.

⁸⁹ As stipulated in section 2.12.4.2 of the Power Sharing agreement between the government and the SPLA, signed in Naivasha on 26 May 2004.

⁹⁰ ICG interview, 23 July 2004.

⁹¹ See Paul Basken, "Sudan monitors investigate militia in former war zone", Bloomberg, 16 August 2004.

order to rectify this, all parties to Darfur and IGAD agreements would at least need to make clear commitments that some sort of national dialogue process would follow to allow other regions and other opposition groups, including those in the NDA, to negotiate their roles and rights in a post-war Sudan.

Those who favour a separate IGAD agreement first argue that once it is concluded the SPLA, which is friendly to the Darfur insurgents, would join the central government and become a catalyst for new policies in Khartoum that would create momentum for a solution in Darfur. As already indicated, the SLA and JEM may be tempted by this line of reasoning because it could free them from the need to develop detailed common political positions quickly. There is also some support within the international community. A Western observer told ICG: "We are aiming to resolve 21 years of fighting in the South, and that can't be understated. The risk of including Darfur is too great".⁹²

Optimists believe two important elements within the projected IGAD agreement would help to solidify peace in the South and protect it from contamination by an unresolved Darfur crisis. First, the presence of a UN monitoring mission, the exact details of which have yet to be agreed, could immediately change the dynamics on the ground. Secondly, the withdrawal of the bulk of the government's troops from the South would reduce the risk of renewed conflict, although the timeline for that withdrawal extends over two and a half years.

However, the risks of this approach are high. As noted above, there is no guarantee that a signed IGAD agreement would be able to get off the ground without full international engagement, which is unlikely to exist while so much attention is focused on Darfur. It is also unlikely that the SPLA's entrance into the central government would be either rapid or smooth. It is unknown whether John Garang, even from the office of first vice president, could check, much less dominate, those elements within the regime's military and security sectors that are currently driving Khartoum's policies.

There is no consensus on the way forward. A senior African diplomat told ICG he worried that it was still too early to link the Darfur process with IGAD's, that "it would give too many people excuses to disrupt or

destroy both sets of talks. They need to link eventually, but not yet".⁹³

In ICG's view, the best way forward, although it has an element of uncertainty, is for the international community to continue to push the government and SPLA to reach an early final IGAD agreement, while at the same time supporting the AU process for Darfur and trying to hold the government accountable to its humanitarian and security commitments. It should also press Garang and Taha to become directly involved in the Darfur process once they have completed security arrangements for the IGAD deal but even before a comprehensive agreement has been signed. Despite the risks, that formula holds the most potential for getting the IGAD negotiation over the finish line while also achieving a timely resolution of the Darfur crisis.

There would be a number of early benefits. First, Garang and Taha would provide a direct link between the two processes and bring important national scope and weight to the Darfur negotiation that would otherwise be missing. They best understand what the new national system would look like after an IGAD peace deal is signed and how Darfur (and other regions) could most appropriately fit into the national federal model. They can present the pros and cons of the Nuba Mountains and Southern Blue Nile models to the parties.

Secondly, Garang supported the SLA militarily in its initial phases and has continued to do so politically. His presence would give the AU process credibility that earlier rounds of talks lacked for the insurgents. Taha is the key individual who has shown that he can hammer out tough compromises for Khartoum. "We need to resolve Darfur for IGAD to have a chance", said a regional diplomat, "and the only way for the government to close the deal in Darfur is for Taha to become directly involved".⁹⁴

The SPLA remains wary about entering into the Darfur discussion before an IGAD deal is finalised because it fears the government would use the new process to re-open IGAD agreements that many in Khartoum feel gave away too much.⁹⁵ This is a legitimate concern, but as the power sharing arrangements for northern states show, parts of the IGAD agreement will indeed have to be revised to

⁹² ICG interview, 22 July 2004.

⁹³ ICG interview in Addis Ababa, 17 July 2004.

⁹⁴ ICG interview.

⁹⁵ ICG interviews, July and August 2004.

accommodate Darfur's circumstances. The SPLA will likely require some guarantees from the AU that the parameters of the Darfur negotiation will not allow IGAD protocols to be unravelled substantially. This could perhaps be done by first identifying the specific areas within the IGAD agreement that would need to be revised for Darfur and then limiting discussion to those sections.

VI. CONCLUSION

In a more ideal world, the Security Council, donors and humanitarian agencies would all have responded much earlier and more decisively to events in Darfur. As a result of preoccupation with other matters, as well as miscalculation that doing something might risk the peace agreement that seemed almost at hand between the Khartoum government and its long-time SPLA foe, this did not happen. Great damage has resulted -- irrevocable for the tens of thousands who have already lost their lives. The ultimate extent of the catastrophe -- whether the dead are to be numbered in the hundreds of thousands; whether the political costs are to include many more years of civil war; whether they will extend as far as the break-up of Sudan and the spread of instability throughout a wide region -- depends on decisions that must be taken quickly.

Decisive action must begin with the Security Council's review at the end of this month of the results of its 30 July 2004 resolution. The record of achievement so far -- since the Council gave Khartoum a month to neutralise the Janjaweed militias as the key measure to enable humanitarian and diplomatic efforts to gain momentum -- has been desperately slight.

Khartoum is and has always been the central player in Darfur. Realistically, no outside actor can solve the problems there without its cooperation. However, it is also largely responsible for the tragedy, beginning with its grossly excessive military reaction to the rebellion. To rely now upon its often broken promises and its good faith to set matters right would be criminally naive. The Government of Sudan is wily enough to discount rhetoric crafted for Western television cameras and to recognise and discount bluffs. But it is also realistic enough, as it has shown on past occasions, to assess its own interests in a hard-headed fashion and adopt more constructive policies when faced with resolute international action.

The task is to present Khartoum with that kind of united international front, rapidly and credibly. The best vehicle at hand is the African Union. It needs a success in Darfur to show that its new structures can begin to make a real difference on the continent, and it has already made promising beginnings at arranging and monitoring a failing ceasefire, exploring still dim prospects for negotiations on a political settlement and attempting to put together a mission that could

become a peacekeeping force with a mandate to protect civilians. The Security Council needs to authorise it to proceed with the latter task. The U.S. and others need to offer financial and logistical support so that the force can deploy quickly to Darfur with at least 3,000 troops -- preferably many more for such a large geographic area.

Diplomacy must be applied to persuade the Sudanese government to accept and cooperate with such a force but the Security Council should add an appropriate element of discipline by imposing an arms embargo on it, and applying targeted sanctions on some of the key officials responsible for its Darfur policy and on the ruling party's business interests. The international community should underline its determination by undertaking urgent contingency planning to reinforce the AU mission if it finds itself in a hostile environment in Darfur. Finally, there is a need to

reactivate the political front, pushing the government and the SPLA to conclude a comprehensive peace agreement before the end of 2004 while simultaneously backing strongly the AU's effort to mediate negotiations on the political issues at the heart of the Darfur rebellion.

Darfur may eventually be remembered as a dark chapter of history, rivalling in its gravity the Rwanda genocide of a decade ago, and the crisis that destroyed the chance for peace in Sudan and its region. Or it could be a whole new demonstration of how an effective regional organisation, acting with the help of a responsive wider international community, can deliver peace and security to peoples crying out for protection. We will know which is more likely in the next few weeks.

Nairobi/Brussels, 23 August 2004

APPENDIX A
MAP OF SUDAN



APPENDIX B

GLOSSARY OF ACRONYMS

- AU** African Union. The AU is the regional organisation for African states, currently chaired by Nigeria. It was created in 2002 out of the now defunct Organisation for African Unity (OAU), the former regional body for the continent. The AU has taken the lead in monitoring the ceasefire agreement between the Government of Sudan and the JEM and SLA rebels signed in N'djamena, Chad, on 8 April 2004. It is the co-mediator, along with Chad, of the political negotiations for Darfur. The next round of AU-sponsored talks is due to open in Abuja, Nigeria on 23 August 2004.
- CFC** Ceasefire Commission. The ceasefire agreement of 8 April 2004 called for the creation of the CFC, which is formed predominantly from AU observers, but includes representatives from the Government of Sudan, the SLA, the JEM, Chad (also an AU member state), the U.S. and the EU. A protection force of 308 Rwandan and Nigerian soldiers is in the process of being deployed to Darfur to protect the CFC observers. The CFC is operational in five locations in Darfur, and one near the border in Chad. The CFC falls under an umbrella body, the Joint Commission (JC), also created in the 8 April ceasefire agreement and currently based in N'djamena.
- IGAD** Intergovernmental Authority on Development. IGAD is the regional body for the Horn of Africa, comprising Kenya, Uganda, Ethiopia, Eritrea, Sudan, Djibouti and Somalia. It has chaired the peace talks between the Government of Sudan and the SPLA since 1994. The current phase, which began in June 2002, is close to completing a comprehensive peace agreement. The parties have thus far signed protocols on Power Sharing, Wealth Sharing, Security Arrangements, the regions of Abyei, the Nuba Mountains and Southern Blue Nile, and the Machakos Protocol.
- JEM** Justice and Equality Movement. The smaller of the two rebel groups in Darfur, it emerged shortly after the rebellion began. JEM leadership allegedly has links to jailed Islamist Hassan al-Turabi. The movement has been negotiating jointly with the SLA in ceasefire and peace talks.
- NDA** National Democratic Alliance. The NDA is the umbrella body of Sudanese opposition parties movements, based in Asmara. Its members include the SPLA and the SLA, and most northern opposition groups. JEM is not a member.
- OHCHR** UN Office of the High Commissioner for Human Rights. At least eight human rights monitors from OHCHR should soon be deployed throughout Darfur to monitor independently the human rights situation on the ground.
- PSC** Peace and Security Council. The PSC is the AU body overseeing the Ceasefire Commission for Darfur. The fifteen-member PSC, currently chaired by South Africa, issued a communiqué on 27 July 2004 calling for planning to begin on a larger peacekeeping force that would be deployed to Darfur with a mandate covering civilian protection and Janjaweed disarmament.
- SLA** Sudan Liberation Army/Movement. The larger of the two rebel groups in Darfur, the SLA was born in February 2003 as the Darfur Liberation Front. The following month it changed its name to the SLA. Its forces come primarily from the Fur, Zaghawa and Massaliet tribes, but also draw from some of the smaller African tribes and selective Arab tribes in Darfur.
- SPLA** Sudan People's Liberation Army/Movement. The largest rebel group in the country, the SPLA has been fighting a civil war against the government, primarily in the South, since 1983. It is engaged in peace talks with the government under IGAD.

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.icg.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.

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