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**REPORT OF THE CHAIRPERSON OF THE COMMISSION  
ON THE SITUATION IN DARFUR**

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**I. INTRODUCTION**

1. This report is submitted in pursuance of the decision adopted by Council at its 58<sup>th</sup> meeting held in Banjul, on 27 June 2006, as well as its press statement of 4 September 2006, in which it agreed to convene at ministerial level, in New York, on 18 September 2006, on the margins of the United Nations General Assembly, to review the situation in Darfur and consider the mandate of the African Union Mission in the Sudan (AMIS), in light of its decision of 27 June 2006.

2. The report provides an update on all the relevant aspects of the peace process in Darfur, including the status of the implementation of the Darfur Peace Agreement (DPA), the status of the deployment of AMIS and other related developments, the security, humanitarian and human rights situation on the ground, the activities of the Joint Commission (JC) and the Ceasefire Commission (CFC), as well as developments regarding the transition from AMIS to a UN operation.

**II. STATUS OF THE IMPLEMENTATION OF THE DPA AND OTHER RELATED DEVELOPMENTS**

3. Council would recall that, following the signing of the DPA in Abuja, on 5 May 2006, tremendous efforts were exerted by the African Union (AU) and the international community to bring on board the parties, which did not sign the Agreement. The Commission, on its part, made the necessary arrangements to find a way to accommodate Darfurian political and military leaders from the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) who expressed the desire to be associated with the DPA. Subsequently, those leaders signed the Declaration of Commitment (DoC), on 8 June 2006, in Addis Ababa, pledging to fully cooperate in the implementation of the DPA. In the meantime, representatives of the international community continued to engage the JEM of Dr. Khalil Ibrahim and the SLM/A of Abdulwahid El Nour, with the view to making them accept the DPA, which was largely recognized as a fair compromise that could pave the way for the restoration of peace and stability in Darfur. These efforts have continued since. However, to date, no progress has been made regarding the acceptance of the DPA by the non-signatories. In fact, their opposition to the DPA has continued in a way that dog its implementation.

4. In line with the overall political role of the AU regarding the DPA implementation, some members of the mediation team who were involved in the negotiations of the Agreement in Abuja were dispatched to Khartoum, at the end of May 2006, in order to hold consultations with the parties and other stakeholders on the implementation process. In Khartoum, the team held a series of substantive discussions with senior representatives of the Government of National Unity (GoNU), including the Implementation Committees established by the GoNU, the United Nations Mission in the Sudan (UNMIS) and other agencies, representatives of AU partners, representatives of civil society groups from Darfur and a wide range of other

stakeholders. Contacts were also established with members of the SLM/A (Minni) who, at that time, were outside of the Sudan.

**(i) Establishment of a DPA Implementation Team**

5. Following these preliminary contacts, a Darfur Peace Agreement Implementation Team (DPAIT) was established. It functions under the direct supervision of my Special Representative in the Sudan and Head of AMIS, Ambassador Baba Gana Kingibe. The Team, which is headed by Ambassador Sam Ibok, is composed of senior officers from the Commission and AMIS as its nucleus, pending the recruitment of additional staff. It will operate from Khartoum and El Fasher. Its organigramme includes experts and resource persons on gender issues, political, economic, social and humanitarian affairs. There is provision for a DPAIT Secretariat that will also service the Darfur- Darfur Dialogue and Consultation (DDDC), including its Preparatory Committee and the Chairperson of the DDDC. Also partners may be requested to assist the Team by seconding experts and resource persons on the basis of criteria and requirements to be determined by the Commission.

**(ii) Implementation of the DPA**

***Preliminary measures***

6. I wish to note that the non-arrival of representatives of the SLM/A (Minni) and the lack of adequate office space to accommodate the DPA Secretariat constituted some of the initial challenges the Team faced in Khartoum. Nevertheless, through the facilitation of my Special Representative in the Sudan, members of the Team were able to maintain regular consultations with all the stakeholders in Khartoum and in Darfur on various aspects of the implementation of the DPA.

7. It should be recalled that the GoNU has established six commissions for the implementation of several aspects of the DPA. These commissions have been interacting intensely with the DPAIT. However, it was considered more appropriate and practical to wait for the arrival of members of the SLM/A (Minni) so as to establish full working groups between the AU and the signatories to the DPA. Efforts are underway to overcome the problems encountered in the efforts to get these tripartite committees going. On its part, the DPAIT moved quickly to establish the Darfur Partners Forum (DPF) that serve as a forum for consulting with and briefing AU partners on developments relating to the DPA.

8. Several mechanisms have now been established in Khartoum to facilitate coordination between the AU, the GoNU and the SLM/A (Minni), on the one hand, and the international partners, on the other. One of these mechanisms is the Core Coordination Group (CCG), chaired by the Netherlands. The CCG role is essentially to supervise the work of the Joint Assessment Mission (JAM) provided for in the wealth sharing component of the DPA. Another mechanism is the Darfur Donors' Coordination Group (DDCG), chaired by the European Union (EU) Commission. This mechanism is designed to facilitate the work of the AU in the DPA implementation process.

9. The lack of official accommodation for the DPA signatories and the DPAIT Secretariat has now been resolved. In this regard, I welcome and commend the efforts of the Government of the United States that has rented two buildings in Khartoum and in El Fasher, which it graciously put at the disposal of the AU to serve as premises for the Implementation Secretariat. With this gesture, office space has now been allocated to the AU Implementation Team, the representatives of the GoNU, SLM/A (Minni), the signatories to the DoC, the Chairperson of DDDC, the Chairman of the DDDC Preparatory Committee and the DDDC Secretariat. The Khartoum building, partially furnished by the US Government, was formally inaugurated on 12 August 2006. Additional equipment, support services and budgetary allocations for the running costs have to be provided before the building could become fully operational. In the meantime, I am gratified by the decision taken by the GoNU to complement the efforts of the USA, through the provision of additional furniture and equipment to the Khartoum facility, which is now known as the Peace Secretariat and a home for all those who are working for peace in Darfur.

**(iii) Power Sharing**

10. As far as the implementation of the power-sharing component of the DPA is concerned, it should be noted that Mr. Minni Minawi, Chairman of the SLM/A, has been appointed Special Assistant to the President and Chairman of the Transitional Darfur Regional Authority (TDRA). Consultations are underway between the signatories to the DPA and those who signed the DoC on the other appointments to the various positions provided for in the DPA at the national and state levels. The guiding principle in these consultations is that the process should be as inclusive as possible. The Government has also moved to enact legislation both at the national and states' levels to ensure constitutional legality for different provisions of the DPA, ranging from the establishment of the TDRA, its component commissions, the expansion of the states' legislatures to several other political aspects of the DPA.

**(iv) Wealth Sharing**

11. Concerning the implementation of the provisions of the DPA relating to wealth sharing, significant progress was made with the effective commencement of the JAM on two tracks. The first track concerning the assessment of the short-term needs of Darfur for recovery, through quick impact projects in the fields of water, health, education, etc., is being led by the United Nations. The JAM has already started with the dispatch of technical teams to some parts of Darfur. The second track, jointly led by the World Bank and the African Development Bank, seeks to identify the development needs of Darfur for the medium and long terms. A team of experts dealing with the second track has also visited Darfur. A major concern that has been raised by those involved in the JAM process relates to problems of insecurity and threats to the experts dealing with the assessment. A second problem relates to the whole issue of inclusivity and ownership of the process, given the fact that the non-signatories to the DPA have, so far, refused to cooperate with the Mission, on account of the actions of the DPA signatories.

12. The outcome of these assessment missions is expected to be submitted to a Donors' Conference to be held in The Hague, under the auspices of the Government of the Netherlands. The CCG is being regularly briefed on the two JAM tracks and will determine the appropriate time for the convening of the donors' conference, which was initially scheduled for October 2006. The conference might be rescheduled because of security problems that the technical teams are facing, which prevent them from travelling to all parts of Darfur as indicated earlier. Nevertheless, the CCG remains of the view that the work of these teams should not be paralyzed by such a situation and that with close and active consultation and coordination with AMIS, they should proceed to the areas which are currently secure and safe until such time that they can go to the other areas. It was also agreed that a large spectrum of Darfur stakeholders should be involved in the work of the CCG and the whole consultation process associated with the Darfur JAM.

**(v) Darfur-Darfur Dialogue and Consultation (DDDC)**

13. With regards to the DDDC, preliminary consultations are underway. The Chairperson of the Preparatory Committee has been identified and is to be appointed as soon as the procedures for his secondment to the AU are formalized and finalized. Similarly, consultations are also nearing conclusion for the designation of the Chairperson of the DDDC. A lot of interest has been expressed for the early convening of the DDDC. Although no one can deny the importance of this forum, it is imperative that the Consultation, which will be a process and not just an event, be adequately prepared, in order to enable it to play the pivotal role assigned to it in building peace and reconciliation in Darfur, and to serve as a forum open to all Darfurians of all political persuasion and ethnic/ tribal origin.

**(vi) Implementation of the military and security aspects of the DPA**

14. As Council is aware, Chapter 3 of the DPA, which deals with the Comprehensive Ceasefire and Final Security Arrangements, assigned critical tasks to AMIS. To fulfil these new responsibilities, a new Concept of Operations (CONOPS), as approved by the Military Staff Committee (MSC) at its meeting of 23 June 2006, was submitted to Council at its meeting held in Banjul on 27 June 2006. However, Council decided to consider this CONOPS at the appropriate time, in light of any decision on a transition to the UN and the availability of logistical and financial support. In the interim, Council approved the additional tasks and the new mandate of AMIS, including the protection of civilians, within existing strength and capacity.

15. During the period under review, and in spite of the many challenges facing the Mission, some steps have been taken to further the implementation of the new tasks assigned to AMIS. These include:

- the restructuring and strengthening of verification mechanisms (JC and CFC), including the establishment of the Sectors Ceasefire Sub-Commissions (SCFSCs);
- in theatre training of personnel on the DPA and tasks associated with it;

- capacity building measures in preparation of DDR;
- preparation of final maps indicating areas of control, buffer, demilitarized and redeployment zones, as well as migration and humanitarian supply routes;
- meetings with SLM/A (Minni) leaders and commanders to discuss the way forward and processes of implementation of the DPA.

16. In addition, the Sudanese Government submitted, on 24 June 2006, a plan for disarming the Janjaweed/armed militia. AMIS has since studied the plan and communicated its observations to the Government, which is expected to submit a revised plan. In the meantime, partial disarmament of Janjaweed elements took place in Kas, South Darfur, on 22 June 2006, during which 130 weapons and ammunitions were handed over to the Government. These weapons are under the joint custody of the Government of the Sudan and AMIS.

**(vii) Information strategy**

17. It seems that a significant part of the population in Darfur supports the DPA. Those opposed to it are found mainly in the IDP camps where the majority of the population is supporting Abdulwahid El Nour. This is because of the misgivings and misperceptions his followers are conveying to the IDPs that the DPA does not address their primary concerns, particularly those relating to the full compensation for their losses. In this regard, the DPAIT, in consultation with the parties and with the assistance of a UK media advisory team and the UN, is developing an information strategy to popularize the Agreement. Publicity campaigns through the media and other direct contacts on the ground are also being considered. In this context, the DPAIT hopes to consolidate its cooperation with the UN Civil Affairs Unit, which has assets on the ground in Darfur, to facilitate outreach and engagement of a wide spectrum of Darfurians.

18. The information strategy, which is expected to play a crucial role in mobilizing support amongst the local population will be immediately implemented. Preparations for the DDDC should be enhanced. In essence, the Darfuran population should feel the positive impact of the DPA through concrete and visible actions on the ground. The opposition to the Agreement, manifested mainly in some IDP camps, should not constitute an impediment to the implementation process. The signatories to the DPA and the DoC, as well as others in Darfur, the Sudan and the world at large, should continue to be firmly engaged in all efforts aimed at making the DPA as successful and as attractive as possible with the ultimate objective of making it an inclusive process which will enable all Sudanese, in general, and all Darfurians, in particular, to live in a peaceful society.

**(viii) Challenges**

19. The implementation of the DPA faces a number of challenges. Some of these challenges relate to the prevailing security situation on the ground, as described below. Others relate to the growing demands by the Movements, in particular the SLM/A (Minni) and the DoC signatories, for non-military logistic support as provided for in the Agreement. Addressing these demands requires not only that steps be taken for the redeployment of the Movements, the control of their weapons and registration of their combatants to the satisfaction of AMIS, but also the mobilization of the necessary resources. Furthermore, the status of the signatories to the DoC needs to be clarified, so that their concerns could also be genuinely addressed. The non-formation of some of the structures provided for by the DPA [the TDRA, the Darfur Security Arrangement Implementation Commission – DSAIC – and the Logistics Coordination Commission – LCC], as well as the exclusion of the non-signatories from the CFC and the JC, add to these problems. A new D-Day for the commencement of the DPA implementation should be agreed upon as all the timelines specified in the Agreement have become obsolete.

**(ix) Formation of the National Redemption Front (NRF) and other developments relating to the rebel groups**

20. One of the challenges that emerged after the conclusion of the Abuja Talks was the establishment, in Asmara, on 30 June 2006, of the NRF, which is an alliance of mainly three Darfur rebel groups which are opposed to the DPA, namely the JEM of Dr. Khalil Ibrahim, a splinter group of the SLM/A led by Khamis Abdallah Abakar, former Vice-President of the SLM/A, and the Sudan Federal Democratic Alliance (SFDA). In their founding declaration, which was signed by Khalil Ibrahim, Khamis Abdallah Abakar, and Sharif Harrir and Ahmed Ibrahim Diraig from the SFDA, these movements reaffirmed their rejection of the DPA, which, in their view, was the result of “a faulty process.” The NRF’s objectives include “organising and unifying political, military diplomatic, legal and various popular initiatives for the realization and protection of the legitimate rights of Darfurian and all Sudanese”. The NRF structure is composed of a “leadership council from the leaders of the founding organizations, with a rotating presidency and a general secretariat responsible for the daily executive affairs”. It should be noted that Mr. Abdulwahid El Nour, so far, has refused to join the new front, mainly because of his disagreements with Dr. Khalil’s vision, which embraces not only Darfur but the whole of the Sudan. The NRF, which has vowed to work against the DPA, has been engaged in hostile activities in Darfur, the most spectacular of which being the attack perpetrated in Khomrat Sheikh, in North Kordofan, a state outside the Darfur region. This action led the Government to declare the NRF a terrorist organization and to give a list of their members to be arrested by Interpol.

21. Furthermore, during the period under review, the SLM/A (Abdulwahid) continued to witness further fragmentation, as some members of the group, up to then loyal to Abdulwahid El Nour, announced his deposition and replacement by Abdeslahi Yagoub Bassen. Another splinter group – the G19 – remains active on the ground, and seems to have an agenda similar to that of the NRF. However, there are indications that the G19 may be brought on board the DPA under certain conditions, especially if Abdulwahid El Nour is persuaded to do so.

**(x) Expulsion of non-signatories from the CFC and the JC**

22. Subsequent to the attack in North Kordofan, and having declared the NRF a terrorist organization, the GoNU formally informed AMIS that it cannot guarantee the security of the representatives of the non-signatory parties to the CFC, and requested that they be excluded from that organ and the JC because of their anti-DPA activities across Darfur. It is against this background that my Special Representative, on 13 August 2006, issued a statement requesting the representatives of the DPA non-signatories to leave the CFC Headquarters in El Fasher and the various AMIS Military Group Sites (MGS). However, at the time of finalizing this report, the AU and its partners were making sustained efforts for the signatory parties to allow the non-signatories to participate in the activities of the CFC and the JC. Their non-participation continues to paralyze the work of these two vital ceasefire verification mechanisms.

**III. STATUS OF AMIS DEPLOYMENT AND RELATED ASPECTS****(i) Status of deployment**

23. As of 1<sup>st</sup> September 2006, AMIS strength stood at **7,200** personnel, comprising **4,980** protection force elements, **783** military observers and staff officers, **1,425** civilian police personnel and **12** CFC members, drawn from 28 Member States. This is **541** personnel short of the authorized strength of **7,731** (**6,171** military and **1,560** civilian police). The shortfall is made up of **406** military personnel and **135** civilian police elements. Efforts are being made to bring AMIS deployment to the authorized level.

24. Meanwhile, AMIS has continued to discharge its mandate as approved by the 58<sup>th</sup> meeting of Council, including the identification and patrolling of humanitarian supply routes; the protection of civilians under imminent threat, within existing strength and capacity; the investigation of ceasefire violations; escort of humanitarian convoys where necessary and escort of logistic items. The following table provides an indication of the AMIS activities from the period 1<sup>st</sup> June to 31<sup>st</sup> August 2006.

| Serial | Type                        | Month |       |        | Remarks  |
|--------|-----------------------------|-------|-------|--------|--|
|        |                             | June  | July  | August |  |
| 01     | Confidence building patrols | 891   | 1,222 | 1,400  | Over 3,000 villages patrolled  |
| 02     | Firewood escort conducted   | 23    | 31    | 27     | Predominantly carried out in Sectors 4 and 7 on an average of 3 per week |

| Serial | Type   | Month |      |        | Remarks  |
|--------|--|-------|------|--------|--|
|        |  | June  | July | August |  |
| 03     | Humanitarian agencies and NGOs escorts conducted | 36    | 26   | 25     | The organizations escorted include: UNHCR, World Vision, OXFAM, WFP, Solidarities, AMI, UNICEF, Concern International, Help Age, German Federal Agency for Technical Relief, International Organization for Migration, Relief international, Save the Children, Aid Medical International, Save the Children, Aide Medical International and Humanitarian Aid. |
| 04     | Patrol of IDP camps                              | 43    | 39   | 45     | Daily escorts of CIVPOL to 23 IDP camps and an average of twice a week patrols to the 42 remaining IDP camps   |
| 05     | PAE escorts carried out                          | 35    | 23   | 35     | Escorts of diesel fuel, engineering equipment and other materials  |
| 06     | Water escorts conducted                          | 23    | 14   | 16     | Predominantly carried out in Sectors 7 and 8   |
| 07     | JLOC Escort                                      | 9     | 7    | 2      | Escort of aviation fuel  |

**ii) Consultations with the Troop and Police Contributing Countries (TCCs and PCCs) and rotation of AMIS troops and civilian police personnel**

25. During the period under review, the Commission has maintained close consultations with the TCCs and PCCs. A number of meetings were held to discuss issues pertaining to the future of AMIS, especially in light of the envisaged transition to a UN peacekeeping operation. Within this framework, it was agreed that the rotation of AMIS troops should proceed as initially planned despite the uncertainties surrounding the mandate of the Mission, which is due to expire on 30 September 2006, and its possible take over by the UN, in view of Sudan's continued opposition to the envisaged transition. The rotation, which started on 1<sup>st</sup> September 2006, is proceeding smoothly. The idea of pursuing the rotation prior to the envisaged transition is to enable the UN to inherit fresh troops should it take over the Mission. I would like to express my gratitude to the North Atlantic Treaty Organization (NATO), and EU, which are providing strategic airlift, as well as to Canada, which is providing tactical airlift in the mission area.

**iii) Financial aspects**

26. Following the decision of the 46<sup>th</sup> meeting of the Council, held on 10 March 2006, to support in principle the transition from AMIS to a UN operation in Darfur and to extend the mandate of the Mission, a budget amounting to US\$170,333,162, for the six month period from 1 April to 30 September 2006, was prepared on the basis of the strength authorized by Council in its decision of 28 April 2005, and submitted to partners

for consideration and possible funding. This was intended to be a transition budget. However, by June 2006, the Commission could only mobilize half of the budget requirement and the pace at which funding was provided was so slow that it threatened the sustenance of the Mission beyond July 2006.

27. At its meeting in Banjul, Council welcomed the convening in Brussels, on 18 July 2006, of a pledging conference to mobilize the necessary financial and logistical resources for the sustenance and enhancement of AMIS from 1 April to 30 September 2006. Council urged the AU partners to provide, on that occasion, the requisite support and further urged all Member States to attend the conference and to make their own contributions in support of AMIS, including by seconding, at their own expense, qualified personnel to the Mission.

28. As scheduled, the pledging conference, which was hosted by the European Union, took place on 18 July 2006, in Brussels. The Commission presented a budget estimate covering the period 1<sup>st</sup> April to 31 December 2006, amounting to US \$ 441,149,178. This included the budget of US \$ 170,330,162 for the period 1<sup>st</sup> April to 30 September 2006 referred to above; the estimates for the operations of the Mission for the period 1<sup>st</sup> October to 31 December 2006, should a decision be made to extend the mandate of AMIS until the end of the year – this budget amounted to US \$ 76,347,112; and a budget taking into account the financial implications arising from the signing and implementation of the DPA, including the increase in AMIS strength by six battalions and the costs associated with the holding of the DDDC - this amounted to US \$ 194,468,904.

29. The Conference was co-chaired by the Secretary-General of the United Nations and myself. The High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the EU, the EU Commissioner for Development, the UN Under Secretary-General for Peacekeeping Operations, the AU Commissioner for Peace and Security, as well as representatives of bilateral partner countries, AU Member States, international organizations, including the League of Arab States (LAS) and NATO, also attended the Conference.

30. During the announcement of pledges, the partners reiterated their support for the strengthening of AMIS to enable it fulfil its current obligations, including the new tasks assigned to it by the DPA, but also to be prepared for the expected transition to a UN operation. As the same time, they cautioned against the contemplated increase of AMIS strength as contained in the CONOPS prepared following the signing of the DPA and which called for additional 6 battalions of force protectors. A proposal, therefore, was made for initially limiting the envisaged increase to two battalions only. In this respect, it should be recalled that, at its meeting in Banjul, Council deferred consideration of the new AMIS CONOPS and agreed to review it at the appropriate time in the light of any progress on the transition and the availability of logistical and financial support.

31. The partners also expressed their renewed support to the DPA, which they consider as an important milestone for the restoration of peace in Darfur. At the same time, they insisted on the necessity to make more efforts to bring on board the parties

which have not signed the DPA so as to make it more inclusive and to facilitate its implementation. Furthermore, they underscored the urgent need to conduct the DDDC.

32. A total amount of US\$ 322,172,511 was pledged during the conference to cover the operation of AMIS II E for the period 1<sup>st</sup> April to 31 December 2006, including the DDDC. Out of this, US\$ 160,392,900 represented contributions in cash, while the remaining balance was pledged in kind. Considering the cash contributions and the fact that some of the contributions mobilized are earmarked for specific budget lines, AMIS will be in a position to cover all salaries and allowances related to military and civilian personnel, as well as other expenses, such as troop reimbursement, rations, catering, stationery and office supplies up to 31 December 2006, based on its current strength. Nevertheless, there will still be a total cash short fall of US\$ 18.6 million for the same period, spread over budget line items, such as pre deployment expenses, parts of troops rotation, emplacement and life insurance. However, it is the Commission's expectation that based on previous commitments partners may be willing to cover the short fall, for which they have indicated to provide support for the mission until the envisaged transition to the UN. Other aspects of AMIS operations (facilities, infrastructure, ground and air transportation, among others) are covered by the partners through contributions in kind.

#### **(iv) Logistics**

33. Logistics support for the Mission has considerably improved. The establishment of a Joint Logistics Operations Cell (JLOC), which coordinates the planning, procurement and distribution of supplies and services for all the elements of the Mission, has contributed to this improvement. The Mission now has a total of 1,115 vehicles (15 have been stolen by rebels and 18 Kamaz trucks damaged during transit from Port Sudan). This is sufficient for the requirements of the Mission at its current strength. The Mission has, however, suffered from shortage of communication equipment in the last five months. This was principally due to the non-release by the Sudanese Government of the communication equipment from customs warehouses. Most of these equipment have been released in the last two months, but the delay adversely affected the Mission's operations. The Mission now has 70 HF radio base stations, 331 HF radio vehicle sets, 48 VHF radio base stations, 692 VHF vehicle sets, 1,837 hand held radios, 425 Thurayas, and 32 VSATs. There are still 50 codan vehicle radios, 544 handheld radios, 14 base stations and 16 VSATs in the Sudanese customs warehouses. The Mission is developing ground to air communications, as well as internet capacity. With respect to IT equipment, the Mission has 330 laptops, 510 desktops, 105 scanners, 170 digital cameras, 80 digital video cameras and 304 GPS. Food and fuel reserves are carefully tracked to avoid serious shortages in the event that supplies are cut off due to the deterioration of the security situation.

#### **(v) Relations with Partners**

34. Close cooperation between the AU and partners continues to be an essential feature of the strengthened AMIS. Since its inception, the Mission has received significant financial, technical and diplomatic support from the partners. In particular, the partners have provided experts who are seconded as advisors to the DITF in Addis

Ababa, the AMIS HQ in Khartoum and the area of operation in Darfur. These experts perform functional duties where African officers are not assigned to the posts. As indicated, the partners have provided and will continue to provide strategic airlift for the rotation of troops. The EU has deployed 26 police trainers and advisors in Darfur. They have made a positive contribution, by providing the Train-the-Trainer courses, senior management courses, induction courses for new arrivals and, most importantly, in mission training which is ongoing.

35. The UN Assistance Cell in Addis Ababa continues to assist the DITF in the strategic aspects of managing AMIS. This includes support in the areas of military, police and logistics planning, as well as budget planning. The UN has also assisted in establishing strategic communication links between the DITF, Khartoum, and El Fasher.

36. There are regular weekly meetings between the DITF and the Partners' Liaison Group, where outstanding issues are discussed and resolved. There are also constant bilateral meetings on individual issues of concern.

## **V. SECURITY SITUATION**

37. While the signing of the DPA constituted a milestone in the quest for peace in Darfur, the security situation in the region has continued to deteriorate since my last report to Council. Though hostilities have significantly reduced between the signatories to the DPA, ethnic and tribal conflicts, armed banditry activities, such as cattle rustling, rape, theft, and other criminal activities, are on the increase. Continuing defections and realignments within the rebel movements, the suspension of the membership of the non-signatories from the JC and the CFC, as well as the build up of forces by both signatories and non-signatories to the DPA, especially in North Darfur, are also contributing to the volatility of the situation.

38. A series of ceasefire violations have occurred since the DPA was signed on 5 May 2006. Both signatories and non-signatories to the DPA are involved in these violations, with the latter being actively supported by rebels from across the border with Chad. The worst affected areas include Kulkul, Birmiza, Korma Kafod, Sayeh and Um Sidi, in North Darfur.

39. In July 2006, heavy fighting occurred in the general area of Jabel Moon between the JEM and the GoS. My Special Representative, Baba Gana Kingibe, and the UN Secretary-General's Special Representative, Jan Pronk, jointly condemned this round of fighting. More fighting was recorded around Kulkul and surrounding villages between the GoS and elements of the NRF, most likely with support from Chadian rebels. The fighting was so serious that efforts by the Force Commander and Chairman of the CFC to visit the area proved futile as both parties refused to stop the fighting to allow for mediation.

40. Other ceasefire violations include the untoward conduct of SLM/A (Minni) combatants, who, in violation of basic norms of international humanitarian law, not only enter IDP camps with arms, but also harass and extort money from innocent civilians who are already traumatized. Over the past few weeks, the security of the IDPs has

further deteriorated as they continue to be attacked by armed Arab militia and some other unidentified armed groups. For instance, on 28 August 2006, the AMIS camp in Graidia reported that Arab militia from Sherab village attacked Gueighin village, killing 25 people, wounding 21, with 11 in critical condition. The attackers were reported to have burnt down some villages within the vicinity and stolen 500 cattle and 1,000 sheep. On 30 August 2006, Arab militia again attacked Gueighin in the Graidia area. In that attack, 35 people were reported killed, 19 injured and many houses were burnt down. The next day after this attack, 50 armed men on horse back, suspected to be Arab militia, but in GoS uniforms, attacked women and children who were collecting grass and fire wood about 2km south west of the Graidia camp. One person was killed in that attack and many others wounded.

41. NGOs and AMIS contractors have also been the target of attacks by armed groups since the signing of the DPA. A case in point was the hijack, on 27 June 2006, of an ICRC vehicle with 2 male occupants, at Kassab IDP camp. On 31 July 2006, a PAE helicopter was shot at by unknown armed elements; one passenger was injured during the incident. This situation has resulted in the temporary suspension of services by some of the NGOs in the areas where these attacks occurred, thus reducing access to IDPs for humanitarian assistance.

42. AMIS, too, has not been spared from attacks and obstructions by the armed groups. Hostility against AMIS was further compounded by the suspension of the representatives of non-signatories to the DPA from the JC and the CFC. In reaction, JEM, G19, and the NRF, in joint statements, have threatened unspecified hostile military action against AMIS personnel and installations. The JEM, in particular, has threatened to shoot down AMIS aircrafts flying over its area of control. It is against this background that an attack against an AMIS convoy escorting fuel took place on 19 August 2006, at Kouma (Sector 1), Northern Darfur, about 75 km from the Force Headquarters at El Fasher. In that incident, two AMIS soldiers from Rwanda were killed and three others critically injured. The Jet A1 fuel they were escorting and which was meant for AMIS air operations and 17 fuel tankers were lost in the course of the incident, while one AMIS APC was destroyed. Six rebels were killed and one of their vehicles destroyed. On 4 September 2006, another attack on AMIS personnel occurred. On this occasion, the AMIS camp in Kutum reported that a patrol made up of 6 MAMBA APCs, on its way to Anabegi, was shot at by armed men in 5 pickup vehicles marked NRF. The AMIS patrol returned fire and destroyed one of their vehicles.

43. Movements and patrols are now becoming extremely difficult in areas not controlled by the signatories, especially as the non-signatories are accusing AMIS of being pro DPA signatories. It is also increasingly difficult to investigate most of the alleged violations of the ceasefire. Indeed, the parties do not cooperate in cross camp investigations of ceasefire violations and are quick to question the authenticity of investigation reports in which they refused to participate. In fact, signatories to the DPA have refused any violation reported by the non-signatories to be mentioned at CFC meetings, let alone discussing them. This unfortunate stand by the parties has resulted in a backlog of 90 violations pending investigations across Darfur. These cases are being investigated by the various SCFSCs and the relevant reports would hopefully be ready for the next Joint Commission meeting. Furthermore, as the identified

demilitarized and buffer zones, as well as main supply routes, cut across areas being held by these non-signatories, the work of AMIS in the implementation of the ceasefire provisions of the DPA has become a lot more difficult.

44. AMIS operations in general are becoming more challenging because the Government has still not lifted the curfew, which is greatly restricting the movements of AMIS during the hours of darkness. More so, AMIS night operations are severely compromised by the daily closure of El Fasher airport and denial of access to AMIS personnel to the airport after 18:00 hours.

## **VI. HUMANITARIAN AND HUMAN RIGHTS SITUATION**

45. As a result of the prevailing security situation, the humanitarian situation in Darfur continues to deteriorate. Some areas of Darfur have been declared “no go zones” for humanitarian workers. The staff as well as the assets of humanitarian delivery agencies and organizations in these areas have also been targeted by some splinter groups and militias in their attempt to acquire the necessary logistics, such as vehicles, to enhance their operations. Nine humanitarian workers were killed in the month of July and more than 25 UN or NGO vehicles were ambushed in the months of June and July.

46. In a briefing to the Security Council, at the end of August, the UN Under-Secretary-General for Humanitarian Affairs stated that the prospect of complete withdrawal by humanitarian agencies and NGOs from some parts of Darfur is now a real possibility. This will leave hundreds of thousands of people without any humanitarian assistance. WFP has reported that 470,000 people across Darfur who could not be reached did not receive their monthly rations in July, and it was expected that, in August, half a million people would not receive food for their survival. There is a shortfall of almost \$300 million for this year alone for funding humanitarian requirements in Darfur.

47. As reported by the Office of the UN High Commissioner for Human Rights, after the signing of the DPA, increased violence in Darfur resulted in numerous civilian deaths and aggravated the already severe human rights situation in Darfur. During May and June, numerous incidents of this nature were reported to have occurred, consisting mainly of attacks on villages by armed militias.

48. According to the categorization of the UNHCHR, there are two types of attacks being perpetrated against civilians. There are attacks due to the nature of the inter-ethnic rivalry, and those being perpetrated by Arab militias and armed bandits. The inter-ethnic conflicts between communities are predominantly linked to the signing of the DPA, and this has resulted in lack of confidence and mistrust between Zaghawas, to which Minni Minawi belongs, and Fur, linked to Abdulwahid El Nour. This has especially manifested in IDP camps leading to polarization among new settlers.

49. Similarly, torture has become a common practice against perceived collaborators, with the aim of extracting information, and forceful conscription of unwilling adults and children. In most cases, AMIS has been helpless in dealing with the situation due to the uncooperative attitude of the parties. In some of the areas controlled

by the parties, their leaders argue that the mandate of AMIS precludes interference in the internal affairs of the movements. The victims of torture are also denied the freedom to complain to AMIS for fear of retribution.

50. Education of the youth leaves much to be desired. The persistent attacks on villages leading to new displacements have continuously degraded educational delivery in Darfur. Schools are very few and the curriculum is incomplete. In many IDPs' schools, there are very few teachers. Infrastructure is also lacking. Teaching and learning conditions are less conducive since plastic or precarious stick shelters are used as classrooms under the harsh weather conditions and violent sand storms which prevail in Darfur.

51. There have also been frequent violations of the right to freedom of opinion and expression as recognized by many international treaties. During meetings with IDPs in their camps, depending on the dominant faction, the sympathizers of the other factions are not free to express their opinion. The dissemination of information is strictly controlled in the IDP camps, thereby preventing ordinary people from discussing freely their problems with AMIS personnel.

52. There has been an increase in rape cases within the past 3 months. Often, women, including girls, are assaulted or raped outside villages or IDP camps. It should be noted that, through its firewood patrols, AMIS forces provide some protection from sexual abuse by militias. In this regard, I wish to urge the relevant Sudanese authorities to expedite action on the investigation of reported cases of sexual abuse and rape and to take strong action against the perpetrators.

#### **IX. ACTIVITIES OF THE CEASFIRE COMMISSION (CFC) AND THE JOINT COMMISSION (JC)**

53. As Council is aware, following the signing of the DPA, the CFC was inaugurated on 13 June 2006 in El Fasher, while the first session of the JC was convened in Addis Ababa on 23 June 2006, with all the parties, including the non-signatories, in attendance. Needless to stress that these are two very important mechanisms meant to reinforce the monitoring and verification systems for effective maintenance of the ceasefire, and for building confidence and resolving disputes among the parties to the conflict. Their functions are clearly spelt out in the relevant articles of the DPA.

54. The period that followed the inauguration of the CFC also saw, as indicated above, the formation of Sector Ceasefire Sub-Commissions (SCFSCs) in all the Sectors. Although their formation took longer than expected due to the absence of the representatives that were to be designated by the parties that signed the DPA, significant progress has already been made. As of today, all the Sectors have formed SCFSCs, including Sector 4 whose area of responsibility is dominated mainly by the SLM/A (Abdulwahid) faction which did not sign the DPA and, as such, does not want to have anything to do with the Agreement. With the formation of these SCFSCs, the cycle of investigation and reports of violations was expected to pick up considerably.

55. The SCFSCs have performed fairly creditably in delineating projected buffer and demilitarized zones and zones of exclusion for the parties. At present, most of the Sectors have marked demilitarized zones around IDP camps in their areas of responsibility. All these areas have been clearly marked on maps and translated to the ground. Furthermore, most of the Sectors have gone ahead to undertake the arduous tasks of the verification of positions of parties on the ground. They have also been at the forefront of investigation activities into all cases of violations in the field. The formation of investigation teams is a recurrent problem however, due to the refusal of parties to cooperate in cross camp violations. Efforts have been made at all levels and are still underway to break this impasse once and for all.

56. The CFC has held several meetings since its inauguration on 13 June 2006. Meetings are usually held on Mondays and Wednesdays in time to deliberate on reports from the SCFSCs, which meet on Thursdays and Saturdays.

57. The JC held its second meeting on 3 August 2006 in Addis Ababa. The meeting was chaired by my Special Representative, Baba Gana Kingibe, and was attended by the signatories to the DPA and the DoC, the UN, the EU and the US as members, while Canada, Egypt, France, the League of Arab States, Nigeria, the Netherlands, Norway and the UK participated as observers.

58. In his briefing to the members of the JC, the Chairman of the CFC and AMIS Force Commander, Major General C.R.U. Ihekire, reported on ceasefire violations and presented an overview of the security situation in Darfur since the signing of the DPA. The JC, after exhaustive deliberations, deferred consideration of the ceasefire violations listed in the report, and requested the Force Commander to undertake thorough and further investigation and verification by an all inclusive CFC. The JC also expressed deep concern over the continued violations of the ceasefire and human rights in Darfur, and decried the involvement of all the parties to the conflict, signatories and non-signatories to the DPA alike, as well as the Janjaweed and other militia groups. The emergence of new groups, such as the G-19 and NRF, was also noted as a serious cause for concern. It was noted that these forces have continued their attacks not only on their Sudanese adversaries, but also on AMIS and others. The JC urged all parties to respect their commitments under the N'djamena Humanitarian Ceasefire Agreement and the DPA. The JC took note of the position of the Government on these groups, as well as of the briefing given by its representative regarding the steps taken towards the implementation of the DPA. The JC advised that discussions on these matters should be pursued in the appropriate fora.

59. Finally, the JC decided that the suggestions in the Force Commander's report and those made during the discussions of the JC for improving the mechanisms for the implementation of the ceasefire and security arrangements would be discussed at the next meeting of the JC. Towards this end, it was decided that a preparatory meeting of the stakeholders be convened soonest to streamline the process and focus of the CFC.

60. It is against this background that a consultative CFC meeting was held in El Fasher, on 23 August 2006, to streamline CFC procedures. A format for rendering investigation reports on ceasefire violations was adopted, by which all representatives of the parties will endorse the report, with a provision for minority comments, if any.

61. As noted above, the work of the two Commissions became severely constrained by the resolve of the Government and the SLM/A (Minni) not to sit together with the non-signatories of the DPA, namely the JEM and the SLM/A (Abdulwahid). Despite a consensus within the international community that all the parties should be involved in the work of both Commissions, the DPA signatories remained resolute in their opposition, which they reinforced with boycotts, in the case of Minawi's representatives, and, as noted above, a formal request by the GoNU that AMIS should expel the non-signatories from the CFC, as they had declared them to be terrorists and are unable to guarantee their security. They further allege that the non-signatories are using their presence in AMIS facilities to collect information, which they use for attacking their forces in violation of the ceasefire. Both the GoNU and SLM/A (Minni), however, accepted the participation of the signatories to the DoC. AMIS and the international partners are of the view that, since the DPA and DoC signatories normally do not attack each other, a CFC composed solely of them does not achieve the objective of the Commission.

62. In the light of the foregoing, it has become very difficult to investigate alleged ceasefire violations, as the various camps do not cooperate in various cross camps violations and are quick to contest the authenticity of an investigation report which comes out of a process in which they refused to take part. Overall, the continued inability of the two Commissions to function properly has not only slowed down the implementation of the provisions of the Final Security Arrangements, but has also given the parties, particularly the non – signatories, the pretext to continue violating the ceasefire with impunity.

#### **X. FOLLOW-UP OF PARAGRAPHS 7 AND 8 OF COUNCIL'S DECISION OF 27 JUNE 2006 AND RELATED DEVELOPMENTS**

63. At its 58<sup>th</sup> meeting, Council decided to impose targeted measures, including travel ban and assets freeze, against all persons or groups undermining the DPA, obstructing its implementation, or violating the Comprehensive Ceasefire. In this respect, Council requested me to establish a list of all such persons or groups, in consultation with the Joint Commission and all other stakeholders, and communicate the same to all Member States, as well as to other relevant members of the international community, including, in particular, the UN Security Council.

64. As a follow-up to this decision, the Commission is in the process of collecting the names and other relevant information on such individuals and groups. Council will be kept informed of developments in this respect. It should be stressed that the Government of Sudan has, over the past months, called for sanctions against those who did not sign the DPA and are undermining its implementation, as was the case in similar situations in the continent.

65. On a related theme, the second report of the Panel of Experts established pursuant to paragraph 3 of resolution 1591 (2005) of 29 March 2005 was submitted to the UN Security Council in April 2006. In the report, the Panel noted that the flow of arms, especially small arms and ammunition, into Darfur, from a number of countries and from other regions of the Sudan continued unabated during the period from January to March 2006. Noting that, at the time of writing its report, no individual had been designated by the Committee established under resolution 1591 (2005) to be subject to financial and travel – related sanctions as provided for by that resolution, the Panel stressed that the designation by the Committee of individuals would provide additional momentum to the entire peace process in Darfur. The Panel also identified impediments to the peace process and gathered information on individuals who impede the process.

66. On 29 March 2006, the Security Council adopted resolution 1665(2006), extending until 29 September 2006 the mandate of the Panel of Experts. On 25 April 2006, the Security Council adopted resolution 1672 (2006), in which it decided to impose the financial and travel-related sanctions referred to above to the following individuals:

- a. Major Gen. Gaffar Mohammed Elhassan (Commander of the Western Military Region for the Sudanese Armed Forces);
- b. Sheikh Musa Hilal (Paramount Chief of the Jalul Tribe in North Darfur);
- c. Adam Yacub Shant (Sudan Liberation Army Commander); and
- d. Gabril Abdul Karim Badri (National Movement for Reform and Development Field Commander).

67. In its resolution 1706 (2006) of 31 August 2006, the Security Council reiterated its intention to consider taking, including in response to a request by the African Union, strong and effective measures, such as travel ban and assets freeze, against any individual or group that violates or attempts to block the implementation of the DPA.

## **XI. TRANSITION FROM AMIS TO A UN PEACEKEEPING OPERATION**

68. At its 58<sup>th</sup> meeting of 27 June 2006, Council took note of the outcome of the UN/AU joint technical assessment mission that visited the Sudan and Chad from 9 to 22 June 2006 and the position of the GoNU rejecting the proposed transition from AMIS to a UN peacekeeping operation. Council reaffirmed its decisions of 10 March and 15 May 2006 on ending the mandate of AMIS by 30 September 2006 and on the transition from AMIS to a UN peacekeeping operation. In this regard, Council expressed its readiness to review the mandate of AMIS in the event that the consultations between the Government of the Sudan and the United Nations conclude on an agreement for a transition to a UN peacekeeping operation.

69. As Council would recall, the assessment mission examined the requirements for a possible transition from AMIS to a UN peacekeeping operation as well as the requirements for strengthening AMIS in order to enable it perform the additional tasks assigned to it by the DPA. Furthermore, the mission recommended adopting a unified plan for a transition to the United Nations operation, pursuant to the decisions of the African Union and the Security Council. This transition plan would involve, in the interim,

strengthening, through the United Nations, the command and control capacity of AMIS, building a reliable communications system, enhancing AMIS' mobility, and the provision of engineering capabilities.

70. Subsequently, in a report on Darfur to the Security Council, dated 29 July 2006 (S/2006/591), the UN Secretary-General recommended, subject to the consent of the Government and in concurrence with other parties to the DPA, the expansion of the unified UNMIS into the Darfur region as from 1 January 2007. The mandate for the proposed UN peace support operation in Darfur would have, as its priority, the protection of civilians and would work closely with the GoNU and other key actors to this end. The mission would also promote and support the efforts of the parties to implement the DPA.

71. The report of the Secretary-General also noted the conclusions of the assessment team that the magnitude of the protection tasks and the need to ensure compliance with the DPA would require a large, agile and robust military force. The key operational requirements were defined as high troop density to provide wide area coverage; high mobility to move forces rapidly in response to developing crises; and robust military capability to deter and defeat spoilers. In this connection, the Secretary-General presented three military options to the Council:

- a) The first option, based on the 'troops to task' assessment undertaken by the UN, called for a force of approximately 17,300 troops, consisting of 14 infantry battalions, with a divisional reserve of two special forces companies, three fixed-wing operational reconnaissance aircraft, up to 8 helicopters for tactical reconnaissance/armed deterrence and 18 military utility helicopters. According to the Secretary-General, this force represents an optimal balance of key operational capabilities and probably offers the fastest route to a secure environment and eventual return to normality.
- b) The second option differed from the first in the number of infantry battalions and military helicopters. It is a force of approximately 18,600 troops, with only four reconnaissance and nine helicopters. The force would therefore be unable to react to multiple incidents by air, reducing its capacity to deter spoilers and possibly delaying the return of normality and peace.
- c) The third option differed from the first in a reduced number of infantry battalions, but with six additional helicopters and three additional rapid reaction companies. It is a force of approximately 15,300 troops. With fewer troops deployed, it carries a higher degree of risk with regard to protection of civilians. It also renders the force more vulnerable to the constraints of weather on operations.

72. The Secretary-General's recommendations included a fully resourced police component with a robust mandate to provide a strong and credible presence and minimize the difficulties faced by the current AMIS civilian police operations. The UN

police component will be more effective in its fundamental role of orchestrating long-term developmental changes to law enforcement in Darfur. The United Nations will initially require deployment of up to 3,300 police officers and 16 formed units.

73. For the interim period, the report of the Secretary-General identified a number of priority areas in which the UN could provide direct and significant support to AMIS. They include command and control, communications, enhanced mobility, engineering, training, location and sourcing of water, resource and administrative management, and public information. The Secretary-General indicated that, in addition to actions to support AMIS, it would also be important for the United Nations to play an active and effective role in support of the implementation of DPA.

74. Subsequently, a team from DPKO and UNMIS, comprising military, police, mission support and political affairs officers, came to Addis Ababa and held consultative meetings with an AU team, from 15 to 18 August 2006. In their deliberations, the two teams focused on the proposals by the UN on a support package for AMIS, and a draft unified plan for the envisaged transition of AMIS to a UN operation. The teams also took note of the outcome of the Brussels Conference, which fell short of the AMIS budget estimate to 31<sup>st</sup> December 2006, and observed that making up the shortfall should be a top priority in any support package to sustain the Mission. It is planned to hold high-level consultations between the AU and the UN in the course of this month, in New York, to finalize the discussions on the support package to AMIS.

75. On 22 August 2006, I received a letter from Mr. Amr Mousa, the Secretary-General of the League of Arab States, on the situation in Darfur and the envisaged transition from AMIS to a UN peacekeeping operation. In his letter, Mr. Amr Mousa informed me of the outcome of the extraordinary session of the Council of the League held on 20 August 2006, which reaffirmed the need for the AU to pursue its efforts in Darfur, including the political mediation and the monitoring of the ceasefire. The League of Arab States reiterated its position on the need to secure the consent of the Government of the Sudan before any other force is deployed in the region. The League also requested Arab and African States to extend financial and material support to AMIS to enable it to continue to implement its mandate.

76. Following the circulation of the initial draft of the UN Security Council on Darfur, President Omar Hassan Al Bashir invited me to Khartoum on 26 August 2006 for consultations on the situation. During our discussions, President Al Bashir expressed the disappointment of his Government at the fact that it was the Council that initiated the request for a transition to the UN. He also expressed disappointment at the fact that the African members of the Security Council were supporting the draft resolution and pushing for its adoption. He expressed the view that the refusal of the partners to strengthen AMIS and the continued insistence on a transition to the UN, instead of focusing on the implementation of the DPA and imposing sanctions on the non-signatories to the DPA, indicate that the intention is not to reach peace in Darfur and that there is a hidden agenda against the Sudan. He reiterated the position previously articulated by the Government according to which there were no provisions for UN peacekeeping role in the DPA and that the AU was not expected to transfer the Mission to the UN. He then reiterated that the Sudan would never accept the deployment of UN

troops to Darfur. However, Sudan was ready to cooperate with the UN. In this respect, he referred to the “Plan for the restoration of stability and protection of civilians in Darfur”, submitted by the Sudan to the UN. On my part, I explained that Council took the decision to recommend a transition to the UN in the light of not only the funding, logistical and management constraints facing the Mission, but also in view of the requirements for an increased integration of the different aspects of the peace efforts in Darfur which call for a multidimensional peacekeeping operation for which the AU does not have the necessary capacity. I expressed confidence that Member States were capable of making their own decisions without succumbing to external pressure. Finally, I advised that the Government should keep the doors of dialogue open on this matter.

77. During the Security Council meeting of 28 August 2006, in which the AU, together with the League of Arab States and the Organization of Islamic Conference, participated, the AU representative stressed the need for the draft resolution on Darfur, then under consideration, to duly take into account the elements articulated by Council in its communiqué of 10 March 2006. She also stressed the need for the resolution to reflect the specific responsibilities given to the AU in the implementation of the DPA, including the convening under its auspices of the DDDC.

78. On 31 August 2006, the UN Security Council adopted resolution 1706 (2006) concerning the situation in the Sudan. Determining that the situation in the Sudan continues to constitute a threat to international peace and security, the Security Council, *inter alia*:

- decided, without prejudice to its existing mandate and operations, and in order to support the early and effective implementation of the DPA, that UNMIS' mandate shall be expanded, that it shall deploy to Darfur, and therefore invited the consent of the GoNU for this deployment;
- decided that UNMIS shall be strengthened by up to 17,300 military personnel and by an appropriate civilian component, including up to 3,300 civilian police personnel and up to 16 formed police units;
- requested the Secretary-General to consult jointly with the AU, in close and continuing consultation with the parties to the DPA, including the GoNU, on a plan and timetable for transition from AMIS to a UN operation in Darfur, and decided that UNMIS shall take over from AMIS responsibility for supporting implementation of the DPA upon the expiration of AMIS' mandate but in any event no later than 31 December 2006;
- requested the Secretary-General to take the necessary steps to strengthen AMIS through the use of existing and additional UN resources with a view to transition to a UN operation in Darfur, and authorized him during the transition to implement the longer-term support to AMIS outlined in his report of 28 July 2006, including provision of air assets, ground mobility package, training, engineering and logistics, mobile communications capacity and broad public information assistance;

- decided that the mandate of UNMIS shall be to support implementation of the DPA and the N'djamena Humanitarian Ceasefire Agreement of 8 April 2004; and
- acting under Chapter VII of the UN Charter, decided that UNMIS is authorized to use all necessary means, in the area of deployment of its forces and as it deems within its capabilities, to, among others, (i) prevent disruption of the implementation of the DPA by armed groups, (ii) without prejudice to the responsibility of the GoS, protect civilians under threat of physical violence, (iii) prevent attacks and threats against civilians, and (iv) seize or collect, as appropriate, arms or related material whose presence in Darfur is in violation of the existing agreements and measures imposed by resolution 1556.

79. Subsequently, the Sudanese officials publicly announced their country's categorical rejection of resolution 1706 (2006), considering the deployment of international forces in Darfur to be part of a plot to dominate Sudan national policy and an infringement on its sovereignty.

80. It is against this background that the spokesperson of the Sudanese Foreign Ministry announced, on 3 September 2006, that the Sudanese Council of Ministers had requested AMIS to leave Darfur at the end of September 2006. However, on 4 September 2006, my Special Representative was received by the Minister of State in the Ministry of Foreign Affairs, Mr. Ali Karti, in his capacity as Ag. Minister of Foreign Affairs. The Sudanese Minister said that the AU should not pay any attention to the media reports about the position of Government vis-à-vis AMIS. However, he expressed the disappointment of the Government of Sudan not only at the failure of the AU to make its position on resolution 1706 (2006) publicly known, but also at the fact that the African members of the Security Council voted in favor of the resolution.

81. The Sudanese Minister added that his Government was further disappointed that it was by its decision to support a transition to UN that the AU gave Sudan's detractors the means to pursue their plan through the Security Council. Notwithstanding all this, the Government wishes that the AU maintain its Mission in Darfur. He further indicated that, if the decision to end the mandate on 30 September 2006 was based on funding and logistical constraints, the League of Arab States had expressed its readiness to assist. The Government was also ready to assist the AU in this regard. However, if the AU still insists on maintaining its current position of withdrawing by 30 September, then the Government of Sudan would want to know within one week, so that it could take its own internal measures to assume its responsibilities in ensuring the security of its people. In any case, the Government hoped that the AU would take a firm decision on the matter well before the end of the month.

82. The Minister also referred to the responsibility given to the AU by the DPA for its implementation. The Government, he indicated, made a clear distinction between the DPA mandate and the ceasefire observation mandate of AMIS. He asked for clarification of the AU's position regarding its role in the implementation of the DPA, if the decision is taken to end AMIS mandate by 30 September 2006.

83. At its meeting of 4 September 2006, Council was briefed on these developments. Council reiterated its earlier decisions on the situation in Darfur, including its decision of 27 June 2006 on the end of the mandate of AMIS by 30 September 2006 and on the transition from AMIS to a UN peacekeeping operation. Council expressed concern at the prevailing security situation on the ground, particularly attacks against AMIS personnel and assets, and demanded that all the parties scrupulously abide by the ceasefire and ensure the safety and security of AMIS.

## **XII. OBSERVATIONS**

84. Four months after the signing of the DPA, the situation in Darfur still remains of utmost concern. This is partly due to the fact that the Agreement was signed by only two of the parties that participated in the negotiations, while the other two non-signatories are refusing to accept the efforts made by the AU and the international community to involve them in the peace process. Both the SLM/A (Abdulwahid) and the NRF are actively engaged in undermining the implementation of the DPA by conveying negative and anti-DPA messages to their supporters in the IDP camps on the basis of misperceptions and misrepresentations about the Agreement. They are also continuing attacks against AMIS forces, thus making it impossible for the Mission to implement key aspects of the Agreement in the areas that they control. This has led to the deterioration of the security and humanitarian situation in some parts of Darfur, although other areas remain relatively calm.

85. The implementation of the DPA is facing difficulties. Disagreement between the SLM/A (Minni) and the Government are increasingly being manifested on the ground. There is a significant build up of forces and general mobilization involving the NRF, the G19, and the Government. Fighting was reported in some places at the time of finalizing this report. Moreover, the lack of clarity on the exact status of the DoC signatories, as well as the expulsion of the non-signatories from the CFC and the JC, as I outlined above, are undermining the implementation of the Agreement.

86. Notwithstanding the difficulties on the ground, the Commission remains steadfastly engaged in the implementation of the DPA. The DPAIT, despite financial, logistical and other constraints, including staffing, is in close contact and consultation with the signatories to the DPA and the DoCs, international partners and other stakeholders, with a view to providing fresh momentum for the implementation process. Joint meetings between the DPAIT and partners in the DPA are held on a regular basis to facilitate the implementation of the various aspects of the Agreement, including the establishment of the Commissions agreed upon. An information strategy has been elaborated and preparations are underway for the holding of the DDDC, as well as the completion of the Darfur- JAM, which are critical for the process of reconciliation, reconstruction, and socio-economic development in Darfur. The full operationalisation of the DPAIT, for which sustained efforts are being made, would greatly contribute to enhancing the required consultation and coordination between the parties and, hence, boost the implementation of the Agreement. In the meantime, efforts at the level of the Council, the EU Special Envoy for Darfur and other international partners, to broaden the support base for the Agreement, should be encouraged and intensified.

87. The consultations between the Government and the United Nations regarding the issue of the transition from AMIS to a UN operation did not bring about any significant change in spite of the many decisions taken on this issue and the sustained efforts made both within and outside of the continent. In this respect, it is worth recalling that, when the AU launched its efforts in Darfur, it operated on the assumption that the respect by the parties of the cessation of hostilities, as provided for by the N'djamena Humanitarian Ceasefire Agreement of April 2004, and the speedy conclusion of a peace agreement addressing the root causes of the conflict would create the necessary conditions to enable the Sudanese parties successfully carry on with the peace and reconciliation process, without the need to deploy a fully-fledged peace support operation in Darfur. However, that assumption has been proved wrong, mainly due to the deterioration of the security situation in Darfur and the protracted nature of the political negotiations in Abuja. This situation prompted the AU to increase the strength of its peace support mission on the ground, notwithstanding its limitations in terms of its ability to manage an operation of such magnitude and the absence of a predictable and secure source of funding and logistical support.

88. It was against this background that, at its 45<sup>th</sup> meeting held at ministerial level on 12 January 2006, Council expressed its support, in principle, to a transition from AMIS to a UN operation, within the framework of the partnership between the AU and the United Nations in the promotion of peace, security and stability in Africa.

89. Subsequently, at its 46<sup>th</sup> meeting, held at ministerial level on 10 March 2006, Council reiterated that, given the progress made in the initial stabilization phase of Darfur and the then ongoing efforts to conclude a peace agreement, steps should be taken to sustain the peace support operation in Darfur in 2006 and beyond, bearing in mind the requirements for an increased integration of the different aspects of the peace efforts. In this respect, Council welcomed the adoption, by the Security Council, on 3 February 2006, of a presidential statement requesting the Secretary-General to initiate contingency planning on a range of options for a possible transition from AMIS to a UN operation. Council decided to extend the mandate of AMIS until 30 September 2006, and stressed that the transition from AMIS to a UN operation in Darfur should be informed by the following elements:

- the preparedness of the Government of the Sudan to accept the deployment of a UN operation in Darfur;
- the need for the decision on the mandate and size of any future UN peacekeeping operation in Darfur to be informed by the evolving situation on the ground. In this respect, Council stressed that a successful outcome of the Abuja Peace Talks and a significant improvement in the security and humanitarian situation on the ground would be key factors in any decision by the UN Security Council on the nature of the peacekeeping operation in Darfur;
- the need to maintain the African character of the mission in Darfur, including through its composition and leadership, in order, as much as

possible, to secure the cooperation of all the parties, which is necessary to achieve a lasting solution to the conflict in Darfur;

- the need to maintain the lead role of the AU in the overall Darfur peace process, including the conduct of the Darfur-Darfur Dialogue and Consultation, as well as in the implementation of the agreements between the parties;
- the need to maintain, during and after the transition, consultations between the AU and the UN, including between Council and the UN Security Council, as well as between the Chairperson of the AU Commission and the Secretary-General of the United Nations, particularly prior to any decision by the UN Security Council regarding the envisaged UN peacekeeping operation in Darfur.

90. Following the conclusion of the Abuja Peace Talks and the signing of the DPA, Council, at its 51<sup>st</sup> meeting, held at ministerial level on 15 May 2006, decided that concrete steps should be taken to effect the transition from AMIS to a UN peacekeeping operation. To that end, Council urged the UN and the GoNU to engage in consultations so as to ensure the commencement of the UN operation in Darfur at the earliest possible time.

91. At its 58<sup>th</sup> meeting, held in Banjul at ministerial level on 27 June 2006, Council took note of the outcome of the UN/AU joint technical assessment mission and the position of the Government of Sudan rejecting the proposed transition from AMIS to a UN peacekeeping operation. Council reaffirmed its decisions of 10 March and 15 May 2006 on ending the mandate of AMIS by 30 September 2006 and on the transition from AMIS to a UN peacekeeping operation, and expressed its readiness to review the mandate of AMIS in the event that the consultations between the Government of the Sudan and the United Nations conclude on an agreement for a transition to a UN peacekeeping operation.

92. On its part, the UN Security Council has now adopted resolution 1706(2006), which decided that the mandate of UNMIS should be expanded to include its deployment to Darfur. As Council is aware, the Government of the Sudan has, so far, consistently and firmly, rejected the transition from AMIS to the UN. Even the AU was pressed to determine its position on this issue and that of the withdrawal of its forces from Sudan by 30 September 2006.

93. While taking note of the adoption of UN Security Council resolution 1706 (2006), it should be stated that the positions articulated by Council in its relevant decisions, including in particular, the need to preserve the responsibilities and roles assigned to the AU by the DPA during its implementation, have not been fully and clearly reflected in the resolution.

94. It is obvious that, while AMIS contributed to reducing the magnitude of violence in Darfur and preventing the worst from happening, it has not been able to fully respond to the increasing demands of the people of Darfur in terms of the protection of civilians because of the limitations in its mandate and continuous violations of the ceasefire

agreement by all the parties. At the same time, even though there was a declared preparedness to strengthen AMIS for an interim period, that strengthening did not materialize. Funding for AMIS operations remains unpredictable, which means that its sustainability cannot be guaranteed.

95. The lack of cooperation by the parties to the conflict, the growing need to protect the civilian population in the face of the increasing mobilization of forces by the parties, and the urgent necessity to help implement the DPA, especially those provisions relating to the Comprehensive Ceasefire and Final Security Arrangements, require a more effective and robust peace support operation that the AU is not in a position to sustain.

96. Unless the efforts to get the Government to accept the transition during the month of September 2006, succeed, which seems highly unlikely under the circumstances, Council will be left with the following options:

- i) Council could consider that all avenues have been explored to secure the consent of the Government to the proposed transition and that there is no hope of obtaining it. In this respect, Council, in line with its decision of 27 June 2006, may decide to terminate the mandate of AMIS by 30 September 2006, especially in view of the lack of capacity and financial resources and logistics. However, it is important to underline the implications of such a decision for the security and humanitarian situation on the ground. Indeed, the vacuum that would be created by the withdrawal of AMIS would result in an escalation of the conflict, given the current levels of military build-up and mobilization of forces by all sides to the conflict. This would, inevitably, result in more suffering for an already traumatized population and an increased displacement of people. The ramifications of such a humanitarian tragedy would not only be felt in Darfur, but will also impact on neighbouring countries such as Chad and the Central African Republic. The resources that would be needed to address such a crisis would undoubtedly be much more than it would have taken to strengthen and maintain AMIS. Worse still, the implementation of the DPA would be totally jeopardized.

There is also need to consider the effect a precipitated withdrawal of AMIS troops, particularly, on the their safety, as they could come under intense pressure, if not fire, from the rebel groups, non-signatories to the DPA. In any case, an orderly withdrawal of AMIS troops will normally take over a month to be successfully completed.

Council may also decide, as the Government has demanded, to authorize the continued deployment of AMIS in Darfur, in spite of the present unpredictable and unsustainable arrangements, for an indefinite period of time. This option is not a realistic one.

- ii) Council may come to the conclusion that the efforts made by the AU and the international community to convince the Government of the need for a UN deployment in Darfur have, so far, been insufficient, and that such efforts must continue and be intensified, through, in particular, the engagement of

the United Nations, to provide all the required explanations and clarifications, to allay the fears and suspicions of Government. In order to achieve this objective, Council may wish to extend the mandate of AMIS for a three months period up to 31 December 2006, with the hope and understanding that the consultations between the Government and the UN would conclude soon and positively.

Under the circumstances, this option may prove to be the most workable, in spite of the difficulties that would be encountered, as Sudan could, in line with its position, reject any extension of AMIS mandate that is linked to a transition to a United Nations peacekeeping operation, and consequently request AMIS to leave. It would be essential that, during the proposed dialogue to secure Sudan's consent to a UN peacekeeping operation, the principles laid down by Council for a transition be respected, while the Government should be provided with assurances that its sovereignty would not be undermined by the envisaged UN deployment. One of the positive aspects of this option could be the enhancement of AMIS to enable it play an increased role in stabilizing the situation on the ground and, thus, facilitate the rapid implementation of the DPA. This option would be largely dependent on the issues of funding and sustainability of AMIS being addressed upfront and in a clear and consistent manner, so that the future of AMIS operation does not depend on issues that are peripheral to peace in Darfur.

In this respect, I would like to emphasise that it is the responsibility of the international community as a whole to engage the Sudan on the merit of the envisaged transition to a UN peacekeeping operation. This undertaking should involve members of the UN Security Council, members of the League of Arab States and other stakeholders. On its part, in addition to the efforts already exerted, the AU should consider activating the Committee of Heads of State and Government that was recommended in the Council's Communiqué of 10 March 2006.

97. It should be emphasized that even if the envisaged transition is effected, the AU would still have an important role to play in spearheading the overall peace process in Darfur. In this respect, I wish to emphasize the importance of the DDDC, which, in accordance with the relevant provisions of the DPA, is to be convened under the auspices of the AU, and for which the support of the UN and other partners is most welcome. In addition, an eventual transition would require that the AU presence in the Sudan be reconfigured. In this respect, I intend to submit to Council, at the appropriate time, concrete proposals.

98. In conclusion, I would like, once again, to reiterate that, throughout its engagement in Darfur, the AU has been driven by its commitment to further the cause of peace, security and stability in Darfur and in the Sudan, in general, as well as to preserve the unity and sovereignty of the country. It was out of this commitment that the AU, in spite of its limitations, undertook to deploy the largest and most demanding peace support operation in its history. It is also out of this commitment that the AU will pursue its efforts, even after a take over of the peacekeeping responsibilities in Darfur by the UN.