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

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**I. INTRODUCTION**

1. The present report covers political, security, military, humanitarian and human rights developments in Darfur, since my report [PSC/AHG/4(XXIII)] to the 23<sup>rd</sup> meeting of the Peace and Security Council (PSC), held in Libreville, Gabon, on 10 January 2005. The report also covers developments relating to the implementation of the Comprehensive Peace Agreement (CPA) signed by the Government of the Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A), in Nairobi, Kenya, on 9 January 2005.

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2. The report contains specific proposals on the strengthening of the African Mission in the Sudan (AMIS), in line with the decision of the 17<sup>th</sup> meeting of the PSC, held on 20 October 2004, which requested the Commission to report regularly on the situation in Darfur and the operations of AMIS, with the view of making further proposals in order to enhance the effectiveness of the Mission on the ground.

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**II. STATUS OF THE INTER-SUDANESE PEACE TALKS**

3. Council will recall that the 4th round of the Inter-Sudanese Peace Talks on Darfur, held in Abuja, from 11 to 21 December 2004, was essentially devoted to finalizing the Declaration of Principles (DoP) that was discussed during the 3<sup>rd</sup> Round, in October – November 2004. The DoP outlines the broad principles that should guide the future deliberations of the Sudanese Parties and constitute the basis for a just, comprehensive and durable settlement of the conflict in Darfur. However, the Talks could not proceed as planned, as, following the military operations launched by the Government of the Sudan (GoS), on 8 December 2004, on the ground of clearing road-blocks mounted by the SLM/A (Sudan Liberation Movement/Army), the Movements, namely the Justice and Equality Movement (JEM) and the SLM/A, decided to suspend their participation until the GoS ended its offensive and withdrew its forces to previously held positions. It should also be added that the SLM/A leadership that had participated at previous Talks failed to turn up for the 4<sup>th</sup> Round. In spite of the strong statements and the concerted efforts of both the current Chairman of the AU and the Commission, not much could be accomplished during that Round.

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4. However, at the end of the Round, the Parties issued a Joint Statement in which they reaffirmed their commitment to seek a peaceful and negotiated solution to the conflict in Darfur. In this respect, they made a number of security

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and military commitments in order to create a conducive environment for the resumption of the Talks. The GoS reaffirmed its commitment to completely stop its military operations in Darfur and to withdraw its forces to previous positions, as would be ascertained and agreed by the Joint Commission provided for by the Humanitarian Ceasefire Agreement of 8 April 2004. On their part, the SLM/A and the JEM undertook to cease all attacks against humanitarian and commercial activities and to restrain their forces from attacks on Government infrastructure, including police posts, and also to withdraw their forces to previous positions, as would be ascertained and agreed by the Joint Commission.

5. It was against this background that the 23<sup>rd</sup> meeting of the PSC, having stressed that a lasting solution to the conflict in Darfur can only be achieved through political and peaceful means, urged the Parties to recommit themselves to dialogue. In this regard, Council requested that the Talks resume in Abuja, in early February 2005, and urged the Movements to be represented at the highest level.

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6. On its part, the 6<sup>th</sup> Ordinary Session of the Assembly of the Union, held in Abuja, on 30 – 31 January 2005, adopted decision Assembly/AU/Dec.68 (VI), in which it reiterated the need for urgent and adequate preparation for the resumption of the Inter-Sudanese Peace Talks on Darfur. It further urged the Parties to attend the Talks at the highest level and without preconditions. In addition, the Assembly supported the proposal by the President of the Republic of Chad, to convene, in N'djamena, in February 2005, a high-level meeting of the Joint Commission to strengthen the implementation of the Humanitarian Ceasefire Agreement and, therefore, contribute to the creation of conducive conditions necessary for the pursuit of the peace process. It further supported the proposal of the current Chairman of the AU to be assisted, in his efforts to facilitate the attainment of a speedy solution to the conflict in Darfur, by a Committee comprising Chad, Egypt, Gabon, Libya, Nigeria and the AU Commission. The Assembly encouraged all the leaders and other stakeholders who had been supporting the Peace Talks on Darfur to continue with their efforts.

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7. Following the meeting of the Assembly, and at the initiative of President Idriss Déby of Chad, a Summit of Heads of State was held, on 16 February 2005, in N'djamena, before the 7<sup>th</sup> High Level Session of the Joint Commission, to consider the ways and means of reinforcing the implementation of the Humanitarian Ceasefire Agreement and the Abuja Protocols of 9 November 2004, as well as how to facilitate the early resumption of the peace Talks in Abuja. The meeting was attended by Presidents El Hadj Omar Bongo Ondimba of Gabon, Denis Sassou Nguesso of the Republic of Congo and Omar Hassan El-Bashir of

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the Sudan, as well as by Ali Abdelsalam Triki, Secretary of the African Union Affairs to the People's Committee for External Liaison and International Cooperation, representing the Libyan Leader Muammar Al Ghaddafi, Mofid Shehab, Minister for Relations with the Parliament, representing President Hosni Mubarak of Egypt, and El Hadj Lawan Gana Guba, Minister of African Integration, representing President Olusegun Obasanjo of Nigeria and current Chairman of the African Union. Mr. Abdou Diouf, Secretary-General of the International Organization of La Francophonie, and Jan Pronk, Special Representative of the UN Secretary-General for the Sudan, also participated in the Summit, which I attended.

8. At the end of the Summit, the Heads of State agreed to pursue a two-track strategy: on the one hand, they requested the Chair of the Joint Commission to send on the ground, in Darfur, a team to verify the positions occupied by the forces of the Parties, with a view to working out a separation plan between those forces; on the other hand, they asked the Mediation Team to prepare a peace framework agreement to be submitted to the Parties at the next Round of the Peace Talks. The 7<sup>th</sup> session of the Joint Commission, presided over by President Idriss Déby and myself, examined the practical steps to be taken for the implementation of the above-mentioned decisions.

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9. Immediately after the N'djaména meeting, I directed the AU Mediation Team to undertake consultations with the Sudanese Parties. To this effect, a delegation led by Sam Ibok, Head of the Mediation Team, visited Khartoum, Asmara, N'djaména and Abuja, in the months of February and March 2005.

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10. In Khartoum, the Team held a series of meetings with senior Government officials in charge of the Darfur dossier, namely Magzoub El Khalifa, Minister of Agriculture and leader of the Sudanese delegation to the Peace Talks, as well as the two Ministers of State for Foreign Affairs, Najeeb Al Khair and El Tijani Fidail. In its discussions with the GoS officials, the Team underlined the importance of having a well-defined road-map and a clear understanding of all the outstanding issues hampering the resumption of the Talks, notably the need for the Parties to strictly abide by all their previous commitments. The Team, in this regard, called on the Government to exert maximum self-restraint, even in response to provocations, in order to avoid any situation which could be used as a pretext by the Movements not to participate at the next round of the Peace Talks.

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11. The Team also stressed that it would be advisable to have something concrete to work with before the next round of the Abuja Talks. In this regard, it discussed a Draft Framework Protocol for the Resolution of the Conflict in Darfur, jointly prepared by the AU and Chad, as co-mediator. The Team explained, in

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great detail, the structure and content of the above-mentioned document, which comprises the following sub themes:

- Preamble;
- General Principles;
- Cessation of hostilities;
- Power Sharing;
- Wealth Sharing;
- Emergency and Development Programs;
- Security Arrangements;
- Conference on Darfur; and
- Final Provisions.

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12. The Team underscored the fact that both the Preamble and the General Principles reaffirm the content of the Draft DoP discussed during the 3<sup>rd</sup> Round of the Peace Talks. The remaining sections were derived from the positions held by the Parties, as mentioned in their previous written submissions.

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13. In response, the GoS officials assured the AU that the Government would seriously consider the Draft Framework Protocol once it received it and, thereafter, would submit its comments and observations. They also expressed the Government's willingness to resume the Peace Talks at the earliest possible date. The Draft Framework Protocol was subsequently forwarded to the GoS for its consideration.

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14. The Mediation Team took the opportunity of its presence in Khartoum to carry out consultations with the Deputy Special Representative of the UN Secretary-General, Taye Zerihun, as well as with the representatives of the AU Partners. They all expressed their support for AU's initiatives aimed at resolving the problem of Darfur and shared the overall assessment of the AU Team on the way forward. They agreed with the AU plan of de-linking the security situation on the ground from the political talks to avoid any further blockage. They called for the dispatch, as quickly as possible, of the Verification Mission to Darfur.

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15. After Khartoum, the Mediation Team held similar consultations with the leaders of the SLM/A and the JEM in Asmara, from 3 to 6 March 2005. During those consultations, the Movements stressed that the improvement on the security situation on the ground and the withdrawal of the GoS forces from areas they occupied on 8 December 2004 were major concerns that should be properly addressed prior to the resumption of the Talks. The Movements also requested that the Joint Commission be strengthened to enable it enforce the implementation of its decisions and ensure full compliance by the Parties with

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their commitments. Furthermore, they reaffirmed their unwavering position that Abuja should remain the sole venue for the Peace Talks. In this connection, they appealed to the AU to put an end to the convening of so many parallel Summits, the impact of which on the peace process was yet to be proven.

16. The Draft Framework Protocol was submitted to the two Movements during the consultations, and they undertook to examine the document and put forward their own views in due time. The Movements acknowledged that it was a good working document that reflected the desire of the AU to move forward with the political talks. They undertook also to attend the next round of the Abuja Talks at the highest level, and in response to the appeal of the AU Peace and Security Council.

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17. In continuation of AU's efforts, the Mediation Team undertook a mission to N'djamena and Abuja, from 18 to 20 and 21 to 24 March 2005, respectively. The purpose of the visit was to brief the Chadian co-Mediation and the Nigerian authorities, as facilitators, about the outcome of the missions to Khartoum and Asmara, as well as to solicit their views on the best ways to hasten the resumption of the Peace Talks.

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18. In N'djamena, the AU Team met with the Minister of Foreign Affairs and African Integration, Nagoum Yamassoum, and with representatives of the Chadian co-mediation to the Peace Talks. In the discussions with the Minister of Foreign Affairs, the necessity to rapidly dispatch the Verification Team to Darfur, as decided by the N'djamena Summit and the 7<sup>th</sup> Session of the Joint Commission, as well as the enhancement of AMIS, were discussed.

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19. While in N'djamena, the Team also met with Sharif Harir, Chief Mediator of the SLM/A, and Ahmed Tugod Lissan, Coordinator of the JEM. During the meeting with Sharif Harir, the latter explained that the Movements were trying to resolve some organizational and leadership problems, so as to be better organized for the Talks.

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20. In this respect, it is important to point out that, while the JEM appears to be more organized on the political level, the SLM/A has been experiencing some leadership problems during the past months. The relationship between its Chairman, Abdelwahid Mohamed Nour, and its Secretary-General, Minni Arcou Minawi, had deteriorated considerably. Since then, each one of these two leaders has proceeded to work with his own group of followers, which makes decision-making within the Movement difficult. Some countries and institutions had been trying to help the SLM/A resolve this leadership equation. Chad, in its capacity as co-mediator in the Peace Talks, had taken an initiative to bring

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together, in N'djamena, the political and military leaders so as to settle the issue. The EU had also suggested the convening of a meeting to help in the process of reconciliation. Saint' Egidio, a Rome-based organization, was encouraged by some partners to invite the leaders of the Movements to Rome for the same purpose. I welcome any initiative aimed at assisting the SLM/A, in particular, to reunify its ranks, as this would, no doubt, facilitate the successful conclusion of the Peace Talks. However, I continue to appeal that all initiatives on Darfur be coordinated with the AU in order to avoid duplication and overlaps that could further complicate the peace process.

21. On 22 March 2005, the AU Team met, in Abuja, with senior Nigerian officials and members of the Nigerian delegation to the Peace Talks, and held substantive discussions on the issues raised by the Sudanese Parties during the Team's visit to Khartoum and Asmara. There were also discussions on the practical modalities for the resumption of the Peace Talks, in Abuja.

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22. I should also like to mention that, while attending the Oslo Donors Conference on the Sudan, in Norway, from 11 to 12 April 2005, my Special Representative in the Sudan, Baba Gana Kingibe, also had a number of consultations aimed at identifying the best ways and means of ensuring that the Abuja Peace Talks make the necessary progress, as well as discussing support for humanitarian operations in the Darfur region. In this respect, he met with the Norwegian Minister for International Development, members of the Ad Hoc Humanitarian Situation Evaluation Group, the IGAD Partners Forum (IPF) and the SLM/A and the JEM. During these meetings, it was suggested that the Abuja process could use lessons learned from the IGAD-led peace process.

23. As this Report was being finalized, the AU Team was concluding preparations to undertake another round of consultations with the Sudanese Parties in Khartoum and Asmara, in order to finalize the discussions on the Draft Framework Protocol and examine the logistical and other arrangements for the resumption of the Talks. It is my earnest hope that the Parties will demonstrate the necessary political will and extend full cooperation to the AU to make it possible to rapidly resume the Peace Talks and ensure their successful conclusion.

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### **III. SECURITY SITUATION**

24. At its Libreville meeting, the PSC strongly condemned the gross and repeated violations of the Humanitarian Ceasefire Agreement and the Abuja Protocols. Council further condemned the continued attacks against civilians and humanitarian aid workers. The January Abuja Summit also condemned, in the

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strongest possible terms, the continuing violations of the ceasefire and the attacks perpetrated on the civilian populations.

25. During the reporting period, the overall security situation in the Darfur region has continued to be volatile and unpredictable. In the areas where AMIS has deployed, the security situation has improved, though a number of challenges, of varying nature from one Sector to another, continue to be experienced on the ground. For example, in Sector 2 (Nyala), while there has been a significant decrease in the violations of the Humanitarian Ceasefire Agreement by the Parties, there are increased levels of tribal violence in which the conflicting tribes have close relationships to the GoS or the Movements. In Sector 3 (El Geneina), incidents of attacks on international humanitarian relief vehicles have virtually shut down the delivery of humanitarian assistance to IDP camps in the outlying areas.

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26. It is widely assessed by AMIS, the United Nations Advance Mission in the Sudan (UNAMIS), international humanitarian providers and IDPs that if the displaced were to return home, especially to areas where AMIS is not presently in a position to contribute to a secure environment, they would again be subjected to attacks. In addition, there is continuing insecurity around many of the existing IDP camps; those, especially women, who are obliged to venture outside the IDP camps risk murder, rape, theft, and other crimes. Further, as IDP camps grow and frustrations rise in the absence of prospects of early returns, there is concern that recruitment and insecurity inside many of the camps may increase.

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27. Clearly, compliance with the Humanitarian Ceasefire Agreement is insufficient and the general level of insecurity in Darfur remains unacceptable. While the nature of the violence continues to include orchestrated attacks by the armed Movements, the GoS forces and the armed militias, notably the Janjaweed, there is a rising number of opportunistic attacks by militias and the rebels, inter-tribal violence, sometimes fed by the Parties to the conflict, and banditry. Deficiencies in the overall rule of law system encourage lawlessness and create scope for criminal activities as such. However, the interlinking nature of the different perpetrators of the violence makes it difficult at times to differentiate ceasefire violations from regular criminal activity.

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28. The situation is complicated by extreme distrust between the warring parties and between the general population and the warring parties, the militias, and other armed groups. Due to the intertwined support structures linking the militias with the warring parties, especially the Arab militias with the GoS, there is a general loss of confidence in government security institutions, especially the GoS police, in the most affected areas in Darfur.

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29. The recent decision of the GoS in putting forward a plan for the disarmament of armed militias, as requested by the Joint Commission, is a welcome development. However, there is need to remain very cautious as the GoS has so far left the armed militias loose, instead of curtailing their activities, in line with the Humanitarian Ceasefire Agreement and the Abuja Protocols.

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30. While all Sectors continue to conduct investigations of ceasefire violations and other acts of violence, the humanitarian organizations stress that more rapid publication of the results of the investigations could have a larger impact on the security environment in Darfur. At present, the slow nature of the processing of the investigations by the Ceasefire Commission (CFC) arises from the requirement that all the Parties to the conflict, which are also members of the CFC, agree to the findings.

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31. The most serious violations of the Humanitarian Ceasefire Agreement are observed in Nyala and in Jabel Marra areas. In most cases, the Janjaweed militia are responsible for these violations. The Movements, SLM/A – JEM, are also to blame for some of the violations.

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32. The above violations of the Ceasefire Agreement are usually accompanied by acts of banditry and other acts of violence. The highways in Darfur, the main supply routes in the region, have been rendered insecure as a result of incidents of armed banditry and robbery activities. As a consequence, the free movement of goods and services by commercial transport and the work of the NGOs and other humanitarian agencies have been occasionally disrupted. AMIS has taken a number of steps to render the roads safe and secure. Since 22 January 2005, all Sectors have commenced intensive land and air patrols on major highways. This has curbed the incessant highway robberies and banditry activities. The spin-off effect is safe and secure routes for goods and services and the ever-needed humanitarian assistance. In addition, the increasing ubiquity of AMIS has been reassuring the civilians, particularly the IDPs.

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33. A new phenomenon on the security scene is the deliberate targeting and firing at AMIS personnel and equipment, lately by unidentified gunmen. Recently, there have been series of unprovoked attacks on AMIS vehicles and aircrafts. So far, a total of five separate attacks on AMIS vehicles, aircrafts and PAE fuel tankers, with AMIS escort have been recorded. Whilst the immediate motives for these gunmen are unknown, it is obvious that the Mission is now operating in a less benign environment. On 29 March, unknown gunmen fired at an AMIS vehicle carrying two military officers and one Sudanese civilian guide, six kilometers northeast of a village called Niteaga, between Nyala and Khor Abeche,

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in Sector 2 (Nyala). The AMIS Team leader was shot at the neck and the other two suffered light shrapnel wounds. All three men were medically evacuated to El Fasher, and the two MILOBs later to Khartoum, where they were medically treated. All of them are recovering well. The Team is of the opinion that the perpetrators were SLM/A fighters.

34. In view of the seriousness of the situation, the Commissioner for Peace and Security, on 4 April 2005, met with the Ambassador of the Sudan to Ethiopia to convey the concern and disappointment of the AU on the numerous attacks on AMIS personnel and assets. Earlier, on 2 April 2005, AMIS formally wrote to JEM and SLM/A representatives to raise AU's concerns. The Movements were urged to instruct all their forces and elements to refrain from attacking AMIS personnel and equipment and, indeed, any other international organisation and NGO.

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35. On 8 February 2005, the Sudanese Embassy in Addis Ababa informed the Commission about the decree issued by the GoS, on 7 February 2005, to withdraw all Antonov bombers from Darfur, with immediate effect. In response, the Commission welcomed this development, which is consistent with the N'djamena Ceasefire Agreement and the Protocol on the Enhancement of the Security Situation in Darfur. The Commission further indicated that it was looking forward to further steps by the GoS, the SLM/A and JEM to fulfil all their obligations, including the decision of the 4<sup>th</sup> Ordinary Session of the Assembly, held in Abuja, on 31 January 2005, which, inter alia, called on the Parties to strictly adhere to their commitment to desist from any attacks by land or by air.

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36. In conclusion, there is still a long way to go to improve the security situation in Darfur. The attack and destruction of Khor Abeche, on 7 April 2005, by armed militia of the Miseriya tribe of Niteaga, bears testimony to the plight of the civilian population in Darfur and the many challenges ahead. During the attack, a force of over 350 elements rampaged through the village, burning and destroying everything in their path and leaving in their wake total destruction, with only the mosque and the school spared. The attack was apparently in retaliation for the alleged theft of 150 cattle, whose tracks were supposedly traced to Khor Abeche; in addition, the leader of the armed militia claimed that the SLM/A, which controlled Khor Abeche, refused to surrender the bodies of two of his men who were killed, on 9 March 2005, in an earlier failed attempt by the militia to destroy Khor Abeche. AMIS had prepared to deploy troops in Niteaga and Khor Abeche since 3 April, to deter precisely this kind of attacks, but was prevented from acting by what can only be inferred as deliberate official procrastination over the allocation of land for the troops accommodation.

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#### IV. STATUS OF THE AU MISSION IN THE SUDAN (AMIS)

##### a) Strength and Status of Deployment

37. As decided by the PSC at its 17<sup>th</sup> meeting, the authorized strength of AMIS is 3,320 personnel, including 2,341 military personnel, among them 450 Military Observers (MILOBs), up to 815 civilian police personnel, as well as the appropriate civilian personnel. At its 23<sup>rd</sup> meeting, the PSC requested the Commission to accelerate the deployment of AMIS. In this respect, and while expressing appreciation to the AU Member States which contributed troops and civilian personnel to AMIS, the Council urged Member States that have been approached by the Commission to provide personnel to do so quickly to enable AMIS to discharge its mandate.

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38. During the reporting period, and in spite of the constraints being experienced, the Commission has continued to make sustained efforts to complete AMIS deployment. As at 20 April 2005, AMIS personnel in Darfur had reached a total of 2,372, comprising 454 MILOBs, 1,647 Protection Force members, 26 Ceasefire Commission Members/International Support Staff and 245 (CIVPOL) personnel (See Annex A). The personnel strength at Sector level is shown in Annex B.

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39. While AMIS has nearly reached its authorized troop ceiling, the deployment of the CIVPOL has been rather slow. Two factors are at play here. First, civilian police generation is a more complex process than military force generation. Often the domestic priorities override international commitments of many Member States, limiting their police contributions. This invariably constrains the police generation efforts. Only 41% of police generation has been completed since the approval of the strengthening of AMIS, in October 2004, with little more than 25% deployed because of the logistical constraints elaborated on below. In order to achieve the full deployment within the stipulated phases, AMIS will require an urgent response from the Member States and commitment to support the future requirements.

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40. Another complicating factor was linked to the fact that CIVPOL planning commenced after the military plan. The original AMIS Civilian Police plan called for the deployment of all CIVPOL into IDP camps and villages. The Concept of Operations (CONOP) called for the CIVPOL to share or rent accommodations, co-located with the GoS police in IDP camps and designated villages. Consequently, during the planning for the strengthening of AMIS, the logistic plan developed for the CIVPOL did not make provisions for accommodation.

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41. After a site survey in January 2005, it became apparent that it was necessary to co-locate the CIVPOL with the AMIS military component, in order to ensure their security, as well as operational and logistical alignment. A new CONOP was, therefore, required during the interim. The CIVPOL HQ at El Fasher and five of the eight Sectors were established, and CIVPOL began deploying into the IDP camps in the established Sectors. I am pleased to report that the population and the local police have responded positively to this initial presence. The Head of the CIVPOL component and his team have promptly established good working relationship with local police commanders and their respective political hierarchies. The CIVPOL team includes 20 women whose presence is extremely important to establish relationships and build confidence with female IDPs and villagers.

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42. The uncertainties and lack of clarity in the police CONOP highlighted above have resulted in an inadequate support plan for the CIVPOL component. As a result, the CIVPOL is now deploying with inadequate accommodation. The support plan for the police component is being reviewed to ensure that it matches the CONOP and that it is given the appropriate priority for the allocation of resources.

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## **b) Logistical Aspects**

43. Since my last report, the Commission has taken a number of steps to relieve the severe logistical constraints that the Mission encountered in the initial stages of its deployment. Orders were placed for the procurement of 476 vehicles, as well as long range base station and mobile radios, V-SAT systems, Thuraya and mobile telephones. 119 vehicles have been delivered to El Fasher, and are being allocated to the Sectors, as well as to the Civilian Police component of the Mission. This brings the total number of vehicles on the ground to 328. The balance of 245 vehicles will be delivered to El Fasher by the end of May 2005. Regarding air assets, the Mission has 18 helicopters. In addition, AMIS has 2 fixed-wing aircraft for goods and personnel transport.

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44. Similarly, all of the communication equipment, which comprise 105 Thurayas, 467 VHF vehicle radios and 169 HF vehicle and base station radios, 1206 handheld radios and 11 VHF base stations, have arrived in Khartoum. By the end of May, requirements for vehicles and communication, which, until recently, constituted critical constraints, would have been successfully addressed. Furthermore, the US Government has provided equipment for three Rapid Response Teams, and request for funding for equipment for other Teams has been submitted to the UK Government, which has agreed to provide assistance.

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This will enable the Mission to deploy small units rapidly to enable it undertake preventive deployments, among others.

45. Construction of accommodation facilities for the expanded AMIS is proceeding well and permanent accommodation for all of the MILOBs and Protectors will be completed by mid-May. As indicated above, the provision of logistical support for the CIVPOL continues to pose some difficulties. Arrangements are being made with potential contractors to construct CivPol accommodation and to provide the necessary furniture and equipment.

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46. It is intended to achieve a high level of sufficiency in terms of sustainment for the troops, as well as operational mobility and communication for the Mission, in the next month and half.

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### c) Darfur Integrated Task Force (DITF)

47. Council will recall that DITF was established at the AU Headquarters to assist with the planning, force generation, procurement and logistics, administrative support, and liaising with partners. The Commission has continued to make efforts to fully operationalize the DITF.

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48. The problems of office accommodation and office furniture and equipment are being addressed. However, progress in the staffing of the DITF remains very limited. Out of 18 positions in the DITF, only 12 are filled, as a result of slow and delayed response by Member States requested to second officers to the DITF; in addition, some of the officers posted to the DITF had no prior experience with planning and management in peace support operations at the strategic level. Because of this, the Commission requested AU partners to provide experts to support DITF operations. I would like to express my sincere appreciation to the partners concerned for their support.

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49. In spite of these limitations and the delays in instituting standard operating procedures, DITF has successfully generated military and CIVPOL personnel for AMIS, executed the rotation of Rwandan troops, completed contracts supporting the Mission and established a mechanism for liaison with partners.

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### d) Financial aspects

50. As Council will recall, the budget for the enhanced AMIS amounts to US\$221 million. So far, US\$248,418,670.91 has been pledged for the Mission. A large part of this pledge is for personnel costs and is expected to be remitted to the AU for direct payment to the troops as well as for the purchase of food,

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medical and fuel supplies. The sum of US\$43,305,151.62 has been received to date, while substantial support has been made in kind through the construction of accommodation camps, and the provision of vehicles and communication equipment. The detailed status of pledges and contributions is shown in Annex C.

51. The Mission has so far not experienced any financial difficulties and, considering the existing pledges, it is expected that this will remain true, at least for the near future. I would like, once again, to reiterate my sincere thanks to our partners for their continued support that made AMIS deployment and sustainment possible.

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## V. ACTIVITIES OF THE JOINT COMMISSION

52. In my last report, I briefed Council on the outcome of the 6<sup>th</sup> session of the Joint Commission, held in N'djamena, on 3 to 4 January 2005. On that occasion, the Joint Commission requested the GoS to withdraw its forces from Marla, Ishma and Labado, the areas it captured as a result of its December 2004 offensive. Further, the GoS was asked to undertake, without further delay, the disarmament of the Janjaweed/armed militias, as it previously undertook to do. At the same time, the Movements were requested to provide the list of the locations of their forces, as they had previously undertaken to do.

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53. The 7<sup>th</sup> session of the Joint Commission was held in N'djamena, on 16 and 17 February 2005, under the chairmanship of President Idriss Déby and myself. The meeting was called to consider ways and means to reinforce the implementation of the Humanitarian Ceasefire Agreement and the Abuja Protocols.

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54. The Joint Commission committed itself to implement the following decisions:

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- the sending, to Darfur, of a team to verify the positions occupied by the forces of the Parties on the ground, with a view to working out a separation plan of these forces;
- the proclamation by the Parties of a comprehensive and final ceasefire;
- the reinforcement by the PSC of AMIS for the crisis in Darfur to find its solution within an African framework;

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- the active preparation by the AU-led Mediation of conditions for a rapid and vigorous resumption of the Peace Talks to achieve an agreement between the Parties on the crisis in Darfur, in harmony with the CPA of 9 January 2005 between the GoS and the SPLM/A;

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- the participation of the Parties in the next round of negotiations at the highest level, without preconditions, in order to arrive at a rapid conclusion of an agreement.

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55. The Joint Commission strongly condemned the continued and repeated violations of the ceasefire by the Parties and the continued killings of innocent civilian populations. It asked all the Parties to resolutely commit themselves to permanently put an end to all attacks of any nature whatsoever and whoever are the actors. The Joint Commission urged the Parties to recommit themselves to scrupulously respect their obligations. Furthermore, the Joint Commission vigorously condemned the continued attacks on AMIS forces and demanded that the Parties immediately stop these attacks. The Joint Commission invited the GoS to review the plan it submitted to the Ceasefire Commission (CFC) on the disarmament of the armed militias and to resubmit a more workable plan that is limited to the armed militias alone.

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56. In this respect, it should be indicated that, at the time of finalizing this report, the GoS was yet to resubmit the reviewed plan. The GoS representative in the CFC has indicated that the new plan was nearing completion.

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57. The Joint Commission demanded that the SLM/A and the JEM communicate without delay to the CFC the positions occupied by their forces. The Movements have still not submitted their locations, but rather rejected the conclusions of the 6<sup>th</sup> and 7<sup>th</sup> sessions of the Joint Commission on the ground that they were not privy of the discussions and decisions of these meetings.

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58. The Joint Commission recommended that the AU upgrade the status of AMIS troops from companies to battalions and to equip them with weapons of a battalion. The Parties and the Partners welcomed this recommendation.

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59. The Joint Commission took note of the measures taken by the GoS to withdraw its forces from Labado and Ishma. It further demanded that it withdraws its forces from Marla and Graïda within two weeks, it being understood that these forces would be replaced by AMIS forces. In this respect, I should like to indicate that GoS has indeed completely withdrawn its forces from Labado, on 23 January 2005; the locality is now under the control of AMIS. On 24 January 2005, GoS forces pulled out from Ishma, although there are still about 45

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policemen and 56 Popular Defense Forces (PDF) personnel; the forces involved were initially redeployed to Al Reel; they have finally withdrawn from Al Reel, leaving about 90 PDF elements there with some local armed militia. GoS forces have also withdrawn from Graidai on 11 March 2005, following AMIS deployment there on 6 February; however, a police company is still there.

60. With respect to the Verification Team to Darfur, I would like to report that the Commission, in consultation with the Chairman of the Joint Commission, has prepared a document on the composition and Terms of Reference of the Verification Team, as well as issues relating to the budget of the Team and the type of assistance AMIS should provide to it. Steps are underway for the Team to be dispatched to Darfur shortly.

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## **VI. HUMANITARIAN SITUATION**

61. In my last report to Council, I noted that the humanitarian and security situations in Darfur remained precarious. In the period under review, and as indicated above, there has been no significant improvement in the security situation, which continues to negatively impact both on the general populace and the humanitarian personnel. According to the UN, the total affected population in Darfur was estimated to be about 2.45 million as of 1 March 2005, of which 1.86 million are IDPs.

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62. 2. The affected population in Darfur is expected to increase in the coming months due to the lack of rainfall. There has also been an increase of new IDP arrivals in Zam Zam camp in North Darfur, further limiting the availability of water and sanitation facilities in the camp. The WFP would

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63. The fact that there are around 9000 national and international humanitarian workers in Darfur has not helped the situation of the IDPs. The capacity of the UN and NGOs are overstretched in some areas, particularly in North Darfur.

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64. Humanitarian access has decreased in South and North Darfur, hitting an average 80% in January and February 2005, due to insecurity, while in West Darfur it remained stable at 100%. In the provincial capitals, regular communication, both formal and informal, between AMIS and OCHA appears to provide effective tactical coordination between the military and humanitarian elements. While concern over being too closely associated with a military organization has prevented some relief agencies and organizations from actively seeking out AMIS escorts, OCHA has provided a forum for information exchange and coordination in patrols. A similar symbiotic relationship has emerged between

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some AMIS Sectors and IDP women collecting firewood. In this instance, AMIS receives notice from the women on the time and direction of their collection and then conducts patrols in that region. In areas where this has occurred, the number of reported cases of rape has reduced significantly.

65. The GoS continues to offer security assurances to the humanitarian community and to enable the delivery of assistance through a series of waivers and acceptances to normal security requirements for organizations operating in Darfur. However, fighting between the warring parties, rising levels of banditry, and, most disturbing, the increasing number of attacks on humanitarian and commercial vehicles continue to hamper the successful delivery of assistance to the population.

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66. The majority of IDPs have been unable to return to their villages because of the prevailing insecurity. However, in some cases, the timely deployment of AMIS forces facilitated the return process. The AMIS decision to establish a presence in the village of Labado, following the withdrawal of Gos forces, has demonstrated that, when security is restored, villagers tend to return to their villages. With the return, the provision of food, water, and medical assistance become critical. Once again, the presence of AMIS has been crucial in establishing security conditions conducive for the re-establishment of humanitarian actors presence, thus facilitating the smooth delivery of assistance to the needy population. Because of the improved security situation near the three state capitals of Darfur, humanitarian relief has effectively reached large IDP concentrations. In these areas, OCHA reports that the availability of water, food, education, and medical services in the camps is now above that available to the rest of Darfur.

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67. Consequently, there is a new pull drawing civilians to the camps not necessarily arising directly from the security situation. Efforts are being made to provide humanitarian assistance to outlying regions, in order to prevent larger numbers leaving their homes to seek the benefits of aid. Insecurity continues, however, to be a major concern and this can only be addressed through political settlement and an agreed and fully coordinated long-term development strategy.

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68. As in the past, insecurity continues to affect the delivery of humanitarian assistance. The recurrence of violence in some areas by armed militia and armed bandits, especially the Janjaweed militia, has forced local communities to flee. There are also renewed clashes between Janjaweed and forces of the Movements in certain areas. This, in turn, has resulted in lootings, burning of villages and cases of rape and killings.

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69. Humanitarian convoys continue to be attacked on major routes by armed groups, severely impeding access to affected populations and causing major delays in the critical timely delivery of essential items. For example, on 21 February, seven staff members of an international NGO were detained overnight by the National Movement for Reconstruction and Development (NMRD) elements, a splinter group of JEM, in Arosharo, near the Jebel Moon area, for failing to provide proper notification of their road movements. They were released on 22 February, after the intervention of AMIS and UN officials.

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70. Seven people from an NGO, in El Geneina, were also kidnapped by the NMRD, in February 2005, while distributing food to IDPs. They were subsequently released through the intervention of AMIS. Similarly, helicopters marked with the UN sign and working for the United Nations/World Food Programme (WFP) came under heavy fire on two occasions. In both cases, the helicopters were targeted in an area controlled by one of the movements, the SLM/A.

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71. It is evident that the lack of a coherent political and military leadership within the SLM/A is creating additional problems on the ground that have begun to affect the delivery of humanitarian assistance. In early March 2005, for example, the absence of reliable SLM/A interlocutors to carry out notification procedures created an impasse that lasted three weeks and affected access to SLM/A held-areas in North Darfur. This had the unfortunate effect of preventing the delivery of needed food supplies to the IDPs. Similarly, a UN Inter-Agency assessment team that was scheduled to travel to SLM/A-held areas in North Darfur had to reschedule its mission because of the absence of SLM/A leadership to provide the necessary access authorization.

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72. Despite the above limitations and impediments to humanitarian operations, the UN has reported that the humanitarian response has continued to improve. Food assistance now covers 70% of the affected population, and over 450,000 additional people from the previous month.

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73. Council will recall that, in my report to its Libreville meeting, I noted AU's efforts to establish the Joint Humanitarian Facilitation and Monitoring Unit in El Fasher, as provided under the Abuja Protocol on Humanitarian Issues. However, although a draft Terms of Reference for the Unit has been prepared, it is yet to be discussed by the Parties.

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## **VII. EFFORTS BY THE UNITED NATIONS SECURITY COUNCIL**

74. During the period under review, the UN Security Council has continued to be actively seized with the situation in Darfur. In this respect, it is worth

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mentioning that the Security Council adopted two important resolutions on the prevailing situation in Darfur. Council will recall that, at its Libreville meeting, it appealed to the international community, in particular the UN Security Council and its members, to exert constant pressure on all the Parties so that they abide by their commitments and extend full cooperation to AU efforts.

75. On 29 March 2005, the Security Council adopted resolution 1591 (2005). In that resolution, the Security Council strongly deplored that the GoS and rebel forces and all other armed groups in Darfur have failed to comply fully with their commitments and the demands of the Council; condemned the continued violations of the N'djamena Ceasefire Agreement and the Abuja Protocols, including air strikes by the GoS in December 2004 and January 2005 and rebel attacks on Darfur villages in January 2005, and the failure of the GoS to disarm Janjaweed militiamen and apprehend and bring to justice Janjaweed leaders and their associates who have carried out human rights and international humanitarian law violations and other atrocities; and demanded that all Parties take immediate steps to fulfil all their commitments to respect the N'djamena Ceasefire Agreement and the Abuja Protocols, including notification of force positions, to facilitate humanitarian assistance, and to cooperate fully with the African Union Mission. The Security Council emphasized that there can be no military solution to the conflict in Darfur, and called upon the GoS and the rebel groups, particularly the JEM and the SLM/A, to resume the Abuja Talks rapidly without preconditions and negotiate in good faith to speedily reach agreement, and urged the Parties to the CPA to play an active and constructive role in support of the Abuja Talks and take immediate steps to support a peaceful settlement of the conflict in Darfur.

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76. In light of the failure of all Parties to the conflict in Darfur to fulfil their commitments, the Security Council decided that those individuals, as designated by the Committee it established, under resolution 1591 (2005), who, among others, impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004), or are responsible for offensive military overflights, shall be subject to specific measures. These include travel bans, freeze of funds, financial assets and economic resources.

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77. The Security Council decided that these measures shall enter into force 30 days from the date of adoption of the resolution, unless it determines before then that the Parties to the conflict in Darfur have complied with all their commitments and the demands of the Security Council. It also expressed its readiness to consider the modification or termination of the measures referred to above on

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the recommendation of the Committee or at the end of a period of 12 months from the date of adoption of the resolution, or earlier if it determines before then that the Parties to the conflict in Darfur have complied with all their commitments and the demands of the Security Council.

78. The Security Council demanded that the GoS, in accordance with its commitments under the N'djamena Ceasefire Agreement and the Abuja Security Protocol, immediately cease conducting offensive military flights in and over the Darfur region.

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79. Finally, the Security Council reiterated that, in the event the Parties fail to fulfil their commitments and its demands, and the situation in Darfur continues to deteriorate, it will consider further measures as provided for in Article 41 of the Charter of the United Nations.

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80. The human rights situation continues to be a matter of deep concern. As noted earlier, attacks against civilians, including acts of rape and sexual abuses, continue to be committed. It is in this context that, in my last report to Council, I reported on the International Commission of Inquiry appointed by the UN Secretary-General, in pursuance of resolution 1564(2004), to investigate the acts of violence and atrocities committed in Darfur.

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81. Following its establishment, the Commission engaged in a regular dialogue with the GoS, in particular through meetings in Geneva and in the Sudan, as well as through the work of its investigative team. While in the Sudan, the Commission held extensive meetings with representatives of the Government, the Governors of the Darfur States and other senior officials, members of the armed forces and police, leaders of rebel forces, tribal leaders, internally displaced persons, victims and witnesses of violations, NGOs and UN representatives. Council will also recall that two members of the Commission of Inquiry met, on 30 November 2004, in Addis Ababa, the Commissioner for Peace and Security.

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82. The Commission of Inquiry submitted a full report on its findings to the UN Secretary-General, on 25 January 2005. The report describes the terms of reference, methodology, approach and activities of the Commission and its investigative team. The report then addresses in detail its four key tasks, namely the Commission's findings in relation to: i) violations of international humanitarian law and human rights law in Darfur by all Parties; ii) whether or not acts of genocide have taken place; iii) the identification of perpetrators; and iv) accountability mechanisms.

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83. The Commission stated that it had established that the GoS and the Janjaweed were responsible for serious violations of international human rights and humanitarian law, amounting to crimes under international law. In particular, the Commission indicated that it had found that the Government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur. The Commission stated that these acts were conducted on a widespread and systematic basis and, therefore, may amount to crimes against humanity. The Commission further stated that the extensive destruction and displacement have resulted in a loss of livelihood and means of survival for countless women, men and children. In addition to the large-scale attacks, many people have been arrested and detained, and many have been *incommunicado* for prolonged periods and tortured. The vast majority of the victims of all these violations have been from the Fur, Zaghawa, Massalit, Jebel and Aranga groups.

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84. However, the Commission concluded that the GoS has not pursued a policy of genocide. At the same time, the Commission stressed that the conclusion that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or through the militias under their control, should not be taken in any way as detracting from the gravity of the crimes perpetrated in that region. The Commission noted that international offenses such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide.

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85. The Commission strongly recommended that the Security Council immediately refer the situation of Darfur to the International Criminal Court (ICC), pursuant to article 13(b) of the ICC Statute. It emphasized that the prosecution by the ICC of persons allegedly responsible for the most serious crimes in Darfur would contribute to the restoration of peace in the region. The Commission held the view that the Sudanese justice system was unable and unwilling to address the situation in Darfur.

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86. The Security Council subsequently adopted resolution 1593 (2005), on 31 March 2005, that decided to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the ICC. The Council further decided that the GoS and all other parties to the conflict in Darfur cooperate with the ICC and provide it with the necessary assistance. The Council invited the ICC and the African Union to discuss the practical arrangements to facilitate the work of the Prosecutor and of the Court, including the possibility of proceedings being conducted in the region, which would contribute to regional efforts in the fight against impunity. The Security Council encouraged the Court to support international cooperation with

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domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur. The Security Council also emphasized the need to promote healing and reconciliation and encouraged, in this respect, the creation of institutions, involving all sectors in Sudanese society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with African Union and international support as necessary.

87. The reactions to these resolutions by the Sudanese parties have been varied. The Movements welcomed resolutions 1591 and 1593. The Movements had, for sometime, sought to even link their further participation in the Abuja Talks to the trial of those considered guilty of human rights violations in Darfur. With the adoption of the resolutions, the Movements felt that the international community had met their requirement, and indicated their readiness to now resume the Abuja Talks. The GoS, on its part, strongly reacted to the resolutions, especially resolution 1593 (2005), and indicated that it would not allow any Sudanese national to be tried outside the country. Public rallies were held in some of Sudan's major cities during which the UN decision was denounced. However, the Government finally decided to set up high level Ministerial Committees to study the resolutions in all their ramifications and make appropriate recommendations to the full Council of Ministers for decision. On my part, and in consultation with the Chairman of the AU, I am considering options for extending AU's assistance in support to the efforts at addressing impunity and reconciliation.

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#### **VIII. DEVELOPMENTS IN SOUTHERN SUDAN**

88. Council will recall that, on 9 January 2005, the GoS and the SPLM/A signed the CPA, ending Africa's longest running armed conflict. At its Libreville meeting, Council welcomed the CPA and expressed its conviction that it offers a framework upon which other contentious issues in the Sudan, including the conflict in Darfur, could be resolved. The 4<sup>th</sup> Ordinary Session of the Assembly, in January 2005, also welcomed the signing of the CPA and congratulated the Sudanese Parties for this landmark achievement.

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89. The CPA is being implemented in two stages, commencing with the six-months pre-interim period, which began on the signing of the agreement. This period will be followed by the six-year interim period, after which there shall be a referendum to decide on the future of Southern Sudan. The CPA provides for the establishment of certain institutions and mechanisms, such as the Interim National Constitution (INC), during the transitional period. The INC would be the basis for the Government of National Unity between the GoS, the SPLM/A and

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political parties. In this respect, the Sudanese parties have submitted their proposals for the INC. Consequently, the National Constitutional Review is in progress. The other institution also provided for by the CPA, is the Assessment and Evaluation Commission (AEC). It is to be established after the adoption of the INC and it shall be charged with the responsibility of monitoring the implementation of the CPA and conducting a mid-term evaluation of the unity arrangements.

90. On 3 April 2005, the first SPLM/A delegation arrived in Khartoum in order to prepare for taking up its responsibilities as part of the Sudanese Government of National Unity. Moreover, part of the SPLM/A leadership is currently in South Africa, receiving orientation on governance and other areas. This is part of a significant approach by the SPLM/A to transform itself into an effective political party able to carry out its national government duties during the interim period. Dialogue between the Northern Parties is currently in progress for purposes of inclusiveness in implementing the CPA. The SPLM/A has also convened a South – South dialogue with other Southern groups.

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91. On 24 March 2005, the United Nations Security Council, through resolution 1590, decided to establish the United Nations Mission in Sudan (UNMIS) for an initial period of six (6) months and further decided that UNMIS will consist of up to 10,000 military personnel and an appropriate civilian component, including up to 715 civilian police personnel. The GoS has approved the establishment of UNMIS.

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92. The UNMIS mandate shall include, among other tasks, to support the implementation of the CPA by, inter alia, monitoring and verifying the implementation of the Ceasefire Agreement and investigating violations; facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance; assist the parties to the CPA, in cooperation with other international partners in the mine action sector; and contribute towards international efforts to protect and promote human rights in the Sudan.

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93. The Security Council also authorized the UNMIS to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of the UN personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel,

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and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violations.

94. As Council is aware, the Executive Council, during its Maputo session in 2003, established a Ministerial Committee on Post-Conflict Reconstruction of the Sudan. The Committee, chaired by South Africa, comprises of Algeria, Egypt, Ethiopia, Gabon, Kenya, Nigeria, Senegal and Sudan. Since its establishment, the Committee has taken a number of initiatives aimed at enhancing the AU's contribution towards the post-conflict reconstruction process of the Sudan as part of the overall efforts to consolidate the CPA. On the margins of the sixth ordinary session of the Executive Council, in January 2005, in Abuja, the AU Ministerial Committee met and agreed to hold a workshop in Cape Town, on 18 April 2005. The purpose of the workshop was to familiarize the Committee with the CPA and also map out a strategy for the AU's involvement in the reconstruction process of the Sudan. The Committee also agreed to undertake a fact-finding mission to the Sudan from 22 – 26 March 2005.

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95. The Cape Town Workshop mapped out a strategy for the AU's intervention in the post-conflict reconstruction process of the Sudan, focusing on its political, humanitarian, social, economic and development dimensions. In this respect, it should be recalled that, in June 2004, the Commission and the Republic of South Africa sent an exploratory technical team to the Sudan, to identify the needs of the Sudan. Consequently, communications were sent to Member States for them to identify areas in which they could best assist the Sudan. So far Algeria, Nigeria, Egypt, Kenya and South Africa have responded. Based on the communications received from the Member States the Committee developed an "Implementation Matrix" for implementing the reconstruction projects in the Sudan. I urge Member States that have not yet done so, to communicate their responses soon.

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96. Contributions by Member States will be coordinated with contributions of the larger international community. In this respect, particular emphasis has been laid on the need to closely cooperate with the Joint Assessment Mission/Joint National Transitional Team (JAM/JNTT) process. This process is made up of the UN, the World Bank, the GoS and the SPLM/A.

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97. As agreed to in Cape Town, a delegation of the Ministerial Committee traveled to Khartoum and Southern Sudan from 22 to 26 March 2005. The delegation, led by the South African Minister of Foreign Affairs, included Foreign Ministers and other representatives of the members of the Committee. The mission provided an opportunity to assess the situation on the ground in the Sudan. It also enabled the Committee to identify additional areas in which the

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African Union could effectively and efficiently contribute towards the consolidation of peace in the Sudan.

98. During the visit, the Committee met with the President of Sudan, Omar Hassan Al Bashir, First Vice President of the Sudan, Ali Osman Taha, the Chairman of the SPLM/A, John Garang, and his Deputy, Riek Machar. Both the Special Representative of the UN Secretary General Jan Pronk and the JAM - on the side of the GoS – had an opportunity to brief the Committee on the UN initiatives, including the JAM report.

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99. From 11 – 12 April 2005, in Oslo, an international Donors Conference was convened on the Sudan. The Committee on Post-Conflict Reconstruction attended on behalf of the AU. The Conference was primarily aimed at soliciting international financial support for the Sudan during the post conflict reconstruction process in that country. The Joint GoS/SPLM body, and the Joint National Transitional Team (JNTT) presented a common country paper on the post-conflict reconstruction needs of the Sudan. The Conference raised more than US \$ 4. 5 Billion for the first phase of the development plan, i.e. for 2005 – 2007 of the Sudan. This amount also included contributions towards the needs of AMIS.

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100. The African Union, together with the international community should continue to actively assist the Sudanese Parties in the implementation of the CPA with the same determination and resolve that brought about the agreement, to ensure that peace prevails in the whole of Sudan. Given that the most challenging period for countries' emerging from conflicts is the one immediately after the signing of agreements, the Sudan needs concrete, focused and time-bound post-conflict assistance.

## **IX. AU-LED ASSESSMENT MISSION AND PROPOSALS FOR THE STRENGTHENING OF AMIS**

101. As indicated above, following the decision of the PSC, at its meeting of 20 October 2004, to strengthen AMIS, the Commission was requested to report regularly and to make further proposals on the enhancement of the effectiveness of the Mission. The Abuja Summit of the Assembly requested the PSC to review the operations of AMIS and to take all necessary steps to strengthen the Mission, so did the 7<sup>th</sup> Session of the Joint Commission. Further, and in view of the prevailing security and humanitarian situation, a number of institutions and humanitarian organizations have stressed the need to strengthen AMIS.

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102. It is in this context that an Assessment Mission led by the Commissioner for Peace and Security traveled to the Sudan from 10 to 22 March 2005. The UN, the EU and the U.S. were invited to join the Mission whose aim was to identify requirements for, if need be, enhancing peace support efforts in Darfur by analyzing the security situation in relation to all aspects of AMIS, exploring ways of strengthening AMIS, including assessing the effectiveness and constraints of the Mission, and considering possible changes to its mandate, concept of operations, composition, and size.

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103. The timing of the Mission was compelled by several factors: the military component of the Mission was almost entirely deployed, while the civilian police deployment was under way. In addition, while there were many indicators that the Mission was accomplishing its goals, the security situation remains unacceptable in that the number of people displaced and at risk in Darfur has doubled since last year and continues to rise. Furthermore, the Parties continued to violate the agreements previously reached in N'djamena and Abuja, while the Abuja Peace Talks appeared to be stalled. In light of these dynamics, it was felt that a full review of the security situation was essential.

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104. The Assessment Team visited all sectors of the AMIS deployment and received military briefings. Even though AMIS military deployment is virtually complete, it was clear that the current force is extremely stretched to implement its mandate effectively. In those areas in which it is deployed, AMIS is making a significant difference, but there remain large areas that are beyond its reach on all but an occasional basis; these include areas of potential friction as well as those that will become the focus for IDP returns.

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105. The tenuous security situation continues to undermine AMIS hard work. The assumptions on which the Mission was planned, particularly the ability of the Government of Sudan to assume its security responsibilities and the general level of compliance with the Ceasefire Agreement have not been borne out. There are, in addition, the physical constraints under which AMIS is operating, and the result is a situation that shows little sign of improvement as long as it is addressed by a force that is insufficient for the task.

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106. The Assessment Mission stressed that there is no need for changing the existing mandate; however, the tasks within that mandate may need to be re-prioritised, with greater emphasis on creating a secure environment, particularly in the context of the delivery of humanitarian relief, and confidence-building measures. This has already occurred to a large extent on AMIS initiative. The closest possible coordination with the civilian police component will be a key element of the concept, with the military component providing the essential back-

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up to the former's initiatives aimed at helping the GoS shoulder its responsibilities for security in the villages and IDP camps.

107. Notwithstanding the fact that AMIS has nearly reached its authorized troop ceiling, it remains well short of being fully operationally effective. The reasons for this are as varied as they are numerous but the starting point must be to address the weaknesses within the current structure, as this will become an essential element both in AMIS ability to implement its current mandate, and as a stepping stone to any change to its future structure. These weaknesses fall into three categories: command and control, logistic support and operational practice.

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108. While a higher level of operational effectiveness is essential, it may not meet the overall shortfall in capability that has been generated by the current situation and the shift in the priority of tasks. The dynamics of the military operation have altered considerably, and there is an increasing need for AMIS to be much more proactive, if it is to succeed. Notwithstanding AMIS achievements, it remains too thin on the ground to take such an approach. With its current strength, AMIS will either not be able to maintain a credible presence in certain areas, or it will have to rely on the use of reserves, making it difficult to deploy them in anything other than a reactive mode.

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109. Militarily, the force should be in a position to promote a secure environment across Darfur. However, the need for permanent deployment in all areas will be directly proportional to the level of responsibility assumed by the GoS and the rate of IDP returns. With regard to the latter, it is not likely that IDP returns will peak until the conditions exist to support them, primarily a secure environment and the means of sustaining themselves. For this reason, the immediate future can be covered by a relatively modest force, tailored to the requirements of specific regions of Darfur, and deployed in the most likely trouble spots. The potentially more volatile areas should receive higher force levels than the more benign ones. Of course, there has to be sufficient flexibility to adjust the deployment.

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110. The Assessment also noted that the security situation on the ground has not improved with the reinforcement of additional GoS police. In addition, the local police is faced with a number of other constraints, chief among them is insufficient equipment and training. In order to restore confidence in the police, and ensure international policing practices are implemented, AMIS CIVPOL must work along side the GoS police. AMIS CivPol will need to coordinate the provision of capacity building assistance by international donors. In addition, the CIVPOL component must draft a new comprehensive Operational Plan to conform to the

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realities on the ground. It is understood that this Plan can only be executed successfully with the appropriate logistics support.

111. To ensure effectiveness and keep lines of communication clear, the Assessment Mission recommended that a Coordination Committee should be established to include GoS Police, AMIS, NGOs and OCHA. This Committee would provide a forum in which police, military and humanitarian issues could be synchronized. In the near term, the remaining authorized Civilian Police should be urgently deployed.

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112. The Assessment Mission noted that the current CIVPOL mandate provides an adequate basis for the required police activities. In response to the demands of the local population and the humanitarian agencies for enhanced security and investigation of alleged crimes within the IDP camps, it is envisaged that the CIVPOL be deployed in more IDP camps and villages. It is important that the CIVPOL be present in the main problematic villages that are within reach of humanitarian assistance, to promote a safe and secure environment for IDP returnees. This will require additional police personnel.

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113. In light of the above, the Assessment Mission recommended that AMIS should be strengthened initially in two Phases, with a possible follow-on operation that would be decided upon in September 2005. The aim of the first Phase, which should be substantially concluded by the end of May 2005, is for AMIS to reach full operational effectiveness within its existing authorized strength of 3,320. Achieving this aim requires full deployment of military, police and other civilian personnel; putting in place the remaining logistics and administrative support; and enhancing structures for organization, management, command and control.

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114. The second Phase, which would entail deployments from June-August, would expand AMIS. AU and UN planners estimate that a total of 5,887 military personnel and 1,560 civilian police (plus civilian staff) would be required. Success for Phase II would entail improved compliance with the N'djamena Humanitarian Ceasefire Agreement and the Abuja Protocols; a secure environment for IDPs in and around the camps; and a secure environment and access to humanitarian relief and services for civilians who are not yet displaced (or who are returning) but are deemed vulnerable. Large-scale returns are not anticipated during this Phase due to continuing violence. Even if a secure environment were established throughout Darfur, lack of food security, devastation of the economy, and the almost total disruption of normal patterns of life would limit the number of returns in the near future.

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115. The aim of the third Phase, which might be viewed as a follow-on mission in view of the fact that it takes the operation to an entirely new stage, is to contribute to a secure environment throughout Darfur in order to enable full returns of displaced persons. This must be carried out in close coordination among the military, civilian police, humanitarian and development organizations, civil authorities, and the affected population, and should be timed for completion prior to the Spring 2006 planting season. In order to meet this timetable, a decision to initiate the third Phase would have to be taken by September 2005. Phase 3 would require a major increase in the Mission, estimated by the AU and UN to be some 12,300 military, police and civilian personnel. The benchmark for success in this Phase would be the return and resumption of livelihoods of IDPs and refugees with levels of security comparable to that which existed before the outbreak of the current conflict, in February 2003.

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116. In addition, the Assessment Mission made a number of recommendations aimed at improving the management of the mission support. Recommendations have also been made with respect to the delivery of the mission support, with emphasis on four particular areas, namely the provision of support to the expanding police component, medical support area and aviation operations, the need to take appropriate action to mitigate the tenuous nature of the Mission's supply line. In particular, greater reserve stocks of food, fuel, water and medical supplies must be established to cope with any disruption to the supply lines caused by weather or by the actions of the spoilers. It was also recommended to include, as a normal routine task for the military force, the protection of resupply and other support movements.

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## **X. OBSERVATIONS**

117. Since my last report to Council, the situation in Darfur has not witnessed any marked improvement, especially in the critical areas of security and dialogue. In particular, insecurity continues to prevail on the ground, with persistent attacks against defenseless civilians, particularly by the Janjaweed militia, and other armed bandits. Attacks against humanitarian organizations and commercial convoys, as well as increasing incidents of armed banditry and robbery are becoming rampant and unacceptable. This, in turn, has negatively impacted on the delivery of much-needed humanitarian assistance to the civilian population and the efforts to resume negotiations.

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118. The Parties are yet to show sufficient commitment to abide by and implement in good faith, the various Agreements they had signed in order to create propitious conditions to end the untold suffering inflicted on the civilian population and bring to a successful conclusion, the Inter-Sudanese Peace Talks

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in Abuja. I, once again, urge them to take immediate steps to fulfill their obligations under the N'djamena Humanitarian Ceasefire Agreement and the two Abuja Protocols, as well as to fully cooperate with the African Union.

119. The decisions taken by the GoS to withdraw all Antonov bombers from Darfur and to pull out its troops from the areas it occupied as a result of its December 2004 offensive are steps in the right direction and, indeed, deserve to be acknowledged. It is hoped that this decision will also cover the operations of attack helicopters. I remain, however, preoccupied by the GoS failure thus far, to disarm and neutralize the Janjaweed/armed militias, whose relentless attacks against civilians are clearly unacceptable.

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120. I appeal to the GoS to fully and urgently comply with the commitments it took under the N'djamena Ceasefire Agreement and the Abuja Protocols. The disarmament and neutralization of the Janjaweed, as well as apprehending and bringing to justice the Janjaweed leaders and their associates who have carried out human rights and international humanitarian law violations and other atrocities, are a requirement under relevant UN Security Council resolutions. AMIS experience on the ground has shown time and again that, unless concrete action is taken in this respect, the prospects of improving the security situation in Darfur will remain gloomy.

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121. Equally important is the need for the JEM and the SLM/A to meet their obligations. In spite of the repeated appeals by the AU and the UN Security Council and the decisions of the Joint Commission, these two Movements have refused to communicate to the CFC the locations of their forces. This is clearly unacceptable, as the notification of positions is a basic requirement under the Abuja Protocol on the Enhancement of the Security Situation in Darfur.

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122. Furthermore, during the period under review, the armed Movements have been involved in a number of attacks against commercial convoys and humanitarian organizations, as well as continued acts of harassment of relief workers. I urge them to put an end to these actions, which run contrary to the letter and spirit of the Agreements they had signed. Failure by the Movements to take immediate and remedial action can only cast a doubt on their willingness or ability to end the conflict in Darfur and the suffering of the civilian population.

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123. In spite of the difficulties on the ground, AMIS has continued to carry out duties within its mandate with determination. As indicated above, while in those areas in which it is deployed, the Mission is making a significant difference, there remains large areas that are beyond its reach on all but an occasional basis, because of its limited strength. The hard work being done by the Mission is all

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the more commendable as attacks on AMIS personnel and assets have increased during the reporting period. I wish to seize this opportunity to condemn in the strongest terms possible these attacks.

124. Over the past weeks, I have met with a number of representatives of AU Partners. In particular, I held discussions with UN Secretary-General Kofi Annan and US Secretary of State Condoleezza Rice. In addition, the Commission has maintained close contacts with other AU partners, including the European Union and many of its Member States. I am pleased to report that in all these interactions, our Partners have consistently expressed their appreciation of the efforts and leadership of the AU as well as their continued support both for the steps taken for the resumption of the Abuja Peace Talks and the operations of AMIS.

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125. It is also worth noting that, in its resolution 1590 of 24 March 2005, the Security Council has requested the UN Secretary-General to report to it within 30 days on options for how UNMIS can reinforce the efforts to foster peace in Darfur through appropriate assistance to AMIS, including logistical support and technical assistance, and to identify ways in liaison with the AU to utilize UNMIS's resources, particularly logistical and operations support elements, as well as reserve capacity towards this end. In addition, in the consultations with the bilateral Partners, it has been suggested to make use of all available capability to provide further support to AMIS, particularly in terms of communication and logistics, including strategic airlift of troops.

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126. As difficult as the situation in Darfur is, it is my strong conviction that the AU's efforts, if intensified and pursued with determination, will ultimately, and in a not distant future, lead to the restoration of lasting peace and stability in that region. In this respect, it is urgent that AMIS be strengthened. I recommend that Council endorse the proposal made by the AU-led Assessment Mission, as reflected in paragraph 114 above, to bring the total strength of the Mission to 5,887 military personnel and 1,561 civilian police, as to be reviewed by the Military Staff Committee. This increase would encourage improved compliance with the N'djamena Humanitarian Ceasefire Agreement and the Abuja Protocols, and create a secure environment for IDPs in and around the camps as well as for humanitarian relief and services for returning and vulnerable civilians.

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127. In anticipation of Council's endorsement, I have made initial contacts with potential troop contributing countries to ensure timely deployment of additional troops and police. At the same time, the Commission is in the process of implementing the recommendations outlined by the AU-led Assessment Mission that would further enhance the capability of AMIS. These include:

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- strategic Planning in conjunction with the operational level of command;
- force generation, including training policy to meet future requirements;
- logistic Planning at the strategic level to support operational requirements in conjunction with the Mission HQ;
- planning strategic level communications systems;
- resource generation in order to meet the strategic and logistic planning requirements;
- formulation of policy guidance and coordination in support of the AU leadership;
- maintenance of situational awareness of the operations in Darfur and transmission of that information to the AU leadership in order to allow timely coordinated policy and support assistance;
- development and management of an AU HQ media strategy coordinated with the Mission HQ.

128. In conjunction with the enhancement of AMIS, more sustained efforts are being made to ensure the early resumption of the Abuja Peace Talks. It is my intention, after the current round of consultations with the Parties, to announce the date for the resumption of the Talks.

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129. I appeal to the Parties to show political commitment to reach an agreement on the basis of the Draft Protocol Framework for the Resolution of the Conflict in Darfur that has already been submitted to the Parties, for there can be no military solution. It is also my hope that the SLM/A will be able to overcome the leadership problems confronting it, for this will be key to the success of the negotiations. I would like to reiterate the call by the Assembly of the Union, at its Abuja session, at the end of January 2005, encouraging all the leaders and other stakeholders who have been supporting the Inter-Sudanese Peace Talks on Darfur to continue their efforts, in a coordinated manner under the overall leadership of the AU.

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130. Last but not least in the efforts to bring the conflict in Darfur to an end, is the need for continued coordination and consultation with our bi-lateral and multilateral partners. I encourage them to remain steadfastly engaged. As already stressed by Council, at its Libreville meeting, the international community, in particular the UN Security Council and its members, should continue to exert constant pressure on all the Parties so that they abide by their commitments and extend full cooperation to the AU.

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131. The signing of the CPA and the steps already taken towards its implementation have the potential of facilitating the resolution of the Darfur

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conflict. I urge the Parties to the CPA to take whatever step is necessary to contribute to the peaceful resolution of the conflict in Darfur.

132. In conclusion, I wish to express my appreciation for the work being done by AMIS under very difficult circumstances. I acknowledge the work being done by my Special Representative and his collaborative efforts with the UN Special Representative in the Sudan. I also wish to thank the AU Partners for their crucial and continued assistance.

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133. I also wish to extend my thanks to President Olusegun Obasanjo, Current Chairman of the AU, for his relentless efforts, dedication and determination in making sure that the AU meets the challenges confronting it in Darfur.

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**ANNEX A: STRENGTH OF AMIS:** **2372**

The breakdown is as follows:

<b>a.</b>	<b><u>MILOBs</u></b>	<b>454</b>
	(1) Algeria	13
	(2) Congo	15
	(3) Senegal	23
	(4) Nigeria	48
	(5) Mozambique	05
	(6) Egypt	34
	(7) Ghana	24
	(8) South Africa	39
	(9) Namibia	23
	(10) Gabon	20
	(11) Kenya	30
	(12) Gambia	20
	(13) Mauritania	10
	(14) Mali	15
	(15) Rwanda	10
	(16) Zambia	15
	(17) Malawi	15
	(18) Burkina Faso	04
	(19) Cameroon	13
	(20) EU	10
	(21) USA	03
	(22) Chad	18
	(23) GOS	16
	(24) SLA	15
	(25) JEM	16
<b>b.</b>	<b><u>Civilian Police</u></b>	<b>245</b>
<b>c.</b>	<b><u>International staff/CFC Members</u></b>	<b>26</b>
<b>d.</b>	<b><u>Protection Force</u></b>	<b>1647</b>
	(1) Nigeria	587
	(2) Rwanda	392
	(3) Gambia	196
	(4) Senegal	196
	(5) Kenya (MP)	35
	(6) South Africa	241

e. DITF

12

**ANNEX B: PERSONNEL STRENGTH AT THE SECTORS<sup>1</sup>**

The strength of personnel at the sectors is as follows:

Serial	Location	MILOBs	CIVPOL	IS/CFC	PF	Remarks
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1.	HQ AMIS FHQ AMIS	70	7	26	65	232
(a)	(b)	(c)	(d)	(e)	(f)	(g)
2.	Sector 1	45	19		207	271
3.	Sector 2	45	29		207	283
4.	Sector 3	47	29		143	217
5.	Sector 4	45	16		196	259
6.	Sector 5	47	20		196	265
7.	Sector 6	49	19		241	308
8.	Sector 7	48	18		196	261
9.	Sector 8	45	24		196	265
10.	Abeche	11	--			11
Total		454	245	26	1647	2372

<sup>1</sup> Note: PF is Protection Force; and IS/CFC is International Staff/Ceasefire Commission

**ANNEX C: PLEDGES AND CONTRIBUTIONS****STATUS OF DONORS CONTRIBUTION FOR DARFUR**

Currency : US \$

DONORS	AMIS I			AMIS II			TOTAL AMIS I & II
	Pledges in cash	Pledges in Kind	TOTAL AMIS I	Pledges in cash	Pledges in Kind	TOTAL AMIS II	
CANADA (1)	-	-	-	1,515,151.52	15,037,593.98	16,552,745.50	16,552,745.50
EU	14,931,000.00	-	14,931,000.00	100,604,794.44	-	100,604,794.44	115,535,794.44
GERMANY	1,165,120.00	-	1,165,120.00	1,311,750.00	-	1,311,750.00	2,476,870.00
NORWAY		-	-	1,558,250.62	-	1,558,250.62	1,558,250.62
NETHERLANDS (2)		2,000,000.00	2,000,000.00	5,020,848.02		5,020,848.02	7,020,848.02
SWEDEN	134,066.23	-	134,066.23	443,360.67	-	443,360.67	577,426.90
DENMARK	736,664.25	-	736,664.25	-	-	-	736,664.25
UNITED KINGDOM (3)	3,676,000.00		3,676,000.00	-	22,080,000.00	22,080,000.00	25,756,000.00
USA (4)		7,340,000.00	7,340,000.00	-	95,086,485.05	95,086,485.05	102,426,485.05
FRANCE		-	-	1,763,907.73	-	1,763,907.73	1,763,907.73
ITALY	240,000.00	-	240,000.00	588,352.83	-	588,352.83	828,352.83
SOUTH KOREA	200,000.00	-	200,000.00	-	-	-	200,000.00
IRELAND		-	-	659,750.00	-	659,750.00	659,750.00
GREECE	132,626.00	-	132,626.00	-	-	-	132,626.00
JAPAN		-	-	2,070,000.00	-	2,070,000.00	2,070,000.00
BELGIUM		-	-	678,426.05	-	678,426.05	678,426.05
<b>CONTRIBUTION</b>	<b>21,215,476.48</b>	<b>9,340,000.00</b>	<b>30,555,476.48</b>	<b>116,214,591.88</b>	<b>132,204,079.03</b>	<b>248,418,670.91</b>	<b>278,974,147.39</b>



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- (1) The Canadian contribution in kind relates to provision (lease) of Helicopters
  - (2) Netherlands has made US\$ 2 million contribution through JMC in Khartoum for lease of Helicopters
  - (3) The UK contribution in kind relates mainly to purchase of vehicles
  - (4) The contribution of USA is mainly for campsite constructions as well as purchases of equipment and maintenance costs

2005

# Report of the Chairperson of the Commission on the Situation in the Darfur Region of the Sudan

African Union Commission

Peace and Security

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