

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: www.Africa-union.org

PEACE AND SECURITY COUNCIL

198TH MEETING

21 JULY 2009

ADDIS ABABA, ETHIOPIA

PSC/PR/2(CXCVIII)

Original: English

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

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

I. INTRODUCTION

1. At its 142th meeting held on 21 July 2008, Council decided to extend, for a further period of 12 months, the mandate of UNAMID, as determined by United Nations Security Council resolution 1769(2007) of 31 July 2007, and requested the latter to do the same. On 31 July 2008, the UN Security Council adopted resolution 1828(2009) in which it decided to extend the mandate of UNAMID, as set out in resolution 1769(2007), for a further 12 months to 31 July 2009. Subsequently, Council reviewed the situation in Darfur at its 145th, 151th, 157th, 175th and 185th meetings, held respectively on 8 August, 22 September and 14 November 2008, and 5 March and 6 April 2009.

2. The present report provides an update on the political, security and humanitarian situation in Darfur, as well as on the deployment and operations of UNAMID. The report concludes with recommendations on the way forward.

II. POLITICAL AND RELATED ASPECTS

3. One of the major events of the reporting period relates to the launching, in October 2008, by President Omar Hassan Al-Bashir of the Sudan People's Forum (SPF), which constituted an important step in the efforts to find an inclusive and durable political solution to the Darfur crisis. The SPF was attended by senior leaders of most of Sudan's main political parties and included numerous representatives from Darfur, although the non-signatory armed movements did not participate. The AU was represented at the SPF. The outcome document of the meeting addressed the main elements of the conflict as a basis for further negotiations. The subsequent announcement by President Al-Bashir, on 12 November 2008, of a unilateral ceasefire, further enhanced the hope for a movement forward in the peace process. At its 157th meeting, Council welcomed the outcome of the SPF and the announcement of a unilateral ceasefire. While the SPF fell short of expectations in terms of follow-up and implementation, its recommendations remain relevant; it is therefore important to continue to encourage the Sudanese parties to build on them in their quest for lasting peace and reconciliation in their country.

4. As Council will recall, its 142th meeting was held against the background of the application made, on 14 July 2008, by the Prosecutor of the International Criminal Court (ICC) for the ICC Pre-Trial Chamber to issue an arrest warrant under article 58 of the Rome Statute against President Omar Hassan Al Bashir for war crimes, crimes against humanity and genocide. On that occasion, Council requested the UN Security Council, in accordance with the provisions of Article 16 of the Rome Statute, to defer the process initiated by the ICC, taking into account the need to ensure that the ongoing peace efforts are not jeopardized, as well as the fact that, in the current circumstances, a prosecution may not be in the interest of justice and the victims. While in its resolution 1828(2008) of 31 July 2008, the Security Council took note of the communiqué under reference, having in mind concerns raised by some of its members regarding potential

developments subsequent to the application by the ICC Prosecutor, no action has thus far been taken to defer the process. At its 145th meeting, Council reiterated its request for a deferral of the process initiated by the ICC Prosecutor. As a follow-up to Council's decisions, the Commission has made sustained efforts to mobilize international support for the deferral, including a number of visits to New York for consultations with the members of the Security Council.

5. At its 12th Ordinary Session, held from 1st to 3 February 2009, the Assembly of the Union adopted decision Assembly/AU/Dec.221(XII) on the application by the ICC Prosecutor for the indictment of the President of the Republic of the Sudan. In that decision the Assembly, *inter alia*, endorsed the communiqué of the 142nd meeting of Council, and urged the UN Security Council to defer the ICC process in accordance with article 16. The Assembly requested the Commission to convene, as early as possible, a meeting of the African countries that are States parties to the Rome Statute, in order to exchange views on the work of the ICC in relation to Africa, particularly in the light of the processes initiated against African personalities, and to submit recommendations thereon. At the same time, the Assembly condemned the gross violations of human rights in Darfur, noted the steps taken by Sudan to address them and reiterated the call by various AU organs for the Government of the Sudan to investigate and bring to justice the perpetrators, taking advantage of the availability of qualified lawyers to be seconded by the AU and the League of Arab States.

6. On 4 March 2009, the Pre-Trial Chamber I of the ICC decided to issue an arrest warrant against President Omar Hassan Al Bashir for war crimes and crimes against humanity. In a communiqué issued the same day, I expressed deep concern at the far reaching consequences of that decision, which came at a critical juncture in the process to promote lasting peace, reconciliation and democratic governance in the Sudan. I underlined that the search for justice should be pursued in a way that does not impede or jeopardize the promotion of peace. I recalled that it was because of these concerns that Council had requested the UN Security Council in accordance with the provisions of article 16 of the Rome Statute, to defer the process initiated by the ICC. On March 8, 2009, I led an AU delegation to Khartoum to meet with the Sudanese President and other high ranking officials to discuss developments relating to the ICC process.

7. Council met on 5 March 2009 to review the situation. On that occasion, Council expressed deep concern at the decision of the Pre-Trial Chamber, and urged all the Sudanese stakeholders, including the Sudanese Government, to exercise utmost restraint, to uphold all their international obligations and to remain committed to the search for peace and stability in Darfur. Council deeply regretted that, despite the risks posed by the ongoing ICC process to the search for lasting peace and stability in the Sudan, the Security Council had failed to consider with the required attention the request made by the AU for the invocation of article 16 of the ICC Statute. Council appealed once again to the Security Council to exercise its powers of deferral, and requested the Commission to continue engaging the Security Council and mobilizing support for the AU's position. Finally, Council reiterated the AU's call to the Government of Sudan to take immediate and concrete steps to investigate the human rights violations in Darfur and bring their perpetrators to justice.

8. From 17 to 18 May 2009, and at the invitation of the Sudanese Government, the Secretary-General of the League of Arab States, the Secretary-General of the Organization of Islamic Conference and I visited the Sudan. During that visit, we held consultations with the Sudanese leadership on the political, security and humanitarian situation in Darfur, as well as on the impact of the ICC decision on the peace process.

9. As a follow-up to decision 221(XII), the Commission convened, in Addis Ababa from 8 to 9 June 2009, a meeting of the African countries that are States parties to the Rome Statute. In decision Assembly/AU/Dec.245(XIII), adopted at its 13th Ordinary Session held in Sirte from 1st to 3 July 2009, the Assembly, *inter alia*, decided that, in view of the fact that the request by the AU for the deferral of the ICC process has never been acted upon, the AU member States shall not cooperate, pursuant to the provisions of article 98 of the Rome Statute relating to immunities, with the arrest and surrender of President Al Bashir.

10. During the period under review, the Joint AU/UN Mediation expanded its efforts to encourage the parties to the Darfur conflict to engage in a political dialogue. In the course of its consultations with the Government of Sudan and the armed Darfuri movements, the Mediation has given priority to the reduction of violence and insecurity in Darfur as a first step in the negotiations, for a cessation of hostilities will undoubtedly create a conducive environment for the launching of an inclusive political dialogue towards a final settlement of the conflict.

11. It is against this background that the Mediation, supported by the State of Qatar, convened direct talks between the Government of Sudan and the Justice and Equality Movement (JEM), which led to the signing of the Goodwill and Confidence Building Agreement on 17 February, 2009. While the Agreement fell short of a cessation of hostilities, it represented a positive first step towards a framework agreement that would facilitate a way forward towards a sustainable and durable peace in Darfur.

12. However, following the issuance of the arrest warrant against the President of the Sudan and the ensuing expulsion of a number of international NGOs, the JEM suspended its participation in the talks, accusing the Government of breaching the Goodwill Agreement and stating that it would resume talks only if the expelled NGOs are reinstated and an exchange of prisoners effected. Thanks to the efforts of regional and international partners, particularly those of the new US Special Envoy for Darfur, the JEM resumed discussions on the implementation of the Good Will Agreement with the Sudanese Government in Doha on 28 May. Although this is a positive development, the JEM's demand for the release of prisoners prior to any political dialogue and that of the Government for a cessation of hostilities remained unchanged and did not allow a breakthrough. The disagreement between the parties over these two issues has persisted, resulting in the suspension of talks on 19 June 2009. On the eve of the resumption of these discussions, the Special Envoys of the P5 and of the European Union met in Doha to review the situation. They seized the opportunity to reaffirm their support to the ongoing peace talks and called upon all parties to join them without preconditions.

13. Furthermore, from 3 to 15 March in Tripoli, Libya five movements from Darfur signed the Tripoli Pact to participate in the Doha peace talks as one delegation with one position. On 28 and 29 June, the Mediation held constructive meetings with the movements of the Tripoli Group which later expanded to include the additional member (URFF, SLA-Khamis Abdallah, SLA-Juba Faction, JEM-Idrees Azrag, SLA-Unity and SLA-Mainstream) and the URF of Bahr Idriss Abu Garda. The Mediation encouraged them to work more closely together, ideally to unify, with the help of the Libyan authorities, and to reach out to the JEM and SLA-Abdel Wahid. The Mediation also met General Ibrahim Suleiman and his group of civil society representatives, who had come at the invitation of the Libyan authorities to help work with the movements on unification. The movements said they needed some time to finalize the ongoing unification efforts, but, once ready, they would be willing to come to Doha to discuss a framework agreement and cessation of hostilities with the GoNU.

14. In spite of these efforts, many hurdles remain on the way to negotiated peace in Darfur. These include the refusal by JEM to accept the other armed movements around the negotiating table and the pre-conditions put by the SLM-Abdul Wahid to participate in the peace talks. The effective unification of the other armed movements and their participation in the peace process with the view to making it inclusive constitute a huge challenge. It is worth noting that the Government of the Sudan has expressed its readiness to discuss with all the Darfurian movements.

15. During the reporting period, the question of the national elections, currently scheduled for April 2010, has emerged as a major concern in Darfur. Opinions are divided as to whether elections can and should be held. For some constituencies, given the large population figure for Darfur (especially South Darfur) revealed in the 2008 Census, Darfur should participate in the elections. With more than 4 million inhabitants, South Darfur State is now the second most populous state in Sudan after Khartoum. For others, elections cannot be held until there is sustainable peace in Darfur. They cite lack of access for census enumerators and election officials to large populations of IDPs, refugees and people living in areas controlled by the armed movements, or contested areas; associated doubts over the census and voter registration processes; inability of political movements representing large sections of the population to organize and contest the elections; and concerns over freedom of expression and association in the context of an unresolved war.

III. ACTIVITIES OF THE AU HIGH LEVEL PANEL ON DARFUR

16. Council would recall that at its 142nd meeting, it requested the Commission to establish an independent High-Level Panel comprising distinguished African personalities, with the mandate to examine the situation in Darfur in depth and submit recommendations on how best to address the issues of accountability and combating impunity, on the one hand, and peace, reconciliation and healing, on the other, in an effective and comprehensive manner. At its 12th ordinary session, the Assembly of the Union gave its full support to the decision taken by Council, including the establishment of the High Level Panel.

17. The Panel, which is chaired by former President Thabo Mbeki and comprises a number of African personalities, including former Presidents Abdusalami Abubakar and Pierre Buyoya, was inaugurated in Addis Ababa, on 19 March 2009. The Panel undertook its first visit to the Sudan from 1 to 4 April 2009, holding a series of meetings with various stakeholders, including President Al Bashir, representatives of the Sudanese Judiciary, political parties and civil society organizations, UNAMID officials, the Joint Chief Mediator and other members of the international community. The Panel also visited Darfur, where it met with a number of interlocutors, including representatives of the IDPs. This was followed by a second visit from 15 to 23 May 2009, for intensive engagement with the Sudanese parties. In addition to discussions with President Bashir and other senior Sudanese officials and stakeholders both in Khartoum and Darfur, the members of the Panel also travelled to Juba to meet with First Vice-President Salva Kiir Mayardit, to solicit his views on a number of aspects relevant to their mandate.

18. The Panel undertook its third visit to the Sudan from 16 to 25 June 2009. During that visit, the Panel carried out an unprecedented round of consultations and public hearings in Ain Siro (a rebel controlled area in Jabel Mara), Khartoum, El Fasher, Nyala, El Geneina and Zalingei, with a wide range of stakeholders (Darfurian military commanders, political parties, civil society organizations and tribal leaders). Attendance at these public hearings ranged from a minimum of 100 (IDPs in Zalingei) to several hundred (Nyala Native Administration, Ain Siro). Most hearings had an attendance of more than 200. The Khartoum hearings with the political parties on 17 June 2009 was a breakthrough in that a total of 14 major political parties attended, more than for any other initiative in recent Sudanese history, including the two parties which had boycotted the Sudan's People's Initiative (SPI), namely the Popular Congress and the Communist Party. This, indeed, was the first time in recent history that all the political parties came together to collectively deliberate on a national agenda.

19. The process of convening these hearings, using preparatory consultations, has helped to formulate the substantive and procedural agendas for pursuing peace and achieving reconciliation and justice. The day prior to each hearing, participants, according to the stakeholder group they represented, gathered to consider a questionnaire provided by the AUPD and were asked to unify their views around the issues covered by the Panel's mandate. The following consensus emerged from the AUPD hearings:

- (i) peace negotiations will only succeed if all the stakeholders in the Darfur conflict are involved;
- (ii) given the right facilitation, Darfurians can resolve many of their problems at a local level;
- (iii) there are immediate and practical steps, which do not require waiting for a peace agreement or even a ceasefire, that stakeholders can do to ameliorate the situation in Darfur;
- (iv) the peace process in Darfur is closely tied to the national political process, including the elections and the 2011 self-determination referendum in the South;

- (v) signing an agreement between warring parties has not resolved the Darfur crisis. Any solution must include establishing social coexistence and mechanisms to resolve conflicts at a local level.

20. It is also worth noting that, on 24 June 2009, some members of the Panel visited prisoners, who are members of JEM, in Kober prison, in Omdurman, a suburb of Khartoum. The members of the Panel saw a total of about 100 prisoners and were allowed to have a private meeting with six of them, which lasted about an hour.

21. The Panel also visited Libya, Egypt, Chad, and Qatar, from 23 April to 4 May 2009, for consultations on issues relevant to its mandate. During its visit to Doha, on 3 May 2009, the Panel members witnessed the signing of an Agreement between Sudan and Chad to normalize relations and to build confidence between the two countries. On 4 May 2009, the Panel members met with the representatives of the JEM. Other visits are scheduled to Eritrea and Central African Republic in the coming weeks. The Panel is also planning to travel to Sudan for further consultations with the Sudanese stakeholders on its recommendations.

22. Finally, the Panel consulted with international stakeholders, from 7 to 9 July 2009 in Addis Ababa to solicit their views on ways and means of advancing peace, reconciliation and justice in Darfur. The Panel invited 25 organizations and requested their views on the following: What can and should be done urgently to conclude a comprehensive and inclusive Darfur peace agreement? What processes and institutions should be put in place to address the challenge of reconciliation and healing arising from the conflict in Darfur? What steps should be taken to address the challenge of justice and impunity? The Panel received 15 submissions and met with, among others, the UK Special Envoy for Sudan, the Ambassador of France, the Office of the ICC Prosecutor, the UN Special Representative for Sudan, the Joint Special Representative for UNAMID, the Joint AU/UN Chief Mediator as well as the representatives from the International Crisis Group, International Centre for Transitional Justice, and the Open Society Justice Initiative. The Panel is expected to submit its report in the end of September 2009.

23. In the meantime, the 13th ordinary session of the Assembly of the Union reiterated its strong support for the on-going work of the AU High-Level Panel on Darfur and urged all the Sudanese stakeholders to assume an active role in the proceedings of the Panel. The Assembly stressed that it was looking forward to the recommendations of the Panel and expressed its confidence that these recommendations will greatly assist the on-going efforts to bring about lasting peace and reconciliation in Darfur.

IV. DAFUR-DAFUR DIALOGUE AND CONSULTATION (DDDC)

24. As Council is aware, the Darfur Peace Agreement (DPA) of 5 May 2006 established the DDDC as an autonomous and inclusive non-partisan process, mandated to enable Darfurians to voice their opinions and views to achieve sustainable peace and reconciliation in the region. Significantly, Council, at its 142nd meeting, encouraged the Sudanese parties to ensure that issues of impunity, accountability,

reconciliation and healing are addressed in the context of the DDDC. At its 185th meeting, Council encouraged DDDC as a means of ensuring the involvement of all the Darfurian stakeholders in the search for peace and reconciliation, and called for increased financial support to this process.

25. As part of its mandate and in order effectively to prepare for an inclusive consultation process, the DDDC has consulted with a broad range of Darfurians in Darfur, other parts of the Sudan and abroad, to build trust among the various stakeholders, and has identified six areas of common ground (security, land and natural resources, administration and democracy, recovery and development, identity and reconciliation). The DDDC has established itself as a neutral and growing space for Darfurians freely and openly to discuss and put forth practical ideas for meaningful peace and reconciliation. It is in this context that the DDDC mobilized and brought together a variety of key stakeholders to participate in seven AUPD hearings in Sudan. The DDDC, with technical assistance from UNAMID, including Civil Affairs, and other UN offices, mobilized and organized participants from every relevant locality. DDDC and UNAMID staff travelled widely across Darfur in the weeks preceding the hearings to meet with participants and explain the process.

26. For the period 2009 – 2010, the DDDC will focus on consolidating the efforts being deployed to foster a favorable environment for dialogue, facilitate the engagement of key stakeholders in the peace process, strengthen partnerships with stakeholders and other actors, expand outreach to include Darfurians living in the areas controlled by the armed groups in Darfur and elsewhere in Sudan, as well as those living as refugees in the neighboring countries and in the Diaspora. The DDDC will also work towards establishing an inclusive Preparatory Committee.

V. UNAMID DEPLOYMENT

27. As of 8 July 2009, 13,443 troops (69%) were deployed in Darfur out of the authorized 19,555 military personnel. Out of the 18 battalions required, 12 are fully deployed in terms of personnel; joint AU-UN pre-deployment visits have been carried out to assess the readiness of countries that pledged troops (Tanzania, Senegal, Burkina-Faso, Nigeria, Rwanda and Ethiopia) and others are about to take place (Sierra Leone, Senegal, Thailand, Nigeria and South Africa). Critical gaps remain in the area of aviation and force enablers. Against this background, I am pleased to report that Ethiopia has firmly committed to provide 5 attack helicopters that would significantly enhance the capacity of the Mission. The pre-deployment visit for this vital unit took place from 14 to 17 July 2009, and effective deployment in the Mission area is expected in October this year. With respect to the police component, 39% of the authorized strength has been deployed, including 8 Formed Police Units (FPUs).

28. It is worth noting that the Tripartite Committee on UNAMID that brings together the Government of the Sudan, the AU and the UN and is charged to facilitate the deployment of the UNAMID has met four times this year to resolve outstanding problems relating to the deployment of the Mission. The last meeting of the Tripartite Committee took place in Khartoum on 12 July 2009, and discussed a number of issues, including air operations, visas, national staff, police and customs clearance. During the

meeting, UNAMID reported that a target of 97% deployment by December 2009 remain the aim of the Mission, even though this is an ambitious goal as commitments for full force generation and enabling capacities are still outstanding. The next meeting of the Committee is scheduled in September 2009, in New York, on the margins of the UN General Assembly.

VI. SECURITY AND HUMANITARIAN SITUATION

29. The security situation in Darfur has been relatively calm during the period under review. However, tensions along the border lines between Chad and Sudan remain high, in part because of activities by JEM, SLM/A (MM) and the Chadian Armed Opposition groups (CAOGs), in the general border areas.

30. The main military events in the last 12 months have included the JEM takeover of Muhajiriya in January 2009 and evacuation shortly thereafter, and the fighting between JEM and the Sudan Armed Forces (SAF), including SLA-Minawi, around Karnoi and Um Buru, in May 2009. The Muhajiriya attack appears to have been an opportunistic operation conducted with the aim of securing military assets and recruits. In the face of a Government counteroffensive and with an assurance from UNAMID that it would not evacuate its base in the town, which was providing protection to approximately 5,000 civilians, JEM then withdrew without further fighting. In May, JEM again went on the offensive, this time in the far north of Darfur, briefly overrunning small government garrisons.

31. Subsequent to the January JEM offensive in South Darfur, the SLA-Minawi requested SAF support to its two locations of control, namely Muhajiriya and Gereida. The consequence of SAF presence in these areas has been the de facto removal of SLA-Minawi forces and the normalization of the situation in these locations under GoS control. This has also been associated with a decrease in violence.

32. Inter-tribal fighting among the Arabs (including Fellata and Gimir) of South Darfur was the single largest cause of fatalities attributable to violence during the last 12 months. Since February, efforts by local authorities, tribal chiefs and, in selected places, UNAMID have succeeded in reducing this violence, principally through a succession of inter-tribal peace agreements. It is hoped that these agreements will hold through the rainy season and harvest season. In another encouraging development, only four incidents of carjacking were reported throughout Darfur in June 2009, and most of the carjacked vehicles were recovered. The number of attacks on peacekeepers has also decreased. The last deadly attack occurred on 7 May, when one peacekeeper was shot dead in Nyala (sector South), bringing the total number of deaths as a result of attacks to 15 since the beginning of the Mission. However, security in and around IDP camps remains a major issue. Although the level of killing has dropped substantially, robbery, sexual violence and other forms of intimidation continue.

33. The incident database of UNAMID, from the first day of the Mission's operations on 1 January 2008 until 31 March 2009, includes reports of 1,957 fatalities from violence, from all causes in all parts of Darfur. It is estimated that on a month-to-month basis, about 130-150 people die from violence in Darfur, consisting of about one third of

inter-tribal fighting, one third of combatants and the remainder of civilians killed in ordinary crimes, crossfire during military engagements or raids by militia and the movements. As stressed by the Joint Special Representative, today, in purely numerical terms, the situation in Darfur is a low-intensity conflict with occasional peaks of military activity.

34. A few days after the ICC decision, the Government of the Sudan expelled 13 humanitarian international NGOs and three local NGOs from Darfur on the grounds that they had communicated information to the ICC. At its 185th meeting, Council, having received a briefing on the situation, expressed concern at the risk of deterioration in the humanitarian situation in Darfur and underlined the need for all concerned to take the necessary steps to meet the needs of the affected populations and find appropriate solutions to problems encountered in this respect.

35. Subsequently, a joint assessment mission composed of representatives of the Sudanese Government and various UN agencies was put in place to assess the situation. It concluded that four areas of assistance were especially affected: (i) food, (ii) health and nutrition, (iii) non food items and emergency shelter, and (iv) water, sanitation and hygiene. Emergency measures were suggested to prevent the situation from deteriorating. The dialogue between the humanitarian stakeholders involved in Darfur has continued and intensified since a “High Level Committee on Humanitarian Affairs” was established. The AU Liaison Office in Khartoum is attending its meetings as an observer. Moreover, individual countries, including the USA, are holding regular bilateral discussions with the Government of Sudan on the issue.

36. In spite of all those coordinated efforts and though the situation has not worsened significantly following the expulsion of the 13 INGOs and the de-registration of three NGOs, the humanitarian situation in Darfur remains challenging as a result of continued armed clashes between the various armed parties and insecurity occasioned by wanton violence against civilians and IDPs. Following clashes between armed parties, especially in Muhajirya and in Kornoï and Um Barru, many IDPs joined the already overcrowded IDPs camps, especially the Zam Zam IDP camp, or gathered around UNAMID camps. Complaints about lack or shortage of food, water, schools and clinics are common. The humanitarian situation is also characterized by outbreak of epidemic diseases (including diarrhea, meningitis) in many IDPs camps due to the worsening hygiene conditions; some deaths were recorded.

37. The humanitarian situation is further compounded by increasing number of cases of abduction of international INGOs’ staff members. Against this backdrop, UNAMID police is carrying out more patrols inside the IDPs camps and escorts, especially for women collecting firewood and water are taking place. It is worth noting also the increasing direct involvement of the now well trained local police in the fight against criminality. UNAMID provided several courses for GoS Police and IDPs in community policing, human rights, SGBV (Sexual and Gender Based Violence) and child protection.

38. The larger IDP camps have come to resemble small towns or satellites of Darfur’s cities. Over their years in the camps, the IDPs have developed “multi-nodal”

livelihoods that include residence in the camp (possession of a ration card plus modest income-generating activities within the camp itself), access to the economic opportunities of the towns (employment, especially in the construction sector, and informal sector activities), and in an increasing number of cases, access to the agricultural economy (in the form of “commuting” to nearby fields or sending one family member back to a former village to resume cultivation). The good rains and low post-harvest losses of 2008 have increased confidence that a tentative and partial return to rural production will be possible in some areas in 2009. This “multi-nodal” pattern of livelihoods is now becoming the norm in Darfur, albeit with large variations from place to place. It is worth noting that a phenomenon of “voluntary return” of IDPs to their villages has recently begun from some camps, involving increasing numbers of people. This positive trend is likely to gain momentum as security and basic needs are provided to the returnees in their new locations.

VII. OBSERVATIONS

39. The situation in Darfur continues to be of utmost concern. While sustained efforts have been made during the period under review, numerous challenges for lasting peace and reconciliation remain in this region.

40. The urgency of the situation hardly needs to be overemphasized. As stressed by the Joint Special Representative, while the situation on the ground has changed from the period of intense hostilities in 2003-04, the war in Darfur continues, civilians are exposed to an unacceptable risk of violence, millions of people continue to live in IDP camps or as refugees in neighboring Chad and the issue of justice has yet to be addressed in a satisfactory manner. Furthermore, there is a high level of frustration among diverse communities in Darfur at the slow pace of political change and their continued exclusion or marginalization. Many IDP communities have now been displaced for five or six years and they see no prospect of an early return home. While, as indicated above, some camp leaders have encouraged camp residents to diversify their livelihoods beyond the camps, including the return of some family members to their previous villages, the lack of political progress and the non-involvement of IDPs and their political leaders in the search for peace have contributed to an environment of frustration which is breeding radical politics. There is a clear generational cleavage at work, with younger activists taking a more militant stand.

41. It is also important to bear in mind the April 2010 national elections, provided for by the Comprehensive Peace Agreement (CPA), and the fact that some provisions of the CPA, particularly those related to power sharing, are transitional in nature and will expire in 2010 with the elections and the scheduled referendum on whether Darfur should be one region or remain as constituted presently with three regional States. Should the Darfur crisis remain intractable, it is clear that this will have adverse repercussions for the Sudan as a whole, including undermining the prospects for credible election in 2010.

42. Against this background, there is need by all concerned Sudanese stakeholders to redouble their efforts in order to speed up the search for peace and reconciliation. I once again urge the Sudanese parties to engage in dialogue without precondition, to

refrain from any military action likely to further complicate the situation and to extend full cooperation to UNAMID and the Joint Chief Mediator, as well as to facilitate the delivery of the much needed humanitarian assistance and strictly comply with international humanitarian law. Equally important is the need to further strengthen UNAMID. In this respect, I call on all countries having the necessary capabilities to provide the Mission with required key military enablers to enhance its capacity and enable it to carry out its mandate more effectively. I reiterate my appreciation to the personnel of the Mission for their work and commitment. I recommend that Council extend the mandate of UNAMID, as set out in resolution 1769(2007), for a further 12 months.

43. It is encouraging to note that there is today an increasing engagement by all the Sudanese stakeholders in search for a solution to the crisis in Darfur. In this respect, the SPF and, more recently, the hearings convened by the AU High Level Panel on Darfur were very significant. I would like to seize this opportunity to reiterate my appreciation to President Thabo Mbeki and the other members of the Panel for their work. Clearly, the Panel, through its extensive consultations with Sudanese and international stakeholders, has generated a new dynamism. I am confident that the recommendations that will be submitted by the Panel will greatly contribute to the search for peace, justice and reconciliation in Darfur.

44. Beyond the ongoing mediation efforts and acceleration of the deployment of UNAMID, the search for lasting peace and security in Darfur also requires peacemaking at the local level. At present, there is greater movement with local peacemaking and civil society than at the high official level. The existing activities and increasing capacity of Civil Affairs, Political Affairs, DDDC, and Human Rights are already delivering significant progress on peacemaking at the local level, with measurable results, including a reduction in lethal violence.

45. There is a growing urgency for the international community to adopt a unified strategy and a comprehensive approach to deal with the inter-relating dimensions of the situation in the Sudan, as well as with the regional dynamics linking the countries of the sub region to the conflict. In this respect, I am concerned by the continued tension in the relations between Chad and Sudan and would like to echo the relevant paragraph of the decision adopted by the Assembly of the Union at its just concluded session in Sirte, which underscored the need for renewed efforts in promoting relations of good neighbourliness and trust between the two countries, called for the scrupulous implementation of the Agreements they have concluded, and urged the co-chairs of the Contact Group established by the Dakar Agreement of 13 March 2008 to resume its functioning.

46. Given the crucial importance of the developments which are scheduled to take place over the next several months in the Sudan, it remains necessary to create the requisite conditions which would help establish a political climate conducive to the success of the efforts being made by the AU and the international community as a whole. A deferral of the arrest warrant issued against President Bashir is called for more than before under the evolving circumstances.

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

Peace and Security Collection

2009

Report of the Chairperson of the Commission on the Situation in Darfur

African Union Commission

Peace and Security

<http://archives.au.int/handle/123456789/2344>

Downloaded from African Union Common Repository