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

(CRISIS IN DARFUR)

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SITUATION IN THE SUDAN (CRISIS IN DARFUR)**

I. INTRODUCTION

1. 1. the 4th ordinary session of the Executive Council held in Addis Ababa in March 2004, I reported on the situation in the Sudan and the developments in the peace process in that country. In particular, Council was apprised of the resumption by the Sudanese parties of the negotiation on the "Draft Framework for Resolution of Outstanding Issues Arising Out of the Elaborations of the Machakos Protocol", submitted by the IGAD mediator, Lt. Gen. (Rtd) Lazarus Sumbeiywo. I also briefed Council on the developments in the Darfur region of the Sudan and the mediation efforts by the Republic of Chad.

The present report provides an update on the efforts to address the prevailing situation in Darfur, including the humanitarian problems.

II. DEVELOPMENTS IN DARFUR REGION

2. Situated on the western part of the Sudan, the Darfur region is home to an estimated seven million people. Over the past decades, the region has been affected by intermittent conflict, arising from competition over access to grazing land and water between sedentarians and nomads; rivalries between communities over representation in the local structures of governance; as well as impact of national policies. The situation was aggravated by the widespread circulation of small arms and light weapons, which worsened the level of violence in the region.

3. In February 2003, the Sudan Liberation Army/Movement (SLA/M), initially called the Darfur Liberation Front, launched an attack on Gulu, capital of the Jebel Marrah Province, capturing the city. The SLA demands included, amongst others, the socio-economic development of the region and the end to the activities of the tribal militias. A number of attacks took place subsequently, particularly on El Fashir the capital of North Darfur, and Mellit, the second largest city in North Darfur. In response to the attacks, the Government forces launched offensives against the SLA, including aerial bombings. Later in 2003, a second movement called Justice and Equality Movement (JEM) emerged and

joined the SLM in waging a military offensive against the GoS and the militia groups.

4. The Darfur crisis also has adverse effects on the stability of neighboring Chad, which shares a 10000 km long border with Sudan. More than 110,000 refugees have fled to Chad, and a number of ethnic groups affected by the conflict saddle on both side of the border.

5. On 3 September 2003, in Abecheé, under the mediation of the President of Idriss Débya, the Government of the Sudan (GoS) and the SLA signed a ceasefire agreement. The agreement provides for a forty-five days cessation of hostilities, the control of irregular groups, and the cantonment of SLA forces at locations to be agreed upon. In addition, the parties agreed to lay down the foundation of lasting and comprehensive peace in order to achieve socio-economic developments. In this regard, it was agreed that the negotiations to reach such a comprehensive agreement would begin 15 days after the signing.

6. On 4 November 2003, at the second round of peace negotiations the parties agreed to extend the ceasefire for a month. They committed themselves to facilitate of humanitarian action,. Finally, they undertook to resume negotiations with the view to reaching a comprehensive agreement. Subsequently, another meeting was called in N'djamena on 16 December 2003. However, it collapsed shortly after it started.

7. Following the September ceasefire agreement, fighting largely stopped between the GoS and the SLM/A. However violence intensified against the civilian population. Militia groups called "*janjaweed*" were reported to be deliberately targeting groups viewed as providing the bulk of the support for the SLA/M and the JEM.

III. CONSULTATIONS WITH N'DJAMENA AND KHARTOUM

8. During the period under review, and in view of the magnitude of the conflict in Darfur, especially the growing humanitarian crisis, the Commission has intensified its efforts to assist in finding a lasting solution to the conflict. On 5 March 2004, my Special Envoy for Sudan, Ambassador Baba Gana Kingibe, visited Chad, where he held consultations with the Foreign Minister, Mr. Nagoum Yamassoum, who was also the Acting Prime Minister, and the Political Adviser to the President, Ambassador Ahmat

Allami. My Special Envoy could not meet with President Idriss Déby, as the latter was visiting the refugee areas in the affected parts of Chad.

9. During the discussions he had with the Chadian officials, Ambassador Kingibe reiterated the AU's view on the imperative of containing the conflict in Darfur before it became intractable. He also sought to find out ways that the AU could be of assistance in resolving the Darfur issue, including in addressing the humanitarian consequences. The Chadian officials briefed my Special Envoy on the situation of Sudanese refugees fleeing the fighting. They undertook to convey the AU's concern to President Déby, who, they indicated, would contact me in order to discuss the way forward.

10. Subsequently, The Special Envoy, visited Khartoum, on 10 March 2004, and held consultations with Vice President Ali Osman Taha, Dr. Mustafa Osman Ismail the Foreign Minister and Dr. Tigani El Fidali State Minister for Foreign Affairs. Ambassador Kingibe stressed the AU Commission's grave concern with the ongoing conflict in the Darfur region and the urgent need to arrest the situation before it adversely affected the ongoing Naivasha peace process. He also sought from the Sudanese authorities ways in which the AU Commission could help in resolving the conflict situations in the Sudan. The Sudanese authorities indicated that, although the Darfur issue was considered to be an internal one, they had no objection in AU's participation in the N'djamena talks. . But they needed to consult with President Déby.

IV. INTER-SUDANESE MEETINGS ON DARFUR

11. Subsequent to the visits by my Special Envoy to Chad and Sudan, I had a telephone conversation with President Déby, urging him to continue with the peace process emphasizing the AU's commitment to supporting his initiative. On 26 March 2004, I dispatched to N'djamena an AU team led by Ambassador Sam Ibok, Director of the Peace and Security Department, to assist the Chadian authorities with the Inter Sudanese peace talks on Darfur. Prior to the commencement of the talks, the AU team met with Mr. Abdelhaman Moussa, the Chadian Minister of Security, to explore how the AU could support President Déby's efforts. The team also expressed AU's readiness to play a constructive role with its partners in order to mobilize humanitarian assistance for Sudanese refugees in Chad.

12. The Inter-Sudanese talks started on 31 March 2004, in N'Djamena under the auspices of President Idriss Déby of Chad. I attended the opening ceremony, along with representatives of the international community. In my address to the meeting, I once again reiterated my appreciation of President Déby's efforts and highlighted the importance of bringing peace to the Sudan as a whole. I pointed out that Sudan was a very important component of the African continent and a bridge between different African cultures. I urged the Sudanese to use their diversity in order to strengthen themselves as a nation.

13. It should, however, be noted that the Government of Sudan did not attend the official opening on the grounds that, except the AU, no other member of the international community was to be present.

14. After some shuttle diplomacy by the mediators, the parties finally presented the principal issues that they felt needed to be addressed by the meeting. These presentations were done in separate meetings as the GoS was against having face-to-face meetings with the SLA/M and the JEM. The Government of Sudan stressed



15. On their part, the SLM/A and the JEM presented the following negotiating positions:

➤ commitment to negotiate a temporary humanitarian ceasefire in the Darfur leading to unrestricted and unconditional humanitarian access

➤ the *janjaweed* militias should be disbanded as they constitute the main threat to civilian life

16. On the basis of the positions of the two parties, the Chadian mediators, with the help of the AU and other members of the international community, assisted in narrowing the gap between the divergent views of the parties

17. On 6 April 2004, on my way to Rwanda for the commemoration of the tenth anniversary of the genocide in that country, I made a stop over in Khartoum, where I held consultations with President Ahmed Oumer Hassan AAI Bashir. During these consultations, President Bashir indicated that he planned visiting N'djamena on 11 April 2004, to meet with President Déby to discuss the then on going Inter Sudanese meetings on Darfur. President Bashir stated that the situation in Darfur was under control. He also briefed me on the efforts already deployed by his Government to assist the populations in Darfur by facilitating the purveyance of humanitarian relief and ensuring the security and protection of civilians in the region. On my part, I reiterated my concern over the humanitarian situation in Darfur and the need for an early and successful conclusion of the talks that were going on in N'djamena.

18. 18. V: DARFUR CEASEFIRE AGREEMENT

On 8 April 2004, under the auspices of President Déby of Chad and myself,, as Chairperson of the AU Commission, as well as the international observers and facilitators, the two parties signed a Humanitarian Ceasefire Agreement on the Darfur Conflict and a protocol on the establishment of humanitarian assistance in Darfur. Under the Ceasefire Agreementthe agreed, amongst others, to:

- cease hostilities between them and specifically to proclaim a cease-fire for a period of 45 days automatically renewable except if opposed by one of the parties;
- establish a Joint Commission and a Ceasefire Commission, with the participation of the International Community, including the African Union;
- to free all prisoners of war and all other persons detained because of the armed conflict in Darfur;

- facilitate the delivery of humanitarian assistance and the creation of conditions conducive to the delivery of emergency relief to the displaced persons and other civilians victims of war, in accordance with the protocol on the establishment of humanitarian assistance in Darfur, referred to above.

19. The parties also undertook to:

- combine their efforts in order to establish a global and definite peace in Darfur;
- meet at a later stage within the framework of a conference of all the representatives of Darfur in view of a global and definite settlement of the problems of their region, especially concerning its socio-economic development;
- contribute to create an environment conducive to negotiation and stop hostile media campaigns.

20. Following the signing of the Ceasefire Agreement, the AU team remained in N'djamena to plan for the way forward with the Chadian mediators. On 10 April 2004, the Commissioner for Peace and Security traveled to Khartoum and N'djamena. The Commissioner held discussions with President Déby on the best way to prepare discussions on a Comprehensive Peace Agreement. He also held discussions with President Al Bashir and other Sudanese officials. Finally, he attended a meeting with Presidents Déby and Al Bashir.

V. HUMANITARIAN SITUATION IN DARFUR

21. Since the beginning of hostilities in Darfur, over a year ago, the humanitarian situation has dramatically deteriorated according to UN agencies, human rights groups attacks against civilians have increased both in scale and brutality. It is reported that over 10, 000 civilians have been killed since February 2003; more than 750, 000 people are estimated to have been displaced, while another 110,000 people are reported to have fled into neighboring Chad. The intensity of the conflict has also resulted in the destruction of social infrastructure, thereby exacerbating the humanitarian crisis.

22. It is against this background that the United Nations Secretary General issued on 31 March 2004, a statement in which he indicated that he was very disturbed by events in Darfur where the continue isa devastating impact on the lives and well being of the people he defined the situation as being unacceptable. He encouraged the parties to work intensively towards declaring and an effective humanitarian ceasefire and stressed that humanitarian organization and staff must receive safe, unimpeded access to all those in need. On their part the UN Security Council Members, on 2 April 2004 expressed their deep concern about the massive humanitarian crisis. They called on the parties concerned to full cooperate in order to address the grave situation prevailing in the Darfur region to ensure the protection of civilians and to facilitate humanitarian access to the affected population. They welcome the negotiations that were taking place in N'djamena under the auspices of Chad and the AU, and called on the GoS and the opposition groups to conclude a humanitarian ceasefire to reach a political settlement to the dispute.

23. On 10 April 2004, the embassy of Sudan in Addis Ababa sent a note verbale to the Commission informing it of the decision of the Sudanese Government, on 7 April 2004, to set a Ministerial Committee "to end security and relief problems in Darfur region". The Committee is entrusted with the following;

- To control and disarm militias and non regular forces that target the civilian population or hinder the delivery of relief;
- open all relief corridors and to secure unimpeded access to the area for humanitarian assistance;
- provide basic needs for affected population in the area; and
- create a conducive atmosphere for the stabilization and normalization of the situation in Darfur.

24. The Embassy informed the Commission that the Committee toured the affected areas of the 8 April 2004, accompanied by the Ambassadors of USA, EU, and France, as well as representatives of UN agencies. The Embassy indicated that the representatives of the international community had confirmed an improvement in the humanitarian situation.

25. On 10 April 2004, the Foreign Minister of Sudan was reported having said that the Sudanese Government will begin an immediate investigation to prosecute those responsible for the violence in the Darfur region.

26. In view of the seriousness of the humanitarian situation, an AU delegation led by Ambassador Mendoume-Nze, permanent representative of Gabon to the AU and member of the AU Commission on refugees, visited Chad from 13 to 20 February 2004. The delegation met with the relevant Chadian Authorities, as well as with representatives of humanitarian agencies providing assistance to the Sudanese refugees in Chad. The delegation traveled to Adre, in the eastern part of Chad, along the border with Sudan, to visit the assembly point of Farchana, as well as to Abeche. The delegation was able to assess the situation and the needs of the Sudanese refugees. It was also planned to field a humanitarian mission to the Sudan. However, this could not be undertaken during the expected timeframe.

VI. OBSERVATIONS

27. I welcome the signing of the Ceasefire Agreement of 8 April 2004 between the Government of Sudan, on the one hand, and the SLA and the JFM, on the other. I call on the parties to comply with the terms of the Agreement they have signed. I urge them to resume the negotiations within the agreed timeframe.

28. I am concerned by the humanitarian situation in Sudan.

29. I welcome the decision of the GoS to establish a committee on humanitarian access and the work of humanitarian organs.

30. The Ceasefire agreement signed in N'djamena calls for effective follow up measures to facilitate scrupulous and faithful implementation in this respect there is need for the Au to make all the required agreement to carry out responsibilities entrusted to it. In this respect steps are underway to designate AU representatives to the Ceasefire Commission and the Joint Commission.

31. It is however clear that for a region as large as Darfur, with poor infrastructure, the task of monitoring the respect of commitments entered into by the parties would not be an easy one. I intend to dispatch a reconnaissance mission to Darfur to assess the situation on the ground and identify the requirements for an effective monitoring of the agreement. At the same time, consultations will be undertaken with AU partners to secure financial and logistic support for the immediate deployment of the Ceasefire Commission. In the meantime I wish to call on the parties to comply with the terms of agreements they have signed. I urge them to resume the negotiations as soon as possible to reach a comprehensive agreement.

2.

32. I wish to put on record my appreciation of President Déby's efforts to and commitment. I would like to assure him of AU's continued support for the global negotiations that will start shortly with N'djamena. In this respect, I should like to note that, during his discussions with the Commissioner for Peace and Security, President Déby expressed his wish to be guided, throughout the process, by the AU, which has the overall leadership for the peace efforts in Darfur.

3. I appeal to the international community to provide the much-needed humanitarian assistance to the affected people of Darfur as well as the refugees in Chad.

4. I encourage the GoS and the SPLM to move swiftly towards early conclusion of their negotiations in Naivasha.

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