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P.O. BOX: 3243, ADDIS ABABA, ETHIOPIA, TEL.:(251-11) 551 38 22 FAX: (251-11) 551 93 21  
Email: [situationroom@africa-union.org](mailto:situationroom@africa-union.org), [oau-ews@ethionet.et](mailto:oau-ews@ethionet.et)

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**PEACE AND SECURITY COUNCIL  
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**REPORT OF THE CHAIRPERSON OF THE COMMISSION  
ON THE SITUATION IN DARFUR (THE SUDAN)**

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**I. INTRODUCTION**

1. This report is submitted as a follow-up to the decision adopted by Council at its 63<sup>rd</sup> meeting, held in New York, on 20 September 2006 [PSC/MIN/Comm.(LXIII)]. In that decision, Council agreed to reconvene at the level of Heads of State and Government in November 2006, to review the situation in Darfur and the mandate of the African Union Mission in the Sudan (AMIS).

2. The report provides an update on all the relevant aspects of the peace process in Darfur, including the implementation of the Darfur Peace Agreement (DPA), the status of AMIS deployment and related aspects, the security, humanitarian and human rights situations on the ground, the activities of the Joint Commission (JC) and the Ceasefire Commission (CFC), the developments regarding the transition from AMIS to a United Nations operation and the high level consultation on the situation in Darfur. The report concludes with recommendations on the way forward.

**II. IMPLEMENTATION OF THE DPA AND BROADENING OF ITS SUPPORT BASE**

3. At its meeting in New York, Council was informed of the steps taken towards the implementation of the DPA, including the establishment of an implementation team within the Mission (AMIS-DPAIT) and various coordination mechanisms provided for in the Agreement. Despite difficulties resulting from financial and logistical constraints, as well as the challenges that the DPA itself is facing, efforts have continued towards the implementation of the Agreement during the period under review. Six Commissions, dealing respectively with power sharing, wealth sharing, security arrangements, the Darfur-Darfur Dialogue and Consultation (DDDC), legal, and information affairs, have been set up. A steering Committee, comprising the Senior Assistant to the President, Minni Arkou Minawi, the Presidential Advisor in charge of the DPA implementation, Magzoub Al Khalifa, and the Head of the AMIS-DPAIT, Sam Ibok, as well as a joint Management Committee, comprising the Chairpersons of the six Commissions and the AMIS-DPAIT, have also been established. The Terms of Reference of each of the six Commissions have been agreed upon and their activities prioritized. This also means that the parties have found common ground, which will allow them to closely monitor the implementation of the provisions of the DPA.

4. In early November 2006, the Senior Assistant to the President and Chairman of the Transitional Darfur Regional Authority (TDRA), for the first time since assuming his duties, toured the three states of Darfur, where he initiated development projects. Mr. Minawi also addressed rallies during which he called for unity among Darfurians. The visit is an indication that the Senior Presidential Assistant is set to establish a physical presence in Darfur in his capacity as the TDRA Chairperson.

5. In an effort to boost the implementation of the DPA and broaden its support base, the Commissioner for Peace and Security, Said Djinnit, undertook, from 7 to 9 November 2006, a visit to the Sudan, during which he conducted consultations on the establishment of the Darfur-Assessment and Evaluation Commission (D-AEC). He also formally launched the DDDC process.

i) **Power Sharing**

6. Within the framework of the implementation of the power sharing provisions of the DPA, the Government has allocated the posts of State Minister in the Federal Government and that of Minister in the Government of the Khartoum State to the Sudan Liberation Movement/Army (SLM/A-Mini). The Government has agreed to reserve some posts for the signatories of the Declaration of Commitment (DoC) and those who would join the DPA in future. This is a welcome confidence building-measure, which provides an incentive towards the broadening of the DPA support base.

7. The Commissioner for Peace and Security, during his visit to the Sudan, held informal consultations on the operationalization of the D-AEC provided for in the DPA. This body is an oversight mechanism tasked with ensuring the full and timely implementation of the DPA. The participants to these consultations, namely the DPA and DoC signatories, the observer states and organizations that attended the Inter-Sudanese Peace Talks on Darfur in Abuja, welcomed the initiative and committed themselves strongly to supporting the D-AEC.

ii) **Wealth Sharing**

8. Presidential decrees have been issued to establish the following Commissions and bodies as stipulated in the DPA: the Compensation Commission, the Compensation Fund, the Darfur Resettlement and Rehabilitation Commission, the Darfur Reconstruction and Development Fund, the Land Commission and the Panel of Experts for the Operationalization of the Fiscal, Financial Allocation and Monitoring Commission.

9. A senior member of the SLM/A-M negotiating team in Abuja has been appointed Chairman of the Darfur Reconstruction and Development Fund, to which the Government, as stipulated in the DPA, has committed to deposit, as seed money, an amount of US \$700 million for a period of three years. Another official has been appointed Chairman of the Darfur Land Commission. With regard to the Darfur Joint Assessment Mission (D-JAM), the members of the Core Coordination Group (CCG), chaired by the Netherlands, which is supervising the process, have concluded that, despite security concerns on the ground, which have slowed the work of the assessment teams, the process should not be brought to a halt. It was, therefore, decided to assess and analyze the information already gathered by the technical teams, with a view to submitting a report thereto. The recent visit to the Sudan by the Dutch Minister of International Cooperation for Development, Ms Agnes Van Ardenne, has enabled discussions between stakeholders on the planned Donors' Conference, which, as agreed, has been rescheduled to an appropriate time.

iii) **Security Arrangements**

10. The logistical and financial constraints faced by AMIS, coupled with weaknesses in the two mechanisms monitoring the ceasefire, namely the CFC and the JC, continue to hinder the implementation of the DPA provisions relating to the Comprehensive Ceasefire and Final Security Arrangements. This issue is addressed in detail in section VI of this report.

11. The DPA provides for the provision of non-military logistical support and communication equipment to the forces of the Movements once they have been redeployed. In this respect, the Government of the Sudan has informed AMIS that it is continuing, on a voluntary basis, its assistance to the members of the Movements involved in the peace process, both in Khartoum and on the ground in Darfur. The Joint Working Commission on the Security Arrangements has yet to finalize the consideration of the Movements' requirements, which will then be presented to the AU Commission, which is entrusted by the DPA with the task of mobilizing resources from international donors and organizations to address these needs. Discussions have also begun, on a bilateral basis, between the Government and the SLM/A-M, in anticipation of the integration of the Movements' forces into the Sudanese Army.

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

12. The DDDC was formally inaugurated by the Commissioner for Peace and Security during his recent visit to the Sudan. In a forum organized for this purpose, he formally introduced the newly appointed Chairman of the DDDC Preparatory Committee (Prep Com), Mr. Abdul Mohamed, who had been directly involved in the Abuja negotiations, in particular on the DDDC. After this launching, the preliminary work of the Committee, which began already in the framework of the Joint Working Commission on the DDDC, under the guidance of the AMIS-DPAIT, will be intensified, particularly through consultations with stakeholders both in the Sudan, especially in Darfur, and outside the Sudan, with the diaspora. The PrepCom is scheduled to meet by the end of November 2006.

13. Despite the great interest being shown in the early convening of the DDDC, the Commission is of the view that the process should not be rushed. This view is also shared by the DPA signatories, who stressed the need to create all the necessary conditions, including the strengthening of the DPA, for the successful convening of the DDDC. Adequate preparations, including logistical, are needed, and a number of conditions have to be met before such an important gathering can be convened. Consultations are continuing with regard to the designation of the Chairperson of the DDDC, based on the recommendations of the PrepCom, as stipulated in the DPA.

**v) Media Strategy**

14. A media strategy in support of the DPA has been prepared and is currently being implemented through a Media Advisory Team within AMIS, supported by the Government of the United Kingdom, with financing by the Government of the Netherlands. The strategy is based on two tracks: on the one hand, increasing overall public awareness, public debate and visibility of the DPA and its benefits, in order to provide a more propitious environment for direct engagement; on the other hand, direct

engagement with, or outreach to, key opinion makers, community and IDP leaders, civil society and representatives of the Movements.

15. The first track includes the dissemination of DPA materials, namely (i) print products (two Arabic editions of the newspaper *Afia Darfur* produced and distributed throughout Darfur, in addition to one English edition, full text of the DPA in Arabic, English and French, ten thousand copies of the DPA key points produced and already in circulation in Darfur, 3,500 DPA *Aide Mémoires* produced in English and delivered to AMIS FHQ, for use by AMIS military and civilian police personnel); (ii) audio products (three produced radio programmes on the DPA distributed to, and broadcast by, radio stations in El Fahser and Nyala, audio summaries of the main DPA provisions in the Fur, Zaghawa and Massalit languages distributed to the radio stations in Nyala and El Fasher for broadcasting); (iii) the Afia Darfur festival (organized from 17 October to 3 November 2006, with the participation of over 120 artists, musicians, actors and staff, which raised some substantive DPA issues - land management, compensation, reconciliation and dialogue, etc.). Regarding the direct engagement with key stakeholders, a schedule of events and meetings is being developed. There has also been a sustained engagement with the local and international media, to update them on the steps taken to implement the DPA.

**vi) Efforts to broaden the DPA support base**

16. Efforts are being intensified to broaden the support base of the DPA, to make it more inclusive and facilitate its implementation. In this regard, several initiatives, including those by the Government of National Unity, Eritrea, the European Union and other members of the international community, are underway. Some of these initiatives are aimed at organizing a conference of the Fur tribe; others are attempting to organize a gathering of non-signatory field commanders; there are also initiatives aimed at the reunification of the ranks of the SLM/A. If these initiatives are not closely coordinated, they may create more divisions in the ranks of the holdout groups, in particular those of the SLM/A.

17. It is understood that Mr. Minni Minawi is in contact with the G.19, a splinter group from the SLM/A Abdulwahid, but thus far, no concrete results have been achieved. The Government has negotiated an agreement with a SLM group led by Abulgasim Imam Elhag Adam and based in Jebel Marra, and is in discussion with another SLM group, also located in the environs but loyal to Abdulwahid El Nour. AMIS-DPAIT members have traveled to Jebel Marra, to meet with the two groups. While the first group confirmed its readiness to join the peace process, the second one was still ambivalent.

18. It is against this background that the Government of the Sudan and the SLM/A group of Abulgasim Imam signed in Tripoli, on 18 November 2006, a Political Agreement in which they committed themselves to: honor existing agreements and protocols relating to the ceasefire and the security arrangements; achieve comprehensive peace in Darfur; and adopt dialogue as the sole means for realizing their goals. More specifically, the two parties agreed to work together to raise the compensation fund from 30 million dollars to 100 million dollars, enlisting official, national and foreign support; to maintain security in IDP camps and to facilitate the return of refugees; and to ensure a tight control of arms. Furthermore, the SLM/A

Abulgasim shall be represented at the various levels of governance, as stipulated in the DPA and consistent with its political weight. Prior to the signature, the Commission took note of the arrangements between the Government and the Abulgasim group and indicated its readiness, as requested, to welcome the group in Addis Ababa for it to sign the DoC and, on the same occasion, to receive a copy of the agreement signed between the two parties.

19. As part of the Commission's efforts to bring on board the non-signatories to the DPA, the Commissioner for Peace and Security, on 9 October 2006, at the African Union Headquarters, met with Mr. Ahmed Tugod Lissan, Chief Negotiator of the Justice and Equality Movement (JEM). Mr. Lissan stressed the need to have a comprehensive and an all-inclusive political agreement for the resolution of the conflict. At the request of the Commissioner, he undertook to submit in writing the proposals of his Movement and other allied groups within the National Redemption Front (NRF) on how the DPA could be improved to accommodate the non-signatories. At the time of finalizing this report, the JEM was yet to submit its proposals on the DPA. Subsequently, the Commissioner for Peace and Security made contact with Mr. Abdulwahid El Nour, Chairman of the SLM/A (Abdulwahid), and with Dr. Khalil Ibrahim, the President of JEM, and invited them to come to Addis Ababa for consultations with the Commission on the peace process, including ways of broadening the support base of the DPA.

### **III. STATUS OF AMIS DEPLOYMENT AND RELATED ASPECTS**

#### **i) AMIS Strength**

20. As of 1<sup>st</sup> November 2006, AMIS strength stood at 7,501 personnel, comprising 5,178 protection force elements, 834 military observers and staff officers, 1,476 civilian police personnel, and 18 CFC members drawn from 28 Member States. This is 230 personnel short of the authorized strength of 7,731 (6,171 military and 1,560 civilian police). The shortfall comprises 146 military personnel and 84 civilian police elements. Efforts are continuing to bring the AMIS deployment to the authorized strength.

21. During his recent visit to the Sudan, the Commissioner for Peace and Security held in-depth discussions with AMIS leadership and commanders in El Fasher. He seized the opportunity to pay tribute to AMIS staff and troops for the formidable work they have been doing despite all the difficulties. The meeting discussed the best ways and means for addressing the current problems faced in command and control, logistics, management and coordination.

#### **ii) AMIS activities**

22. During the period under review, and despite persistent financial and logistical constraints, AMIS has continued to carry out its mandated tasks. The military component instituted aggressive patrolling and show of force along the humanitarian supply routes and around the IDP camps. Temporary check points, snap road blocks and observation posts have been mounted along the main supply routes to control movement, facilitate the domination of the Area of Responsibility (AoR), deter attacks along the routes and enhance confidence among the civilian population. Also, the force has increased its mediation efforts between locals and nomads to stem the tide of tribal

clashes in most parts of Darfur. These activities are yielding positive results in calming the tension in parts of West and South Darfur. Similarly, MILOBs and CIVPOL teams have been engaged in inter-tribal reconciliation meetings and confidence building with IDPs to resume firewood patrols, in order to stop militia attacks on persons collecting firewood. Consequently, in most of the IDP camps, AMIS forces are again escorting women on trips to collect firewood and water, and to markets. The CIVPOL has also established closer collaboration with the Sudanese police, making it possible to better monitor cases reported to the latter for investigation. Additionally, the CIVPOL has intensified its activities inside IDP camps, leading to increased reports of criminal activities. However, Taiba, Nertiti North and South IDP camps remain hostile to AMIS.

23. The following table provides an indication of AMIS activities during the period under consideration:

Serial	Type of Activity	Number	Remarks
01	Confidence building patrols	771	Robust patrolling with at least 2 APCs conducted in over 1,400 villages.
02	Firewood escort patrols	65	Predominantly carried out in Sectors 2 and 4, and jointly carried out by military and CIVPOL.
03	Humanitarian agencies and NGOs escorted	25	Escort of humanitarian convoys based on request.
04	Patrols of demilitarized zones around IDP camps	98	Predominantly in areas controlled by the signatories to the DPA. Jointly carried out by military and CIVPOL.
05	Escort of fuel convoys	78	
06	Mediation efforts	45	Between nomads and locals on grazing fields and also between ethnic tribes in West and South Darfur.

24. However, AMIS has been overstretched as it attempts to dominate its AOR, a situation which necessitates that urgent steps be taken to enhance the Mission.

### iii) Enhancement of AMIS

25. At its 63<sup>rd</sup> meeting, Council decided to extend the mandate of AMIS for an additional period of three months, until 31 December 2006, and requested the Commission, with the support of Member States, the United Nations and partners, to take all necessary measures to enhance AMIS on the basis of the new Concept of Operations (CONOPs) for the implementation of the DPA. It should be recalled that the CONOPs called for a shift to a more robust peacekeeping operation, through the restructuring of the force from the current eight sectors to three; the strengthening of the command and control chain, with the establishment of a Joint Headquarters and Joint Operation Centre; as well as the enhancement of the current force levels from 6,171 to 10,500 military personnel and from 1,560 to 2,200 civilian police monitors, through the

induction of additional 6 infantry battalions, military observers, staff officers and civilian police monitors.

26. Following Council's decision, the Commission developed a framework for the implementation of the CONOPs. The framework calls for a two-phased approach. The first phase involves the restructuring of the force into three sectors, as well as the deployment of sector staff officers and two infantry battalions. The civilian police at this phase will strive to attain the approved strength of 1,560, through the deployment of 84 civilian police monitors who have already been identified.

27. The second phase entails the deployment of four infantry battalions, 327 additional military observers, and 640 police monitors. This phase could be conducted in two or more stages depending on the evolution of the situation in Darfur and the availability of funds, as well as on a decision on the issue of transition. One of the constraints facing the implementation of this framework has been the delay in the construction of camps by PAE, with US funding. In a note verbale to the Commission dated 15 November 2006, the American Government indicated that it would continue to provide base camp operations and maintenance as AMIS transitions to an international peacekeeping operation consistent with the decisions of Council and United Nations Security Council resolution 1706 (2006). In particular, the US Government indicated that it was moving forward in three key areas: continuing existing camp operation and maintenance, facilitating deployment of the United Nations light assistance package, and developing a new contract that could allow for the construction of four new camps to house one additional battalion. The Commission will seek further assistance from the US Government for the construction of additional camps to enable it commence the deployment of the two battalions, as envisaged in the framework for the implementation of the CONOPs, in January 2007.

#### **iv) Financial and Logistical Aspects**

28. The decision by Council to extend the mandate of AMIS until the end of the year, coupled with efforts to deploy two additional battalions within the framework of the new CONOPs, brought the overall budget for the Mission for the period April to December 2006 to a total of US\$ 329,783,664, out of which US\$198,014,184 represent the cash requirement for the sustenance of the Mission and the implementation of the DPA. It is to be recalled that, during the Pledging Conference held in Brussels in July 2006, a total amount of US\$ 323.9 million was pledged, out of which US\$174.38 million constituted cash pledges. In September 2006, the representative of the League of Arab States at Council's meeting in New York announced that the League would make an initial contribution of US\$50 million, including the 6,75 US\$ million pledged by Qatar in Brussels, to enable the Mission to sustain itself until the end of December 2006. This brought the total cash pledged to US\$217.38 million.

29. Unsurprisingly, the persistent cash constraints facing the Mission have adversely affected its activities. There are a number of outstanding payments relating to salaries and allowances, as well as reimbursements to the Troop Contributing Countries (TCCs), PAE, insurance, etc. The delay in the payment of salaries has negatively affected the moral of the troops, and incidents of indiscipline have occurred in the mission area. This has attracted negative media coverage, further affecting the credibility of the

Mission. Against this background, sustained efforts are being made for the early disbursement of the pledges made by our partners, including the European Union, the United Kingdom, the Netherlands and the League of Arab States.

30. Other constraints hampering AMIS operations relate to shortage of fuel in the mission area. Indeed, since the incident which occurred on 19 August 2006, when twenty-six trucks carrying aviation fuel were ambushed and 17 trucks and 34 truck drivers were hijacked, there has not been a regular re-supply of aviation fuel to the Mission. This continues to severely impact on the Mission, as food flights had been cancelled, while troop and CIVPOL rotations had to be delayed. In most sectors, the fuel stocks are extremely low. I would like to seize this opportunity to express my gratitude to the Canadian Government which, as part of the funding for AMIS and on an emergency basis, was able to provide assistance by flying in fuel from Khartoum, thus reducing, to some extent, the constraints facing the Mission.

31. The planned deployment of an additional two battalions could not be undertaken within the period due to non-availability of funds, as well as the long mobilization period required for the construction of camps. Even after the construction of camps, the lead-time for the acquisition of essential materials, vehicles, communication and IT equipment is considerable. There are also organizational constraints as the generation of the capability required to build the camps, deploy and sustain the force is dependant on a myriad of sequential activities involving numerous donor countries, contractors, suppliers and the host country alike.

**v) United Nations Support package**

32. In its resolution 1706 (2006) of 31 August 2006, the United Nations Security Council requested the Secretary-General to take the necessary steps to strengthen AMIS through the use of existing and additional United Nations resources, with a view to transition to a United Nations operation in Darfur, and authorized him, during this transition to implement the longer-term support to AMIS outlined in his report of 28 July 2006, including provision of air assets, ground mobility package, training, engineering and logistics, mobile communications capacity, and broad public information assistance. As a follow-up to the request by the Security Council, a support package was put together at a joint African Union/United Nations technical level meeting, held in Addis Ababa from 14 to 18 August 2006, and finalized in New York, at a senior level consultative meeting, on 15 September 2006. The package comprises personnel fully dedicated to supporting AMIS in the following four areas: logistical and material support, military staff support, advisory support to civilian police, as well as civilian support in the areas of mine action, public information, and support to the implementation of the DPA. The logistical and material support involves the provision of eight (8) Fly Away Kits, 36 Global Positioning Systems, 360 Night Vision Goggles, 36 Armoured Personnel Carriers to be provided through AU Member States, as well as maintenance, training and support, public information services equipment, and pharmaceuticals, among others.

33. In a spirit of transparency, and in order to secure the consent and cooperation of the Government of the Sudan, the Secretary-General of the United Nations and I jointly wrote to President Omar Hassan Al Bashir on 22 September 2006, soliciting the full cooperation of his Government towards the implementation of the support package.

President Al Bashir positively responded on 3 October 2006, welcoming the package and pledging the support and cooperation of the Sudanese Government towards its implementation.

34. Since the receipt of this response from the Government of the Sudan, the Commission and the United Nations Secretariat have been fully engaged towards the implementation of the support package. A Memorandum of Understanding (MoU) between the United Nations and the African Union has been concluded. Similarly, a tripartite mechanism, involving the Government of the Sudan, the United Nations and the African Union, has been agreed upon to ensure the smooth and transparent implementation of the support package. Nine police advisers have already been deployed in Darfur as part of the implementation of the package, which commenced in early November 2006.

35. It should also be noted that the United Nations Secretary-General proposed an enhanced support package to AMIS, in his report of 28 July 2006. This would include the deployment by the United Nations of additional police and civilian personnel to support AMIS, as well as substantial aviation and logistical assets, and could be further enhanced to maximise AMIS's efficiency and impact. The details of this second support package shall be discussed between the African Union and the United Nations and will be submitted to the Government of the Sudan, in full transparency and cooperation.

**vi) Government of the Sudan -AMIS Relations**

36. At its meeting of 20 September 2006, Council demanded that all parties extend the necessary cooperation to AMIS and requested, in particular, the Government of the Sudan to take steps to remove all bureaucratic and other related obstacles that are hampering AMIS operations, including the lifting of the curfew, the speedy release of AMIS equipment from customs warehouses and the speedy issuance of visas to AMIS personnel and contractors. During his recent visit to Darfur, the Commissioner for Peace and Security sought the full cooperation of the Government of the Sudan to remove the bureaucratic and other obstacles hampering AMIS operations. He, in turn, pledged the continued cooperation of AMIS with the Sudanese authorities, insisting on the problems confronting the Mission with respect to fuel supply.

37. I am pleased to note that the Sudanese Government has taken positive steps in this regard. Indeed, it has now given its consent for the release of AMIS communication equipment and the lifting of the curfew imposed in parts of Darfur. The Government has also welcomed a proposal by the Commission for the establishment of a joint AMIS/Government of the Sudan Committee, which would meet regularly to address issues of common interest as they arise, promote understanding, and help to smooth relationship between the Mission and the Sudanese Government.

**vii) Rotation of AMIS Troops**

38. The rotation of AMIS troops was scheduled from 1<sup>st</sup> September to 30 November 2006. The rotation commenced as scheduled, but had to be extended to mid-December because of the shortage of aviation fuel in the mission area.

#### IV. SECURITY SITUATION

39. During the period under review, and in light of increased military activities in the northern part of Darfur and in some areas of the south, the security situation has remained precarious.

40. The situation along the Chad-Sudan border and in some parts of North Darfur remains tense, because of clashes between the forces of the Government and those of the NRF/JEM coalition. These clashes, which were triggered by the rebels' attack on Government forces on 7 October 2006, intermittently lasted until 14 October 2006. Subsequently, this led to increased aerial reconnaissance and bombardment by Government forces on suspected NRF/JEM rebels' strongholds. The continued trading of accusations between Chad and the Sudan over alleged assistance to dissidents and rebel groups has led to a significant build-up of forces by the two countries along their respective border areas, while rebel groups on both sides have also increased their activities, with spill-over effects across the border, taking a heavy toll on civilians and provoking massive population displacement, human rights abuses and reduction in humanitarian access.

41. Attacks on villages and civilians by armed militia have also continued. On 29 October 2006, armed men suspected to be Janjaweed raided five villages in the general area of Jebel Moon. 52 people were killed. These attacks, it was alleged, were a reprisal to the NRF's attack on a Government convoy on 22 October 2006, at Basao. On 7 November 2006, seven students resuming school in El Geneina, West Darfur, were allegedly intercepted between Selea and El Geneina and shot dead by armed militias. Similarly, on 11 November 2006, armed men suspected to be Janjaweed attacked Sirba village, again within the general area of Jebel Moon, killing over 30 people and burning down over 150 houses. AMIS patrols observed that the attackers retreated to Tine and Basao Government camps. Also disturbing is the fact that Government forces denied to an AMIS investigation team access to these camps. On 11 November 2006, Government troops on patrol were ambushed in Birdagig village by armed men suspected of being NRF elements. On 15 and 16 November 2006, the Government forces carried out ground attacks and aerial bombardments on the NRF stronghold in Birmaza, North Darfur. Armed militia groups were also involved in the attack, which caused a number of civilian casualties.

42. Another issue of serious concern has been the no-fly zones and no-go areas imposed by NRF and the G19 in the areas of Birmaza, Kulkul, Um Sidr, Sayeh and Abu Sakin, all in North Darfur, coupled with threats and actual harassment of AMIS logistics convoys and patrols, which have impacted negatively on the Mission's operations and significantly reduced AMIS presence in these areas. For instance, on 3 November 2006, an AMIS vehicle was snatched by two armed men in Tine, close to the Sudan/Chad border.

43. The period under review has also witnessed factional fighting along ethnic lines between the Massalit and the Zaghawa tribesmen of the SLM/A-M. The Massalit were supported by some elements of the JEM. The Zaghawa SLM/AM tribesmen, in response to the attack, harassed innocent Massalit civilians, raped some women and carried out organized looting of IDPs' properties. Over 100 IDPs and civilians were

reportedly killed in these attacks. The NGOs operating in the area were consequently evacuated from Graidia, further worsening the humanitarian situation. However, the NGOs are gradually returning. Fighting between the Tama and Zaghawa tribes on 17 October 2006, in West Darfur, led to the movement of the displaced Tama tribesmen to Armankul, 60km North West of El Geneina.

44. There have also been clashes between the SLM/A-M and the SLM/A (Free Will) forces in Kalajo, Ashaba and Muhajeria, in South Darfur, on 29 September 2006, 2 and 23 October 2006, respectively. These clashes resulted in the displacement of a considerable number of IDPs who fled to safety in the general area of Selea, in North-West Darfur. Again, the situation has negatively affected humanitarian access.

45. Increased acts of banditry remain a major security concern in Darfur. The perpetrators of these crimes include the militias and stray groups from some of the parties. In some cases, the Movements carry out organized crime as a means of re-supply. Their *modus operandi* includes the setting up of checkpoints along the humanitarian supply routes, and targeting humanitarian convoys, humanitarian workers, as well as commercial vehicles plying the routes.

46. As indicated above, the tension at the border between the Sudan and Chad and the continued trading of accusations between the two countries remain a source of concern. At the end of October and early November 2006, the Embassy of Chad in Addis Ababa addressed several communications to the Commission, conveying a request from its Government for the urgent convening of a meeting of Council to consider "the attack against Chad by heavily armed elements coming from the Sudan and the blatant and repeated aggressions of Chad by the Sudan". On 15 November 2006, Council met to listen to a briefing by Chad. On 23 November 2006, Council resumed its meeting to listen to the Sudan's response to the accusations leveled against it by Chad. On that occasion, Council took note of the statements from the representatives of Chad and the Sudan. Council expressed concern over the incidents reported along the common border of the two countries and the deterioration of their relations. Council called for continued dialogue within the context of the Tripoli Declaration and Agreement of 8 February 2006 and other agreements that the two countries have signed, with a view to safeguarding peace, security and stability in the region. Council further appealed to them to put in place the mechanisms that are provided for under these Agreements. Council welcomed the communiqué issued by the African Six-Partite Summit on Darfur, held in Tripoli on 21 November 2006, and which brought together, at the invitation of the Libyan leader, the Presidents of Egypt, the Sudan, Chad, Eritrea and the Central African Republic, as well as the Secretary-General of CENSAD. In that communiqué, the participants stressed the need to ensure the implementation of the Tripoli Agreement and its follow-up mechanism, strengthen the political and diplomatic relations among the participant countries, including through regular visits, and the need to intensify their efforts aimed at achieving reconciliation in Darfur, encouraging all Movements in the region to join the peace process.

47. On my part, on 25 November 2006, and following reports of new attacks by armed elements in Chad, I issued a communiqué strongly condemning these attacks, which are a blatant violation of the principles enshrined in the Constitutive Act of the African Union. I also condemned the attacks carried out by armed groups against the

Central African Republic. I appealed to all Member States to demonstrate solidarity towards Chad and the Central African Republic. I requested the armed groups to immediately put an end to these attacks. I appealed to all parties concerned in Chad and in the Central African Republic to choose the path of dialogue, which is the only way to achieve lasting solutions to the problems that preoccupy them.

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

48. During the period under review, the humanitarian situation in Darfur has been characterized by contrasted developments, improving slightly in some parts of the region, while deteriorating in others. In areas where the humanitarian agencies have access, the delivery of humanitarian aid has improved. According to the United Nations, the number of displaced in IDP settlements has reached nearly 2 million. Another two million Darfurians are considered to be directly affected by the ongoing crisis and are in need of humanitarian aid. On the other hand, the increased insecurity along the Chad-Sudan border and parts of North Darfur have led to new influx of refugees on both sides of the border. The number of those refugees was estimated at around 14,000 as at early November 2006, and continues to rise.

49. Attacks on humanitarian convoys and the snatching of aid agencies' vehicles have also greatly affected humanitarian access. In addition, the fighting between the Government forces and the NRF, in some parts of Darfur, resulted in numbers of displaced persons and decreased humanitarian access to the population in the affected areas. Aid agencies have suspended their operations around Tawilla, due to the high risk of hijacking and harassment.

50. In spite of these difficulties, the humanitarian community has continued its efforts, providing assistance to about 2,6 million conflict-affected people in the areas of health, nutrition, food aid, and water and sanitation programmes. Overall malnutrition rates remain statistically below the emergency threshold. 73,3% of the conflict-affected people now have access to safe water, up from 62,5% a year ago. There are more than 13,400 national and international aid workers in Darfur, some 80 NGOs and Red Cross/Crescent Societies, and 13 United Nations agencies that continue to be active in the region. I would like to seize this opportunity to pay tribute to all the humanitarian agencies and to their personnel for their dedication and courage. I wish also to express my appreciation to the donors for their generous contributions, which not only have made it possible to pursue and strengthen existing programmes, but also have facilitated the resumption of activities such as the food-for-education programmes. I urge them to continue to provide the required support, given the extent of the humanitarian crisis in Darfur and the fact that important resources would still be needed in 2007. I wish also to acknowledge the efforts by the Government of the Sudan and Sudanese humanitarian agencies to provide assistance to the affected population in Darfur.

51. The confrontations between nomads and local inhabitants, often witnessed at this time of the year, have continued unabated, with the attendant humanitarian consequences. AMIS has continued to intervene try to resolve these differences, including through the demarcation and patrolling of migration routes and grazing fields. Furthermore, a shortage of potable water in parts of North Darfur is affecting both AMIS

and the local population. The problem has compelled IDPs and locals alike to travel long distances in search of water, thus exposing them to acts of violence by armed elements. The situation is further worsened by a lack of maintenance of existing pumping machines. However, this is being addressed by the humanitarian agencies in the areas to which they have access.

52. As the hostilities between the parties have intensified, civilians have borne the brunt of the fallout. Grave human rights violations have been committed during the recent fighting, including abductions, torture, displacement, rape and destruction of food stocks. The attacks on civilian villages have led to the displacement of thousands of villagers, many of whom continue to be subjected to human rights abuses inside the very camps in which they have taken refuge.

53. The period under review has also witnessed a general increase in documented incidents of sexual violence against female IDPs. Another area of concern is the recruitment of child soldiers. Some of the Movements continue to recruit and use child soldiers for their activities.

## **VI. ACTIVITIES OF THE CEASEFIRE COMMISSION (CFC) AND THE JOINT COMMISSION (JC)**

54. Council is aware of the difficulties and challenges that both the CFC and JC are facing in the course of discharging their duties. While some of these problems relate to AMIS lack of sufficient capacities, they are also, to a large extent, due to the non-participation of the non-signatories in the work of the two Commissions. It is against this background that Council, at its meeting in New York, urged the signatories to the DPA, as well as the other parties, to extend full cooperation towards the efforts aimed at facilitating the effective functioning of the CFC and the JC.

### **i) Ceasefire Commission**

55. In spite of the difficulties referred to above, the CFC as well as its sector sub-commissions have, during the period under consideration, made relative progress, particularly in the process of reconciling the parties' pre-DPA positions with their current locations. The DPA signatories have expressed their commitment to return to their pre-DPA positions according to the findings of the physical verification exercise of parties' positions. This exercise is now under way, as part of the preparatory plans for Disengagement, Redeployment and Limited Arms Control as provided for in the DPA, to be carried out under the supervision of AMIS. This, of course, will meet considerable challenges, considering the new dimension introduced by the emergence of the post-DPA groups, that is, the NRF, the G19 and the DoC signatories, who now control substantial ground in Darfur

56. The CFC has also completed the review of the Government's plan for the disarmament of the Janjaweed, and its comments are being submitted to the Government for reconciliation. It is expected that, as soon as the Government and the CFC reach an agreement, the disarmament exercise will commence without any further delay.

57. Finally, Council may wish to note that the new Force Commander and Chairman of the CFC, Maj. Gen. LFK Aprezi, has instilled considerable amount of discipline in the work as well as the behavior of the Commission and its members. This largely accounted for the speedy and appropriate disposal of new and backlogged cases of ceasefire violations.

**ii) Joint Commission**

58. The JC held its third meeting on 12 November 2006, in Addis Ababa. The meeting, chaired by the Acting Head of AMIS, Monique Mukaruliza, was attended by the signatories of the DPA and DoC, the United Nations, the European Union and the United States, as members, while Canada, Egypt, France, the League of Arab States, the Netherlands, Norway and the United Kingdom participated as observers.

59. Council would recall that the JC, at its second meeting held on 3 August 2006, referred the 94 cases of violations presented to it for consideration back to the CFC for proper investigation. The JC also requested that consultations be undertaken, particularly with the DPA signatories, in order to address the problems militating against the smooth functioning of the Commission. At this meeting, the JC considered the report of the Chairperson of the CFC on ceasefire violations, which also contained proposals on how to improve the mechanisms for the implementation of the ceasefire and security arrangements.

60. In considering the report, the JC took note of the challenges facing the CFC in the discharge of its responsibilities and commended its members for the efforts deployed to dispose a number of the cases brought before them. In this regard, the JC:

- (i) noted that, out of the recorded 94 cases of ceasefire violations brought before the last JC meeting, 48 could not be investigated for practical reasons, and therefore agreed to write them off as recommended by the Chairman of the CFC;
- (ii) considered eleven reports of investigated violations presented to it by the Chairman of the CFC and agreed to defer them to its next meeting, to enable the members to review them. In this regard, it decided that a copy of the investigation report on each of the eleven cases be given to the members of the JC;
- (iii) observed that ceasefire violations, violence against civilians and banditry activities continue to occur in Darfur with impunity, and agreed that one way to arrest the situation, in addition to the strengthening of AMIS, is to ensure that the DPA mechanisms are made to work effectively.

61. The JC reviewed the problems impeding the smooth functioning of the CFC and approved the proposal of the Force Commander for a two chamber CFC, one for the signatories of the DPA and the DoC, and a second one for the non signatories. The proposal for a possible third Chamber where members of the two chambers could meet whenever the need arise was left to the discretion of the Force Commander, depending on the situation on the ground. In this respect, it is worth noting that, during his visit to

the Commission, on 9 October 2006, Mr. Ahmed Tugod Lissan, on behalf of JEM, indicated his Movement's readiness to be part of such a mechanism.

62. The JC also took note of the Government's position regarding a group of the non-signatories that not only opposed the DPA, but also publicly declared its intention to continue violating the ceasefire, including making AMIS personnel and assets legitimate targets. The Government was insistent that this group cannot be considered as a partner in the peace process. In response, the JC called upon Council to consider measures that could be taken in the event that some non signatories continue to violate the DPA and obstruct its implementation. The JC appealed to the African Union and the United Nations to hold such groups accountable in line with previous decisions on this matter. The JC urged the non signatories to take advantage of the dual CFC chamber mechanism now agreed upon, and follow the path of dialogue instead of that of confrontation.

## **VII. TRANSITION FROM AMIS TO A UNITED NATIONS PEACEKEEPING OPERATION**

63. In its decision of 20 September 2006, Council noted that the efforts aimed at reaching an agreement on the envisaged transition from AMIS to a United Nations peacekeeping operation, did not conclude successfully. In that respect, Council took note of resolution 1706 (2006), as well as of the rejection of the deployment of a United Nations peacekeeping operation in Darfur by the Government of the Sudan. Furthermore, Council decided that consultations involving the Government of the Sudan, the United Nations and the African Union should be undertaken, to discuss issues relating to the deployment of a United Nations peacekeeping operation in Darfur, with a view to addressing the concerns raised by the Government of the Sudan with respect to the impact of this deployment on the sovereignty and unity of the country, as well as ensuring that the envisaged United Nations deployment is effected in a way consistent with the relevant provisions of Council's decision of 10 March 2006.

64. During the period under review, and as part of the efforts to overcome the impasse on the issue of the transition, there have been a number of consultations involving African Leaders and other representatives of the international community. In this respect, it was envisaged to dispatch to the Sudan a delegation of African Heads of State including the Presidents of Senegal, Nigeria and Gabon, with the support of the African Union Chairperson, President Denis Sassou-Nguesso. It is in that context that the Ministers of Foreign Affairs of Nigeria and Senegal went to Khartoum in the course of October 2006. The delegation of Heads of States could not proceed to Khartoum as initially envisaged. However, a group of Leaders, including the Chairperson of the African Union, as well as the Presidents of Senegal, Nigeria, Gabon and South Africa and myself, met with President Al Bashir in Beijing, on the margins of the China-Africa Summit.

65. While in Beijing, the Chairperson of the African Union received a letter dated 5 November 2006 from President Al Bashir. In that letter, President Al Bashir emphasized the importance of making efforts to strengthen the DPA, including by persuading the non-signatories to join the peace process. He also expressed his desire to help stabilize the situation in Chad, so as to stop the spill-over of the conflict into Darfur and further

noted the importance of the Tripoli Agreement, including its strengthening, as a basis and a framework for remedying the current situation on the Chadian front. The President indicated that his Government was involved in a dialogue with the Special Envoy of the President of the USA to the Sudan, Andrew Nasios, to find a third track out of the impasse created by Security Council resolution 1706 (2006).

66. While recognizing the importance of defusing tension and rebuilding confidence between the Government of the Sudan, on the one hand, the United Nations and the larger international community, on the other, President Al Bashir urged that efforts for a way out to the current impasse be pursued along the following lines:

- (i) to consider a solution within the formula African Union plus United Nations financial, logistical and technical support;
- (ii) to obtain a clear statement by the United Nations and the international community in the preamble of a new omnibus United Nations Security Council resolution, overriding resolutions 1591, 1593 and 1706, and reaffirming their full and unconditional commitment to preserving and safeguarding the sovereignty and territorial integrity of the Sudan;
- (iii) to ensure that the said United Nations Security Council omnibus resolution determines that the expected role of the United Nations peace mission in the Sudanese region of Darfur will be within the following framework:
  - AMIS shall be financed, equipped and provided with the required logistics in order to effectively implement the tasks assigned to it under the DPA. The international community, under the auspices of the United Nations, shall provide the required finance, equipment and logistics to AMIS,
  - the United Nations shall provide all other non-military or civilian functions required in Darfur, such as humanitarian assistance to the IDPs, until they safely return to their original places, including provision of other development assistance,
  - United Nations monitors shall be deployed in Darfur, in accordance with an agreed upon separate protocol, to monitor ceasefire violations, disarmament of all militias and armed groups by AMIS and the Sudan Armed Forces, and to carry out other functions required for the smooth implementation of the United Nations civilian tasks, as spelt out in the omnibus resolution,
  - the omnibus resolution shall revisit all previous United Nations Security Council resolutions on Darfur and, in particular, resolutions 1591, 1593 and 1706, and streamline them with the proposed omnibus resolution. The President indicated that the issue of the alleged war crimes as well as reparations shall be totally left to the modalities created by the DPA;

- (iv) the Government of the Sudan is ready to consider any other military assistance to be rendered by the United Nations to AMIS;
- (v) to obtain the commitment that the mandate of the forces and other personnel deployed into Darfur under the proposed resolution will end by an agreed deadline.

67. As a follow-up to Council's decision of 20 September 2006, a tripartite consultative meeting, involving the African Union, the United Nations, and the Government of the Sudan, took place on 13 November 2006, in Addis Ababa. The meeting was chaired by the Foreign Minister of the Republic of the Congo, Rodolphe Adada, in his capacity as chair of Council for the month of November 2006, and was attended by the Commissioner for Peace and Security, the United Nations Assistant Secretary-General for Peacekeeping Operations, Hédi Annabi, and the Foreign Minister of the Sudan, Lam Akol. The President of the Security Council for the month of November 2006 was invited, but did not attend the meeting.

68. The meeting reviewed the situation in Darfur and exchanged views on the outstanding issues concerning the AMIS transition into a United Nations peacekeeping operation. In his briefing to the meeting, the Commissioner for Peace and Security reviewed developments in the implementation of the DPA, the financial and logistical problems facing AMIS, and stressed the need to expedite the implementation of the United Nations light support package for AMIS. He recalled that, in its decision of 10 March 2006, Council stressed that the transition from AMIS to a United Nations operation in Darfur should be informed by the following:

- the preparedness of the Government the Sudan to accept the deployment of a United Nations operation in Darfur;
- the need for any decision on the mandate and size of a future United Nations peacekeeping operation in Darfur to be informed by the evolving situation on the ground;
- the preservation of the African character of the Mission, including through its composition and leadership;
- the need to maintain the lead role of the African Union in the overall Darfur peace process; and
- the need, during and after the transition, to maintain consultations between the African Union and the United Nations, including between Council and the Security Council, as well as between the Chairperson of the Commission and the Secretary-General of the United Nations.

69. Based on this decision, the Commissioner outlined the African Union observations on resolution 1706(2006). These observations revolve around the following: (i) the lead role of the African Union (which is not adequately reflected in the resolution); (ii) the African character of the Mission (the issue is referred to only in the

preamble of the resolution and not in sufficiently explicit terms); (iii) the consultations between the African Union and the United Nations, including once the transition has been effected (the resolution makes no reference to such a consultative mechanism); (iv) and the consultations between the Government of the Sudan and the United Nations, in light of the concerns of the Sudan, including the reference made in the resolution to Chapter VII of the United Nations Charter.

70. On his part, the Foreign Minister of the Sudan reiterated his Government's position on the transition, and again rejected Security Council resolution 1706 (2006), whose implementation, he claimed, would undermine the sovereignty of his country. He expressed the view that, since the African Union decision to relinquish its Mission in Darfur in favour of the United Nations was dictated more by constraints on the ground than principles, what needs to be done is to provide the required assistance to AMIS to enable it fulfill its mandate. He further stated that since the African Union was given the mandate to implement the DPA, there was no legal basis for a transition to a United Nations operation. He also expressed his Government's objection to any Security Council resolution referring to Chapter VII in its operative paragraph. The Foreign Minister further stressed the need to dovetail the political process with the military dimension through broadening the support base for the DPA by including other parties.

71. After noting the efforts of his Government in looking for alternative approaches, he stressed the importance of an AMIS plus approach that incorporates the United Nations assistance package to AMIS. In this regard, he informed the meeting about his Government's acceptance of the light support package and its readiness to start implementing it after the establishment of a tripartite commission with the African Union and United Nations. He indicated that, so long as a mission in Darfur maintains an African character as well as command and control, other details could be worked out and agreed upon.

72. The United Nations Assistant-General for Peacekeeping Operations acknowledged the strategic nature of the African Union-United Nations relationship in the maintenance of international peace and, in this regard, reiterated his organization's commitment to fully supporting AMIS, by expediting the implementation of the light support package and the need to initiate discussions on the heavy support package. He emphasized that the United Nations was not attempting to impose itself on the Sudan and, in any event, would not deploy in the Sudan and, for that matter, in any other country, without its prior consent. He also emphasized the need to reactivate the political track as no peace support operation would succeed if it were not accompanied by a political process.

73. Overall, the meeting took place in a constructive atmosphere. It was agreed to pursue the dialogue with a view to improving cooperation and transparency.

#### **VIII. HIGH-LEVEL CONSULTATION ON THE SITUATION IN DARFUR**

74. Following consultations I had with the Secretary-General of the United Nations, and building on the above-mentioned meeting between a group of African leaders and President Al Bashir in Beijing, it was agreed to convene, in Addis Ababa, a high-level consultation on the situation in Darfur. The meeting took place on 16 November 2006,

and brought together, under the chairmanship of the Secretary-General and myself, representatives of the five permanent members of the Security Council, Sudan, Congo, Egypt, Gabon, Libya, Nigeria, Rwanda, Senegal, South Africa, the European Union and the League of Arab States, which was represented by its Secretary-General.

75. In order to facilitate discussions, the United Nations Secretariat prepared a document on a phased approach to a strengthened peacekeeping presence in Darfur. The abiding priority of this approach would be the protection of civilians in Darfur. With this in mind, the phased approach was developed based on the fundamental assumption that any peacekeeping presence in Darfur would follow the logic of general proposals of an international operation contained in the Secretary-General's report of 28 July 2006 on Darfur. The document further indicates that the phased approach could be pursued, while the international community continues consultations with the Government of the Sudan on creative steps towards the implementation of the peacekeeping presence authorized by resolution 1706 (2006). To ensure the fulfillment of the international community's key objectives in Darfur, this approach would (i) be capable of contributing to the restoration of security and protection of civilians in Darfur; (ii) be able to implement the security aspects of the DPA; (iii) and ensure full humanitarian access. The mission must therefore (i) be logistically and financially sustainable; (ii) have a predominantly African character; (iii) have the strength and capabilities described in the Secretary-General's report on Darfur of 28 July 2006; (iv) and enjoy free and unhindered movement in Darfur.

76. The first step in this sequence would involve the full and expeditious implementation of the short-term United Nations support package referred to above. This would be followed by an enhanced support package. The third step would be a hybrid operation. To this end, it is proposed that a jointly appointed African Union-United Nations Special Representative lead the operation. Additionally, the appointment of the Force Commander and Deputy Force Commander, as well as other key decision-making positions, could be coordinated between the African Union and the United Nations. The United Nations could also provide additional operational elements and enabling units in the area of logistics and engineering to increase the hybrid mission's operational effectiveness. A hybrid operation would also benefit from substantial United Nations involvement in its command and control structure.

77. With respect to troop and police generation, the document proposed that African countries be approached as a matter of priority to contribute to both the second and third steps of the sequence. Traditional United Nations troop contributing countries with critical peacekeeping experience might also be approached, if necessary, in order to attain the required strength and capacity.

78. Under the proposal, the Secretary General, supported by the international community, would be prepared to recommend to the General Assembly that the United Nations provide full financing to the mission at any step of the sequence. Furthermore, the Government of the Sudan would be fully and transparently consulted in any further development and/or implementation of this phased approach. The document emphasized the importance for all stakeholders to continuously assist the Government and the people of Sudan in bringing just, inclusive and sustainable peace and stability to Darfur, with full respect for Sudan's sovereignty and territorial integrity.

79. The high-level consultations took place in a constructive atmosphere, and provided an opportunity to examine the proposed phased approach in an in-depth manner and agree on the best way forward. The meeting considered three areas: the requirements to re-energize the peace process, the establishment of a strengthened ceasefire, and the way forward for peacekeeping in Darfur, and notably concluded as follows:

(i) A re-energized political process

a) General Principles underlying a re-energized political process: The following principles were highlighted:

- the Darfur conflict can only be resolved through a political process;
- the DPA is the only basis for this process, and should not be re-negotiated;
- no party outside the DPA should be allowed to undermine its implementation;
- this political process should be all-inclusive;
- the mediation should be credible and under African Union and United Nations leadership;
- the process should be transparent and should include wider international involvement;
- the DDDC is an important complimentary process that will contribute to the search for sustainable peace in Darfur;
- the African Union remains the lead actor in the process of implementing the DPA.

b) Concerns regarding the DPA and its implementation: The meeting noted that:

- the DPA was not sufficiently inclusive – a number of parties remain outside its framework, leading to insecurity, worsening the humanitarian situation and limiting humanitarian access;
- for various reasons, the DPA had not been sufficiently popularized in Darfur, and this situation had led to opposition to the Agreement amongst Darfurians;
- the proliferation of initiatives aimed at the non-signatories must be streamlined and brought under a unified umbrella to guard against forum-shopping;

- the fragmentation of the non-signatories had led to fighting between them, and undermined the cease-fire;
- the regional dimension of the conflict had sometimes complicated the search for a solution; and
- the slow pace of implementation of the DPA remains a serious concern.

c) Proposals to address the concerns: These proposals are as follows:

- the various initiatives must be brought under one umbrella, and the African Union and United Nations are best-placed to lead a credible process;
- international partners to the DPA are called upon and shall be available to assist in the political process;
- the parties, including the non-signatories in particular, must engage in the process with the necessary commitment and a willingness to compromise – the international community must do all it can to ensure this;
- the next step is for the United Nations and African Union to call a meeting for the non-signatories, SLM/A-M, and the Government of the Sudan, so as to resolve outstanding issues by the end of the year.

(ii) A strengthened ceasefire: The meeting:

- stressed that there can be no effective ceasefire mechanism or peacekeeping operation without there being a peace to keep that is firmly grounded upon an all-inclusive political process;
- welcomed the Government of Sudan's renewed commitment to a political process, and called upon all parties to immediately commit to a cessation of hostilities in Darfur in order to give these renewed discussions the best chances for success;
- expressed the hope that this political process would be swiftly concluded. The meeting further stressed that it is imperative that the African Union have a forum through which it can hold all parties accountable for ceasefire violations in Darfur, welcoming, in this respect, the mandate given by the latest Joint Commission meeting to AMIS Force Commander to create direct links to non-signatories;
- stressed that all parties must cooperate with AMIS, participate constructively in investigations, and facilitate the delivery of humanitarian relief in Darfur;
- underlined, in view of the regional dimension of the conflict, that it is important to reinvigorate regional instruments such as the Tripoli mechanism;

- stressed that opposition to the DPA does not give non-signatories the right to continue fighting, and called on them to seize this opportunity to rejoin the political process and not to miss this opportunity for peace; and
- stressed that the international community stands ready to take measures against any of the parties who remain outside the political process and breach their ceasefire obligations. At the same time, the Government was reminded of its obligations to protect civilians and to facilitate the work of the African Union as well that of the humanitarian community.

(iii) The way forward in peacekeeping; The participants agreed on the need to enhance AMIS' capacity urgently. In this respect, the following was highlighted:

a) United Nations support to AMIS

- The aim of the support package is to assist AMIS in the implementation of the DPA.
- The light support package (phase 1) is currently being implemented, in full cooperation with the Government of the Sudan. It is also agreed that the heavy support package (phase 2) will be taken forward and that the existing tri-partite mechanism (United Nations-African Union-Government of Sudan) would facilitate implementation of the heavy support package for phase 2. A hybrid operation (phase 3) is also agreed in principle, pending clarification of the size of the force. The Sudanese delegation further requested that they be given time to consult on the appointment of the Special Representative of the Secretary-General and the Force Commander. The consultations would be undertaken to inform Council's meeting.

b) The Mission of the peacekeeping force

It should be capable of contributing to the restoration of security and protection of civilians in Darfur through the implementation of security aspects of the DPA. It should also ensure full humanitarian access.

c) Requirements of the peacekeeping force

- It must be logistically and financially sustainable. This support must come from the United Nations. The Secretary-General should recommend to the appropriate bodies that the United Nations provide funding for the peacekeeping operation in Darfur, pending clarification of force size.
- The peacekeeping force will have a predominantly African character. The troops should, as far as possible, be sourced from African countries. Backstopping and command and control structures will be provided by the United Nations.

- The strength of the peacekeeping force should be 17,000 and 3,000 police. However, the representative of the Government of the Sudan indicated that he would need to consult with his Government on this figure.
- The peacekeeping force must enjoy free and unhindered movement in Darfur.

d) Chad and the Central African Republic

The need to take into account the security situation along the Chad-Sudan and Central African Republic borders was agreed.

**IX. OBSERVATIONS**

80. Council's decision of 20 September 2006 gave renewed impetus to the African Union's efforts to manage the conflict in Darfur, reinvigorating the Commission's efforts to implement and consolidate the DPA. Following the New York meeting, the Commission took a series of initiatives aimed at implementing, in a comprehensive manner, the various aspects of the decision.

81. Steps were taken to facilitate the implementation of the DPA, building on the efforts made thus far by AMIS, in cooperation with the signatories and partners, through the establishment of various consultative mechanisms in Khartoum; the launching of the campaign to popularize the DPA; and the efforts made by AMIS on the ground to implement the security aspects of the DPA. Efforts were also made to overcome the obstacles faced in the functioning of the CFC and the JC, which are the key mechanisms for monitoring the implementation of the security aspects of the DPA. During the recent meeting of the JC, consensus was reached on the need to involve the non-signatories to the DPA in the activities of the CFC and the JC. Similarly, discussions are continuing towards the finalization of the disarmament plan of the Janjaweed and other armed militias. Furthermore, the inauguration of the Assessment and Evaluation Commission, provided for in the DPA, to oversee its implementation, is expected to provide added momentum to the DPA implementation process.

82. Regarding the broadening of the support base of the DPA, the Commission initiated fresh contacts with the non-signatories. It also indicated to all stakeholders its intention to continue to play a leading role in coordinating all ongoing initiatives and channeling them towards a constructive and fruitful engagement with the non-signatories, in line with the letter and spirit of the DPA. To that end, the AMIS-DPA Implementation Team has been consulting with stakeholders on a draft document that could serve as a basis for discussions with the non-signatories, with a view to accommodating as many of their concerns as possible without reopening the DPA for renegotiations. At the time of finalization of this report, and following consultations with the United Nations Secretary-General, I have requested Dr. Salim Ahmed Salim to undertake an exploratory mission to the Sudan as my Special Envoy, in order to advise the African Union and the United Nations on the most appropriate ways in which to effectively mediate and provide the necessary leadership to strengthen the support base of the DPA, as agreed upon during the high-level consultative meeting of 16 November 2006.

83. With regard to the strengthening of AMIS, and as earlier reported, the Mission, with the support of the Commission, has been making efforts to implement some aspects of the new Concept of Operations (CONOPs), within the limits of its current capabilities. The Commission is still facing difficulties in deploying two additional battalions, which are the minimum required to facilitate the restructuring of the Mission and a change in posture, as provided for in the new CONOPs. The main obstacle to the deployment of the two battalions remains logistics and funding.

84. Indeed, lack of adequate and sustainable managerial, logistical and financial support continues to seriously undermine AMIS' capacity to perform the tasks assigned to it under the DPA effectively. If sustainable backstopping, in terms of management, funding and logistics, is not provided quickly, I believe that the African Union, which must not abdicate its responsibilities because of the difficulties it faces, will be left with no option other than to continue with existing *ad hoc* arrangements. This would have implications on the credibility of the Organization, on the one hand, and the situation on the ground in Darfur as well as the peace process as a whole, on the other. In such a scenario, the renewal of the mandate of AMIS would only be for a limited period, based on indications of availability of resources from donors.

85. Against this background, Council's decision of 20 September 2006, in addition to giving a new impetus to the efforts of the African Union in Darfur, has contributed to creating conditions for constructive consultations on the sensitive issue of the transition. Indeed, since the New York meeting of Council and, in particular, during the past few weeks, consultations have taken place on the issue at various levels and in various fora, culminating in the high-level consultative meeting held in Addis Ababa on 16 November 2006. This meeting offered an opportunity for a frank and constructive exchange of views between the representatives of the Government of the Sudan and key stakeholders from the African Union and the international community. The consultations were guided by a document prepared by the United Nations Secretary-General, which proposed a phased approach as a way out of the current impasse, acknowledging the difficulties facing AMIS, on the one hand, and the continued opposition of the Government of the Sudan to the deployment of a United Nations peacekeeping operation, on the other. The participants to the consultative meeting endorsed the Secretary-General's proposals, which were considered as a workable compromise that should be acceptable to the Government of the Sudan. The representative of the Government of the Sudan, however, expressed reservations on some key aspects of phase 3 (hybrid operation) of the Secretary-General's proposal, and undertook to consult the highest authorities of his country on these issues.

86. I remain convinced that the Addis Ababa meeting came a long way in addressing the concerns of the Government of the Sudan, while at the same time providing a solution that would ensure sustainable logistical, financial and managerial backstopping to the Mission. I am confident that these arrangements would facilitate a greater contribution by African Union Member States to the Mission, in conformity with the 10 March 2006 decision of Council to maintain the African character of the Mission. The envisaged joint appointment of an African personality to lead the Mission, as well as the appointment of other Africans as Force Commander and senior staff, would further contribute to ensuring the African leadership of the Mission.

87. A positive reaction from the Government of the Sudan to the proposal, as endorsed by the Addis Ababa high-level consultative meeting, would enable us to enhance the implementation of all the provisions of the DPA, and create conditions for the commencement of detailed discussions between the Government of the Sudan, the United Nations and the African Union on the modalities for the implementation of the Addis Ababa framework. In such a scenario, I would recommend that Council consider extending the mandate of AMIS for a longer period of not less than six months, subject to review as appropriate.

88. In the meantime, I remain concerned that all the efforts being made to create the conditions for an effective and full implementation of the DPA could be jeopardized unless the security situation in Darfur is improved. I wish, in this regard, to appeal to all the Sudanese parties to put an immediate end to hostilities and acts of violence and to commit themselves to the ceasefire. I wish also to appeal to those not yet signatory to the DPA, to recommit themselves to the peace process and to take advantage of the new initiatives and join the DPA.

89. I am also deeply concerned by the prevailing tension at the border between Chad and the Sudan and the deteriorating relations between these two countries. It is clear that, if not swiftly and effectively addressed, this tension will continue to be a source of instability and insecurity in the region. I appeal for restraint and call for the implementation of the mechanisms provided for in the Tripoli Agreement and in the bilateral agreements between the two countries, with an effective support from the African Union and its Member States, as well as from the international community at large.

90. I wish also to appeal to our Member States and partners to continue to provide the much-needed assistance to enable AMIS to implement its mandate.

91. In conclusion, I would like to reiterate the commitment of the African Union and its Commission to do its utmost to promote peace in Darfur, on the basis of the DPA, and to work towards achieving lasting peace and stability within the framework of the unity and sovereignty of the Sudan.

2006

# Report of the Chairperson of the Commission on the Situation in Darfur (The Sudan)

African Union Commission

Peace and Security

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