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### 特定群体和个人

人口大规模流亡和流离失所者

秘书长国内流离失所者问题的代表

弗朗西斯·登的报告

派往苏丹的代表团—达尔富尔危机\*

### 秘书长的说明

秘书长谨将于 2004 年 7 月 25 日至 8 月 1 日派往苏丹达尔富尔地区的，他的关于国内流离失所者问题的代表弗朗西斯·登，根据人权委员会第 2003/51 号决议所提交的代表团报告转发给人权委员会各位成员。

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\* 本代表团报告提要以所有正式语文散发。会议报告本身载于内容提要的附件，仅以提交语文和阿拉伯文散发。

## 提 要

我于 2004 年 7 月 25 日至 8 月 1 日访问了苏丹，重点放在达尔富尔的国内流离失所危机上。据估计，该地区有 120 万人流离失所，20 万人沦为难民，穿越国界，逃到乍得境内；据报道，估计还有 3 至 5 万人由于与战争有关的原因被杀害或者死亡。一共有大约 220 万人受到了冲突的影响。虽然政府对于人数的多少有争议，但是危机的严重性却是无可置疑的。鉴于国际上对于达尔富尔的关注，包括联合国秘书长科菲·安南和美国国务卿科林·鲍威尔于 2004 年 6 月访问了该地，以及其他国际知名人物和组织进行了一系列访问和派遣代表团，我怀疑，我的访问究竟能够增加多少全球对于达尔富尔的关注。最后，我感到我必须前往访问，于是，我决定以我作为秘书长国内流离失所者问题的代表和作为具有公共生活背景，以及众所周知的对于这个国家的关切的苏丹人的双重身份进行这次访问。

总统当时不在国内，只是到我快要离开的时候才回国。我会见了除总统之外的最高层政府当局，包括第一副总统、各位内阁部长、其他政府官员、联合国各机构、人道主义机构、非政府组织，以及与这场危机有关的其他人。在达尔富尔本地，我会见了州长们、州级部长们、高级行政官员、其他政府官员、联合国各机构和各非政府组织的代表。当然，我访问了达尔富尔所有的州的流离失所者营地。在达尔富尔的最后一天，我与由政府部长、联合国官员以及派驻苏丹的外交官组成的联合实施机制团进行了联系。

通过实地访问，我们发现达尔富尔的危机仍然十分严重。需要予以紧急注意的问题包括平民，尤其是国内流离失所者的安全和保护问题。虽然营地本身相对安全，但是走出营地的人——许多人为了采集所需的柴火或照顾他们的牲畜必须走出去——仍然有遭到袭击、杀害和强奸的危险。尽管当局声称流离失所者可以安全返回他们的村庄，而且据报道，政府使用了包括施加压力和进行物质诱导在内的各种手腕，让流离失所者“自愿”回到他们的村庄；但是，人们一直在抵制，原因是不安全。

据报道，可以与流离失所者接触的程度有所改善，政府在便于人道主义援助工作人员与他们接触方面给予合作。然而，据说接触仍然由于不安全而受到限制，而且报道说，捐助者的资金只有联合国为达尔富尔提出的呼吁数额的 50%。紧急需要更多的资金，以增加实地人道主义工作人员的人数，据认为，只要有他们在场，就

提供了一点对于平民的保护。还有被叛军控制的地区的问题，那些地区大致上不能进入，那里的人口需求甚至尚未得到适当评估，更不用说予以满足了。

政府必须中断与 Janjaweed 和其他武装集团的全部联系并解除其武装的问题，仍然是达尔富尔危机面临的重大难题。虽然一开始，政府部队积极参与了暴行，但是据报道说，目前仍在不断发生的袭击是由 Janjaweed 和其他武装犯罪分子干的，这就是为什么国际注意力必须集中在解除这些人的武装上面。但是，人们广泛认为，自从政府利用 Janjaweed 与叛军作战以来，当局就很难将 Janjaweed 说成是必须解除武装和予以惩罚的犯罪分子了。看来大家普遍认为，政府与国际社会在一支非洲联盟保护部队的框架内进行的保安合作，会鼓励政府解除 Janjaweed 的武装，或以其他方法使之无害。非洲联盟和国际社会还可以通过派遣非洲联盟成员国的民警或警官，来协助政府促进人们对于国家警察部队的信任。由于政府担心，单单解除 Janjaweed 的武装会使得叛军占上风，所以，严格遵守停战协议，以及与叛军开展认真的谈判，将促进该地区出现一种全面的安全环境。

说到底，只有有效解决冲突的根本原因，才可能在这个地区实现持续的和平与安全。这个地区的苦难根源深远，关于受到边缘化、忽视和歧视的着重点大部分是基于人口的种族身份主要是非阿拉伯人这个事实。这些苦难与该国其他一些地区，特别是南方、努巴山区、南蓝尼罗河地区，以及苏丹东部的 Beja 地区的苦难并无显著的不同。政府与苏丹人民解放运动/军队即将达成的和平协议中的某些条款，尤其是有关努巴山区和南蓝尼罗河地区的那些部分，经过适当修改，可以适用于达尔富尔的局势。

综观苏丹的全国形势，值得注意的是，在南方肆虐了将近半个世纪，1980 年代蔓延到努巴山区和南蓝尼罗河地区，现在又进一步蔓延到达尔富尔战争，象征着一场亟需解决的民族身份的危机。要解决这个问题，要求对国家进行重建以便能够容纳所有的群体，发展一种包容性的民族身份框架，以及培植一种有平等和尊严的公民身份的归属感。

**Annex**

**REPORT OF THE REPRESENTATIVE OF THE  
SECRETARY-GENERAL ON INTERNALLY  
DISPLACED PERSONS, FRANCIS M. DENG,  
ON HIS MISSION TO THE SUDAN  
(25 JULY-1 AUGUST 2004)**

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## I. Introduction

1. In response to my request, the Government of the Sudan invited me to undertake a mission to the country from 25 July to 1 August 2004, with a focus on the internal displacement crisis in the three states of North, South and West Darfur in the western part of the country. The Sudan has for a long time had the unenviable position of being the country with most internally displaced persons (IDPs) in the world. Estimates suggest that the conflict in the southern part of the country, mainly between successive Governments and the Sudan People's Liberation Movement and Army (SPLM/A), has led to the internal displacement of 4.5 million persons. At the time of my mission, official estimates indicated that the conflict in Darfur had added an additional 1.2 million internally displaced to the statistics, while approximately 200,000 persons had fled across the border to neighbouring Chad.

2. The causes of the conflicts that have generated displacement in Darfur are multiple and historically rooted. Encroaching desertification and recurrent periods of drought have over the years exacerbated conflicts between various tribal groups for scarce resources in Darfur, in particular between sedentary "Black African" and nomadic "Arab" tribes, in a region which has generally been among the most marginalized areas in terms of development. These racial identity labels are put in quotations because there is considerable racial mixture between the tribes and even those who claim to be or are identified as Arabs are in fact of mixed African-Arab origins. Nonetheless, these perceptions of racial identity are crucially important to the local people. The drought exacerbated the conflict, but the discrimination and lack of power sharing played a significant role that cannot be glossed over. While these conflicts are tribal, the involvement of successive Governments in favour of the Arab tribes has, over the years, injected an element of discrimination into the equation.

3. The current crisis erupted in early 2003 when two predominantly non-Arab rebel movements, the Justice and Equality Movement (JEM) and the Sudan Liberation Movement/Army (SLM/A), staged a devastating and overwhelming attack against the government installations in Darfur. According to reports from reliable sources, the Government resorted, as it had done previously in other regions of the country, to the support of local Arab tribal militias to assist in the fight against the rebels. The Popular Defence Forces (PDF) were substantially increased through local recruitment, and a number of nomadic militias, predominantly from Arab tribes, were armed to engage the rebels. In the course of the conflict the local term for armed outlaws on horseback, "Janjaweed", has been used to designate these militias as well as the PDF forces. While these Janjaweed were apparently effective in supporting the

Government against the rebels, they also reportedly inflicted shocking atrocities on the civilian population, killing, looting, raping, and displacing internally and across the borders into Chad masses of people. It is widely reported that the forced displacement of civilians formed part of the military strategy of the Government so as to remove what was perceived to be the support base of the rebel movements.

4. My mission came at a time of important developments, including the adoption of Security Council resolution 1556 (2004) of 30 July 2004 on the situation in Darfur, calling on the Government to disarm the Janjaweed, facilitate humanitarian access, negotiate a political settlement, or face punitive measures from the international community. I had hoped to visit the country earlier in the year, but had been forced to postpone my mission. By the time of the visit, Darfur had already drawn much international attention, including visits by United Nations Secretary-General Kofi Annan and United States Secretary of State Colin Powell.

5. I nonetheless felt the need to be involved, not only because of my mandate on internally displaced persons, but also because of my personal connection with the Sudan. In the end, I decided to undertake the mission and dialogue with the authorities in my dual capacity as Representative of the Secretary-General on internally displaced persons and as a Sudanese with a background in public life and a particular concern for the country and its people. And indeed, throughout my discussions with the authorities and the internally displaced, I emphasized that dual identity. From that vantage point, I called for intimate and candid probing into the situation, to explore the truth as a basis for a constructive dialogue in the search for effective solutions to the crisis. My discussions with the authorities were indeed privileged by openness, candour and cordiality, and for that I am grateful.

6. In Khartoum, other than the President, who was out of the country and returned just as I left, I met with a number of senior government representatives at the highest level, including the First Vice-President, Mr. Ali Osman Mohamed Taha, the Minister for Foreign Affairs, Dr. Mustafa Osman Ismail, the Minister of the Interior, Major General Abduraheem M. Hussein, the Minister of Defence, Major General Bakri Hassan Salih, the Minister of Justice, Dr. Ali Mohamed Osman Yasin, the Minister for Humanitarian Affairs, Mr. Ibrahim Mahmoud Hamid, the Minister for Cabinet Affairs, Mr. Martin Machuei Malual, the President's Political Adviser, Dr. Gutbi Al-Mahdi, and the Commissioner-General of the Humanitarian Aid Commission (HAC), Mr. Sulaf El Din Salih. I also met with a number of prominent personalities outside the Government, including former Prime Minister Sadiq Al-Mahdi, former Vice-President of the Republic and President of the Southern Regional Government, Mr. Abel Alier, former Peace Adviser and leader of the government team in the talks with the SPLM/A, Dr. Ghazi

Salah El Din Atabani, the spiritual and political leader Dr. Hassan Turabi (then under detention, but in a hospital where I paid him an unofficial visit), and Mr. Omer Shoumena, a law school colleague and a member of the independent national commission established to investigate human rights violations in Darfur, and two senior members of the Union of African Parties (USAP), Mr. Joseph Ukal and Mr. Joshua Dau. I also had meetings with United Nations officials, including the United Nations Resident and Humanitarian Coordinator, Mr. Erick de Mul, foreign diplomats in Khartoum, and a large number of NGO representatives and other Sudanese.

7. From 26 to 28 July I undertook field visits to the three states of Darfur, where I met with the state governors (*walis*), ministers, government officials, NGOs, the Cease Fire Commission of the African Union, United Nations officials and many displaced persons. In all three states, I visited a number of sites hosting internally displaced persons (North Darfur: Zam-Zam and Abu Shook camps; South Darfur: Kalma camp and IDPs in urban settlements around Nyala town; West Darfur: Mornei camp, and a village in western Darfur to which a number of previously displaced persons were reported to have recently returned). On 28 July, in West Darfur, I joined the mission of the Joint Implementation Mechanism (JIM) established to monitor the implementation of the joint communiqué of 3 July 2004 between the Government of the Sudan and the United Nations. The mission team was composed of United Nations officials, diplomats accredited to the Sudan and a number of senior government officials.

8. With some ambivalence, I agreed to the request of the Commissioner-General of HAC, Mr. Sulaf El Din Salih, that he accompany me. I was concerned that the presence of a government official might cause the displaced to be reluctant to speak their minds freely. On the other hand, I also thought that there might be an advantage in that I would witness the situation jointly with senior government representatives, thereby providing a better basis for a constructive dialogue with the authorities, based on objective facts jointly witnessed on the ground. And indeed, that proved to be the case. I know first hand that the Commissioner-General's own view of the situation was not only changed significantly by what he heard from the displaced and other independent observers, but that he reported his findings faithfully to the authorities and actively advocated a change of policy, specifically on the issue of return. During the mission, after our joint sessions, I requested to speak to the displaced privately and unobserved, to which the Commissioner-General always agreed.

9. Throughout the mission, I was warmly received by all the people with whom I met, and as I had hoped, our discussions were cordial and frank. I also placed the discussion on Darfur within the wider context of the challenges facing the country, in particular, the conflict in other regions, notably the South, the Nuba Mountains and the

Southern Blue Nile, the positive developments towards a peace agreement between the Government and the SPLM/A, and the implications for other regions, including Darfur.

## II. BACKGROUND

10. Over the last year and a half, Sudan's western region of Darfur has experienced what is widely acknowledged as one of the worst humanitarian crises in the world today. It is estimated that some 1.2 million persons have been internally displaced, and 200,000 people have fled across the borders into Chad as refugees. There have been numerous reports of human rights violations, including extrajudicial killings, and some observers estimate that 30,000-50,000 people have been killed or died from war-related causes since the beginning of the conflict in early 2003. Although the Government contests these numbers, the crisis is undoubtedly monumental.

11. The developments in the Darfur region are often presented as having deep historical roots, marked by complex intertribal conflicts between two sets of tribal groups, nomadic herding tribes, most of whom are said to be Arab, and the farming tribes, mostly Black Africans. The historical tensions and conflicts between these groups have recently been aggravated by the creeping desertification, recurrent drought and competition for scarce resources. Traditionally, relations between the herders and farmers were regulated by conventional arrangements between them and conflicts were managed and resolved by traditional leaders in accordance with the principles of customary law. With the abolition of native administration by the military regime of General Jaafar Mohamed Nimeiri (1969-1985), traditional methods of conflict management and resolution began to be eroded. Although the present regime has tried to revive the system of native administration, the authority of tribal leaders has been weakened to the point where they have virtually lost most of their traditional influence.

12. With the social fabric destroyed, tribes began to organize themselves into armed factions, the most notable of whom are the Arab militias, known for attacking on horses and camels, with modern weapons, targeting Black African civilians. Indeed, the term "Janjaweed", though reportedly ambiguous and elastic, is mostly applied to Arab militias and is said to be a concoction which means, "a daredevil on a horse, carrying a gun". It should be emphasized, however, that Arab and African labels, as noted earlier, reflect perceptions rather than realities, since even those who can claim with some justification to be Arabs are African-Arab hybrids. Historically, being a Muslim, Arabic speaking, culturally Arabized and with some claim to Arab ancestry elevated one to a level of dignity that contrasted sharply to the denigrated and downtrodden status of a Black African, a heathen, and a legitimate target for enslavement. As a result, people passed as Arabs whose visible characteristics betrayed a different African reality. But

the more questionable the Arab identity, the more it was claimed and asserted. It should be noted, however, that in Darfur, as indeed throughout the North, Islam and the use of Arabic as the lingua franca had been overriding uniting factors. It should also be noted that there has been considerable intermarriage between the African and Arab tribes in Darfur. In fact, the labels “Arab”, “African” or “Black” are new to Darfur and indeed to all regions of the North, which used to be collectively labelled as Arab-Islamic. The change is probably the result of the Black or African consciousness that was initially championed by the liberation struggle in the South, but has spread to regions of the North, notably the Nuba Mountains, Southern Blue Nile, and now Darfur.

13. Although Arab militias in Darfur have been known for years to cooperate with the central Government, even prior to the present regime, the current crisis was triggered by a local rebellion, spearheaded by the predominantly, though not exclusively non-Arab movements JEM and SLM/A, whose declared objective was to redress the marginalization, discrimination and neglect of their communities and their region. It is reported that Arab herders began to encroach on the Black African community lands earlier on and that the encroachment was at times accompanied by the looting of cattle, but that the local government authorities did nothing to address the grievances of the farming communities. This led to feelings of discrimination among these communities and the need to organize a resistance, which, in turn provoked the Arabs to arm themselves even more with the support of the authorities. In addition, the North-South peace process heightened awareness about marginalization of the entire area by the Government and raised expectations about the potential value of rebellion from which the South was apparently gaining.

14. In early 2003, the rebels staged a surprise attack that devastated the government military and police forces in the region, many of whom lacked the will to fight against their own people. Overwhelmed by the rebellion, the Government turned to the Arab militias, the Janjaweed to join ranks in confronting the rebels, and also recruited many Darfurians, predominantly from Arab tribes, into the PDF. Reinforced with arms, training, air cover and backing the government ground forces, fanning the ongoing intertribal tensions and animosities, the Janjaweed attacked with a vengeance, targeting not only the rebels, but also the civilian populations of the non-Arab tribes, particularly the Fur, Masalit and Zaghawa, burning villages, killing, looting, raping, and otherwise terrorizing the people and forcing them off their land, causing the internal displacement of more than a million persons.

15. With most of the internally displaced population clustering in camps and other improvised sites, the world began to witness a grave emergency situation with pressing needs for shelter, food, medicine and sanitation, all of which could not be provided

without security and access. Visa requirements and other administrative procedures often impeded access for humanitarian workers and organizations and with the rainy season approaching in a region with poor to non-existent infrastructure, it was feared that the humanitarian crisis was becoming a catastrophe. This was in addition to the persistent attacks and atrocities by the Janjaweed. In the spring of 2004, as many more people were threatened with death and as the world commemorated the 1994 genocide in Rwanda, international attention to the Darfur crisis began to mount. Controversy raged as to whether the crisis constituted ethnic cleansing, genocide, or war crimes and crimes against humanity. Some people warned against time-consuming debate on legal definitions and called instead for prompt action to stop the atrocities, protect the civilian population and save lives.

16. It must be noted that what the world is witnessing in Darfur has been occurring in the southern part of the country for almost the entire period of the civil war, including the burning of villages, killings, destruction and looting of property, the use of tribal Arab militias, the massive displacement of people from their land and abduction of children and women. This has especially been the case since the resumption of hostilities in 1983 between successive Governments in Khartoum and the SPLM/A. Paradoxically, the war in the South appears to be coming to an end as a result of a peace process brokered by the subregional organization the Intergovernmental Authority on Development (IGAD), with strong backing from the international community, in particular, the United States, Norway and the United Kingdom. A framework for peace, agreed upon by the parties in the Kenyan town of Naivasha on 20 July 2002, followed by a series of protocols, have charted a promising path towards peace in that part of the country, including the areas of the Nuba Mountains, the Southern Blue Nile and Abyei, which, though part of the North, had joined the SPLM/A in the armed struggle.

17. While the international community has played a crucial role in the South, both in response to the humanitarian needs and in the peace process, reaction to the crisis in Darfur has been comparatively more prompt and stronger. Although the international community has not been entirely united in its response, the outcry over the humanitarian and internal displacement crisis in Darfur, the need for assistance, the protection of the internally displaced and the civilian population at large, and respect for human rights and humanitarian principles has certainly been stronger than the response given the tragedy in the southern part of the country. This must be, in significant part, due to the lessons of the genocide in Rwanda, combined with the high profile and sustained media attention. For a while, the Darfur crisis was kept on the back burner of international attention, as the world focused on the promising peace process between the Government and the SPLM/A. Then it became obvious that the two situations could not be kept

entirely separate as they could impact upon each other. Besides, the Darfur crisis escalated to a degree that could no longer be sidelined. Heightened international attention on Darfur was perhaps reflected in the visits by the Secretary-General of the United Nations, Kofi Annan, and the United States Secretary of State, Colin Powell, in June 2004, as well as a series of visits and missions by other prominent international personalities and organizations.

18. The Secretary-General's visit resulted in a joint communiqué dated 3 July 2004 between the United Nations and the Government of the Sudan, according to which the parties undertook to carry out specific tasks in response to the crisis, including facilitating access for the provision of humanitarian assistance, disarming the Janjaweed and other armed groups, protecting human rights, and negotiating a political settlement between the Government and the rebel groups. To oversee the implementation of the communiqué, the Joint Implementation Mechanism was established, composed of representatives of the Government, the United Nations and foreign diplomats in Khartoum, and co-chaired by the Foreign Minister of the Sudan, Dr. Mustafa Osman Ismail, and the newly appointed Special Representative of the Secretary-General for the Sudan, Mr. Jan Pronk. As noted earlier, the first mission of the Mechanism visited Darfur at the same time of my visit and we joined our missions in western Darfur on 28 July and later presented our findings jointly in Khartoum to representatives of the international community. Our findings, which had much in common, could be summed up in the fact that while there was some movement, there was still a great deal to be done in the areas of both security and humanitarian assistance.

19. To observe the ceasefire agreement, signed 8 April 2004 between the Government and the rebel movements and negotiated by the President of Chad, Mr. Idriss Deby, the African Union (AU), in its first response to a crisis in a member State, initially decided to dispatch 300 monitors. The AU, which has become actively involved in finding a solution to the Darfur crisis, including the facilitation of negotiations between the Government and the rebel groups, has decided to increase the force to 3,000 troops to be contributed by, among others, Nigeria and Rwanda. While the AU considers the Darfur crisis as an African problem to be solved by the Africans, thereby discouraging international intervention and winning the cooperation of the Government of the Sudan, it will need strong support from the international community in terms of equipment, logistics and funding. This would certainly be a more constructive way of managing the crisis than the armed intervention threatened by some circles in the international community.

### III. FINDINGS

20. Time limitation and logistical constraints did not allow me to conduct extensive visits to all areas of Darfur. I therefore cannot speak of the situation throughout the region. Nevertheless, I visited all three states of Darfur and I believe the areas I visited provided a reasonable representative sample from which some general conclusions can be drawn. The three main themes of my discussions focused on: (i) the security situation and the protection of the internally displaced as well as the civilian population at large; (ii) the provision of humanitarian assistance; and (iii) the political issues, including the issue of the Janjaweed and other armed groups, the linkages of the Darfur crisis to the war in the South, the impending peace agreement between the Government and the SPLM/A, and the options before the international community in responding to the crisis in Darfur.

#### A. Security and protection

21. The official position of the Government at both the national and state levels was that the security situation had improved considerably and that it was safe for the internally displaced to return to their villages. In fact, the Government claimed that many IDPs had already returned to their villages voluntarily. On the other hand, evidence from IDPs in the camps indicated a persistent situation of insecurity. The IDPs themselves and humanitarian workers argued that while the camps were now largely safe, conditions outside the camps were still dangerous. The displaced gave accounts of attacks, killings, rapes and armed robbery by the Janjaweed. Some of these accounts were general and probably related to past events, but many were current, including specific details of dates and the persons involved.

22. For reasons to be elaborated later, the authorities probably lack the will or the desire, and perhaps even the capacity to disarm and neutralize the Janjaweed, because they were government allies against the rebels. The Government, however, gave the impression of being receptive to international cooperation in normalizing the security situation, including collectively reining in the Janjaweed and other armed groups. They seemed particularly comfortable with the role of the AU and, although their response has since been to resist all foreign forces, could be persuaded to accept an increased AU force to protect not only ceasefire monitors and humanitarian workers, but also the civilian population, as this would avert the threat of more coercive international involvement.

23. Since the civilians remained fearful of the government police, whom they said were part of the joint forces that attacked them, and especially as it was reported that some of the Janjaweed had been recruited into the police force, the Government needs to be

persuaded that international cooperation should extend to training of the national police to observe international human rights and humanitarian principles. In addition, the Government also needs to be persuaded to accept the deployment of civilian police (CIVPOL) or other police officers from AU countries. This would foster confidence in the national police protection.

24. A positive development with regard to the protection of the displaced was the agreement between the Government and the United Nations to place eight human rights monitors in the region, although the view was widely expressed that the numbers were insufficient, compared to the magnitude of the problem, and should be substantially increased. However, this agreement is still to be implemented and the lack of protection monitors remains a matter of urgent concern. The United Nations should not only ensure the deployment of the agreed number of human rights monitors, but should also negotiate with the Government with a view to increasing the numbers.

25. It was also encouraging to hear the Minister of Justice emphasize government policy against impunity and that those suspected of criminal offences would be brought to justice. He stressed, however, the difficulty of identifying suspects or obtaining evidence against them, since individuals committed criminal acts and then disappeared. On the other hand, I met privately with a member of the national commission which the Government had set up to investigate human rights violations in Darfur. His account indicated that the commission could potentially be effective in carrying out its mandate, although there were concerns with regard to the commission's mandate vis-à-vis government actors. If these concerns were addressed, then this commission could be a positive step, but one that needs to be observed and monitored to determine the extent to which it is effectively fulfilling its mandate.

26. Overall, my discussions with various interlocutors confirmed my own view that the role of the international community should, at least initially, be to assist the AU with equipment, logistical support and funding. The Government of the Sudan remains fearful of any direct international involvement and would probably resist it, either directly or through other means. I believe, however, that to avert the threat of direct international action, it would be quite prepared to cooperate with the international community under the AU umbrella. Such a cooperative protection mechanism would encourage the Government to become more assertive and transparent in disarming or otherwise neutralizing the Janjaweed. At the moment, the AU itself is backing the Government in resisting direct international intervention and this is likely to discourage any political action on the part of the international community to intervene. Should the AU fail in its mission because of lack of cooperation on the part of the Government and large numbers of people remain at risk, it would then be incumbent upon the AU to

report to the United Nations on the situation and call for remedial action. Under such circumstances, the international community would be encouraged and morally obligated to take direct and stronger measures to provide protection and humanitarian assistance to the people of Darfur and to develop a comprehensive response to the proliferating crises throughout the country, including expediting the conclusion of the Naivasha agreement and protocols between the Government and the SPLM/A.

## B. Humanitarian assistance

27. At the time of my mission, the humanitarian situation was reported to have been much improved with better cooperation on the part of the Government in facilitating access. Humanitarian workers, however, complained that persistent insecurity still impeded access. There were also complaints about the shortfall in the donor response, with less than 50 per cent of the humanitarian appeal having been funded. Indeed, at the time of writing, it is reported that only 30 per cent of those in need have clean water and that up to 500,000 IDPs remain inaccessible to any humanitarian assistance whatsoever.

28. Improved security arrangements will certainly facilitate access and perhaps encourage the donor community to bridge the gap and provide the needed support. Even under the present security conditions, NGOs felt that increased support would facilitate their activities and enhance protection of the civilians through their presence. At present, international staff presence has not yet risen to the totals needed to deliver assistance effectively and provide protection. There is also the issue of access to areas controlled by the rebels, which until recently have been inaccessible, and where the needs of the population have not been adequately assessed, let alone been met. On the other hand, since the rebel movements have an interest in having their people assisted, they should welcome cooperation with the humanitarian community.

## C. Political issues

### 1. Dealing with the threat of the Janjaweed

29. One of the most difficult issues in the Darfur crisis is the challenge confronting the Government in dealing with the Janjaweed. It was intimated to me that the surprise attack by the rebels in February 2003 had devastated and overwhelmed the government forces and that it was the support of the Janjaweed that was critical to the Government's response to this crisis. It was further intimated that the infrastructure of the Government's presence in the region had virtually collapsed and that it was the Janjaweed that provided the key security support for the Government. It was admitted frankly that it would be difficult, if not impossible, for the Government to turn around

and label its former allies criminals to be disarmed and punished. Given the fact that the Janjaweed are a conglomerate of various groups, well armed and not all under official control, questions were also raised as to the capacity of the Government to disarm them. It is, of course, difficult for the Government to admit all this publicly, but privately, it was candidly conveyed to me by authoritative persons. I believe it is important to understanding why the Government lacks the interest or the will to disarm the Janjaweed and why the role of the AU becomes essential.

30. The Government also feared that disarming the Janjaweed alone would tilt the military balance of force in the region in favour of the rebels. They argued that both the Janjaweed and the rebels should be disarmed. But, obviously, the two cannot be placed on the same moral ground, as the rebels, unlike the Janjaweed, have a political cause that is acknowledged, however also contested. The way out of this dilemma can only be to take concurrent measures to disarm or neutralize the Janjaweed while also actively seeking a political solution. The parties need to strictly observe the ceasefire and enter into serious negotiations to address the political aspects of the crisis. The rebel threat needs to be removed while the Government disarms or otherwise neutralizes the Janjaweed in cooperation with the international community.

## 2. Linkage with the situation in the South

31. The grievances behind the rebellion in Darfur as reflected in the marginalization, neglect and discrimination experienced by the region have been articulated by the leaders of the region for some time now and have been widely acknowledged. These grievances, though different in degree, are broadly shared by those in the South and other regions of the North, in particular the Nuba in South Kodofan, the Ingassana or Funj of the Southern Blue Nile and the Beja of eastern Sudan. The Government would do well to recognize the legitimacy of the rebel demands and enter into serious negotiations with them. The authorities argued that it was the rebels who were creating obstacles by continuously raising the stakes in the negotiations, perhaps in the expectation that international intervention will lead to the overthrow of the Government and improve the prospects for their greater participation in the successor regime. The rebels too need to be more realistic and seize the opportunity for a constructive resolution of the crisis.

32. As noted earlier, what is happening in Darfur has been happening in the South for decades, including the recruitment and deployment of Arab and other tribal militias, ostensibly to fight a proxy war against the rebels, but with atrocious consequences on the civilian population. There are both negative and positive lessons to be learned from the experiences of the South. The use of tribal militias has only added to the

devastation of the South and increased the bitterness of the people against the North. On the other hand, the negotiations between the Government and the SPLM/A, which appear to be moving towards a just and sustainable peace, offer a positive example and solid ground to be built upon. In particular, the provisions related to the Nuba in the Nuba Mountains and the Ingassana or Funj in the Southern Blue Nile, who are predominantly Muslim and in the North, could be adapted to Darfur. The agreement in fact envisages the application of those provisions to other regions, including Darfur.

33. It should be recalled that the first rebellion in Darfur took place in 1991, in close collaboration with the SPLM/A. That rebellion was ruthlessly crushed by the Government, but the grievances of the region were never addressed. It is widely believed that the SPLM/A was also involved in the recent rebellion, an allegation which the SPLM/A categorically denies. However, Dr. John Garang, the leader of the Movement, has offered to assist in the search for peace in Darfur, a position he personally conveyed to me. Vice-President Taha also told me that although the SPLM/A had been involved in Darfur earlier and had admitted doing so, he was certain that this was no longer the case. In fact, he was confident that the Movement, in particular John Garang, would cooperate in promoting a peaceful resolution of the Darfur crisis, confirming what Dr. Garang told me.

### 3. Options for the international community

34. The crisis in Darfur has engaged the international community in a number of ways, including: several visits to the region by prominent international personalities; the 3 July joint communiqué between the United Nations and the Government issued following the Secretary-General's visit; the Security Council resolution 1556 (2004) giving the Government a deadline of 30 August to disarm the Janjaweed, provide humanitarian access and address the crisis effectively; and, since my mission, an agreement between the Foreign Minister of the Sudan and the Special Representative of the Secretary-General, calling on the Government to take specific steps to disarm the Janjaweed, secure villages and camps, set up safe access routes and escorted convoys for IDPs to return to their villages, and arrange a ceasefire with the rebel movements.

35. These steps are intended to be indicators of progress and of the Government's commitment to the implementation of the Security Council resolution. Meanwhile, there has been sustained media pressure on the international community to deploy protection forces in Darfur under Chapter VII of the Charter of the United Nations. This option was echoed to me by the displaced in the camps. The response of the Government and others in the country was not only to cry out against such international intervention, but also to threaten armed resistance.

36. There is also the issue of the extent to which there is willingness or consensus on the part of the international community to take military action or impose sanctions on the Government. Even assuming that there is a will to take military action, the question is whether such an international use of force would end or compound the crisis. The chances are that far from alleviating the suffering of the people of Darfur, it would complicate and aggravate the situation. First, there is bound to be an armed resistance and given the level of religious extremism under the regime, there could be a mobilization of civilians ready to die as a path to heaven in the manipulated name of jihad, as has indeed happened elsewhere. Second, as this would turn Darfur into a theatre for another layer of conflict, the people of the region could face increased levels of suffering. Third, if the Government were to confront the international community in an armed conflict, it would be unlikely that cooperation over the peace process in the South would continue. The result would be almost certain to fundamentally undermine the peace process and lead to its collapse and plunge the whole country into an even greater crisis.

37. The crisis in Darfur has already overshadowed the positive development towards achieving peace in the South. As Vice-President Taha said, the country did not even have the time to celebrate the achievement of peace between the Government and the SPLM/A. It is worth noting that he and the leader of the SPLM, John Garang, personally played a crucial role in the negotiations. In general, instead of the peace process in the South influencing the situation in Darfur in a positive way, international intervention in Darfur at this juncture would push the country into an unknown future of multiple conflicts, with catastrophic consequences. Since the AU itself has argued against international intervention in Darfur and that it is an African problem to be solved by the Africans themselves, the best option, as I maintained earlier, would be for the international community to support the AU to meet this challenge.

38. For its part, the AU has in Darfur the opportunity to discharge the regional responsibility to protect the African people where their own Governments fail to do so. This would be a badly needed precedent on the continent. While there are reasons to believe that the Government will oppose the intervention of the AU and has already indicated that opposition, it would be compelled to accept it as a lesser level of direct international intervention. The AU must, therefore, demand the cooperation of the Government and assert its obligation to become involved. Should the AU fail to persuade the Government or otherwise to assert itself, as I have already suggested, it should then come back to the United Nations, report on the situation, and call for direct and more assertive international action. Under those circumstances, the United Nations will be more likely to muster the international will for stronger measures not only to address the crisis in Darfur, but also to leverage a formula for

comprehensively resolving the multiple crises afflicting the country, including the conclusion and implementation of the impending agreement between the Government and the SPLM/A.

39. In my dialogue with the authorities, I emphasized that the Sudan has already fallen too much into the international limelight to escape scrutiny and accountability now. In any case, no country in the current international climate can suffer a serious humanitarian crisis, placing large numbers of people at risk, and expect to be left alone by the international community. Nor can the Sudan confront the international community without risking further devastation. The alternative then is to cooperate, sincerely and transparently, with the international community to address the crisis effectively, or face the threat of the use of force or sanctions by the international community.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

40. **As noted earlier, the main findings, conclusions and recommendations of my mission can be summarized under several headings: (i) the security situation and the protection of the internally displaced as well as the civilian population at large; (ii) the provision of humanitarian assistance; and (iii) the political issues, including the issue of the Janjaweed and other armed groups, the linkages of the Darfur crisis to the war in the South, the impending peace agreement between the Government and the SPLM/A, and the options before the international community in its response to the crisis in Darfur.**

##### **Security and civilian protection**

41. **Addressing the security situation must be the absolute priority. All attacks on the civilian population need to be stopped. The Government can, of course, immediately stop its armed forces and militias under its control from attacking civilian populations. It can also facilitate, further to its commitment to the United Nations, access to Darfur of United Nations human rights monitors, whose presence on the ground in the camps and in areas of return is crucial. While the internally displaced do not feel it is safe to return to their villages, their aspiration is to go back when it is safe to do so. Ensuring that return takes place in safety and with dignity must be the guiding principle. This will require that the Janjaweed militia and other armed groups be disarmed or otherwise neutralized and that all ties between them and the Government be severed. Given the alliance between the Government and the Janjaweed, it would be more pragmatic for the Government to work closely and transparently with the international community, and specifically with the AU, to take appropriate measures for disarming or neutralizing them and**

their threat. Since the internally displaced and other civilians in the conflict zones are fearful of all security forces, including the state and national police, international training on the ground and possible deployment of CIVPOL or other police officers from AU countries could help foster confidence in national police protection, as mentioned in paragraph 23.

#### **Humanitarian assistance**

42. Cooperation on security and protection would create the necessary environment for humanitarian activities, allow for access by the United Nations and other humanitarian workers, including national and international NGOs, and encourage the donor community to make up the shortfall and provide the needed support. The Government of the Sudan needs to intensify its cooperation with the international humanitarian community in a transparent and open manner in order to ensure swift, effective and sustained assistance and protection for the displaced. There is also an urgent need for the humanitarian community to significantly increase the number of staff on the ground, who, in addition to providing the required assistance, would also have a significant protection role in preventing further human rights violations against the internally displaced and returnees. In the immediate term, an urgent priority is to ensure that the required humanitarian assistance and protection reach all the needy populations of Darfur. The issue of voluntary return has to be addressed jointly and constructively by the international community and the national authorities. The right to return voluntarily in safety and dignity must be respected at all times. This will also contribute to the sustainability of return.

#### **Addressing the political dimension**

43. The first political issue is dealing with the threat of the Janjaweed. As already noted, a cooperative arrangement with the international community could check the armed activities of the Janjaweed. Given the fear of the Government about an imbalance in favour of the rebels, the security measures against the Janjaweed and other armed groups should go hand in hand with ensuring strict adherence to the ceasefire agreement between the parties to the conflict.

44. Next, linkage with the war in the South. As what is happening in Darfur is not dissimilar to what has been happening in the South for decades, including the use of tribal militias and atrocities against civilians, lessons from that experience could be used to identify negative practices to be avoided and positive developments. A meeting involving experienced Southerners with Darfurians and

**government representatives in the context of a workshop or a symposium would facilitate this purpose.**

**45. The second political issue is the adaptation of elements of the peace agreement with the SPLM/A, especially those relating to the Nuba Mountains and Southern Blue Nile, to the situation in Darfur. This should be possible as the grievances of Darfur are recognized as being similar to those that have been addressed in the ongoing peace process between the Government and the SPLM/A. It could be done with the help of some of the individuals who have been involved in that peace process. Their experience could be a vital resource in the negotiations. Conversely, failure to manage the Darfur crisis constructively could eventually jeopardize the peace achievement in the South, thereby undermining international efforts in resolving the conflict and plunging the country into yet another catastrophe.**

**46. The positive role played by the AU Cease Fire Commission should be developed, enhanced and supported with equipment, logistics and funding, as it appears to be more acceptable to the Government than international intervention. The AU has already shown itself to have the potential to maintain peace and build confidence between the parties and, as already noted, provides a cover for the Government to rein in the Janjaweed and other armed groups. The expansion of the role of the AU to enable it to protect civilians would be an important step towards meeting security problems in the area.**

**47. The tragedy the Sudan has been going through for decades in the southern part of the country, since the 1980s extended into the Nuba Mountains and Southern Blue Nile and now dramatized by the unfolding crisis in Darfur, signifies a nation in painful search of itself. The Sudan used to be viewed in terms of a simplistic dichotomy between an Arab Muslim North and an African Christian and animist South. For Southerners, all Northerners were Arabs and Muslims. The first war in the South, 1955-1972, was fought mostly by soldiers from the Nuba Mountains and Darfur. With the resumption of the war in 1983, the SPLM/A reversed the separatist agenda of the South and called for a New United Sudan, free from any discrimination on the grounds of race, ethnicity, religion, culture or gender. The Nuba and the Ingassana or Funj of the Southern Blue Nile began to disavow Arab identity and joined the South in the struggle for equality. The Beja in eastern Sudan, though not part of the SPLM/A, are also asserting their non-Arab identity and demanding equal rights as citizens. The non-Arabs of Darfur, though belated in the assertion of their non-Arab identity, appear now to be undergoing a similar**

**transformation. The identification of the conflicting parties as Arabs or Africans, or Blacks, is certainly new to Darfur.**

**48. With the people of the South, the Nuba Mountains, the Southern Blue Nile, the Beja, and now the predominantly non-Arab groups in Darfur challenging the one-sided Arab orientation of the national identity framework, the country is called upon to transform itself and start a new common and inclusive framework of national identity in which all Sudanese would find a sense of belonging as citizens with the equality and dignity of citizenship. To resist this unfolding identity reconfiguration and demand for equality would be imprudent, unsustainable and self-defeating. It is time for a genuine national dialogue towards a comprehensive peace, security and stability in the country.**

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