

## The AU's Mission in Darfur: Bridging the Gaps

### I. OVERVIEW

The international community is failing in its responsibility to protect the inhabitants of Darfur, many of whom are still dying or face indefinite displacement from their homes. New thinking and bold action are urgently needed. The consensus to support a rough doubling of the African Union (AU) force to 7,731 troops by the end of September 2005 under the existing mandate is an inadequate response to the crisis. The mandate must be strengthened to prioritise civilian protection, and a force level of at least 12,000 to 15,000 is needed urgently *now*, not in nearly a year as currently envisaged.

This requires more courageous thinking by the AU, NATO, the European Union (EU), the UN and the U.S. to get adequate force levels on the ground in Darfur with an appropriate civilian protection mandate as quickly as possible, which in practical terms means within the next two months. Otherwise, security will continue to deteriorate, the hope that displaced inhabitants will ever return home will become even more distant, and prospects for a political settlement will remain dim.

While the UN and international non-governmental organisations (NGOs) have taken the lead in responding to growing humanitarian needs and authorising accountability measures against those responsible for atrocities, the AU has the lead for reaching a political solution to the conflict and monitoring the humanitarian and ceasefire agreements. The AU Mission in Sudan (AMIS) has had a positive impact on security in some areas by often going beyond the strict terms of its mandate -- but its ability to protect civilians and humanitarian operations is hamstrung by limited capacity, insufficient resources and political constraints.

The assumption that the Sudanese government will fulfil its responsibilities and continued reliance on its cooperation as a pre-requisite for action against the militias with which it is allied are egregious self-deceptions. Khartoum's interest in seeking a lasting solution to the conflict is disingenuous, and it has systematically flouted numerous commitments to rein

in its proxy militias -- collectively known as the Janjaweed. It has consistently opted for cosmetic efforts aimed at appeasing international pressure, minimised the political dimensions of the conflict, and inflamed ethnic divisions to achieve military objectives.

Equally flawed is the concept that the atrocities are African-only problems that require African-only solutions. The well-documented abuses that continue to occur demand broader and more robust international efforts aimed at enhancing the AU's ability to lead. In view of the Sudanese government's abdication of its sovereign duty and to the extent that the AU cannot adequately protect Sudan's civilians, the broader international community has a responsibility to do so.

Civilian protection needs to become the primary objective. Crisis Group recommends the following immediate steps, building on AU efforts, to deploy a multinational military force with sufficient size, operational capacity and mandate:

- ❑ *agree on a stronger mandate.* The AU must strengthen AMIS's mandate to enable and encourage it to undertake all necessary measures, including offensive action, against any attacks or threats to civilians and humanitarian operations, whether from militias operating with the government or from the rebels. Without a stronger mandate, the ability of AMIS -- or any other international force -- to provide protection will remain extremely limited, regardless of its size;
- ❑ *recognise that many more troops are needed.* 12,000-15,000 should, in Crisis Group's estimate, be on the ground *now* to protect villages against further attack or destruction, displaced persons (IDPs) against forced repatriation and intimidation, and women from systematic rape outside the camps, as well as to provide security for humanitarian operations and neutralise the government-supported militias that prey on civilians;
- ❑ *support a much more rapid reinforcement of AMIS.* The current AU plan is to reach 7,731 -- including 1,560 civilian police -- by September

2005. The AU believes this relatively small force could largely stabilise the situation and that it might then need to go up to 12,300 by the second quarter of 2006 in order also to facilitate the eventual return of the displaced to their homes. Crisis Group believes even the latter number is at the low end of what is required first to provide stability in a still lethal situation, that these troops need to be appropriately equipped, trained and of a quality to undertake a dangerous civilian protection mission and that the AU should consequently approve and commence an immediate increase in AMIS to 12,000-plus highly ready personnel, to be in-country within 60 days. The need for civilian police is especially urgent;

- *provide strong, immediate international support.* To meet these objectives, the UN, EU and NATO must offer the AU additional help in force preparation, deployment, sustainment, intelligence, command and control, communications and tactical (day and night) mobility, including the deployment of their own assets and personnel to meet capability gaps as needed;
- *develop a Bridging Force Option.* If the AU cannot meet these objectives -- numbers and quality of troops, and time -- NATO should work closely with the AU to deploy its own bridging force and bring the total force up to 12,000 to 15,000 within 60 days and maintain it at that level until the AU can perform the mission entirely with its own personnel. The AU should agree that until such time, its units would come under command and control of the NATO mission. The UN Security Council should authorise the mission with a civilian protection mandate but if it does not, the AU and NATO would need to assume the responsibility and agree on an appropriate mandate. If the Sudanese government does not accept such a mission, NATO and the AU would need to prepare a much larger one to operate in a non-permissive environment; and
- *enforce the Security Council ban on offensive military flights.* The AU and NATO should agree on enforcement measures to be applied if Khartoum violates the prohibition in UN Security Council Resolution 1591.

## II. THE CURRENT STATUS OF CIVILIAN PROTECTION

2005 has seen a decline in major combat between government forces and the two main rebel groups -- the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). Both sides have sent public and private signals that they are restraining their forces to improve the chances for peace.<sup>1</sup> From the government side, Vice President Ali Osman Taha has arranged high-level tribal reconciliation conferences in Khartoum and Tripoli, as well as Darfur, during the last two months.

It would be wrong, however, to conclude that any of this indicates a genuine change of strategy by the parties. It is a reaction to mounting international pressure. Khartoum seeks to dilute the impact of UN Security Council Resolutions 1591 and 1593. Its commitments do not run deep, as evidenced by its superficial implementation of measures adopted at the tribal reconciliation conferences.<sup>2</sup> Though pressed increasingly to cease attacks on humanitarian operations, return to the negotiating table, and unify their movements, the SLA and JEM continue to splinter internally, making the quest for a political solution ever more elusive and contributing to worsening insecurity in Darfur.<sup>3</sup> The gap between public postures and on-

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<sup>1</sup> Top government officials have pledged to cease offensive actions. "VP Taha Advises Armed Forces to Continue Policy of Self-Restraint in Darfur", *Al-Ayaam*, 4 May 2005. The SLA leadership held meetings in Darfur in early May 2005 at which it instructed its forces to show restraint for three months. Crisis Group interviews, May 2005.

<sup>2</sup> Resolution 1591 (29 March 2005) extended a Darfur arms embargo to the government, set up a mechanism for targeted sanctions against individuals posing "a threat to stability in Darfur and the region", and demanded an end to offensive military flights over Darfur. Resolution 1593 (31 March 2005) referred the Darfur situation to the International Criminal Court (ICC). The Arab-Fur agreement in Khartoum and subsequent tribal meetings in Nyala, Um Kadada, and Kutum have been dismissed by many in Darfur as a sham, orchestrated more for external purposes than genuine reconciliation and allegedly involving large cash pay-outs. Outraged Fur tribe members demanded the lead signatory, Yusuf Bakheit, retract his action. A government official admitted the reconciliation process was partially an attempt to render Resolution 1593 irrelevant by encouraging tribes to address their grievances through tribal agreements rather than by looking to the ICC. Crisis Group interviews, May 2005.

<sup>3</sup> "Monthly Report of the Secretary General on Darfur", 10 May 2005, S/2005/305; Opheera McDoom, "Darfur Rebels Delay Peace Talks -- UN Envoy", Reuters, 25 May 2005.

the-ground commitments, particularly by the government, ensures persistence of four trends.

First, a basic cause for the decline in large attacks is the degree to which Khartoum has achieved its counter-insurgency objective as a result of the displacement and death that has already occurred.<sup>4</sup> In many places the government's focus has shifted from displacement to controlling internally displaced persons (IDPs). In these areas, civilians fear government security forces and police -- the very institutions the UN and AU have relied on to protect civilians -- as much as the Janjaweed.<sup>5</sup>

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<sup>4</sup> Where there has been widespread displacement, death, and forcible isolation of Fur, Massaliet, Zaghawa, and other African tribes into IDP camps, the government and allied militias have less need to continue the scorched-earth campaign. A government official admitted in explaining the decline in large attacks in parts of Darfur, "We are happy with the land we have". Crisis Group interview, May 2005. There is no general agreement on the number of deaths since the conflict began and will not be until Khartoum allows a credible mortality survey in all three Darfur states. The conservative estimates given below are derived as follows: Dr. Jan Coebergh has calculated 108,588 deaths from malnutrition and disease in IDP camps to January 2005, and 25,000 among inaccessible populations to September 2004, from World Health Organisation (WHO) and U.S. Agency for International Development (USAID) figures, "Sudan: the Genocide Has Killed More than the Tsunami", *Parliamentary Brief*, vol. 7, no. 9, February 2005, and WHO Report, "Retrospective Mortality Survey among the IDP Population", 15 September 2004, updated in "Sudan: Mortality Projections for Darfur", 15 October 2004, and the USAID website at [http://www.usaid.gov/locations/sub-saharan\\_africa/sudan/cmrdarfurtext.html](http://www.usaid.gov/locations/sub-saharan_africa/sudan/cmrdarfurtext.html). He calculates 73,700 violent deaths by extrapolating from a study by Médecins Sans Frontières (MSF) and the epidemiological research centre Epicentre between April and June 2004, "Health Assessment in Emergencies", final report by MSF and Epicentre, June 2004; he prefers the higher figure of 172,542 violent deaths extrapolated from a study by the U.S. Department of State and the Coalition for International Justice, "Documenting Atrocities in Darfur", U.S. Department of State, September 2004, but acknowledges it was based on an extremely small sample. Combining 108,588, 25,000 and 73,700 gives 207,288 deaths as at January 2005. This is at the lower end of possible extrapolations; a total of more than 300,000 is credible. Dr. Eric Reeves of Smith College, an independent researcher on Sudan, extrapolated data from localised mortality and morbidity surveys to conclude that 400,000 may have perished. "Darfur Mortality Update, 30 April 2005", [www.sudanreeves.org/modules.php?op=modload&name=News&file=article&sid=51&mode=thread&order=0&thold=0](http://www.sudanreeves.org/modules.php?op=modload&name=News&file=article&sid=51&mode=thread&order=0&thold=0).

<sup>5</sup> Crisis Group interviews, Darfur, May 2005. Sexual abuse and exploitation of IDPs by Sudanese police and security forces is a regular occurrence. In one recent instance in South

Secondly, both sides are using the lull to rearm and reposition forces, indicating serious new fighting is a distinct possibility.<sup>6</sup> Although government use of air power decreased over the past months, a recent report indicates it used Antonov aircraft to bomb on 23 May and attack helicopters against a village in South Darfur on 13 May.<sup>7</sup>

Thirdly, the rebels' weak leadership and command and control and their increasing divisions have contributed to delays in peace talks and produced more insecurity. Rebel attacks on humanitarian convoys and obstruction of non-governmental organisations (NGOs) and the African Union (AU) in the field have jeopardised delivery of life-saving food and other relief to the very people the rebels claim to represent.<sup>8</sup> SLA-JEM clashes in Graidia, South Darfur on 3 June, indicating a struggle for control of territory ahead of the Abuja negotiations and while the AU was redeploying troops to the area, are further worrying signs.<sup>9</sup> Khartoum tries to exploit these differences by talking quietly with JEM in hopes of luring it into the government of national unity to be established with the Sudan People's Liberation Movement (SPLM).<sup>10</sup>

Fourthly, and most disturbing, is the government's continued use of proxy militias and incitement of ethnic violence. Rather than disarming its allies, the Janjaweed militias, as it has pledged numerous times,<sup>11</sup> it continues to recruit, train, financially

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Darfur, young boys accompanied IDP women to an area where the women make mud bricks. Security forces beat the boys because their presence prevented them from assaulting the women. U.S. government sources, May 2005. Regular abuse and harassment have increased tension between IDPs and government security forces. On 20 and 21 May 2005, violence broke out between IDPs and police officers in Kalma camp in South Darfur. "Monthly Report of the Secretary General on Darfur", 9 June 2005, S/2005/378, p. 3.

<sup>6</sup> Crisis Group interviews, April and May 2005; "Monthly Report of the Secretary General on Darfur", 9 June 2005, S/2005/378.

<sup>7</sup> "State-Led Murder and Rape of Villagers in Darfur Uncovered", *The Scotsman*, 31 May 2005.

<sup>8</sup> For example, on 10 May 2005, the SLA detained eighteen members of an AMIS patrol; on 31 May the SLA detained and interrogated members of a UN team conducting a mortality survey in South Darfur. "Monthly Report of the Secretary General on Darfur", 9 June 2005, S/2005/378; "United Nations Sudan Situation Report", 2 June 2005.

<sup>9</sup> "African Union -- African Mission in Sudan" Press Statement, 6 June 2005, at [http://www.sudantribune.com/article.php?id\\_article=9989](http://www.sudantribune.com/article.php?id_article=9989).

<sup>10</sup> Crisis Group interviews, Khartoum and Darfur, May 2005.

<sup>11</sup> The government has agreed to neutralise or disarm the militias it has armed and controls or influences in five separate agreements: the N'djamena ceasefire agreement of 8

support, and arm ethnically-based militias and police forces.<sup>12</sup>

Because the government still supports and protects these militias -- responsible for more than 75 per cent of all verified killings in Darfur since the AU Ceasefire Commission started work in June 2004 -- the relative battlefield lull has not improved civilian security.<sup>13</sup> Civilians continue to face systematic attacks, rape, and murder by the Janjaweed and the regular army.<sup>14</sup> More than 2 million people are fearful of venturing outside IDP camps, let alone returning to their homes.<sup>15</sup> The premise that Khartoum will act in good faith to protect its citizens, fulfil commitments to identify and neutralise the militias, and punish those responsible for human rights abuse is fundamentally flawed. This was demonstrated on 7 April when a government-supported tribal militia ravaged Khor Abeche village despite assurances given to the AU days earlier.<sup>16</sup> The government refuses to control the leader of that militia,

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April 2004, the N'djamena agreement of 25 April 2004, the 3 July 2004 communiqué signed with the UN, the 5 August 2004 Plan of Action signed with the UN, and the 9 November 2004 Protocol on Security Arrangements signed at the AU-led Abuja talks. The government has also agreed to identify militias under its control or influence in the Plan of Action and the Protocol on Security Arrangements. It reiterated its promise to disarm militias in the 19 December Ceasefire Agreement signed with the National Movement for Reform and Development (NMRD). UN Security Council Resolutions 1556 and 1564 also demanded that the government disarm the Janjaweed militias. It has fulfilled none of these commitments.

<sup>12</sup> Examples abound across Darfur. In late April 2005 the AU reported that some 400 individuals graduated from militia training in Kutum, North Darfur. In West Darfur government officials travelled to Selea in mid-May to recruit members of the Misseriya Jebel tribe for a "police" force. In South Darfur the government continues to support the Um Kemelti tribal militia against the Zaghawa Rutana. Moreover, Janjaweed leaders remain on the payroll of the state governments. Crisis Group interviews, April and May 2005.

<sup>13</sup> Crisis Group interviews with AU officials, April and May 2005.

<sup>14</sup> "Monthly Report of the Secretary General on Darfur", 10 May 2005, S/2005/305; "UN'S Annan Regaled with Darfur Camp Horror Stories", Agence France-Presse, 28 May 2005.

<sup>15</sup> A comprehensive survey of IDPs completed in January 2005 found that the nearly unanimous sentiment among a cross-section in North Darfur was that it was not safe to return home, "Survey of IDP Views about Return or Relocation", Interagency Returns Survey, North Darfur State.

<sup>16</sup> "Joint Statement by The African Union Mission in the Sudan and the United Nations Mission in the Sudan issued by Ambassador Baba Gana Kingibe and Mr Jan Pronk on the destruction of Khor Abeche on 7 April 2005 by armed militia".

Nasir al Tijani Adel Kaadir, who freely moves around South Darfur and visits government offices in Nyala.<sup>17</sup>

## A. AMIS: THE SUCCESSES

The AU's Peace and Security Council (PSC) first discussed Darfur on 27 July 2004, when it requested its Chairperson to prepare a plan for making AMIS more effective. It emphasised the importance of disarming and neutralising the Janjaweed militias, protecting civilians, and facilitating humanitarian assistance, and raised the possibility of an AU peacekeeping mission.<sup>18</sup> Although PSC decisions are legally binding on AU members, the organisation soon realised that Khartoum's at least tacit cooperation was needed for successful deployment, thus limiting the scope of its activities to those acceptable to the government. As a result, the PSC retreated from its initial concept and on 20 October 2004 decided that the mission mandate should be:

- ❑ to monitor compliance with the 8 April 2004 Humanitarian Ceasefire Agreement and subsequent agreements;
- ❑ to assist in confidence-building;
- ❑ to protect civilians encountered who are under imminent threat and in the immediate vicinity, within the limits of mission capability, it being understood that civilian protection is the government's responsibility;<sup>19</sup> and
- ❑ to contribute to a secure environment for the delivery of humanitarian relief and the eventual return of IDPs and refugees to their homes.<sup>20</sup>

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<sup>17</sup> Action by the government against the militias would equate to severing ties with its allies among Darfur's Arab tribes, who in turn have threatened to turn against the government and/or expose the full details of its complicity in the ethnic cleansing.

<sup>18</sup> AU PSC Communiqué, PSC/PR/Comm (XIII), 27 July 2004.

<sup>19</sup> Nevertheless, some AMIS troops have interpreted the civilian protection aspect of the mandate to the fullest extent and have positively impacted the security situation in their vicinity.

<sup>20</sup> PSC/PR/Comm, op. cit. The full range of tasks are: monitor and verify the provision of security for returning IDPs and in the vicinity of existing IDP camps; monitor and verify cessation of all hostile acts by all parties; monitor and verify hostile militia activities against the population; monitor and verify efforts of the Sudanese government to disarm government-controlled militias; investigate and report on allegations of violations of the Humanitarian Ceasefire Agreement; protect static and mobile humanitarian operations under imminent threat and in the immediate vicinity, within capabilities; provide visible military presence

The PSC authorised a mission strength of 3,320.<sup>21</sup> While the military component is almost fully deployed, the civilian police are at only a little better than half strength.<sup>22</sup> In March 2005, an AU Joint Assessment Mission (JAM) -- carried out with EU, U.S. and UN participation -- found that:

- ❑ AMIS makes a significant difference where it is present but large areas are beyond its reach on all but an occasional basis;
- ❑ neither the assumptions on which the mission was planned nor those on which the Humanitarian Ceasefire Agreement was based have been borne out; and
- ❑ AMIS, though near its authorised ceiling, is not fully effective and needs to give greater priority to creating a secure environment.<sup>23</sup>

Subsequently, on 28 April, the PSC approved a second expansion of AMIS to 7,731, to be achieved in September 2005.<sup>24</sup> Moreover, although this has not yet been explicitly approved, AU Commission Chairman Alpha Oumar Konare, in line with the JAM

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by patrolling and establishing temporary outposts in order to deter uncontrolled armed groups from committing hostile acts against the population; assist in the development of proactive confidence-building measures; establish and maintain contact with the Sudanese police; establish and maintain contact with community leaders to receive complaints or seek advice on issues of concern; observe, monitor and report on local police; investigate and report all matters of police non-compliance with the Humanitarian Ceasefire Agreement.

<sup>21</sup> Ibid. Included are the Protection Force (1,703), CIVPOL (815), MILOBS (450) and other staff (352).

<sup>22</sup> CIVPOL is 318 short of its authorised 815 personnel primarily because contributing countries have not met their promised timetables. The small military component shortfall is approximately 100, mainly in MILOBS. Crisis Group interviews, Darfur and Kenya, May and June 2005. "Monthly Report of the Secretary General on Darfur", 9 June 2005, S/2005/378.

<sup>23</sup> The AU Assessment Mission to Darfur Sudan, 10-22 March 2005: Report of the Joint Assessment Team.

<sup>24</sup> The envisaged breakdown is Protection Force including staff (5,469), CIVPOL (1,560), and MILOBS (702). AU PSC Communiqué, PSC/PR/Comm (XXVIII), Addis Ababa, 28 April 2005. The purpose of the expansion was described as "improved compliance with the N'djamena Humanitarian Ceasefire Agreement and the Abuja Protocols; a secure environment for IDPs in and around the camps; and a secure environment and access to humanitarian relief and services for civilians who are not yet displaced (or who are returning) but are deemed vulnerable". Ibid, Article 114.

report, recommended in his report that day<sup>25</sup> that after completion of this expansion, AMIS should be increased again, to approximately 12,300<sup>26</sup> by the second quarter of 2006, "to contribute to a secure environment throughout Darfur in order to enable full returns of displaced persons".<sup>27</sup>

AMIS has contributed to the reduction in combat through its limited presence and its reporting. It has had some success in reducing insecurity for civilians in the areas where it has deployed. Examples include:

- ❑ following months of daytime violence in Kebkabiyah (North Darfur), AMIS established a permanent mission in late 2004, with the result that the Janjaweed no longer terrorise residents and IDPs inside the town, markets have re-opened, and humanitarian NGOs operate in a more secure environment;<sup>28</sup>
- ❑ deployment to Labado (South Darfur) in January 2005 thwarted new attacks against that town and neighbouring Muhajaria and enabled some civilians to return home;<sup>29</sup>
- ❑ positioning a Military Observer Group in Graidia (South Darfur) in February 2005 allowed the road to Baram to be opened and contributed to reducing violence between the Masalit and Habaniya tribes;
- ❑ in some locations, AMIS does liaise with traditional leaders to address citizen concerns, while striving to forge local reconciliation agreements to prevent cattle rustling from escalating into large-scale violence;<sup>30</sup>
- ❑ AMIS has frequently ferried civilians who have been raped or attacked to hospitals or clinics,

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<sup>25</sup> AU PSC Communiqué, 28 April 2005, op. cit. ; "Report of the Chairperson of the Commission on the Situation in the Darfur Region of the Sudan", PSC/PR/2 (XXVIII), Addis Ababa, 28 April 2005.

<sup>26</sup> Preliminary planning for the expansion to 12,300 has begun. Crisis Group interview with U.S. official, June 2005.

<sup>27</sup> AU PSC Communiqué, 28 April 2005, op. cit., Article 115.

<sup>28</sup> However, civilians and IDPs continue to live in fear of Sudanese security and police forces in town and are unable to venture outside it due to persistent attacks and rapes by Janjaweed militias.

<sup>29</sup> This deployment came only after Labado had been attacked and a string of nearby villages razed in a December 2004 - January 2005 government offensive. On the AU intervention in Labado, see "African Union Peace Monitors Creating Pockets of Security in Darfur", Refugees International, 25 February 2005.

<sup>30</sup> AMIS forces based in Nyala (South Darfur) are particularly active.

sometimes despite resistance from government forces seeking to conceal the targeting of civilians; and

- AMIS firewood patrols in several sectors protect women from assault and rape outside the camps.

## B. AMIS: THE LIMITATIONS

Nevertheless, AMIS as presently envisaged cannot adequately protect civilians. Its ability to monitor the ceasefire, protect civilians and provide security for humanitarian operations is severely limited. Civilian protection in an area the size of France or Texas requires a far larger force than AMIS presently has or anticipates having at least until well into 2006. Militias have attacked civilian targets, and the parties have attacked one another in AMIS's presence.<sup>31</sup> The recent fighting in Graidia between SLA and JEM demonstrates that when the parties are set on violence, AMIS can do little under its current mandate. In other instances, AMIS troops have come under fire.<sup>32</sup>

The limitations are partially a consequence of AU inexperience in peacekeeping and the nascent stage of its PSC mechanisms, particularly in mission management and force generation. But beyond these institutional problems, the AU military operations in Darfur face constraints that would hamstring even the most experienced peacekeeping force: an inadequate mandate, insufficient forces and capabilities, and political failure to acknowledge that the Sudanese government has consistently failed to meet its responsibilities to neutralise the militias and protect its citizens.

With a restrictive mandate and limited forces, AMIS tries to establish security primarily by deploying across parts of the eight regional sectors.<sup>33</sup> It does not

routinely patrol those sectors but rather sends small groups of military observers (MILOBS)<sup>34</sup> to selected outposts or areas of interest. These teams, which are usually accompanied by squad or platoon-sized elements from the protection force, resolve local social or security disputes through diplomacy and interact with the community but cannot sustain operations without daily assistance from their sector HQ or local base.

AMIS does not provide direct physical security for IDP camps. This is the responsibility of Sudanese police,<sup>35</sup> who are widely distrusted by the IDPs. The AMIS response -- to put unarmed CIVPOL into the camps to work alongside their Sudanese counterparts -- has been hampered by slow CIVPOL deployment and lack of logistical planning. Yet even a larger, more permanent CIVPOL presence would have virtually no effect on reducing attacks against civilians outside the camps, where most atrocities occur. The keys to improving security across the region and creating an environment where civilians feel safe to return home are a stronger mandate to protect civilians and more troops, with improved capabilities, to implement it.

The JAM report described shortfalls, including "lack of clarity in the chain of command, lack of capacity and human resources, misallocation of tasks between

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based on proximity to IDP concentrations and airstrips. AMIS forces are distributed throughout these sectors commensurate with sector-specific threats. Each sector has between three and fourteen IDP camps, a headquarters (HQ) and two Military Observer (MILOB) group sites (MGS). One MGS in each sector is co-located at a shared facility with the headquarters. This makes for sixteen AMIS facilities throughout Darfur, in addition to the Force Headquarters at El Fashir and two additional sites at Marla and Labado. The facilities were constructed by Pacific Architects and Engineering (PAE) with U.S. government funding. Each provides shelter, potable water, sanitation, food, power generation, fuel, ammunition, and limited communications. The facilities within each sector are approximately 65 kilometres apart, which facilitates patrol overlap if necessary.

<sup>34</sup> Each MILOB observer group (MOG) has approximately 130 personnel: 100 for force protection, twenty staff, and ten MILOBs. The MILOB teams generally consist of six AU observers and four others -- usually one each from the government, SLA, and JEM, and one from the U.S. or EU.

<sup>35</sup> The goal of the current deployment plan is to have twenty to 25 police officers deployed in each of 30 IDP camps/villages. When CIVPOL expands to 1,560 in 2006, it will cover another 35 camps/villages. CIVPOL will not live inside the vulnerable camps and villages but will keep a 24-hour presence and a station. Crisis Group interview, AU official, Darfur, May 2005.

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<sup>31</sup> For example, Janjaweed militia attacked a village near Labado while AMIS forces looked on. "UN's Annan Visits Burned-Out Town in Sudan's Darfur", Reuters, 28 May 2005.

<sup>32</sup> AMIS patrols have come under fire in all three Darfur states numerous times since December 2004 but have suffered a serious injury only once. "Gunmen Ambush AU Monitors in South Darfur", IRIN, 31 March 2005. The intent appears to be to intimidate, not injure or kill. Crisis Group interviews, December 2004 - May 2005.

<sup>33</sup> AMIS is headquartered in El Fasher, with an area of responsibility divided geographically into eight sectors. The sector headquarters are located at: (1) El Fashir; (2) Nyala; (3) Geneina; (4) Kebkabiyah; (5) Tine; (6) Kutum; (7) Zalingei; and (8) El Da'in. These locations were chosen

Addis, Khartoum and El Fasher,<sup>36</sup> and absence of standard operating procedures".<sup>37</sup> The most glaring deficiency is lack of operational focus and command presence at the El Fasher force headquarters, most apparent in the absence of a 24-hour Joint Operations Cell (JOC) and appropriately trained personnel to staff it.<sup>38</sup> Without a JOC, which should be the focal point for coordination and execution of its tasks, the mission cannot respond effectively to developing situations.<sup>39</sup> There has been gradual improvement since the start of the operation in operational staff procedures but more is needed.<sup>40</sup> These deficiencies should be corrected as a first priority as the mission is expanded. Otherwise, problems will be exacerbated and become more difficult to correct as the operational tempo and responsibilities increase.<sup>41</sup>

Communication limitations severely curtail AMIS's ability to conduct operations. The mission lacks capability to transmit critical data such as operational orders or intelligence in a secure, high speed way. Communications are mostly passed from headquarters to units via voice transmission "in the open" or hard copy messages, which are liable to be intercepted by the Sudanese government.

AMIS does not have an intelligence apparatus or collection capacity and does not actively analyse or disseminate intelligence. It is, therefore, unable to give critical information to sector commanders that would permit them to take timely measures, even though intelligence gathering and monitoring of government, militia and rebel forces are two key responsibilities

granted it under the Abuja Security Agreement of November 2004.<sup>42</sup>

Troop mobility is hamstrung by inadequate ground transport and air assets. AMIS has no large troop transport vehicles, though it does have approximately ten armoured personnel carriers (APCs), some with heavy machine guns, and a limited number of light armoured vehicles. Its numerous light trucks and 4x4 vehicles have limited combat value since they have no armament. Not all are capable of off-road movement.<sup>43</sup>

AMIS uses eighteen Mi-8 helicopters for most air operations. These are contracted, unarmed civilian aircraft without forward-looking infra-red (FLIR), tactical communications or night capability. AMIS ground facilities cannot communicate with or direct them in flight. The mission thus cannot send forces into a hostile environment or conduct sustained day or night-time patrols, including along likely avenues of approach to targets attackers may use or aid agency transportation routes. Nor can it do extended reconnaissance or tactical lift. Its aircraft perform limited patrols but not to the degree necessary to establish a presence throughout Darfur. They are not typically based at AMIS facilities, but rather at local facilities which close at dark due to inadequate lighting and, in all likelihood, government policy. To respond to calls for help, personnel must at times go several kilometres to the helicopters, which are bedded in the open though secured by AMIS forces. Once airborne, they can reach any location in their sector within two hours. However, without night flying, AMIS cannot ferry forces to suspect locations in pre-dawn hours when most violence occurs. The helicopters are also severely hampered by fuel shortages: expected to patrol at least 60 hours per month, they average 30 hours.<sup>44</sup>

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<sup>36</sup> There is not yet clear delineation between the strategic, operational and tactical responsibilities at the AU's Addis headquarters, its Khartoum element and at El Fasher, mainly due to the nature of the mission's expansion. Clearer terms of reference are needed immediately. For example, if the Khartoum element is to have mission command functions, some realignment of El Fasher personnel may be needed so the FHQ can focus on field responsibilities under a tactical commander.

<sup>37</sup> AU Assessment Mission, op. cit.

<sup>38</sup> A number of MILOBs have been placed in the FHQ as staff officers, something many have no training in and which removes them from the field.

<sup>39</sup> Some humanitarian agencies interviewed by Crisis Group indicated that they have often not been able to reach the FHQ to advise it of developments or have found it unresponsive when contacted.

<sup>40</sup> AU Assessment Mission, op. cit., Annex C.

<sup>41</sup> This view was strongly expressed in Crisis Group discussion with AU Partner military staff, April 2005.

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<sup>42</sup> "Protocol between the Government of Sudan, the SLM/A and the JEM on the enhancement of the security situation in Darfur in accordance with the N'Djamena agreement", 9 November 2004. The mid-May 2005 AU Ceasefire Commission troop verification mission was a positive step for determining the positions of all parties, but came six months after the ceasefire agreement was signed.

<sup>43</sup> One of the most notable, and perhaps unforeseen, AMIS deficiencies is the lack of off-road driving and recovery skills. This needs to be addressed in pre-deployment or in-theatre training. Crisis Group discussions, Peacekeeping training staff, April 2005.

<sup>44</sup> Part of the problem is the fuel (Jet A-1) needs to be ferried by road via El Obeid, which takes fifteen days. More fuel tankers are needed to maintain a continuous supply. Also, roughly ten of the seventeen group sites lack fuel storage

AMIS has no dedicated fixed-wing aircraft. When it needs them, it normally rents locally. In an emergency, it turns to Pacific Architects and Engineering (PAE),<sup>45</sup> the firm contracted by the U.S. government to provide facilities and logistical support.<sup>46</sup> Not having dedicated fixed-wing planes limits the ability to deploy within Darfur in a timely manner.

Slow force generation by AU states is a big problem. It took six months from the October 2004 decision to deploy about 2,400 troops, and CIVPOL is still under strength. Had it not been for the contributions of Nigeria and Rwanda in particular, it is unlikely the military component would be anywhere near strength.<sup>47</sup> African militaries are stretched thin, with approximately 18,600 personnel assigned to UN peacekeeping operations,<sup>48</sup> and additional commitments looming for the UN mission in southern Sudan (UNMIS)<sup>49</sup> and the planned Intergovernmental Authority on Development (IGAD) mission to Somalia (IGASOM).<sup>50</sup> The AU has also stated that it intends to prepare a force of 6,000 to 7,000 to deploy to the Congo (DRC).<sup>51</sup>

Expanding AMIS will also exacerbate training and equipment shortcomings. There is neither a standard force preparation package nor standard deployment equipment tables. Troop-contributing countries must make their own preparations.<sup>52</sup> This has not yet been a major factor, as the majority of current troops are from Rwanda, Nigeria and other countries which have participated in earlier peacekeeping training and programs. If the AU seeks more contributions from across the continent, however, there will be even greater need to institute common standards. A more proactive

mission will also require greater military cohesion.<sup>53</sup> Once forces have been identified and prepared, there are still constraints in getting them to Darfur. Even though the current mission was transported by various donor countries utilising military aircraft, a number of problems impeded the force build-up.<sup>54</sup>

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facilities, operating helipads, or storage rooms for spare parts, thus limiting the helicopters to the primary sector sites. Establishing such facilities at each sector landing zone would greatly enhance tactical air operations.

<sup>45</sup> PAE currently has three contracted, civilian-lift Antonovs -- two An-26s and one An-24.

<sup>46</sup> Most civilian contractors are reluctant to fly in a full combat mode and usually lack the aircraft configuration and equipment to do so. The only reliable solution is to provide AMIS with military aviation assets of its own.

<sup>47</sup> The great majority of the 1,703 troops in the protection force (see fn. 21) are provided by Nigeria (588), Rwanda (391), South Africa (285), Gambia (196), Senegal (196), and Kenya (35).

<sup>48</sup> <http://www.un.org/Depts/dpko/dpko/contributors/>.

<sup>49</sup> This deployment is designated to help implement the January 2005 peace agreement between Khartoum and the SPLM.

<sup>50</sup> Uganda and Sudan are expected to contribute to this mission.

<sup>51</sup> For more on this possible deployment, see Crisis Group Africa Briefing N°25, *The Congo: Solving the FDLR Problem Once and for All*, 12 May 2005.

<sup>52</sup> Crisis Group interview, AU staff, April 2004.

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<sup>53</sup> Many contributing nations to peacekeeping operations do not deploy already formed units but instead create them for the specific purpose from a mix of troops with relatively little special training or familiarity with each other. Where UN peacekeepers have been required to fight in unexpectedly difficult circumstances, lack of cohesion has sometimes resulted in surrender or capture by militias (Sierra Leone) or failure to respond effectively to violence against civilians (Congo).

<sup>54</sup> For example, two Australian C130 transports could not be used because Khartoum refused permission.



### III. IMMEDIATE AND EFFECTIVE CIVILIAN PROTECTION

#### A. STRENGTHENING THE MANDATE

The AMIS mandate authorised by the PSC focuses on monitoring and verification, leaving to the Sudanese government the basic responsibility -- which it has failed to discharge -- for protecting civilians and humanitarian workers. The actions of the militias and Khartoum's refusal to fulfil its commitment to neutralise them constitute the greatest danger to civilians.<sup>55</sup> AMIS's protection role is so qualified it is almost meaningless. Without a stronger mandate, no international force, regardless of size, can do much.

There is a broad spectrum of activities involved in protecting civilians and humanitarian efforts in Darfur, ranging from static patrols of IDP camps and key transit routes to forceful engagement and neutralisation of belligerents involved in aggressive action. The best way to provide security would be prudent but deliberate application of force against those directly responsible for the insecurity and atrocities. AMIS needs both to act proactively against those elements and to station soldiers with convoys and at fixed locations where their presence can deter, and where they are better positioned for immediate response.<sup>56</sup> For this to happen, the AU must strengthen the mandate so it prioritises civilian protection and gives AMIS the clear authority and will to carry out a full range of operations<sup>57</sup> against both militias

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<sup>55</sup> This is consistent with the AU Commissioner's reference to the "Government of Sudan failure thus far, to disarm and neutralise the Janjaweed/armed militias, whose relentless attacks against civilians are clearly unacceptable". Report of the Chairperson, 28 April 2005, *op. cit.*

<sup>56</sup> The stationing proposition presents some difficulties for humanitarian agencies, which normally seek to avoid close identification with military units in order to maintain their neutrality and ability to provide aid to all.

<sup>57</sup> Unfortunately, the AU PSC endorsed the recommendation of the Chairperson of its Commission (Konare) that the mandate did not need to be strengthened, only that "the tasks within that mandate may need to be reprioritised, with greater emphasis on creating a secure environment, particularly in the context of the delivery of humanitarian relief, and confidence-building measures". Report of the Chairperson, 28 April 2005, *op. cit.* As with the UN Mission in the Congo (MONUC), this approach leaves too much to the discretion of individual commanders on the ground, who may choose to interpret the mandate minimally. This has been less of a problem in AMIS, mainly due to the determination and professionalism of its contingents, but it

operating with the government and those opposed to it.

The government will resist any change of mandate. But its argument that it is not in full control of the Janjaweed, and above all the continuation of serious violence it has repeatedly pledged to stop, are sufficient justification. International insistence should be backed by a decision to begin planning for the deployment, should this become necessary, of a fully-mandated protection force in a non-permissive environment.<sup>58</sup>

#### B. INCREASING THE FORCE SIZE

Neither the approximately 2,900 AU soldiers and CIVPOL presently in-country nor the 7,731 authorised as of September 2005 are adequate to deal with the security and humanitarian situation. The March 2005 JAM report and the 28 April 2005 report of Ambassador Konare concluded that an international force of 12,300 was needed. Apparently with an eye to the limited resources of AU member states, however, they proposed that this number be reached only in the second quarter of 2006 and then with many personnel whose training and preparation would be directed toward implementing the mission of facilitating the return home of IDPs and refugees, rather than providing the civilian protection necessary to create the environment in which such return becomes realistic.<sup>59</sup>

Based on its independent consultations with AU, UN and other military experts, Crisis Group considers that 12,000 to 15,000 is a more realistic figure for what is required to implement adequately the first priority and more demanding task of civilian protection in what is still by no means a fully permissive environment. A force thus sized, trained and equipped is needed as quickly as it can be put in place -- still in 2005 -- in order to protect villages and humanitarian operations against attack; IDPs against forced repatriation and intimidation; and women from systematic rape outside the camps; as well as to neutralise the Janjaweed militias. This

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cannot be assumed this will always be the case, especially as the mission is expanded.

<sup>58</sup> For a rough approximation of what might be required to deal with a non-permissive environment, see fn. 77 below.

<sup>59</sup> The AU would review AMIS numbers once the authorised increase to 7,731 is reached in September 2005 and only then decide whether to expand further, to 12,300, with this reinforcement to be completed by April 2006.

minimum force level would involve something like eight battalion groups (infantry plus support elements, one for each sector), with a battalion as force reserve, in addition to 700 to 1,000 military observers, 1,500 to 2,000 civilian police, and 1,000 headquarters, support and other staff.<sup>60</sup>

Operationally, the issues in dispute are less force size and capabilities than mandate and time. Crisis Group believes the need is too urgent to allow so much time to pass before the international force is strong enough to do the job that has to be done.

It has become apparent that the AU, with the best will in the world, cannot deploy an effective force of anything like the necessary size or skills in anything like the necessary time-frame without substantial further international help. Crisis Group calculates that necessary time-frame as 60 days, which takes into account the need for discussion between the AU and other relevant organisations and countries on details, for political decisions, and for as fast as possible identification of additional troops and equipment and their deployment to Darfur. In effect, it is the amount of time the AU presently envisages as using to reach its phase II level of 7,731, but Crisis Group proposes that it be used also to bring in a further 4,500-plus well trained and equipped troops.

AMIS has only just completed the first phase of its military deployment (still with a civilian police shortfall), and at the present rate is likely to have difficulty meeting its September target for the authorised reinforcement.<sup>61</sup> There are only two

options for achieving the force size urgently needed.

### **Option 1: More African Personnel, with Strong International Support**

It would be most efficient if a single African lead country provided most of the required additional personnel. However, this is not likely, at least from a sub-Saharan country. North Africa offers possibilities worth exploring, but Morocco -- one such country with strong military capability -- is not an AU member, and the experience with Egyptian forces already in Darfur indicates there are deep IDP sensitivities to a substantial Arab presence.<sup>62</sup> An aggregation of smaller contributors sufficient to meet the required total might be possible -- as noted, the AU itself has foreshadowed a possible increase in AMIS to 12,300 in 2006 to assist the displaced to return home for the planting season -- but it would be difficult to deploy quickly sufficient numbers of trained troops with the necessary interoperability.

If this option is attempted, the AU would need to request far more outside help than so far contemplated.<sup>63</sup> For such a large deployment within 60 days, the UN, EU and NATO would have to assist extensively with force preparation, deployment, sustainment, intelligence, command and control (C2), communications and tactical (day and night) mobility, including use of their own assets and personnel to meet capability gaps as needed.

- *Force preparation.* Troops deploying to Darfur will require a high degree of preparation, standardisation and interoperability. The AU needs help to develop quickly a standard force preparation package for both military and CIVPOL contingents. Non-African partners can play an important role by using the existing peacekeeping training centres (PKTC) and military teams, such as the British Peace Support

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<sup>60</sup> Of course, the calculation of the necessary size and capabilities of the international force must be based not only on the tasks in the mandate and the geographical area for operations, but also on consideration of what other military elements are in Darfur that could be hostile and so need to be persuaded that the international force is credible. Janjaweed militia are notoriously difficult to quantify but are generally believed to number approximately 10,000. The Sudanese government is believed to have between 40,000 and 45,000 troops in Darfur. The two main insurgent groups, SLA and JEM, are thought to have several thousand fighters each. Crisis Group discussions with government and international organisation officials.

<sup>61</sup> The AU has identified troops from four countries -- Rwanda, Senegal, Nigeria, and South Africa -- to reach the authorised strength of 7,731 for AMIS by September 2005. The Rwandan and Senegalese troops are nearly ready to deploy. Most of them should be on the ground by mid to late July. The Nigerians are behind schedule; diplomatic sources suggest one battalion it has identified is ill-equipped and poorly trained and will not be sent until it demonstrates the

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capacity to operate effectively. South Africa has not yet identified the battalion it has pledged due to manpower flow concerns. If AMIS is to meet the September timeline, Pretoria must do this immediately and begin pre-deployment mobilisation and training. Crisis Group interview, U.S. State Department official, 17 June 2005.

<sup>62</sup> Egyptian soldiers have been greeted with great mistrust by IDPs at some sites, due to the perception that their government has sided with Khartoum in the Darfur crisis. Crisis Group interviews, May 2005.

<sup>63</sup> International support -- financial, in kind, advisers -- has been critical to AMIS. To date the combined value of outside contributions is some \$278,974,147. See AU Commissioners Report, 28 April 2005, op. cit., Annex C.

Team, in Africa and/or establishing fly-away training teams from the EU or elsewhere to deploy to the new troop-contributing countries to assist in force preparation. While contingent preparation is best undertaken in home countries, orientation and training programs are also needed for MILOBs, who have lacked some requisite skills and usually arrive individually or in small groups.<sup>64</sup> These could be offered either outside Darfur, such as at a PKTC (the closest to Sudan is in Nairobi), or in-country.

- *Force deployment.* Donors must be prepared to underwrite the costs of the expanded force and be operationally engaged in its deployment, including strategic lift from countries of origin and ground transportation in theatre.<sup>65</sup> A comprehensive and cohesive force deployment plan is needed both to achieve a rapid build-up and to produce a strong political effect but it must be commensurate with the capacity of the mission to receive, deploy and sustain the reinforcements.
- *Enhanced capability.* Even a force of 12,000 to 15,000 can only protect civilians adequately if it has sound intelligence to assess threats, improved command and control so it can act decisively, and day and night mobility and logistical support to respond effectively. Intelligence can come from multiple sources: the assets of partner nations,<sup>66</sup> deployed tactical assets such as unmanned aerial vehicles and tactical signals intelligence. The acquisition of aerial and ground mounted surveillance devices, such as for night vision and thermal imagery, would greatly enhance awareness and responsiveness and give AMIS a decisive advantage over local forces that have no such capabilities. However,

for best use of such intelligence and to avoid overwhelming the command system, AMIS must considerably improve how its headquarters and communications work.<sup>67</sup> Primary focus should be on the Force HQ in El Fasher, which needs a 24-hour Joint Operations Centre with intelligence and communications and command tools.

- *Improved logistics.* A Joint Logistics Coordination Centre is required to sustain the force and enhance operational flexibility. AMIS logistical support has been haphazard and insufficiently coordinated.<sup>68</sup> The logistical staff must exercise primary responsibility for this support, including that provided by partners or their agents, and it should be driven by operational needs. As part of improved command and control, the personnel and logistics functions should be further integrated into the command structure. Without improved logistics AMIS will be unable to receive, deploy and sustain even its presently planned reinforcements by September 2005.<sup>69</sup>
- *Greater mobility.* An expanded, more assertive military force needs greatly enhanced mobility to fulfil its mission. This means improved tactical air and ground transport<sup>70</sup> suitable for day and night, appropriately protected operations. The helicopter fleet should be upgraded or replaced to accommodate armament, FLIR, tactical communications equipment and night capability. Restrictions on night flying must be lifted and fuel distribution difficulties resolved. Additional fixed wing transport aircraft and more suitable tactical ground vehicles are also required.

The international community must provide this level of support to prepare the AU to meet the challenges in

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<sup>64</sup> For example, a donor military team visited a sector in which one of three MILOBs had had no training as a MILOB, and a second spoke no English, the mission's working language, Crisis Group interviews, military/peacekeeping experts. Many MILOBs have attended general courses at the PKTCs but even they need orientation on mission specifics. Language skills are not quickly acquired and are a constraint on recruitment of personnel from AU member states, which can be partially mitigated by how MILOBs teams are structured and in-team division of responsibilities.

<sup>65</sup> To the extent that donor airlift is not available, the AU and donors would need to contract civilian air transport.

<sup>66</sup> This would likely require the establishment of a partner intelligence cell within AMIS to receive information and product from national assets for use by AMIS and to pass information requirements back to intelligence-gathering agencies.

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<sup>67</sup> A considerable improvement would come from giving the operations centre the capability to communicate with sectors, helicopters, and individual AMIS units via secure voice, robust V-SAT and two-way VHF and HF.

<sup>68</sup> The Sudanese government's implementation of the Status of Mission Agreement results in another constraint. AMIS should have free access to airports but Khartoum often imposes limitations. Crisis Group interview, AMIS staff, May 2005.

<sup>69</sup> The AU Military Staff Committee has recommended to the AU PSC establishment of a Combat Service Support Unit at the Force HQ to assist in improving logistics. Crisis Group interviews, AMIS staff, June 2005.

<sup>70</sup> The Canadian government plans to give AMIS 140 armoured personnel carriers (APCs). Crisis Group interview, U.S. State Department official, 17 June 2005.

Darfur, even if NATO plays the more immediate role described below.

## Option 2: A NATO Bridging Force

If additional trained and well-equipped forces to reach 12,000 to 15,000 within 60 days cannot be found in AU member states, the second option should be chosen -- however difficult or unpalatable this may appear at first sight to various parties -- so that the international community can meet its responsibility to protect the inhabitants of Darfur. NATO is best placed to make up the difference by calling on its sizeable, well-equipped Response Force (NRF).<sup>71</sup> It has ample planning, command and control and logistic support and sufficiently interoperable troops, has already taken one step in this direction by agreeing to meet an AU request to do some training, and in Turkey has a member with a large pool of well-trained Muslim but non-Arab soldiers, who may be particularly appropriate in the Darfur context.

Such a NATO contribution, which would include combat support and intelligence assets and integrated logistics, should be viewed as essentially a bridging force, designed to tackle the most urgent protection needs. However, having forces co-deployed in contiguous or overlapping areas of responsibility (AORs) with different chains of command and/or missions would make coordination and unified response difficult and would likely be exploited by any foe. NATO would, therefore, insist on assuming control of the entire mission, including AMIS, while it was in-country and until the AU could deploy a properly trained and equipped 12,000 to 15,000-strong force of its own.<sup>72</sup> The imperative need is to get additional capable forces on the ground now. Integrating AMIS temporarily into a NATO-led operation would be the best way in the short term to fulfil the operational requirements of civilian protection.

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<sup>71</sup> By 2006 the NRF is to be a 21,000-strong combined force including a brigade-size land element, a joint naval task force, air assets and logistics support. It is to be trained and ready for global deployment within five to 30 days and self-sustainable for 30 days so as to stabilise emerging threats and contain a crisis. However, it reached initial operational capacity (approximately 17,000 troops) in October 2004 and is ready to take on the full range of missions, [www.nato.int/issues/nrf/index.html](http://www.nato.int/issues/nrf/index.html).

<sup>72</sup> SACEUR Commander, General James Jones, told Crisis Group, "there will be no NATO mission with a non-NATO commander. The chain of command will be a NATO chain of command". Crisis Group interview, SHAPE, Mons, 12 April 2005.

In this arrangement, AMIS forces would retain considerable autonomy. For example, they could be allocated their own areas of responsibility within the NATO-led force and retain their lead role in ceasefire observation, while their MILOB groups continued to investigate reports of ceasefire violations and document human rights violations. Some AMIS commanders should retain command and control over operations in some of the eight sectors (the number would have to be negotiated by the AU and NATO), but they would report to the NATO Mission Commander. Until the AU is fully staffed and capable of doing the job by itself, final authority for all aspects would rest with NATO. Although mission control would temporarily pass to NATO's military and political structures,<sup>73</sup> AU elements would benefit from the availability of NATO assets. This would improve interoperability and provide a sound basis for the AU eventually to resume command once NATO had withdrawn, possibly leaving some support assets at the AU's disposal.<sup>74</sup>

There are political challenges to this option. Ideally, the UN Security Council would request NATO assistance and authorise its deployment under Chapter VII of the Charter. If it failed to pass such a resolution, the AU and NATO should be prepared to assume the responsibility to protect without further authorisation and quickly consult together to define the mandate for the mission. Deployment of non-AU forces would be sensitive for the AU, which has insisted on leading the response to Darfur. But these sensitivities<sup>75</sup> must be weighed against the mounting

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<sup>73</sup> Arrangements could be put in place to ensure that the AU retained influence in strategic decision making and kept the lead in the Abuja political negotiations.

<sup>74</sup> NATO could deploy and redeploy in a time-frame synchronised with the AU's build-up to at least the target level of 12,300 that AU Commission Chairman Konare has identified for spring 2006. The size of its initial deployment would then depend upon the numbers of AU troops already in Darfur. If AMIS was at 7,000 in September 2005, NATO would need to provide 5,000 to 8,000 troops. As AU force levels rose further, NATO troops could begin to be scaled back.

<sup>75</sup> French military facilities in Chad would be needed in any operation, so Paris's view that Africa is the "EU's responsibility" could be another political problem for NATO deployment. However, EU capacity is significantly less than NATO's. Its Battle Group concept is not expected to be fully operational until 2007. An EU bridging force would likely be in an EU-flagged "lead nation" framework, like the French-led Operation Artemis in the Congo (2003), which was less than Darfur's needs. The Artemis force was approximately 1,400, just under half at the Uganda HQ, 300 km. away. Close air support, reconnaissance and surveillance were provided mainly by French air assets from N'Djamena and Entebbe.

death toll. The AU must acknowledge AMIS's shortcomings and seek to expand the international force in the most expedient way.

Khartoum would likely be even more strongly opposed to a NATO-led force than to a strengthened AMIS mandate. It has sought to limit non-AU military to observers, advisers and, at most, logistical troops.<sup>76</sup> But the Sudanese government, which bears so much responsibility for the crisis, cannot be permitted to dictate how the international responsibility to protect is executed. Under pressure, it has already accepted non-African forces in southern Sudan and the Nuba Mountains. Ideally, it would acquiesce in the face of a unified call -- in which the AU would need to join -- for cooperation. If not, and the killing continued, the international community would have no alternative but to deploy, in what would be a non-permissive environment, a much larger NATO-led protection force, perhaps of the order of 40,000 troops, than that proposed above.<sup>77</sup> UN Security Council endorsement would of course be required to make such a coercive intervention legal under international law (although there are African precedents -- with the ECOMOG interventions in Liberia in 1992 and Sierra Leone in 1997 -- for such authorisation to be given after the event).

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"Operation Artemis: The Lessons of The Interim Emergency Multinational Force", Peacekeeping Best Practices Unit Military Division, October 2004. The ground combat element -- less than 1,000 -- was a French marine battalion and special forces group, and a Swedish contingent. Darfur requires a combat force at least five to seven times that. The EU-NATO "Berlin Plus" agreement, while enhancing EU planning, C2, logistics and deployment capabilities, does little to increase available troops. Crisis Group interviews, Brussels, April/May 2004. Crisis Group Europe Report N°160, *EU Crisis Response Capability Revisited*, 17 January 2005.

<sup>76</sup> A recent proposal by Canada to send 100 to 150 military personnel in a support role was rejected by Khartoum, "Ottawa to comply with ban on troops in Darfur", *Globe and Mail*, 17 May 2005.

<sup>77</sup> The requirements of a force to provide civilian protection in a non-permissive environment would depend substantially, of course, upon what hostile elements needed to be suppressed. On a rough calculation, however, approximately one brigade of troops rather than one battalion would be required for each of the eight operational sectors plus one brigade rather than one battalion as force reserve. With further elements (such as MILOBS, CIVPOL, and headquarters elements) added, this would produce a force in the neighbourhood of the 44,000 General Roméo Dallaire, UN Force Commander in Rwanda during the 1994 genocide, cited as necessary at the U.S. Holocaust Memorial Museum, Washington DC, February 2005.

## C. PREVENTING OFFENSIVE MILITARY FLIGHTS

The Sudanese government agreed to refrain voluntarily from conducting hostile military flights over Darfur in the November 2004 Abuja Security Protocol.<sup>78</sup> In March 2005, UN Security Council Resolution 1591 banned offensive military flights in order to prevent Khartoum from using its aircraft to attack civilians or support ground operations of Janjaweed militias.<sup>79</sup> Although aerial bombardment continued through December 2004 and January 2005, the government has since shown restraint in use of military aircraft. However, given its history of violating agreements, it is highly likely to resume operations should this suit its purposes.

The Security Council has not enacted an enforceable no-fly zone over Darfur, nor was the issue mentioned in either the AU Commissioner's recent report or the AU PSC's subsequent communiqué.<sup>80</sup> The notion of enforcement is caught between the contradictions of international reliance on Khartoum's cooperation and Khartoum's responsibility for the situation. Another factor is the AU's lack of capacity to monitor fully let alone enforce such a zone.

Several enforcement options exist, however, ranging from persuading the government to cease all military flights in Darfur and remove its remaining air assets, including attack helicopters, from the area,<sup>81</sup> to direct military action to disable or destroy any aircraft that violate the ban. The most widely favoured option by advocates is for the UN to establish a complete "no-fly-zone" and for the international force thereafter to deny the airspace. However, this would be expensive and require significant air assets, command and control, and logistics.<sup>82</sup>

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<sup>78</sup> Protocol, 9 November 2004, op. cit., Article 2.

<sup>79</sup> Including conducting C2 and reconnaissance over-flights.

<sup>80</sup> AU PSC Communiqué, 28 April 2005, op. cit. Report of the Chairperson, 28 April 2005, op. cit.

<sup>81</sup> The AU Commissioner's 28 April 2005 report noted the "decisions taken by the Sudanese government to withdraw all Antonov bombers from Darfur and to pull out its troops from the areas it occupied as a result of its December 2004 offensive are steps in the right direction and, indeed, deserve to be acknowledged. It is hoped that this decision will also cover the operations of attack helicopters", op. cit.

<sup>82</sup> Even if Sudan agreed to over-flights, this would be problematic. Darfur is 1,500 km. from the Red Sea and 1,800 km. from the Mediterranean. U.S. air assets from either would have only a few hours on-station. Fighter jets with air-to-air combat capabilities would likely have to refuel before reaching Darfur and still have only limited on-

Given Sudan's small air force,<sup>83</sup> the most practical approach would be to concentrate on establishing an effective mechanism to enforce Resolution 1591's ban on offensive military flights. A first step would be for the Council and the AU to call on Khartoum to remove all military aircraft (fixed and rotary wing) from Darfur and refrain from re-entering the airspace, while measures were taken to enforce compliance with the prohibition of offensive military flights, including direct monitoring of airports and air space. Ground or sea-based platforms in North Africa could collect intelligence on flight operations, with NATO assistance offered as needed. France's base in Abéché, eastern Chad, has intelligence and air assets that could assist in monitoring the airspace. Should Khartoum violate its pledges to comply with the offensive prohibition, the Security Council would need to take further action, including establishing a formal no-fly zone and asking NATO to lead its enforcement.

#### IV. CONCLUSION

The Sudanese government has consistently failed to protect civilians in Darfur, and the AU alone cannot fulfill the international responsibility to do so. The concept of African solutions for African problems has given U.S. and European policy-makers a convenient excuse to do no more than respond to AU requests for financial and logistical support. But Darfur cannot be allowed to be treated as simply a capacity-building exercise for the AU. Despite the AU's best efforts, at least 5,000 people, and perhaps many more, are still dying there each month.<sup>84</sup> The AU must accept that it needs more help in the short run, and the international community must work with it to deploy a force immediately -- AU or NATO -- that can end the atrocities.

A stronger international effort to protect civilians and create a secure environment for humanitarian operations would not only save lives in the short term but also generate momentum towards a long-term solution to this conflict. Disturbingly, the daily death and suffering is already becoming "status quo" for some relief agencies, and the situation has the potential to become another never-ending "low intensity" conflict in which the international community spends large sums each year keeping IDPs and refugees alive but otherwise fails to protect civilians and to address the underlying political causes.<sup>85</sup>

The renewed political negotiations in Abuja are an opportunity for headway on a political solution. They have recently been bolstered by the appointment of Salim Ahmed Salim, former Secretary General of the Organisation of African Unity,<sup>86</sup> as AU Special Envoy for Darfur, but initial signals from Abuja are not encouraging. They need broader international support, particularly from the U.S., but a prerequisite

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station time before returning to base. A more practical aircraft for reconnaissance and long-time loiter is the P-3 Orion, which has no air-to-air engagement capability, however. Air assets based in Darfur, Eastern Chad (where the French have facilities), or Kenya would require hundreds of personnel for maintenance, security, and logistical support.

<sup>83</sup> Sudan's air force has about 3,000 personnel on active duty. Its fixed wing assets are fifteen F-7B air defence fighters; twelve F-6 air defence fighters; three BAC Strikemaster Mk 90s; six MiG-23B Flogger attack craft; six Shenyang F5 attack craft; and a small number of Antonov transport planes modified as bombers. Its rotary wing assets are two Mi-24 attack helicopters; twelve BO 105CB attack helicopters; six Mi-8 armed support helicopters; four Mi-4 light support helicopters; eleven AB212 light support helicopters; and fifteen IAR-330L light support helicopters. NATO SITCEN, Sudan-Darfur Handbook, edition 2, July 2005, NATO unclassified document in Crisis Group possession.

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<sup>84</sup> Mortality figures remain extremely difficult to assess. For at least much of 2005, 15,000 or more may have been dying monthly: see footnote 4 above, and *A New Sudan Action Plan*, Crisis Group Africa Policy Briefing N°24, 26 April 2005, footnote 4, citing inter alia Eric Reeves in the *Sudan Tribune*, 12 March 2005. A new WHO study reportedly suggests this figure may have dropped significantly, to just over 5,000; ("UN says Darfur death rates declining but official says flow of aid must not slow down", CNN, 28 June 2005) but its final survey has yet to be released and its methodology fully scrutinised. Whatever the precise figure may prove to be, it is clearly still indefensibly large.

<sup>85</sup> Crisis Group interview with humanitarian agency headquarters staff, April 2005

<sup>86</sup> The AU's predecessor organisation.

for political progress is a greater effort to end the atrocities and reduce the insecurity that fuels the crisis. That requires an appropriately sized and mandated international force, building on what the AU has done.

**Nairobi/Brussels, 6 July 2005**



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