



The Darfur Consortium

*African and International
Civil Society Action for Darfur*

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To: Members of the African Union Peace and Security Council
RE: Renewal of UNAMID Mandate

Your Excellency, Peace and Security Council Member,

As you know at the end of this month an extension of the mandate of the United Nations/African Union Hybrid Operation in Darfur (UNAMID) will once again arise for consideration at the Peace and Security Council. We are writing to urge you to use this opportunity to ensure that UNAMID is given the tools and political support required to effectively implement its protection mandate.¹

Despite being almost fully deployed²—albeit almost three years after its initial authorisation and further to massive investment of human and material resources by African states—UNAMID is still struggling to fulfill the expectations of the people of Darfur. Most critically it is continuing to fail to effectively protect not only civilians at large in Darfur, but even its own personnel.

There are significant challenges confronting the mission which must be considered by the African Union in assessing its responsibilities to its own personnel and the people of Darfur.

In recent months, the security situation has deteriorated sharply, caused by build up of military capabilities, renewed conflict between the parties and an increase in inter-tribal fighting. Conflict has affected all three states in Darfur and this upsurge has “created very serious hindrances to the effective implementation of UNAMID’s protection mandate.”³ In May 2010 alone, reports indicate

¹ From the outset it was understood that protection of civilians should be the focus of the mission. UNAMID is authorised therefore under Chapter VII to both protect civilians and ensure humanitarian space. In particular it is mandated to take “necessary action” in order “[t]o contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan.” (UN Security Council, S/RES/1769 (2007), 31 July 2007.)

² On 20 May last, Joint African Union-United Nations Special Representative for Darfur Ibrahim Gambari told the UN Security Council that military deployment had reached approximately 87 percent of the 19,555 military personnel authorized and that 74 percent of the 6,432 civilian and police components authorised to the mission were on the ground in Sudan. See Security Council 6318th Meeting (AM), *African Union-United Nations Hybrid Operation in Darfur Focused on Protection Mandate despite Challenges, Security Council Told*, UN Department of Public Information, 20 May 2010, available at <http://www.un.org/News/Press/docs/2010/sc9932.doc.htm>.

³ See Joint African Union-United Nations Special Representative for Darfur (JSR) Ibrahim Gambari report to the UN Security Council, Security Council SC/9952, Briefing Security Council on Sudan, United Nations, 14 June 2010.

that 447 people were killed – the highest number since January 2008⁴ – and thousands more were displaced.⁵ Humanitarian facilities such as water points and clinics have been looted or destroyed.

In addition to the deteriorating security environment for civilians, humanitarian workers and UNAMID personnel are facing increased dangers. The threat of kidnapping has restricted travel outside of state capitals and there are numerous incidents of national and international staff being assaulted or facing gunfire. During the third week of June alone, two German aid workers were kidnapped in Nyala and three Rwandan peacekeepers were killed (and a fourth wounded) when they were fired upon near Nertite. These events come in the wake of numerous incidents of kidnappings, carjackings, and attacks, including on two Egyptian UNAMID police in February in South Darfur.⁶

Humanitarian access is being increasingly blocked. Many areas of Darfur remain out of reach of UNAMID and humanitarian assistance due to recent violent clashes and the refusal on the part of the government of Sudan and other parties to permit UNAMID freedom of movement. In Jebel Moon and Jebel Marra, for example, where estimates put the number of displaced in the tens of thousands, UNAMID has been unable to gain unrestricted access since February 2010.

The peace process has progressed in fits and starts, and parties have failed to hold to ceasefire agreements. The withdrawal of the Justice and Equality Movement from the Doha Process in June 2010 dealt a further blow.

It is not just the context within which the mission is operating which has impeded its effectiveness. On the operational level, lengthy delays in troop deployment and the provision of necessary equipment and tactical support have seriously undermined UNAMID's protection capacity and placed peacekeepers at grave risk. These delays have been caused in most instances by administrative and political roadblocks constructed by the authorities, including refusal of contributions based on the nationality of personnel and lengthy customs clearance procedures for essential equipment. In June 2009, for example, the Secretary General reported that 62 Nigerian armoured personnel carriers were in Sudan but unable to deploy because they had been awaiting customs clearance for more than one month.⁷ Much-needed helicopters pledged by Ethiopia in February 2010 have not yet deployed.

On the ground additional barriers have also been erected. There have been blatant violations of the Status of Forces Agreement signed in February 2008 including restrictions on troop and equipment movements and operations. For example, in late May the authorities banned UNAMID helicopter flights in South Darfur leaving the ban in place until 13 June 2010.⁸ A partial flight ban

⁴ Alex de Waal, Sharp Increase in Lethal Violence in Darfur, SSRC Blogs, 5 June 2010, available at <http://blogs.ssrc.org/sudan/2010/06/05/sharp-increase-in-lethal-violence-in-darfur/>.

⁵ Joint African Union-United Nations Special Representative for Darfur (JSR) Ibrahim Gambari report to the UN Security Council, Security Council SC/9952, Briefing Security Council on Sudan, United Nations, 14 June 2010.

⁶ See, for example, UNAMID News, *Two UNAMID vehicles carjacked in Nyala, South Darfur*, 7 July 2010, available at <http://unamid.unmissions.org/Default.aspx?tabid=888&ctl=Details&mid=1062&ItemID=9560>.

⁷ Report of the Secretary-General on the Deployment of the African Union-United Nations Hybrid Operation in Darfur, S/2009/297, 9 June 2009, para. 37.

⁸ *Sudan lifts flight ban on UNAMID helicopters*, Sudan Tribune, 18 June 2010, available at <http://www.sudantribune.com/spip.php?article35426>.

remains in effect, restricting flights to Muhajeria, Shearia and Al Deain regions and limiting flights between Nyala and El Fasher to fixed-wing aircraft.⁹

One of the most egregious consequences of these multiple challenges is that public trust in the mission has suffered. The extensive deferral by UNAMID to Sudan with respect to the nationality of peacekeepers which may be deployed, for example, has been viewed by the broader public as evidence that UNAMID is intended to be subject to control, at least to some extent, by the government. The subsequent failure of the mission to protect its own personnel from attacks, detention or torture, the imposition of multiple authorisation and joint operation requirements by the authorities, and the continued detention of persons arrested following UNAMID meetings or in the wake of UNAMID's facilitation of participation in Doha, has also reinforced the perception that UNAMID is not just ineffective but fundamentally comprised.

Your Excellency,

UNAMID is the best – and in fact the only – tool the international community and the AU has at its disposal to address the worsening security situation on the ground in Darfur. If used strategically, it can help stabilize the situation and offer much needed protection to the civilian population and to humanitarian space.

The 2010 Darfur Protection Strategy developed by UNAMID in February sets out an ambitious set of objectives for renewing the mission's commitment to protection. These include developing new mission directives and standard operating procedures in key areas. The achievement of these objectives will require genuine cooperation from all actors, in particular the government of Sudan, a situation complicated by the increasing hostilities between the parties. Monitoring of stakeholder obligations is therefore a vital political task requiring strong political support and a commitment to action. If implemented and accompanied by robust action on the part of UNAMID leadership, the new strategy could signal a real change in UNAMID's course, avoiding becoming another broken promise to the people of Darfur. We urge that particular attention is paid to the following areas:

Freedom of movement: The government of Sudan and armed groups have severely limited the ability of UNAMID troops and police to protect and monitor protection for those most at risk. The AU must demand that the government of Sudan comply with its commitments in these respects as outlined in the Status of Forces Agreement.

Protection as a priority: Given that there has not yet been significant progress towards ensuring the protection of civilians and ensuring humanitarian access, UNAMID must re-focus on these priorities and avoid other distractions. UNAMID must be equipped with not just the tools but the political support to accomplish its mandate to protect humanitarian space and civilians at risk. Although new directives have been issued to the military and police components "with regard to robust patrolling and to a robust response to attacks on our military and police personnel,"¹⁰ the new operating framework must be enhanced by a clear political message to the parties that nothing will undermine UNAMID's will to protect civilian and humanitarian space. Consideration must be

⁹ *Sudan lifts flight ban on UNAMID helicopters*, Sudan Tribune, 18 June 2010, available at <http://www.sudantribune.com/spip.php?article35426>.

¹⁰ United Nations Security Council Meeting, Reports of the Secretary-General on the Sudan, S/PV.6338, 14 June 2010, at 7.

given to an increase in the policing component of the mission as recommended by the AU High Level Implementation Panel for Sudan.

Ensuring humanitarian access: UNAMID must increase its capacity to provide security for humanitarian personnel in particular to lessen the threats faced outside of state capitals. It must be willing to look beyond simply providing armed escorts or guards (which many NGOs are reluctant to accept) and consider other means such as regular patrolling, area security, and information sharing.

Sufficient training and equipment of personnel: In many cases UNAMID troops and police deployed have lacked vital training, knowledge of their mandate and necessary equipment. Inconsistent interpretation of rules of engagement and standard operating procedures has hampered protection and must be addressed through training and more effective leadership. The mandate itself leaves much open to interpretation in terms of what is expected of both mission leadership and personnel on the ground. In terms of equipment especially essential are the tactical support units including aerial surveillance units and military utility helicopters.¹¹ Failure to train and equip mission personnel puts the lives of peacekeepers, as well as the lives of those civilians and humanitarians they are tasked with protecting, in grave danger.

Human rights obligations and emergency law: The 2010 National Security Act and emergency laws maintain extensive powers of arrest, detention, and search and seizure in violation of Sudan's constitutional and international obligations. The use of these laws fundamentally undermines the capacity of UNAMID to fulfill its mandate.

Your Excellency,

Although efforts are currently under way to address some the major obstacles to protection, including the intensification of military and police patrols and the strengthening of civilian and military patrolling of selected IDP camps to 24 hours a day,¹² much progress remains to be made if UNAMID is to fulfill its promise to the people of Darfur and to Africa.

We remain at your disposal for any further information you require.

Yours sincerely,



Dismas Nkunda
Co-Chair Darfur Consortium

¹¹Security Council 6318th Meeting (AM), *African Union-United Nations Hybrid Operation in Darfur Focused on Protection Mandate despite Challenges, Security Council Told*, UN Department of Public Information, 20 May 2010, available at <http://www.un.org/News/Press/docs/2010/sc9932.doc.htm>.

¹² United Nations Security Council Meeting, Reports of the Secretary-General on the Sudan, S/PV.6338, 14 June 2010, at 7.