

A New Sudan Action Plan

I. OVERVIEW

Despite the passage of important resolutions by the UN Security Council in the last week of March 2005, the situation in Sudan remains grave. In Darfur, where as many as 10,000 people or more, overwhelmingly civilians, continue to die each month, stronger measures are still needed to restore security and prevent further mass deaths. More effective measures are also needed to preserve and implement the peace deal that in January 2005 ended the 21-year conflict between the Khartoum government and the insurgent Sudan People's Liberation Army/Movement (SPLA/SPLM), and to forestall the outbreak of serious new civil conflict in the eastern part of the country. The key international organisations and concerned governments should urgently agree and coordinate at a high level on what is necessary, without regard to institutional prerogatives or national prestige. This briefing spells out the details of the action required on all these fronts, to meet the five following objectives:

One: Protect civilians and relief supplies in Darfur. This requires a stronger civilian protection mandate for the African Union (AU) force, a major increase in the force size, and a much bigger contribution from the three organisations capable of making a difference -- the UN, the EU and NATO -- particularly in logistic support and ensuring adequate command and control and headquarters capacity for that enhanced AU-led mission.

Two: Implement accountability in Darfur. This requires effective implementation of decisions taken by the Security Council in March, in particular getting the Sanctions Committee operational (so that the arms embargo and the ban on offensive flights in Darfur are enforced and those responsible for atrocities and other spoilers are speedily targeted for travel bans and asset freezes), and supporting the investigation of the International Criminal Court (ICC) into violations of international humanitarian law and human rights law in Darfur; sanctions should also be extended to further sensitive areas such as the oil industry.

Three: Build a Darfur peace process. This requires the holding of a high level meeting between representatives of the AU, the UN, the EU, the U.S. and other key international and national players to develop and then

act on a blueprint and structure for negotiations, in coordination with the implementation of the Comprehensive Peace Agreement (CPA) between Khartoum and the SPLM.

Four: Implement the Comprehensive Peace Agreement between Khartoum and the SPLM. This requires in particular getting the UN-mandated peacekeeping mission (UNMIS) rapidly into southern Sudan; dealing with the trouble developing over the oil fields and oil revenues; pushing security sector reform in Khartoum; catching up with missed deadlines, especially for writing the Interim National Constitution; ensuring the democratisation elements of the agreement are implemented; and putting an end to the capacity of Khartoum hardliners to use the Ugandan insurgent movement, the Lord's Resistance Army (LRA), to sabotage stability in southern Sudan.

Five: Prevent new conflict in Sudan. This requires proactive efforts to deal with the explosive situation in the eastern part of the country before it becomes the next major civil war.

II. THE SITUATION ON THE GROUND

A. THE UNITED NATIONS

The Security Council passed three resolutions within a space of seven days on various aspects of the Sudan crisis.

- Resolution 1590 of 24 March 2005 established the United Nations Mission in Sudan (UNMIS) for an initial six-month period; authorised it to include "10,000 military personnel and an appropriate civilian component with up to 715 civilian police personnel"; and mandated it to "support implementation of the Comprehensive Peace Agreement" by, inter alia, monitoring and investigating ceasefire violations, protecting civilians in imminent danger, assisting the parties to promote the rule of law and protect human rights, and facilitate and coordinate the voluntary return of refugees and internally displaced persons (IDPs). It also required UNMIS to assist in addressing the need for a national inclusive approach, including the role of women, towards

reconstruction and peacebuilding. While UNMIS is primarily concerned with implementation of the CPA, it was further instructed to liaise with the AU Mission in Sudan (AMIS) "with a view towards expeditiously reinforcing the effort to foster peace in Darfur, especially with regard to the Abuja peace process". A deployment plan has been shared with troop-contributing countries, but Khartoum and sector headquarters are not expected to be operational before the end of June or beginning of July 2005 at best, while a substantial in-country troop presence may take several more months.¹

- Resolution 1591 of 29 March 2005 extended an earlier arms embargo imposed upon non-governmental forces active in Darfur also to the Khartoum government and required the government to "immediately cease conducting offensive military flights in and over the Darfur region". It also established a Security Council Committee, with a Panel of Experts to assist it, in monitoring that arms embargo and identifying individuals against whom targeted sanctions (travel bans, asset freezes) should be applied by member states because they have been impeding the peace process, constituting "a threat to stability in Darfur and the region", committing "violations of international humanitarian or human rights law or other atrocities", or breaking the arms embargo or responsible for "offensive military overflights".
- Resolution 1593 of 31 March 2005 referred the situation in Darfur since 1 July 2002² to the ICC and required the government of Sudan to cooperate with the tribunal.³

¹ Crisis Group interviews, New York, April 2005.

² The Rome Statute, which established the ICC, set 1 July 2002 as the earliest date for crimes over which the tribunal can exercise jurisdiction.

³ The Council acted consistently with a recommendation in the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur, which had found substantial evidence of such violations in particular by forces of or under the control of the government of Sudan. The Commission stated that it was providing a "sealed file" to Secretary General Kofi Annan with the names of 51 individuals "who may be suspected of bearing individual criminal responsibility", including ten "high-ranking" central government officials; seventeen government officials at the local level in Darfur; fourteen members of the Janjaweed; seven members of rebel groups, and three officers of a foreign army participating in their individual capacity in the conflict. It added that this list was "not exhaustive", and that it had "gathered substantial material on different influential individuals, institutions, groups of persons, or committees, which have

B. DARFUR

One year after the N'djamena Ceasefire Agreement of 8 April 2004 was signed, Darfur remains violent, insecure and deadly. More than 2.4 million residents of the region -- a disproportionate number of them women -- have been driven from their homes; at least 200,000 have died from violence and disease and malnutrition exacerbated by the conflict.⁴ Recent weeks have seen continued attacks by pro-government militia against civilians,⁵ regular clashes between the rebels and those militia, increased targeting of humanitarian workers and their vehicles, and greater violence in and around camps for internally displaced persons (IDPs).⁶

played a significant role in the conflict in Darfur, including in planning, ordering, authorising, and encouraging attacks. These include, but are not limited to, the military, the National Security and Intelligence Service, the Military Intelligence and the Security Committees in the three States of Darfur. These institutions should be carefully investigated so as to determine the possible criminal responsibility of individuals taking part in their activities and deliberations". See paragraphs 531-532 of report, available at www.icc-cpi.int/library/cases/Report_to_UN_on_Darfur.pdf. The Secretary General gave this material to the ICC on 5 April 2005, www.un.org/apps/news/story.asp?NewsID=13871&Cr=sudan&Cr1.

⁴ No precise figure of deaths exists. The 200,000 figure is at the lower end of the spectrum of extrapolations, and a total of more than 300,000 is also credible. The latest analysis of the Coalition for International Justice argues for a higher figure still: "New analysis claims Darfur deaths near 400,000: Experts estimate 500 people a day are dying", 21 April 2005, available at www.cij.org. See also Eric Reeves, "Current data for total mortality from violence, malnutrition, and disease", reprinted in the *Sudan Tribune* on 12 March 2005, available at http://www.sudantribune.com/article.php?id_article=8505, suggesting that as many as 15,000 may now be dying monthly. For brief discussion of the methodology and problems involved with trying to determine such numbers, see Crisis Group Africa Report N°89, *Darfur: The Failure to Protect*, 8 March 2005, fn. 10.

⁵ The most serious attack of late produced the early April destruction of Khor Abeche village in South Darfur by Rizeigat militia and was condemned by the UN and AU missions in Sudan. See: "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".

⁶ Secretary General Kofi Annan's most recent report to the Security Council highlights these trends and the potential for greater violence. It finds that, "The increased intensity of the fighting in Western Darfur raises concerns that the Government continues to pursue its objective of securing control over the Jebel Moon and Jebel Mara regions, despite the human costs such a campaign into the heart of rebel territory would entail"; reports of increased violence in North and South Darfur suggest

Localised famine is a growing possibility. Due largely to physical insecurity, the humanitarian community cannot meet the needs of the vulnerable civilian population. UN officials and humanitarian relief agencies warn that the situation is deteriorating,⁷ especially food security for the nearly 2 million internally displaced persons (IDPs) who need emergency help. Even in good times, many Darfur residents experience an annual hunger gap from May to September when any harvest surplus runs low, and the rainy season makes roads impassable. The UN World Food Program (WFP) expects the numbers needing food aid to rise to 3.5 million during this critical period in 2005.⁸ However, it announced on 8 April 2005 that funding shortfalls would force it to reduce by half the non-cereal daily rations for more than 1 million.⁹ The food security situation for nearly 200,000 Darfur refugees and 150,000 Chadians in eastern Chad is equally dire.¹⁰

Efforts to achieve a political solution are stalled. The AU-led negotiations in Abuja have not resumed since the unsuccessful December 2004 round, which coincided with a new government military offensive in Darfur. The main rebel groups, the Sudan Liberation Movement/Army (SLA) and the Justice and Equality Movement (JEM), set two conditions for resuming negotiations: that the government withdraw from territory it captured in that

the government and allied militia may be moving to isolate rebel positions; those militia continue to attack villages and target civilians, and the harassment and sexual assault of women and girls who venture outside of IDP camps continues unabated. Perhaps most alarmingly, the report notes, the threat to AU personnel and humanitarian workers is increasing. AU troops came under fire on 8 March and 29 March, and a clearly marked humanitarian convoy was ambushed on 22 March, seriously injuring an employee of the U.S. Agency for International Development (USAID). "Monthly report of the Secretary General on Darfur", 12 April 2005; "U.N. warns of new clashes in Darfur", Associated Press, 20 April 2005.

⁷ "Sudan: Darfur -- Situation could deteriorate", UNICEF, 7 April 2005, available at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/HMYT-6B9KY3?OpenDocument&rc=1&emid=ACOS-635PJQ>.

⁸ The annual hunger gap occurs in Darfur from May to September, when surplus from the last harvest -- if there was one -- runs low, and the rains block roads and reduce commercial activity. See "WFP alarmed at signs of serious food shortage in Sudan", WFP News Release, 17 March 2005, available at <http://www.wfp.org/index.asp?section=2>. WFP, "Sudan plan of action: Darfur", 10 April 2005.

⁹ "Shortage of funds forces WFP to cut rations for more than one million in Darfur", WFP, 8 April 2005, available at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EVIU-6B9FQM?OpenDocument&rc=1&emid=ACOS-635PJQ>.

¹⁰ "Darfur refugees in Chad urgently need food stocks before rainy season", WFP news release, 12 April 2005, available at <http://www.wfp.org/index.asp?section=2>.

drive, which they say has not happened;¹¹ and those accused by the International Commission of Inquiry of committing atrocities should stand trial. SLA and JEM leaders have indicated that Resolution 1593 may be sufficient to satisfy the second condition,¹² and the Norwegian government believes that after its recent meetings with them, the insurgent movements may now be prepared to return to the negotiating table without further insistence on pre-conditions.¹³ The SLM also asks, however, that countries it considers more neutral, including Eritrea, Senegal and South Africa, be added to the AU mediation team.¹⁴

C. SOUTHERN SUDAN

The situation in the south is relatively calm, with the focus slowly shifting from the long civil war to implementation of the CPA. The SPLM is beginning to come to terms with the enormity of the tasks ahead as it seeks to build the Government of Southern Sudan (GoSS) from scratch, enter into the government of national unity in Khartoum, and implement the ambitious timetable the CPA sets out. Its first delegation arrived in Khartoum in early April 2005 to begin the process of establishing it as a national political party and facilitating its entry into government. The SPLM has also begun to engage with the pro-government armed groups and other political movements in the south.

Nevertheless, there is growing cause for concern in the south, not least because of emerging dissension within the SPLM. Fault lines have emerged within the leadership of the movement, in part over the competing visions for the GoSS, in part as a result of jockeying for positions of power. There are early signs of potentially serious trouble over the lucrative and crucial oil sector. In the period leading up to the signature of the CPA, the SPLM concluded a number of oil deals of questionable legality, which are being challenged by the government as violations of the CPA.¹⁵ Equally worrying are

¹¹ Crisis Group interviews, April 2005.

¹² Crisis Group interviews, 6 April 2005 and 9 April 2005.

¹³ Crisis Group interviews, 17-18 April 2005.

¹⁴ Crisis Group interview, 6 April 2005.

¹⁵ The Wealth Sharing Agreement states that existing contracts remain valid. At issue is Block 5 (also known as Block B), which has been held since 1980 by a consortium led by Total and including the state petroleum company, Sudapet, as a minority partner, although development has been frozen since 1985 under a "force majeure" clause due to the civil war. In late December 2004, Total renewed its annual agreement with Khartoum. In mid-February 2005, details emerged of an agreement signed by the SPLM with a British firm to grant Block Ba (a sub-concession of Block B) to a new joint company, White Nile Ltd. The latter's shares on the London

emerging disagreements between the parties over where the north-south demarcation line runs in the oil areas. The CPA provides no mechanism for rapid resolution of such disputes.¹⁶

CPA implementation is already well behind schedule. The Interim National Constitution, which is needed to trigger most of the early steps, should have been concluded by the end of March but has been delayed as the parties and the opposition umbrella National Democratic Alliance (NDA) continue to disagree on the formula for representation in the National Constitution Review Commission.¹⁷ Hampered by lack of internal structures and institutions and its centralised decision-making, the SPLM has also been slow to form other committees and commissions called for in the CPA.

The pro-government armed groups in the south (all Sudanese except for the Ugandan LRA insurgents, who are still based there and receiving some -- though much

less -- support from regime elements¹⁸) will continue to pose an acute threat to peace and stability until Khartoum's intentions toward them are clarified, and the SPLM shows that it is willing and able to incorporate them into the military and government structures in the south. The 18-21 April 2005 South-South Dialogue session in Nairobi under the auspices of the Moi African Institute was a positive sign but its agenda was vague and its results inconclusive. All southern opposition political parties were represented, in addition to the SPLM, southern civil society groups, and Church representatives. The SPLM and the political opposition made substantial progress towards finding common ground for CPA implementation. However, the government refused exit visas and tickets to the leaders of the South Sudan Defence Force (SSDF), the umbrella movement for government-aligned southern armed groups, apparently for fear they might reach an accommodation with the SPLM. This last minute decision by Khartoum nearly destroyed the entire process.

D. THE EAST

Tension is rising in eastern Sudan. At the end of March 2005, the new political and military insurgent entity resulting from the merger of the Beja Congress and Free Lions -- the Eastern Front -- met to select a leadership council, generate a common political vision and mobilise its base. The meeting was attended also by the leaders of the SLA and JEM and others from outside the region, as well as Eritrea's foreign and defence ministers. The Khartoum government, which watches the Eastern Front with particular concern because of its close alliance with the Eritreans, has assigned the eastern portfolio to several heavyweight ministers, including Dr. Majhzoub al-Khalifa and Dr. Nafie Ali Nafie. Rather than engaging with the new group, however, it is using familiar tactics to avoid serious negotiations -- launching a parallel forum with a pro-government Beja group, the Beja Congress for Reform and Development, and working to hold a conference on eastern Sudan in Kassala.¹⁹

E. KHARTOUM

The Sudanese government is disappointed and surprised that it did not gain a greater respite from its troubles, international as well as domestic, by concluding peace with the SPLM. Security Council Resolutions 1591 (arms embargo, sanctions, ban on offensive flights in Darfur)

Stock Exchange rose more than thirteen-fold on rumours of the deal, before trading was frozen pending clarification. The SPLM argues that the White Nile deal, which was signed in August 2004, pre-dates the December renewal by the Total-led concession, and is therefore the relevant "existing" contract. Crisis Group interviews, January -- April 2005. "Sudan, Oil and Human Rights", Human Rights Watch, 25 November 2003, p. 489. This and other problems related to the petroleum sector will be dealt with in greater detail in an upcoming Crisis Group report.

¹⁶ The parties appear to disagree over where the Heglig oil fields belong. Several senior SPLM officials allege that the government shifted Heglig from the Pariyan district in Upper Nile to Kailek district in Kordofan in December 2004, effectively moving it from south to north. As the GoSS is only to receive revenue from oil produced in the south, and Heglig is the second largest field in the country, this is a critical issue. The CPA calls for a north-south boundary commission to be appointed by the Presidency (which will be formed following completion of the Interim National Constitution), to delineate the borders as they existed at independence, on 1 January 1956. However, this body cannot be made operational to deal with critical oil field-related questions in a timely manner.

¹⁷ On 22 April 2005, the ruling National Congress party and the SPLM announced they were prepared to give up ten seats on the 60-seat Commission to representatives of opposition parties with a view to inaugurating its work the week of 25 April. Most opposition parties rejected participation on this basis, however, because they considered it would leave control with the National Congress and SPLM, who together would still have 38 seats (63 per cent). The proposed opening of the Commission has been delayed again, as discussions continue. Opheera McDoom, "Interview - Sudan opposition to get say in constitution - Official", Reuters, 23 April 2005; "Sudanese opposition threatens constitution boycott", Agence France-Presse, 24 April 2005; Crisis Group interview with NDA official, 25 April 2005.

¹⁸ On the LRA, see Crisis Group Africa Briefing N°23, *Shock Therapy for Northern Uganda's Peace Process*, 11 April 2005.

¹⁹ "Sudan government, east rebels plan to continue talks," *Al-Khartoum*, 9 April 2005.

and 1593 (ICC referral) were serious diplomatic defeats that at least raise the prospect senior officials will be held criminally accountable for their Darfur policy. China, despite its strong oil purchase relationship, did not protect Khartoum with a veto,²⁰ and the U.S. and EU member states were able to compromise over an international tribunal. The Middle Eastern press has only half-heartedly come to Sudan's defence.²¹ In response, the government used friendly media and its mobile phone network to bring crowds into the streets to demonstrate against the UN and the U.S. for allegedly violating Sudan's sovereignty and preparing a military intervention.²² The activities of domestic opposition groups that supported the resolutions were restricted.²³

Domestically, the government is under pressure from all sides. Islamists feel the ruling elite has disgraced their movement with its brazen corruption, the absence of real transparency and consultation in decision-making, and the indiscriminate attacks, including systematic rape, against Muslims in Darfur.²⁴ The traditional opposition political parties have been infuriated by their exclusion from the CPA negotiations and their marginal status in its dispensations, including the National Constitutional Review Commission. Some opposition leaders appear to be looking for a favourable moment for street action to tilt the political balance back in their favour.²⁵ The army is frustrated by the preferential treatment the government gives to other elements of the security forces. As noted above, the merger of the Beja and Rashaida to form the Eastern Front threatens to re-ignite conflict in that region if the government does not take political negotiations seriously.

While all these factors suggest the regime's grip on power is becoming more precarious, hardliners who show no sign of changing course appear to be in the ascendancy. With the global price for oil rising, they have plenty of money with which both to enrich themselves and to build and maintain an impressive coercive security apparatus they are not hesitant to use. This was evident

in Port Sudan in January 2005, when special security forces were flown in to crack down on demonstrations by the Beja Congress, leading to at least twenty deaths.²⁶ Any uprising in Khartoum would be met with the same overwhelming force.²⁷ The government also still uses softer methods as well to isolate opposition. These include patronage to buy off and divide leaders, and, as is now happening in the east, creation of parallel, pro-regime groups and disparate, even contradictory negotiating forums to undermine the popularity of any new movement that emerges.

Preoccupation with security is also present within the ruling National Congress. At its latest internal council, in early April 2005, the leadership moved to subjugate the party to President el-Bashir and destroy any pretence of political autonomy. The council recommended replacing the position of secretary general with two or three deputies to be appointed by el-Bashir, who is also party leader. This proposal is regarded as an effort to ensure that a potentially strong secretary general could not again seek to use the National Congress to challenge the ruling security regime, as was attempted by Dr. Hassan al-Turabi, the former religious and intellectual leader of the National Islamic Front, who remains in detention.²⁸

Ironically, however, the regime's best ally in protecting its domestic position could prove to be its recent deadly enemy, the SPLM. Opposition parties have hoped the former insurgency would quickly terminate the partnership of common interest it forged with the National Congress while negotiating the CPA and work toward forming a broader government of national unity. However, some were disappointed when leaders went out of their way on 6 April 2005, in speeches at the SPLM's first public rally in Khartoum since the war ended, to praise the National Congress and re-affirm the alliance with the

²⁰ Nafie Ali Nafie, Minister of Federal Affairs, publicly criticised China for not vetoing Resolution 1593. *Akhbar Al-Youm*, 6 April 2005

²¹ See, for example, "Sudan's bitter options", *Mideast Mirror*, 4 April 2005, which provides a mixture of views of Resolution 1593 from Middle Eastern newspapers, ranging from condemnation due to the belief it reflected a global international law double standard, to acceptance because the Sudanese government had brought the Security Council action upon itself.

²² Opheera McDoom, "Sudanese march against U.N. war crimes resolution", Reuters, 5 April 2005.

²³ "Opposition party banned from political activities", IRIN, 8 April 2005.

²⁴ Crisis Group interviews, March 2005.

²⁵ Crisis Group interview, April 2005.

²⁶ The Eastern Front has demanded that political activists arrested in that crackdown be released before it will negotiate with the government.

²⁷ This has been evident in the regime's lethal response to increasingly frequent student protests. At Dilling University in the Southern Kordofan state on 11 April 2005, at least one student was killed and more than twenty injured when security elements suppressed protests that the National Congress had used fraud to win student union elections. A few days later, a student from Al Nilain University was killed by security forces after a protest in Khartoum. See "Students at Kordofan university clash; one dead, 24 injured", *Akhbar al-Yawm*, 12 April 2005; "Sudan police clash with students," United Press International, 19 April 2005.

²⁸ Crisis Group interviews, April, 2005. The body in which the proposal has been considered is the party's Islamic Consultative Council or Shura Council. The proposal is scheduled to be acted upon definitively in October 2005 at a special session of its larger National Conference.

ruling party.²⁹ The SPLM does not appear to have decided yet how broad-based a government it wishes to aim for, though it is exploring the concept with the NDA.³⁰ The SPLM will likely not wish to do anything at this stage that could jeopardise its hard-won CPA concessions. Moreover, southerners do not have fond memories of previous Umma Party and DUP governments. In the short term, therefore, the regime may well draw crucial political support from cooperation with the SPLM to implement the CPA.

III. A POLICY CHECK LIST

The following five objectives, each with their specific actions, constitute a new Sudan Action Plan.

OBJECTIVE ONE: PROTECT CIVILIANS AND RELIEF SUPPLIES IN DARFUR

Action One: Give the AU force (AMIS) a stronger mandate. The government of Sudan has failed in its responsibility to protect its citizens. Therefore, the AMIS mandate -- primarily a monitoring one at present, though with a narrow provision to "protect civilians whom it encounters under imminent threat and in the immediate vicinity"³¹ -- must be strengthened to focus unequivocally on the protection of civilian life and humanitarian operations, and to leave AMIS commanders and troops in no doubt that they are expected to operate proactively. The Rwandan government has made it clear that it will pull its forces out of Darfur if the AU does not seek a more robust civilian protection mandate.³² The Security Council should lend its weight to support such an AU effort and should endorse the new stronger mandate.

Action Two: Send more troops, properly resourced. AMIS was authorised in October 2004 to field 3,320 troops. Only just over 2,000 have thus far reached Darfur. Both figures are inadequate even to accomplish the current mandate of primarily ceasefire observation. A minimum of 10,000 are needed to carry out the stronger mandate that the situation requires. A number of questions must be addressed urgently:

- ❑ where the additional troops are to come from -- AU member states and/or other contributors;³³
- ❑ what additional equipment is required and whether this can be provided by the troop-contributing states or must be provided by others;
- ❑ how the additional troops and their equipment can be deployed quickly;³⁴ and
- ❑ what command and control adjustments the larger force may require.

The young AU is the only body that has stepped up to the Darfur tragedy in a meaningful fashion. It is vitally important that it develop, as it desires, the capacities, institutions, practices and procedures to handle security crises on the African continent. However, the difficulty evidenced in deploying in six months only a little more than half the inadequate number of authorised troops shows it needs assistance to master this crisis. Three organisations are capable of helping: the UN, which already has a mandate under Security Council Resolution 1590 to deploy 10,000 troops in Sudan, not necessarily limited to the south; NATO, which has unrivalled trained manpower and logistical resources; and the EU, which has growing peacekeeping abilities and ambitions and the right to call on NATO resources.³⁵

How to maximise cooperation between these four organisations -- how to get the necessary additional troops on the ground quickly enough with equipment, structure and command organisation to be effective -- is probably the single most urgent and complex issue the international community faces with the entire Sudan portfolio. Crisis Group will analyse this more fully in a subsequent report. The immediate requirement, however, is for senior representatives of the four organisations and key governments to consult urgently and decide who now can best do what.³⁶ Among the questions and options on their agenda should be:

²⁹ Crisis Group interview, April 2005.

³⁰ The SPLM and the NDA met in Asmara the week of 25 April. The Umma party as well as the Darfur insurgent movements, SLA and JEM, were also there.

³¹ See African Union Peace and Security Communiqué (PSC/PR/Comm. (XVII)), 20 October 2004.

³² Crisis Group interviews, 17-18 April 2005.

³³ Rwanda, which has sent in just 400 troops to date, has another 2,500 ready to go in but lacks the means and authorisation to get them to Darfur. Crisis Group interviews, April 2005.

³⁴ A Western country with a long history of participation in multilateral peacekeeping has offered at a very senior level to help with the logistics but there is no organised way for such a contribution to be made, and the AU has not been receptive. Crisis Group interviews, April 2005.

³⁵ See Crisis Group Europe Report N°160, *EU Crisis Response Capability Revisited*, 17 January 2005.

³⁶ Secretary General Annan is to submit a report to the Security Council on or about 25 April 2005 on how UNMIS might help AMIS achieve its objectives. It is not expected to be the last word on the subject.

- ❑ how many of the necessary additional troops the AU can provide and how quickly, and how and from where any shortfalls can be made good;
- ❑ whether NATO or the EU should be the primary provider of Western assistance to the efforts in Darfur and what lift, capacity training, and equipment can be provided; and
- ❑ whether part of the UN peacekeeping deployment authorised for Sudan under Resolution 1590 should be sent to, or earmarked as available in emergency for, Darfur, and if so what the relationship to the AMIS mission should be in terms of subordination or superiority and/or division of tasks or zones of responsibility.

These matters need to be settled quickly between the organisations on a basis of what can work and without regard for jurisdictional prerogatives or prestige. The results should be confirmed and formalised in a Security Council resolution.

Action Three: Enforce the Security Council's ban on offensive military flights over Darfur. Although the Sudanese military's use of aerial assets has decreased in recent weeks, its helicopter gunships and Antonov bombers remain a threat to civilians. Resolution 1591 invites the AU's Ceasefire Commission to provide the Security Council with information about compliance with the ban and envisages application of targeted sanctions against individuals responsible for violations. More direct and immediate safeguards should be provided, including a new Security Council resolution requiring that an AMIS or UN observer be present on all military fixed-wing aircraft and helicopters that fly over Darfur, with any violations to be reported immediately to the Security Council, which in turn should be prepared to authorise the international troops on the ground to seize the offending aircraft and also be prepared to call an especially serious breach to the attention of the ICC. Additionally AMIS and NATO/EU should consider the feasibility of and procedures for establishing AWACS radar coverage of Darfur's airspace.

Action Four: Neutralise the militias. Despite innumerable commitments to do so, the Sudanese government has not yet made a serious effort to disarm or otherwise rein in the Janjaweed militias -- an essential step if civilians are to be secure and peace is to return to Darfur. The responsibility is Khartoum's. The Security Council should give the government one last opportunity to discharge that responsibility by ordering it to produce a plan for review by the Council and to implement it promptly. AMIS should report within 30 days on that implementation, and if progress is not sufficient, the Security Council should impose targeted sanctions against those deemed responsible, bring full details to the attention

of the ICC and task the international troops on the ground to produce their own plan to improve the situation. That plan would need to involve proactive measures including use of force sufficient at least to make the militias realise that matters had fundamentally changed, and there would be high costs to further depredations.

Action Five: Enable IDP/refugee return. Two years into the crisis, the UN has yet to articulate a comprehensive plan for persons displaced by the conflict to return to their homes and to assist them in rebuilding their villages. The Secretary General should urgently develop such a plan, with clear delineation of responsibilities and timelines, after which the Sudanese government will need to cooperate with it. The plan should include a Neutral Resettlement and Claims Commission composed of representatives of the government, the rebels and civil society known for their integrity, chaired by a UN representative, and with a mandate to:

- ❑ record criminal complaints against groups or individuals for injuries, wrongful deaths and material losses such as looted livestock and household and commercial goods;
- ❑ consult with women and local organisations in planning and implementing IDP and refugee returns;
- ❑ create mechanisms for restitution, compensation and investigation of charges by victims; as the entity responsible for the policies that have led to the devastation of Darfur, the Sudanese government should be expected to bear full responsibility for setting up a restitution/compensation fund;
- ❑ collaborate with investigations by responsible third parties into violations of international humanitarian law; and
- ❑ establish land usage rights to resolve the inevitable disputes that will arise when displaced persons return to their villages.

Action Six: Monitor and enforce the arms embargo. The Security Council needs to move quickly to put in place the institutions envisaged by Resolution 1591: a Council Committee to identify transgressors against whom member states are to apply targeted sanctions and a Panel of Experts to assist it. At least the former should be up and working by 28 April 2005 -- 30 days after passage of the resolution and the date envisaged by the resolution for entrance into force of the initial sanctions. The Security Council has not yet identified a member state to chair of the Committee, and the Secretary General has not named the Panel of Experts. Reports of the Panel of Experts and the Committee should be public, and the

Council and member states should act expeditiously upon them. The same Committee and Panel of Experts are charged as well with responsibility for the targeted sanctions regime with respect to other aspects of Resolution 1591.

OBJECTIVE TWO: IMPLEMENT ACCOUNTABILITY IN DARFUR

Action One: Set up the Security Council institutions quickly. As described above, the Security Council Committee authorised by Resolution 1591 should be operative and the Secretary General should have named the Panel of Experts to assist it by 28 April 2005.

Action Two: Widen targeted sanctions. As indicated above, the oil sector continues to give hard-line elements in Khartoum the resources with which to pursue policies that are contrary to the interests of peace in Darfur (as well as to full realisation of the hopes engendered by the CPA). The Security Council should urgently consider imposing further sanctions that target the petroleum sector and other business sectors that finance the regime's violence in Darfur. If the Council is unable to agree on a course of action, individual member states as well as regional organisations such as the AU and the EU should take their own actions.

Action Three: Support the ICC investigation. The Security Council, the AU and the AU's mission in Darfur (AMIS), as well as individual member states, should each, within their competence and authority, continue to provide relevant information on a timely basis to the ICC, including political information, ensure it has adequate financial and logistical support with which to pursue its investigation in a prompt and comprehensive manner, and press the Sudanese authorities to cooperate with that investigation, including by the application of targeted sanctions against those who do not. They should encourage the ICC to reach out to the general population and work with local groups, including women's organisations, to increase credibility and support for the accountability process.

OBJECTIVE THREE: BUILD A DARFUR PEACE PROCESS

Action One: Establish a multilateral framework like that which facilitated the CPA. The negotiations at Naivasha that produced the agreement between the Khartoum government and the SPLM were led by the Inter-Governmental Authority on Development (IGAD), chaired by Kenya and substantially assisted by four national delegations -- those of the U.S., UK, Norway and Italy -- and the UN. To strengthen its mediation at Abuja, the AU should establish a time frame for

negotiations, develop an appropriately-sized secretariat with significant external support, and work more closely with a similar team of interested governments, including, in the first instance, the U.S., Norway and France, as well as the UN, and, more generally, others with strong interest in the Abuja situation such as the UK, China, Canada, the Netherlands, Egypt, Libya and India. Those facilitators could both keep pressure on government and rebels alike to negotiate seriously, and feed in ideas and advice.

Action Two: Appoint a high profile mediator. The current level of diplomatic representation is too low to impact the calculations of the regime and the rebels, and the level of coordination between the AU and key external countries is insufficient to create the necessary leverage to move the process forward. The AU should name a widely known and respected senior envoy as the lead figure in the process and with whom other international actors could coordinate. The key capitals must ensure high-level support for the AU envoy, including visits to the field by foreign ministers, the U.S. Secretary of State and the Secretary General of the UN, and at least the U.S. should appoint a senior envoy to work full-time on the process.

Action Three: Convene an extraordinary meeting. To give momentum to the process, the Secretary General of the AU and the Secretary General of the UN should meet with other key actors and create a blueprint for negotiations that the international community can get behind and fully support.

Action Four: Take steps to help the rebel movements resolve leadership disputes so negotiations are more realistic. JEM and even more so the SLA are threatened by internal divisions, particularly between field-based military leaders and political leaders based outside Sudan. The international community should help them hold leadership conferences, with a view both to counteracting the growth of warlordism that threatens to make the security situation in Darfur even worse, and to facilitate their development into more coherent entities that could negotiate more responsibly for a political solution.³⁷

OBJECTIVE FOUR: IMPLEMENT THE CPA BETWEEN KHARTOUM AND THE SPLM

The CPA is a complex agreement bedevilled by low political will for its implementation. Timetables are already slipping. The international community must

³⁷ For more on this aspect of the situation, see Crisis Group Report, *Darfur: The Failure to Protect*, op. cit. pp. 9-12.

expend much greater effort to ensure that it does not collapse and lead to renewed war in the south and centre of the country.

Action One: Deploy the UN mission rapidly. Nothing would send a more effective message that the international community is willing and able to help enforce the still shaky CPA than to get UNMIS operative and in the field without delay. Though the need for UNMIS was apparent even in advance of the signing of the CPA in January 2005, business-as-usual deployment seems to be the order of the day. Headquarters units are expected to be in place some three months after passage of Resolution 1590 -- perhaps by late June -- and the bulk of the troops perhaps not for a further three months. These targets may slip if other parts of the CPA agenda fall behind schedule (see below). Every effort should be made to include among the first units deployed mobile rapid reaction teams with sufficient logistical and fighting capacity to challenge groups in violation of the ceasefire.

Action Two: Press for effective management of the oil sector. Successful implementation of the CPA depends on the establishment of a regular flow of oil revenues to the new Government of Southern Sudan (GoSS). A mechanism is needed to address disputes over geographic location of the oil fields, border demarcation and related matters in a timely manner.

Action Three: Press for security sector reform in Khartoum. The SPLM's rapid integration into the central government is necessary in order to dilute the influence of hard-line elements inside the regime who presently dominate all parts of the security sector. Early insertion of southern leaders into the security and other policy-making components of the national government could advance the search for political solutions in both Darfur and the East. Achieving transparency in the security sector, including equal opportunity in recruitment and promotions on merit, are important objectives for all political players in Sudan, not only the SPLM.

Action Four: Hold the parties to the year-long integration timetable set in the CPA. Catching up with the schedule for the National Interim Constitution should be a particular priority. The parties should be encouraged to be as inclusive as possible in this crucial nation-building step, reaching out far wider than they did during the Naivasha negotiation to bring in other political forces, civil society, including women, and various interest groups, to increase the level of public participation and build support for the final constitution. The parties should also be pressed to stick to other key timelines, such as those relating to creation of the Joint/Integrated Units, initial withdrawal of the central government's army, the Sudan Armed Forces (SAF), from the south, and full integration of the government-aligned other armed

groups into either the SPLA or the SAF -- all of which should happen by the end of the first year.

Action Five: Support the South-South Dialogue in order to defuse potential intra-south conflicts. The inaugural South-South Dialogue, 18-21 April in Nairobi, was an historic occasion at which the participants made progress toward southern reconciliation, but crucially the pro-government SSDF military leadership was not present because of last minute Khartoum actions. Follow up dialogue, including a meeting between the SPLM and the SSDF, would help to promote a stable and peaceful South during the crucial early months of CPA implementation. The international community should apply the necessary pressure on Khartoum to allow all invited participants to attend in the future.

Action Six: Promote responsible disbursement of development assistance funding. Donors, meeting in Oslo on 11 and 12 April 2005, pledged \$4.5 billion for humanitarian and development assistance to Sudan.³⁸ While this is generous,³⁹ they must follow through on the pledges and disperse the funds quickly and completely.⁴⁰ Such assistance should also be provided with a view to promoting the following principles:

- aid to the South should not be held hostage by the Darfur situation; conversely, the importance of providing assistance to the South should not keep donors from conditioning assistance to the central government on progress in Darfur;
- inclusiveness in all institutions and initiatives to the greatest extent possible;
- democratic transition, including adherence to the electoral timetable and free and fair elections in order to widen the circle of stakeholders in peace; and
- transparency, especially in all matters related to oil sector revenues.

Action Seven: End support for the Lord's Resistance Army. The LRA has been a Khartoum ally in destabilising southern Sudan for a decade, and the potential remains

³⁸ "\$4.5 billion in aid pledged for postwar efforts in Sudan", *Washington Post*, 13 April 2005.

³⁹ Prior to the conference, the Joint Assessment Mission (JAM), consisting of teams with representatives from the Sudanese government and the SPLM, as well as the UN system, the World Bank and IGAD, had estimated that Sudan would need \$2.6 billion in humanitarian and development assistance over the next two and a half years. For more information on the JAM process, available at <http://www.unsudanig.org/JAM/index.jsp?cid=intro>.

⁴⁰ "Annan urges donors to convert pledges to cash", IRIN, 14 April 2005.

for it to continue playing that role in the interests of regime hardliners. UNMIS should monitor, and the international community should press the regime to end, any further supply to the LRA. Moreover, priority should be given to supporting the Northern Uganda peace process in order to resolve the LRA problem (and another long, brutal civil war) definitively.⁴¹

OBJECTIVE FIVE: PREVENT NEW CONFLICT IN SUDAN

Action One: Address issues in the east. This is the next powder keg that could erupt. The Khartoum government should be pushed to negotiate with the serious new Eastern Front movement rather than pursue diversionary tactics with handpicked, unrepresentative groups; the SPLM should be urged to use its new influence in Khartoum to encourage moderation; and the international community should engage in a crash course to understand the unique roots of the problems there.

Crimes against humanity are not African problems; they are global ones and demand global solutions. There is a fundamental responsibility to protect civilian life that the Sudanese government has abdicated and the international community has not yet fully assumed. This Action Plan concentrates on what governments and international organisations should be doing, but there is scope for other institutions as well. For example, mutual funds, pension funds and universities should seek to divest themselves of stocks in companies that invest in Sudan, as Harvard University did in early April, as a means of putting pressure on Khartoum to adopt more constructive policies. Much deeper political and military engagement is required across the board, not just for Darfur but for ensuring implementation of the CPA and preventing the outbreak of new conflict in other parts of the country. The future of the state and people of Sudan is at stake and will be largely determined by the actions the international community takes, or fails to take, in the next few months.

Nairobi/Brussels, 26 April 2005

⁴¹ For more information on that conflict, see Crisis Group Briefing, *Shock Therapy for the Northern Uganda's Peace Process*, op. cit.; Crisis Group Africa Briefing N°22, *Peace in Northern Uganda: Decisive Weeks Ahead*, 21 February 2005; and Crisis Group Africa Report N°77, *Northern Uganda: Understanding and Solving the Conflict*, 14 April 2004.

APPENDIX A
MAP OF SUDAN





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