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REPORT OF THE CHAIRPERSON OF THE COMMISSION ON THE SITUATION IN DARFUR (THE SUDAN)

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INTRODUCTION

1. At its 17th meeting held on 20 October 2004, the Peace and Security Council (PSC) decided that the enhanced African Union Mission in the Sudan (AMIS) consisting of 3,320 personnel, shall be deployed in Darfur for a period of one year renewable, if need be, to perform the following mandate:

- to monitor and observe compliance with the Humanitarian Ceasefire Agreement of 8 April 2004 and all such agreements in the future,
- to assist in the process of confidence building; and
- to contribute to a secure environment for the delivery of humanitarian relief and, beyond that, the return of IDPs and refugees to their homes, in order to assist in increasing the level of compliance of all parties with the Humanitarian Ceasefire Agreement and to contribute to the improvement of the security situation throughout Darfur.

2. The 28th meeting of the PSC that convened on 28 April 2005 decided that AMIS strength be increased to a total of 6,171 military personnel, with an appropriate civilian component, including up to 1,560 civilian police personnel, by the end of September 2005. The mandate given by the 17th meeting of the PSC expired on 19 October 2005.

3. The 42nd meeting of the PSC, held on 20 October 2005, decided to extend the mandate of AMIS for a period of three months, until 20 January 2006. This extension was made pending a review of the situation in light of the report to be submitted by the Commission on all aspects of the prevailing situation in Darfur and on AMIS operations, including the renewal of the mandate of the Mission for a longer period.

4. The present report, which is submitted in pursuance of the decision of the 42nd meeting of the PSC, covers political, security, military, humanitarian and human rights developments in Darfur, since my report [PSC/AHG/4(XXIII)] to the 28th meeting of the PSC PR2V. ~~The~~

STATUS OF THE INTER-SUDANESE PEACE TALKS

5. Council will recall that, after the 4th Round of the Inter-Sudanese Peace Talks on Dafur, held in December 2004, failed to adopt the Declaration of Principles (DoP), that was initially discussed during the 3rd Round , held in October – November 2004, efforts were made at various levels, to resume the Talks as quickly as possible. Despite these efforts, it was not possible to reconvene the Talks due to several factors, including the security situation on the ground and the split within the Sudan Liberation Movement/Army (SLM/A) leadership. It was against this background, and bearing in mind the need to strengthen the Mediation Team, that I appointed Salim Ahmed Salim, former Secretary-General of the OAU, as my Special Envoy and Chief Mediator for the Abuja Peace Talks.

6. During the 5th Round of the Inter-Sudanese Peace Talks on Darfur, held in Abuja, from 10 June to 5 July 2005, efforts were geared towards finalizing the DoPthis document . After extensive and painstaking negotiations, the DoP was signed on 5 July 2005. In the DoP, the Sudanese parties agreed on the broad principles that should guide their future deliberations and constitute the basis for a just, comprehensive and durable settlement of the conflict in Darfur. It should be noted that the adoption of the DoP was made difficult, due to the complexity of issues involved, including land ownership rights, impunity, separation of state and religion, wealth and power sharing, and security arrangements.

7. The 5th Round was also marred by side issues, such as the presence of Eritrea, contested by the delegation of the Government of the Sudan (GoS), and the role of Chad as co-mediator, opposed by the representatives of the Movements, in particular the Justice and Equality Movement (JEM). These subsidiary matters prevented, for days, the beginning of the discussions. A modus operandi allowing Eritrea to attend the bilateral consultations with the Movements, and Chad to retain its co-mediation role was proposed by the Mediation Team and accepted by the parties that finally enabled the Talks to proceed and be concluded by the Talks to proceed and be concluded by the adoption of the DoP.

8. Subsequent to the signing of the DoP, I requested the Special Envoy to undertake consultations with the Sudanese parties, as well as the Chadian Mediation and the Facilitators. To this effect, the Special Envoy organized a consultative meeting in Dar-es-Salaam and Bagamoyo, in Tanzania, with the Sudanese parties, from 21 to 23 August 2005. During that meeting the parties agreed on the date and the agenda of the 6th Round of the Talks, as well as on its format and duration.

Furthermore, the Special Envoy visited Khartoum, N'djamena, and Tripoli, from 30 August to 10 September 2005. In Khartoum, he met with President Omar Hassan El Bashir, First Vice President Salva Kiir, Vice President Ali Osman Taha, and other Sudanese officials, including the leader of the Government delegation to the Peace Talks, Majzoub El Khalifa. While in the Sudan, he also travelled to Darfur where he met with the SLM/A Secretary - General, Mini Minnawi, in Birmaza (Northern Darfur),

representatives of the JEM, in Nyala, and other members of the SLM/A, in Jabal Mara, the stronghold of the Movement's Chairman, Abdulwahid El Nour.

In his various meetings with the Sudanese parties, the Special Envoy briefed them about the efforts being made to resume the Talks by mid-September. All the parties expressed their readiness to go back to Abuja and their willingness to make the Round if not the final at least a decisive one. Nevertheless, it should be mentioned that the SLM/A Secretary - General expressed the wish to be given the opportunity to organize his Movement's National Congress before the 6th Round, while other members of the SLM/A were of the view that, although it was important to hold a Congress, this needed a thorough preparation to enable all the members, including representatives of the various tribes, the civil society, intellectuals, women and others, to be present. They also agreed with the Special Envoy that the Talks should not be held hostage by the proposed Congress. The AU message communicated to all the SLM/A leaders was that any conference which will not be all-inclusive of the Movement's leadership but rather lead to deepening the divisionsd, should be avoided.

In Tripoli, the Special Envoy met with the leader of the Libyan Arab Jamahiriyah, Col. Muammar Ghaddafi, and with Ali Triki, the Libyan representative to the Abuja Talks. The Libyan Leader reiterated his support to the AU-led Peace Talks in Abuja. In Chad, the Special Envoy met with President Idriss Deby, with whom he reviewed the situation in Darfur and discussed the misunderstanding between Chad and JEM and the need to maintain Chad's co-mediation role, as reaffirmed by the AU Summit in Sirte, in July 2005.

I am pleased to inform the PSC that, following an exchange of views on the margins of the 6th Round of the Peace Talks, which took place from 21 September to 20 October 2005, and in coordination with the Chairman of the African Union, representatives of the JEM leadership were received in N'djamena, on 24 September 2005, by President Idriss Deby, in the presence of a delegation led by Amb. Baba Gana Kingibe, my Special Representative in the Sudan. After an in-depth examination of the obstacles impeding the peace process on Darfur and a thorough review of past misunderstandings between Chad and the JEM, the two parties agreed as follows:

- reaffirmation of the role of Chad as a neutral and impartial co-mediator in the Darfur peace process;

- commitment of Chad and the JEM to cooperate with a view to settling, through dialogue, current and any future problems;

- commitment of Chad to facilitate the free movement, in full security, within its territory, of the JEM representatives on official assignments related to the peace process;

- commitment of Chad and the JEM to closely cooperate with the international community to find a speedy and durable solution to the humanitarian crisis facing the people of Darfur; and

- commitment of Chad and the JEM to refrain from all actions capable of undermining the Darfur peace process.

During the 6th Round of the Talks, the divisions within the SLM/A and the leadership dispute between its Chairman, on the one hand, and its Secretary-General, on the other, contributed, to a large extent, to bringing the discussions to a standstill for four days. Intensive consultations undertaken by the Mediation Team and international partners to narrow the differences within the SLM/A did not achieve the desired outcome. Notwithstanding these problems, the Talks eventually started on 3 October 2005, after the conclusion of a week-long workshop organized by the Mediation Team, with the assistance of international experts, on the issues expected to be discussed during the Round, namely: wealth sharing, power sharing, and security arrangements. Of these three subjects substantive discussions began only in the Power Sharing Commission because the Movements argued that they were not equipped to discuss them simultaneously on separate Commissions. On Wealth Sharing, only the agenda was adopted, and preliminary discussions on security arrangements took place only towards the end of the Round. Overall little progress was achieved during the 6th Round. Nevertheless, before the end of the Talks, the parties signed a joint communiqué expressing their collective will to make the 7th Round a decisive one.

In preparation for the 7th Round, the AU Mediation and international partners deployed considerable efforts to assist the SLM/A overcome its divisions and to ensure that it can participate in the Talks as a united and cohesive Movement.the

It was with this concern in mind that the AU and its partners responded to the unilateral decision by the Secretary-General of the SLM/A to convene the Movement's Congress, by cautioning on the need for an all-inclusive conference that would reflect the wide diversity of its membership. It was also advised that the leaders of the SLM/A should afford the entire membership an opportunity to to freely choose those who should lead the Movement, in order to ensure that both the reorganization and programmes of the SLM/A would reflect the different tendencies within the Movement. When it became apparent that the Secretary-General would proceed with the conference, the AU and its partners also advised against the plan to conduct elections for a new leadership especially given the fact that not all the leaders, most notably the Chairman and Vice Chairman of the Movement, would attend.

When eventually the conference was held in Hasskaneita, a town in eastern Darfur, from 29 to 31 October 2005, "elections" were organised that produced a new

"leadership" for the SLM/A. Subsequently, the Chairman and Vice Chairman, as well as some other members of the SLM/A, rejected the outcome of the conference as "illegal" and, therefore, "null and void". Even though, a low-level representation of the AU and some other partners observed the conference, neither the AU nor any of its partners has so far recognized or rejected its outcome. Essentially, the conference and the "elections" have deepened the division within the SLM/A, with serious implications for the peace process and the efforts to end the conflict in Darfur.

In response to these developments, and as agreed at the end of the 6th Round of the Talks, the United States of America, with the support of the AU, launched an initiative to help unite the SLM/A and to avoid a further fragmentation of the Movement. It is in this perspective that, from 8 to 9 November 2005, the US Government organized a meeting in Nairobi , with members of the two factions of the SLM/A. The two delegations were led by the "ousted" Chairman of the SLM/A and the "newly elected" Vice-President of the Movement, respectively. Presiding over the deliberations was the US Deputy Secretary of State, Robert Zoellick, who was in Nairobi, with some of his most Senior Africa Department Advisors. The AU was represented by the Special Envoy and Chief Mediator, Salim Ahmed Salim, and the Special Representative in the Sudan, Baba Gana Kingibe Special Envoys and other representatives , notably from the UK, Canada, EU, UN, Norway, the Netherlands, France and others, also attended the meeting and the subsequent workshops on the Naivasha Comprehensive Peace Agreement (CPA) and security arrangements in Darfur, also organized by the USA.

The meeting did not achieve one of its most important objectives - that of uniting the leadership of the SLM/A around one delegation to the Talks and adopting a common negotiating position for the critical stage of the negotiations, around which all the leaders and membership could converge. Additionally, the faction led by Mini Minnawi refused to participate in a subsequent workshop organized by the World Bank,, at the request of the AU., on wealth-sharing, from 11 to16 November 2005

Following the developments in Nairobi, efforts continued with a view to encouraging the leaders of the SLM/A to adopt a united and inclusive approach to the negotiations. After the visit of the US Deputy Secretary of State to Darfur and the visit of the Special Envoy of Canada to the Region, consultations were held between ~~the Special Envoy and Chief Mediator with~~my Special Envoy, Salim Ahmed Salim, Senior Officials of the US State Department, in Washington, with the same objectives. The Special Representative of the Secretary-General of the United Nations, Jan Pronk, also visited Darfur and met with leaders of the SLM/A, to convey to them the same message of unity and inclusioneness. Subsequently, and as also agreed between the US and the AU, another delegation of the United States, this time led by the Assistant Secretary of State for African Affairs, Jendayi Frazer, visited Darfur on 19 November 2005, to again engage the two groups in the SLM/A.

Prior to the meeting, my Special Representative in the Sudan, undertook a trip to Muhajeria,, in Darfur, on 18 November 2005, to meet with Mini Minnawi. He urged him himto attend the meeting that was to be convened the following day at the AMIS Force Headquarters, where Abdulwahid El Nur will also be present. At the meeting,, on 19 November 2005, facilitated by AMIS, the US Delegation joined by the AU Special Representative and the Head of the AU Mediation Team, met with Mini Minnawi and Abdulwahid El Nur. As in Nairobi, the aim of the meeting was to get the two groups to agree on one of two options that was presented to them as follows:

- the first and preferred optiono was for one SLM/A delegation to attend the 7th Round of the Talks, with a common negotiating position, as a demonstration of their strong resolve for a peaceful solution to the conflict in Darfur; and

- the second optiono, that was not encouraged, was for two SLM/A delegations to participate at the Talks with a common negotiating position.

The group led by Abdulwahid El Nur heeded the above call and stated his readiness to go along with the first option. However, the group indicated that because of the rejection of the outcome of the Hasskaneita Conference, there were now effectively two groups in the SLM/A and s preference was its preference was to go to Abuja as separate groups, but with a common negotiating position, if possible. On their part, Mini Minnawi's group maintained that Abdulwahid El Nur had been removed from office by the conference held in Hasskaneita and was now an ordinary "common" member of the SLM/A. Consequently, only one delegation could represent the SLM/A at the Talks and it had to be designated by the "new leadership", which will not accept any other arrangement. Mini Minnawi concluded that in the event that the AU and its partners decide to allow the two groups at the Abuja Talks, the "new leadership" would withdraw from the Talks and not feel bound by any previous Agreements.

At the end of the meeting, the US Assistant Secretary of State expressed the disappointment of US Government over the outcome of both the Nairobi and El Fasher meetings. She conveyed the united stand of the international community against any attempt to undermine the peace process in Abuja. She stressed that the international community will take a firm stand (including the possibility of sanctions) against any party that should decide to withdraw from the Talks. For their part, both the AU Special Representative in the Sudan and the Head of the Mediation Team underscored the resolve of the AU to facilitate an all-inclusive process.

Following the El Fasher meeting, and through the efforts exerted by the Government of Chad, with the support of the AU and Eritrea and Libya, a meeting of the SLM/A leaders was convened in N'djamena, on 26 November 2005. Both

Abdulwahid El Nur and Mini Minnawi attended this meeting and committed themselves to harmonize their negotiating positions and to establish a Commission to work for reconciliation within the SLM/A.

The 7th Round of the inter-Sudanese Peace Talks on Darfur opened in Abuja, on 29 November 2005. In compliance with the agreement reached in N'djamena, between Abdulwahid El Nur and Mini Minnawi, both leaders arrived in Abuja, with a declared commitment to make the 7th Round a decisive one. Notwithstanding this understanding, considerable time was spent prior to the opening of the Talks to avert possible crisis within the Movement on the issue of speaking arrangements and the composition of their delegations to the Talks. It was eventually agreed that the two SLM/A leaders will not speak at the opening of the 7th Round, but will rather allow the representative of JEM to speak on behalf of the Movements. That agreement paved the way for the opening of the 7th Round.

25. Thus far, the Power Sharing Commission had concluded the three first items on its agenda relating respectively to general principles for power sharing; criteria and guidelines for power sharing; and Human rights.

26. However, the discussions are, for the moment, stalled because of the parties divergent positions on the fourth item on the agenda, dealing with federal system and all levels of governance and their competencies. The parties presented their respective positions on the question, underlining four aspects of the federal system which are of concern to them:

- the status of Darfur (one region or 3 states);
- the representation of the Movements at the Presidency;
- the federal capital administration; and
- the boundaries of Darfur.

To help the parties narrow the gap between their positions, the AU Mediation Team submitted a proposal on the four subjects. The Movements rejected it and reiterated their demands. The Government, which considered the AU Mediation proposal as a sound basis for discussion, did not accept these demands. All efforts exerted so far, including proximity talks and negotiations in small groups, did not yield any positive development. Pressure need to be exerted at a higher level to bring the parties to demonstrate more flexibility so as to allow compromises on the issues at hand. The new proposal of the Mediation Team to differ discussions on item 4 for the time being and move to item 5 on the representation at the levels of governance is yet to be accepted by the parties.

The Wealth Sharing Commission has made substantive progress on the issues on its agenda. The workshops organized in Abuja by the Mediation, during the 6th Round, and in Nairobi, by the USA and the World Bank, have contributed to build confidence among the representatives of the Government and the Movements. The

parties have already agreed on the first agenda item relating to the general principles. They have also completed discussions, through bilateral meetings with the Mediation, as well as in plenary sessions, on fiscal federalism, criteria for wealth sharing, national economic policies and intergovernmental relationships, land issues, and urgent programs for the IDPs and refugees. The two remaining items to be considered relate to the Implementation Mechanisms and Guarantees and the General Provisions. The documents submitted by the Mediation and resource persons have been, by and large, accepted by the parties, with the exception of few bracketed paragraphs on which discussions are continuing. The outstanding issues concern, mainly:

- the fiscal and Financial Allocation and Monitoring Commission to be established as agreed upon in the CPA, and the share of Darfur from oil and other natural resources;

- the allocation to Darfur of a fixed percentage of the total annual national revenue;

- the establishment of a Darfur Reconstruction and Development Fund as a window of the National Reconstruction and Development Fund provided for in the CPA;

- the leadership role of the African Development Bank (ADB) and/or the World Bank in the Joint Assessment Mission (JAM) to be conducted with a view to identifying and quantifying the needs of post-conflict economic recovery, development and poverty eradication programme for Darfur;

- the settlement and registration of land in Darfur under the Land Settlement and Registration Act of 1925; and

- the question of compensation under the urgent programmes for internally Displaced Persons (IDPs), refugees and other war-affected persons.

With regard to the Security Arrangements Commission, following informal consultations, which lasted about a month, the Mediation Team finally succeeded in bringing the parties to accept the draft agenda. In a plenary session convened on 23 December 2005, the parties adopted the following five-point agenda general principles; security arrangements for an enhanced humanitarian ceasefire; comprehensive ceasefire and final security arrangements; social reintegration; and time-line for implementation.

The bone of contention all along has been that each party in the Security Arrangements Commission wanted to see all its concerns mentioned, in detail, on the agenda. Eventually, the parties agreed to have broad headings as agenda items under which each of them will have the opportunity of presenting its own positions.

Discussions have started on the general principles. The pace of progress is very slow. The parties are adopting maximalist positions on the issue, and sometimes confusing principles with modalities and implementation mechanisms.

On a related issue, I wish to inform the PSC that the Commission has undertaken a number of initiatives aimed at addressing the gender dimensions of the conflict in Darfur and strengthening women's participation in the on-going Inter-Sudanese Peace Talks. This is in line with the AU Heads of State Solemn Declaration on Gender Equality in Africa (2004), the AU Protocol to the African Charter on Human and People's Rights on the Rights of Women (2003), and UN Security Council resolution 1325 on Women, Peace and Security (2000). In this respect, I have appointed a Senior Advisor on Gender Issues for AMIS, who joined the Mediation Team in Abuja at the beginning of the 7th Round.

With the support of UNIFEM, a twenty-member all-women Gender Experts Support Team (GEST) from Darfur was brought to Abuja to support the peace process on gender issues as well as on other more general issues. The GEST, which arrived in Abuja on 10 December and stayed for 20 days, comprised of economists, lawyers, health workers, parliamentarians, educationists, ministers, lecturers, women working at the grassroots, in villages, in women's support centers as well as in refugee and IDP camps.

Efforts have been made to build and nurture trust and confidence among the women of the different parties. The women have initiated a constructive dialogue and have worked together to produce a common gender platform for the women of Darfur, contained in a document entitled "Women's Priority Concerns for Reconstruction in Darfur", which was presented to a full Plenary attended by the Special Envoy and Chief Mediator, the negotiating parties, and the partners, on 30 December 2005, as the common vision for all the women of Darfur who are at the Peace Talks.

The role played by GEST has helped to show another side to the women of Darfur, i.e. not merely as victims of war, but also as active agents with a significant contribution to make to the search for a lasting solution to the conflict. Through their presence at the Abuja Talks, women have been able to engage the parties as major stakeholders in the peace process. However, more still needs to be done, particularly in terms of bringing greater number of women into the peace process and ensuring that their concerns find their way into the final peace agreement.

Furthermore, in October 2005, the Commission dispatched a technical mission of gender experts to Darfur to evaluate the situation on the ground, with a view to

making concrete recommendations for a way forward. The objective is to support a High Level Delegation of African Women to go on a solidarity mission to Darfur.

SECURITY SITUATION

The security situation within Darfur since May 2005 has witnessed a relative decrease in major military confrontations between the warring factions. The main security concerns involved cases of armed banditry, stealing of livestock, attacks on NGO convoys, abduction, as well as disruptions of activities in IDP camps. Out of a total of 496 investigation reports deliberated on by the Ceasefire Commission (CFC) during the period under review, 139 were considered ceasefire violations attributed not only to the recognized parties to the conflict, but also to the uncontrolled and proliferating various armed militias.

This trend changed by early June 2005 as the SLM/A initiated a series of attacks against the government's administrative convoys, especially in Sectors 1, 2 and 6, and against JEM, in Sectors 5, 6 and 8. During the period, the SLM/A launched attacks on JEM positions at Kafod (Sector 6), Graida (Sector 2), Bamina (Sector 5) and Muhajeria (Sector 8). In the month of July 2005, there were more than five attacks on government administrative convoys by the SLM/A on the El - Fasher-Nyala (Sectors 1 & 2) and Kutum - Kafod (Sector 6) roads. In reprisal, Government troops attacked SLM/A positions at Abu Ramla (Sector 2), on 23 July 2005. These attacks threatened the fragile calm which the region had hitherto enjoyed. In the months of June – August 2005, virtually all the Sectors had recorded cases of attacks in their Areas of Responsibilities (AOR). There were also clashes between the GoS and the JEM around the village of Megissa, about 51km North West of El - Geneina (Sector 3). In addition, there was an intra-party conflict within the SLM/A at Nertiti (Sector 7).

The period also witnessed attacks on the AMIS personnel on patrol, on 25 August 2005, by armed elements near Angabou (Sector 8), as well as the denial of access to areas controlled by specially the SLM/A in Sectors 1, 2, 5, 6 and 8. Of equal concern was the ambush on a UN World Food Programme convoy (WFP) between Ishma and Um Zeifah (Sector 2), on 29 August 2005, by unidentified armed elements, during which an AMIS patrol team was also attacked.

Around 15 September 2005, the security situation began to deteriorate in the North and South Darfur States, especially in the areas of Shangil Tobaya and Malam (Sector 1), where unknown gunmen attacked an AMIS patrol team. Local populations were also attacked by the parties to the conflict. These included attacks on Kourbia village (Sector 1), on 17 September 2005, by the Janjaweed/Armed militia, as well as coordinated attacks by the Janjaweed/armed militia, supported by Government troops, on 18 September 2005, on Khartoum Djadeed, Saudego, Kharsantougur, Tarmy Martal and Djabain, in Sectors 1 and 4. A number of civilians were killed or injured, houses were burnt down and shops looted. Over 400

inhabitants of the area were relocated to either Zamzam or Tawilla IDP camps. On 19 September 2005, attacks were launched by the SLM/A on Sheiria and Khazan Gadeed, in Sector 8, leading to the withdrawal of services by some NGOs and large displacement of locals, thereby worsening the already fragile humanitarian situation in the area. Again, on the same day, an AMIS investigation team at Khormley, near Shangil Tobaya (Sector 1), was attacked by armed men suspected to be Janjaweed/Armed militia. On 28 September 2005, about 400 Janjaweed/Armed militias attacked the Arusharo IDP camp, Arga village and part of Gosmino village, which appalled the international community and attracted widespread condemnation.

Since October 2005, there has been an escalation in the number of ceasefire violations. Some of the most serious violations of the Humanitarian Ceasefire Agreement were recorded during this period. Of grave concern was the attack by unknown armed men on an AMIS patrol team from the Khor Abeche Group Site on 8 October 2005, resulting in the death of four members of the Nigerian contingent serving with AMIS in Sector 2 and two civilian drivers who were employees of an AMIS contractor, PAE. On 9 October 2005, AU personnel were abducted by a break away JEM faction led by Mohammed Salleh. On 29 October 2005, and in a similar development, an AMIS patrol in Sector 5 was attacked by elements of the NMRD led by Col Jibril. During these attacks, AMIS vehicles, weapons and ammunition were lost to the attackers.

In reaction to the incidents of 8 and 9 October, I issued a statement in which I unreservedly condemned the killings. I also demanded the immediate release of all abducted AMIS personnel. I stressed the determination of the AU Commission, in conformity with previous decisions, to bring to the attention of the PSC and United Nations Security Council, this incident and other previous incidents, as well as the deteriorating security situation in Darfur, for their deliberation and appropriate action.

I reiterated my appeal to the Sudanese Government to cooperate fully with AMIS, particularly as it concerns the deployment of equipment necessary to enhance the effectiveness of the Mission. In this regard, I called on the Government to expedite action on the issuance of diplomatic clearance for the deployment of all of the 105 Armored Personnel Carriers (APC), necessary for the protection of AMIS personnel and the civilian population in Darfur. I wish to note that, after sustained demarches by the Commission and its partners, the obstacle to the deployment of this equipment was removed, and the APCs are now in the mission area

In view of the continuing attacks on AMIS personnel and the seriousness of the matter, I decided to dispatch a high level team to Darfur, to provide support to AMIS leadership and the entire personnel of AMIS, and to hold discussions to prevent the recurrence of such incidents in the future. A number of recommendations were subsequently made, which are now being implement.

The fracture in the SLM/A leadership is an issue of great concern. This situation is largely affecting the SLM/A forces on the ground; the field commanders are currently divided and thus exercise authority and control along factional lines. This fragmentation of the SLM/A complicates the security situation in Darfur. In recent times, the fallouts from this fracturing has led to a series of attacks on innocent civilians and amongst the SLM/A forces. These attacks were directed against those who were considered loyal to the opposing faction. It was alleged that the SLM/A in Halif, about 100km from Malha, Sector 6, was split along tribal lines of Zaghawa and Meidop. As a result, intra-SLM/A clashes broke out on 11 November, during which some Zaghawas reportedly captured members of the Meidops, including those who attended the 6th Round of the Peace Talks. Some days later, there was a confrontation between Zaghawa and Berti members of the SLM/A, resulting in the death of at least 15 people. This fracturing has impacted negatively on both AMIS and NGO operations, as many of the SLM/A controlled areas were declared insecure and inaccessible.

It is also worth mentioning the fighting between the Fallata and Masselit in Sector 2, in the general area of Graida, from 6 to 17 November 2005. About 60 people lost their lives during the confrontation between the two groups, while 15,000 people were displaced. To worsen the situation, the tribal warlords refused to allow the Massalit dead in the Sergela area, north of Graida, to be buried because, they claimed, the killings had been committed, according to them, by JEM elements. The dead were eventually buried after the intervention of the CFC and the Wali (governor) of South Darfur.

On 18 November, the Sudanese Armed Forces (SAF) conducted an operation in the Jebel Moon area, using helicopter gunships, allegedly against Chadian deserters who had moved into the area. However, indications are that there was no sign of Chadian deserters in the area, even though recent reports from Sector 5 indicate the presence of armed Chadian dissidents at Tar-Higo.

On 6 January 2006, an AMIS patrol comprising elements of the Senegalese contingent at Kulbus (Sector 5), while on escort duty, came under fire by unidentified gunmen at Girgira village, about 20 kms from Kulbus. The Team was on its way back to Kulbus after successfully escorting a PAE truck to Tine. I strongly condemned this attack which resulted in one death and ten wounded.

A new dimension in the overall situation has been brought by the use of vehicles painted in white AMIS colour by the parties to disguise their identities and launch surprise attacks on their opponents. For example, on 2 November 2005, a white Government helicopter gunship was sighted overflying northern Muhajeria in Sector 8, while three Government vehicles painted in white were seen entering Zalinje town on the same day. This new development threatens to undermine the credibility of AMIS and draw the Mission into the conflict.

is further complicatedborder town,some rebel. issThis development has the potential to escalate the tension between the two countries, thereby destabilizing the entire border region and further complicating the already complex conflict in Darfur. I, therefore, dispatched a fact-finding mission to both countries to urge restraint, while efforts are made to defuse the tension between the two countries. The PSC, which was briefed on the situation on 29 December 2005, agreed to review it in light of the outcome of the Summit of African leaders that was due to be held in Tripoli on 4 January; the Summit was ultimately postponed. I would also like to indicate that the Extraordinary Summit of CEMAC, held in N'djamena, on 4 January 2006, reviewed the situation, and requested the PSC to urgently examine the grave developments at the border between Chad and the Sudan.

The deterioration of the security situation on the Chado-Sudanese border is related to It should be recalled that, on andnSin Democracy on the basis of for the member country's institutions

IV. STATUS OF AMIS DEPLOYMENT AND RELATED ASPECTS

(i) Status of deployment

Following the PSC decision to increase AMIS strength to a total of 6,171 military personnel, with an appropriate civilian component, including up to 1,560 civilian police personnel, sustained efforts have been made to generate and deploy this newly authorised strength. At the time of finalising this report, the total strength of AMIS, both military and civilian police component had reached 6,964.

The status of the deployment of the military component is as follows: Nigeria: 3 battalions of 680 = 2040; Rwanda: 3 battalions (1 of 680 and 2 of 538) = 1756; Senegal: 1 battalion = 538; The Gambia: 1 company = 196; Chad: 1 platoon in Abeche = 40; Kenya: 1 military police platoon = 60; South Africa: 285 military personnel, representing one company of 241, one light engineer section of 38 and an Explosive Ordnance Disposal (EOD) section of 6. To complete the deployment of the Protection Force component, South Africa has been requested to deploy additional personnel as follows: a battalion of 538, a reserve company of 120; a light engineer company of 100, and an EOD team of 10. In addition to the Protection Force, 722 Military Observers (MILOBs) generated from 25 African countries, the Sudanese parties and from some partners have been deployed in Darfur. Thus the total of 5,645 military personnel, including members of the Ceasefire Commission and the international staff, are currently deployed in Darfur.

For operational effectiveness, and in line with the mandate of AMIS, the concept of operations (Conops) of the military component has been designed to strengthen AMIS's monitoring capacity to a level where it can also conduct pro-active monitoring. It is based on the establishment of 8 Sectors to cover the entire Darfur region with both aerial and road patrols, as well as to carry out confidence building

tasks and the escort of convoys of NGOs, UN agencies PAE, and commercial traffic. All the Sector HQs are co-located with MILOB Group Sites (MGS), while the remaining MGS are located independently.

As indicated above, the authorized strength of CIVPOL is 1,560. The current strength is 1,320, representing 85% of the authorized strength, comprising 1,077 male and 243 female police officers from 16 countries.

The concept of police deployment is to co-locate AMIS CIVPOLs with the Protection Force, so as to ensure their safety. Equally important is the location of the CIVPOLs near the IDP camps and the most vulnerable Sudanese villages in order to facilitate interaction with the IDPs and thereby promote confidence building. The long-term goal is to encourage the IDPs to return to their villages and restore a semblance of their former lives. AMIS' CIVPOL operations are progressing steadily. Significant inroads have been made towards confidence building in the relationship between AMIS CIVPOL – IDPs - GoS police. Community-based policing concepts are being utilized to great advantage by the AMIS CIVPOL: e.g. foot patrols, person-to-person contacts, and meetings with the community to identify problems and seek a mutually satisfying solution. While AMIS CIVPOLS are to be accompanied by the Protection Force during patrols outside of populated areas, they patrol unaccompanied within the IDP camps and from the police posts to the group site or Sector HQs. It is worthy to note that the CIVPOL is now operating in some SLM/A controlled areas, such as Muhajeria, while in areas like Graida it is still denied free movement.

Logistical Aspects

While the Commission was able to move with speed to reach the newly authorised strength, it has not been able to provide, within the same time frame, certain critical enablers, such as vehicles and communication. As a result, AMIS has had to function with about half of the logistical capacity it needed. Operational capability was reduced by shortage of vehicles while, at the tactical level, command and control was hampered by a shortfall of ICT equipment. However, steps are being taken to address this problem. The mission has placed orders for 462 additional vehicles, which are expected in the Mission area in the third week of January, bringing the total of vehicles for AMIS to 1,125. Similarly, 66 HF and VHF base stations, 50 HF mobile radios, 544 hand held radio, 245 Thurayas and 16 VSAT phones have been ordered, to supplement the already sizeable number of communication equipment which have been deployed in the Mission area.

Following the new enhancement, the Mission has been able to cope with the requirements for life support elements, such as food and medical services, as well as fuel. Similarly, camp development has proceeded in accordance with the planned capacity, although the pace of deployment of the additional force has resulted in the over crowding of some camps.

The number of helicopters has increased from eighteen to twenty five through donations from the Government of Canada. The contract for the lease of four fixed wing aircraft has been finalized and will be funded by the Netherlands Government. These will be further augmented by two additional fixed wing aircraft to be funded by the Canadian Government. The availability of the helicopters and fixed wing aircraft will increase the operational capability of the Mission and will provide the transport capability for the supply of food and other materials from Khartoum to El Fasher and from El Fasher to the Sectors, which will release the helicopters for operational duties. As indicated above, the 105 APCs donated by the Canadian Government are now all in the Mission Area. They are presently being prepared for the mounting of the co-axial machine guns and communication equipment to enable the crewmen to resume in theatre training by January 2006. The deployment of these APCs throughout the Sectors will provide the Mission with greater capacity for self-defense capability and, if the need arises for the protection of the civilian population.

Experience to date in providing supplies and services to the Mission through out-sourcing to contractors has indicated that there is a need for the Mission to develop the capacity to sustain itself in the areas of catering, signals, medical and engineering. In this respect, the Commission has requested the Troop Contributing Countries (TCCs) to deploy reinforced logistics units to provide for catering and some engineering, signals and level I medical services, during the rotation of troops from February to April 2006. Furthermore, it is important to note that, in the area of procurement the AU neither has the logistical infrastructure nor the experience to handle bulk and urgent purchases, worth millions of dollars for such large operations.

Regarding more specifically the CIVPOL, and in accordance with the Concept of Operations, accommodation has been provided in all camps in the Sectors and Group Sites for CIVPOL officers. Twenty-six (26) out of the 65 proposed CIVPOL static police posts in the IDP camps and designated villages have been completed and are operational. The contract for the construction of the remaining 39 police posts is currently being processed. However, some of them have developed structural defects and most of the generators at the police posts have broken down. Steps have been taken to upgrade them. The lack of language assistants at the police posts has also affected their operational effectiveness. The Mission is taking steps to address this problem.

Darfur Integrated Task Force (DITF)

Since my last report, progress has been made in the strengthening of the DITF, whose role is to assist with the planning, force generation, procurement and logistics, administrative support and liaison with partners. In order to consolidate this progress, steps are being taken to speed up the recruitment process, to enable the Commission to ensure a more effective operational management of the DITF

and the El Fasher-based Joint Logistic Operations Center (JLOC), which currently relies, to a large extent, on the experts generously provided by our partners. The AU has yet to develop the requisite capability to recruit staff on a large scale and at a fast pace. The establishment and operationalisation of the DITF and the JLOC has proved very useful, but the DITF, the Mission HQ and the Forward Mission HQ have yet to function in a fully coordinated manner.

Financial aspects

Following the decision of the PSC of 28 April 2005, a budget estimate of US $ 465.9 million was prepared for a period of one year, starting from 1 July 2005. Although significant pledges (US $ 312.7 million, including contributions in kind) were made during the Pledging Conference held in Addis Ababa, on 26 May 2005, there is still a significant shortfall.

Lack of cash contributions has been a major source of the financial difficulties faced by AMIS since the Mission began. While the cash requirement for the enhanced AMIS for the period from 1st July 2005 to 30 June 2006 amounts to US $ 252.4 million, representing 54% of the total budget, the amount received up to 31 October 2005 was only US $ 65.4 million, i.e. a quarter of the total cash requirement. The funds received so far under the enhanced AMIS are almost exhausted. These cash constraints are such that the Commission was forced to reduce the allowances paid to the MILOBs.

The recent Contribution Agreement entered into between the AU and the European Union (EU) has reduced the shortfall, by making available an additional Euro 70 million (US $ 84 Million) from the Africa Peace Facility. In addition, funds are expected from Canada (US $12.03 million for aviation fuel and CIVPOL accommodation); the United Kingdom (US $6 million to cover ground fuel); and France (US $ 1 million to cover other operational expenses). This would total US $ 103.03 million and will cover the major expenditures of the Mission such as salaries, allowances and operational expenditures. However, an additional US $ 4.6 million is still required to cover other budgetary lines, and to sustain the Mission up to 31 March 2006.

Overall, the lack of funds has been a major constraint and to the extent that the AU is unable to generate funds reliably, mission support will inevitably suffer. The AMIS experience has demonstrated the difficulty to mount large peace support operations for a long period of time without reliable sources of funding.

Cooperation with Partners

Close cooperation between the AU and partners continues to be an essential feature of a strengthened AMIS. Since its establishment, the Mission has received significant financial, technical and diplomatic support from the partners. This support

continued after the March AU -Led Assessment Mission and included the 26 May 2005 Pledging Conference for AMIS, which was co-chaired by the United Nations Secretary-General and myself. The relationship between the AU and partners is based on a constant exchange of views in the field, at the Commission Headquarters, through the Liaison Group meetings, and at the level of donor capitals, as well as on regular exchange of visits.

During the period under review, UNMIS, through its UN Assistance Cell in the DITF, has continued to assist the AU in the strategic aspects of managing AMIS. This has included support in the areas of military, police and logistics planning and, more recently, budget and finance. In Khartoum, my Special Representative is in regular contact with the Special Representative of the UN Secretary-General and his office to coordinate political and peace support efforts. In Darfur, AMIS, UNMIS and other UN agencies have continued to coordinate closely to ensure synergy between military, political and humanitarian operations. The UN has also assisted in providing strategic communications links.

In June 2005, a training needs assessment was carried out in collaboration with partners to enhance the proficiency of MILOBs, CivPols, and the Protection Force elements. As part of this process, MILOBs participated in a pre-deployment course sponsored by the UN in Nairobi in June 2005. Training was also given to APC drivers and turret operators by Canadian Armed Forces members in July and August 2005. A Map Exercise (MAPEX), organized by the United Nations, was conducted at the DITF and the mission area, and revealed the strength and weakness of AMIS at all levels. The lessons learnt from this exercise are being implemented. Finally, NATO also provided peace support operations training to 104 MILOBs and Protection Force members in September 2005.

A very significant contribution was made by partners during the deployment of the troops for the enhanced AMIS through the provision of strategic airlift, which was well organized and executed. NATO and EU countries provided the airlifts for three battalions from Nigeria, three battalions from Rwanda, one battalion from Senegal and one company from The Gambia. The partners will also provide strategic airlift during the rotation of the troops, which is scheduled from February to April 2006.

V. OTHER OPERATIONAL ASPECTS

(i) Visit of The Joint Verification Team

The AU Joint Verification Team, as mandated by the Joint Commission and led by General Mahamat Ali Abdallah of Chad, visited Darfur on 22 May 2005. The team was to verify positions occupied by the GoS, the SLM/A, the JEM and other Movements on the ground. It was also tasked with investigating the possibility of separating the forces through the establishment of buffer zones. However, the team could not accomplish its task because of the unwillingness of the SLM/A and the

JEM to cooperate. It was only the GoS that cooperated fully with the Team. The SLM/A indicated that it would only be part of the exercise after the 6th Round of the Abuja Peace Talks, while the JEM representatives in the CFC stated that the Movement's High Command was not aware of the verification exercise. Both movements in addition insisted on the disarmament of the Janjaweed/armed militia by the GoS be armed out simultaneously.

(ii) Activities of the Joint and Ceasefire Commissions

During the period under review, the Joint Commission established by the Humanitarian Ceasefire Agreement of 8 April 2004 held its 9th session on 13 - 14 October 2005. The meeting examined the report of the Chairman of the CFC on the continued deterioration of the security situation and the non-compliance with the Humanitarian Ceasefire Agreement by all parties to the Darfur conflict.

In the conclusions adopted at the end of the session, the Commission, once again, deplored the continued ceasefire violations by all parties, and condemned the persistence of criminality and banditry against innocent civilians and the repeated attacks on the AMIS personnel and humanitarian convoys perpetrated by the forces of the Movements, the Janjaweed and other armed militias. It further demanded the disarmament, without delay, of the Janjaweed/armed militias by the Government, as well as the immediate withdrawal of SLM/A forces from Labado, Graida and Ishma. Demanding full cooperation for the rapid establishment of the Verification Team, it urged all the parties to indicate in writing without delay their respective positions to the CFC. It also called for the organisation of joint patrols comprising all the parties in a bid to ensure the protection of the civilian population. The 10th session of the Joint Commission, which was scheduled to be held on 20 December 2005 in N'djamena, had to be postponed due to logistical constraints. However, efforts are underway to convene this session as soon as possible.

In pursuance of the decisions of the Joint Commission, the CFC conducted several visits to many troubled areas as part of its peace building and reconciliatory efforts between the warring parties. Some of the major visits included the following:

visits to Labado and Sheiria (Sector 8) on 7 and 29 Nov 2005 to discuss SLM/A withdrawal and tribal reconciliation, respectively;

visit on 9 November 2005 to Nyala and Graida after the outbreak of hostilities between Massalit and the Fallata tribes; and

visit to Mado, Sayal and Kulkul (Sector 6) on 30 November 2005 for discussions with SLM/A field commanders on compliance with the Humanitarian Ceasefire Agreement.

VI. HUMANITARIAN SITUATION

As earlier indicated, the period under review has witnessed several challenges to the humanitarian situation and security threats to humanitarian agencies, IDPs and the AMIS staff in all the three States of Darfur. Incidents include banditry, car thefts, illegal roadblocks, illegal tax collection, harassment of civilians, attacks on IDPs, murder, and looting of livestock. The resulting humanitarian situation continues to be of great concern.

Reports gathered by the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Darfur, in collaboration with AMIS, indicated that, as of 1st April 2004, approximately 1.1 million people were affected by the crisis and were in dire need of humanitarian assistance. By 1st September 2005, the situation had deteriorated to about 3.5 million affected persons of which 1.8 million were IDPs. In addition, there are about 200,000 refugees in Chad. The increase in the number of people affected is linked not only to the forced displacement, but also to deteriorating coping mechanisms, scarce resources, and insecurity. The number of aid workers has increased from 228 in April 2004 to 14,000 in September 2005, of whom around 1,000 are international staff. There are 82 NGOs and 13 UN agencies, plus other international organizations, such as the ICRC and the Red Cross/Red Crescent societies, operating in the three Darfur States.

Since the beginning of the conflict, huge efforts have been made to provide food, health care, water, sanitation, shelter, and non food items (NFIs) to the most vulnerable. Assistance is given not only to IDPs living in camps and host communities, but also to populations living in remote locations. However, the overall coverage remains higher within IDP camps and in some resident populated areas. The number of people affected, and in need of continued assistance, such as monthly food aid, are entirely dependent on the prevailing security situation. The humanitarian efforts have made a significant impact on the affected populations, as shown by the drop in the malnutrition rate from 21.80% in 2004 to 11.9% in 2005, while the mortality rate has decreased from 0.72 to 0.48/10,000. There has been no major recorded outbreak of epidemics.

The expected 80% increase in agricultural output this year may be offset by the phenomenon of crops being deliberately destroyed and renewed displacement of recently returned populations, as a result of hostile activities. There is no likelihood of the people in Darfur achieving a bumper harvest; consequently, there will still be the need for the provision of food aid.

Four major issues affect the provision of humanitarian assistance in Darfur. These are (a) constraints to humanitarian access, (b) fear and insecurity in the minds of the returnees, (c) protection challenges, and (d) need for continued cooperation with all stakeholders.

Access to areas facing humanitarian crises dropped to an average 70% average across the Darfur States in September 2005 (the lowest rate since April 2004), with access as low as 45% in West Darfur, where all roads except two were declared “No Go”areas. Overall gains in access and increase in humanitarian assistance over the past year have been overshadowed by continuing highway robberies that target humanitarian supplies and personnel, continued looting, and detention of humanitarian convoys/aid workers. Continuing insecurity, increase in militia attacks, banditry, and SLM/A-Government clashes have led to the periodic suspension of humanitarian operations in order to reduce the threat facing the humanitarian workers operating in the area.

The humanitarian community would like to see voluntary, planned return of IDPs and refugees once the conditions of safety and dignity are restored to their places. Although ad hoc spontaneous returnee movements were recorded during the 2005 planting season, the exact numbers were unclear as many were subsequently re-displaced in attacks (90% of displaced persons livein less than two days walk from their villages of origin). If the current insecurity situation persists, it is most unlikely to see significant returns in 2006. However, there is need to plan for the challenges by the humanitarian community to extend resources and activities beyond IDP camps to areas of potential return.

Clearly, it is imperative to protect the civilian population, through addressing their needs and contributing to their physical security. Violence against civilians has been the main reason for displacement. This situation has not abated, and sexual and gender based violence (SGBV) continues to be of serious concern. Child protection also remains a major challenge.

The intervention strategies employed, which include protection by physical presence, human rights watch, advocacy, training, and the deployment of AMIS personnel close to populated areas, including IDPs and major settlements, have helped a great deal in addressing these problems. The above notwithstanding, continued arbitrary arrest and detention of humanitarian personnel and looting of humanitarian goods remain a major factor that is seriously affecting the capacity of the humanitarian agencies to operate.

AMIS plays a key role in supporting humanitarian access and activities, contributing to the creation of a safe environment for the return of refugees and IDPs and assisting in the protection of the civilian population. Relations with the humanitarian community have been quite cooperative and supportive, with fruitful interaction with CIVPOL at IDP camps. Focused patrolling, information sharing, especially in areas with no humanitarian presence, weekly security briefing to the humanitarian community, escort for humanitarian convoys, and positive initiatives on protection (fire wood patrols) have contributed to easing up the plight of the IDPs and the civilian populace.

VII. HUMAN RIGHTS AND OTHER RELATED ASPECTS

As stipulated in the UN Security Council resolution 1564 (2004) of 18 September 2004, the Government of the Sudan has the primary responsibility for the protection of civilians. The Government has an obligation to uphold international human rights law. In addition, all parties to the conflict are bound by the relevant provisions of international humanitarian law.

However, since my report of 28 April 2005, large scale violations of international human rights law and humanitarian law have continued to be reported throughout the three Darfur states. Civilians are still being attacked in their communities and forcibly displaced from their homes. In recent months, there have even been attacks on the IDP camps. The attack of 28 September by armed militia against the Aro Sharow IDP camp in West Darfur is a case in point. UNMIS and AMIS conducted a joint mission to the area the following day and documented more than thirty deaths. Arbitrary arrest and detention, unlawful killings, beating, abductions and gender based violences till continue across Darfur. However, while the months of September and October witnessed an increase in violence, with attacks on villages and IDP camps, the level and the frequency of these acts have declined compared to the height of the conflict in 2003 and 2004 before the deployment of AMIS and UNMIS Human Rights Observers. There has also been an increase in banditry targeted at civilian, commercial and NGO vehicles carrying humanitarian relief supplies.

In August 2005, in the locality of Adayla, South Darfur, SLM/A elements disrupted food distribution and increased their harassment of displaced persons and other civilians. They looted food intended for IDPs and demanded taxes from the civilian population.

The current human rights situation in Darfur demonstrates that serious efforts by the Government are still needed to ensure the effective protection of human rights in Darfur. Effectively upholding the rule of law and putting an end to impunity must be key priorities for the Government of National Unity. The new National Interim Constitution of Sudan applies to the entire country, and its strong human rights provisions need to be implemented also in Darfur. The Government has taken some steps to end impunity by, inter -alia, establishing the Special Court on the Events in Darfur, with the mandate to prosecute cases of human rights violations in the context of the conflict in the region. However, less than ten cases have come before the Courts since it was established on 7 June 2005, and only a few of those cases did actually deal with human rights violations. A lasting resolution of the conflict will be achieved only if justice prevails. I urge the Government of the Sudan to take all the necessary steps to end impunity in line with its stated commitment and the relevant provisions of the AU Constitutive Act. In early December, the Sudanese authorities informed the Commission that the Chief Justice of the Sudan issued, on 20 November 2005, orders establishing two additional Courts to prosecute crimes

committed during the conflict. The Courts are competent to try cases under international humanitarian law/human rights law along with the Sudanese Criminal Code. Furthermore, it was indicated that the AU and other interested parties can follow the proceedings of the Courts as observers.

In an effort to create and strengthen institutional mechanisms so that women and girls can report acts of sexual and gender-based violence against them in a safe and confidential environment, the Government has cooperated with the international community to agree on adequate safeguards. The Government needs now to ensure that its commitments, as expressed in its Action Plan against Sexual and Gender-based violence, launched in December 2005, will be promptly implemented. Furthermore, the Government has agreed to give the UN unhindered access to all places of detention, including access to persons detained by national security and military intelligence. Detainees can access lawyers through the lawyers' office (Bar Union) within Kober Prison, which provides legal aid services. The Government plans to open similar offices in other prisons around the country.

In my report to the 28th meeting of the PSC, I indicated that, in its resolution 1593 (2005) adopted on 31 March 2005, the UN Security Council decided to refer the situation in Darfur since 1 July 2002 to the International Criminal Court (ICC). Since then, the ICC Prosecutor has undertaken a number of activities to implement resolution 1593, submitting in this respect two reports to the UN Security Council, on 29 June and 13 December 2005, respectively. In his last report, the Prosecutor indicated that, on 1 June 2005, he determined that there was a reasonable basis to initiate an investigation into the situation in Darfur since 1 July 2002. This determination marked the commencement of the investigation and triggered the full investigative powers of the Prosecutor under the Rome Statute.

The report emphasized that the ICC is complementary to national criminal jurisdictions and is, therefore, a Court of last resort. Accordingly, the Office continues to gather and assess information relating to the various mechanisms established by the Sudanese authorities in relation to crimes allegedly committed in Darfur. Furthermore, and pursuant to the Rome Statute, the Prosecutor is required to consider whether a prosecution is not in the interests of justice. In considering this factor, it was indicated that the Prosecutor will follow the various national and international efforts to achieve peace and security, as well as the views of witnesses and victims of the crimes.

The report stressed the firm belief that an effective working relationship with the African Union in addressing issues of impunity in Darfur is essential to the investigation, as well as to ensuring regional participation and perspective to the process. In this respect, I would like to inform the PSC that the Prosecutor has written to me, calling for meetings with relevant officials to discuss the modalities for cooperation in relation to Darfur, as well as an opportunity to brief the PSC on the activities of the Court. The Prosecutor also indicated that he had had contacts with

the Sudanese authorities. In this regard, representatives of his Office and the Registry visited Khartoum from 17-24 November 2005. During this visit, a request for assistance was made to the Sudanese authorities to undertake several interviews that could provide an insight into the activities of all parties to the conflict in Darfur, as well as an assessment of national proceedings undertaken by the Special Courts and other relevant judicial bodies.

In its resolution 1593 (2005) of 31st March 2005, the Security Council also emphasized the need to promote healing and reconciliation and encouraged, in that respect, the creation of institutions involving all sectors of the Sudanese society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with African Union and international support as necessary. As a follow-up to that resolution, a meeting bringing together senior jurists was convened by the Commission in Addis Ababa from 2 to 3 May 2005, followed by another meeting on 17 and 18 October 2005. On that occasion, a number of recommendations on how best the AU could contribute to the promotion of healing and reconciliation were made. These recommendations have been submitted to the Chairman of the AU, as well as to the Government of the Sudan.

It is to be recalled that my Special Representative for the protection of civilians in armed conflicts, Mame Madior Boye, visited Khartoum and Darfour from 11 to 15 December 2004. As a follow-up to that visit, the Special Representative travelled to the Sudan from 19 to 27 November 2005. On this occasion, she visited several places in Darfour, and met with AMIS officials, as well as with the local authorities and the representatives of the parties, humanitarian agencies and the civil society. Following the visit, the Special Representative made a number of recommendations aimed at enhancing the protection of civilians. It is within this framework that she reiterated her earlier recommendation on the strengthening of AMIS mandate to enable it to intervene more forcefully whenever necessary.

It is also to be recalled that, as a follow-up to the PSC decision of 25 May 2004, which requested the African Commission on Human and Peoples' Rights (ACHPR) to investigate the human rights situation in Darfur, and the resolution adopted at the 35th Ordinary Session of the ACHPR, held in Banjul, from 21 May to 4 June 2004, and which welcomed the announcement by the Sudanese Government of its decision to allow and facilitate access of a fact-finding mission of the African Commission, a team from the ACHPR visited the region from 8 to 18 July 2004. Subsequently, and in line with its procedures, the Commission forwarded its report to the Sudanese Government for comments. Given the delay in response, the 37th Ordinary Session of the ACHPR, held in Banjul, from 27 April to 11 May 2005, "urged the Government of the Sudan to submit to the African Commission its overdue comments on the recommendations" of the Fact-Finding Mission.

At its 38th Ordinary Session held in Banjul, from 21 November to 5 December 2005, the ACHPR expressed its deep concern over the continuing grave violations of human rights and international humanitarian law in Darfur committed by parties to the conflict, in particular the continued depopulation of vast areas of the region, threats of violence, intimidation and assault against UN agencies and humanitarian organizations, the targeting and killing of AU troops in Darfur, and the killing and abduction of staff of national and international humanitarian organisations. The Commission also expressed concern at the fact that it had not yet received a response from the Sudanese Government, reiterating its call on the latter to submit its comments to the African Commission with respect to the report of the Fact-Finding Mission to the Sudan. The ACHPR further called on the Government of Sudan to comply with its obligations under the African Charter on Human and Peoples' Rights, the AU Constitutive Act, the UN Charter and other relevant instruments to which the Sudan is a State party.

Finally, I would like to indicate that the Commission is in the process of preparing a training programme for AMIS in human rights, focusing on gender-based violence, in order to enable the Mission to investigate and report on violations of women's human rights and to provide effective protection. Other topics to be covered include HIV/AIDs prevention and children's rights issues.

VIII. ACTIVITIES OF THE UN PANEL OF EXPERTS ON THE SUDAN

In my report of 28 April 2005, I informed the PSC about the adoption by the Security Council, on 29 March 2005, of resolution 1591 (2005). Through that resolution, and in light of the failure of all the parties to the conflict in Darfur to fulfill their commitments, the Council decided to increase pressure on them, by imposing a travel ban and assets freeze on those impeding the peace process in Darfur, committing human rights violations and violating measures set out in previous resolutions. In doing so, it also established a Committee consisting of all Council members to designate those individuals subject to the measures and to monitor their implementation. Subsequently, the UN Secretary-General appointed, for a period of six months, a Panel of Experts comprised of four members to, *inter alia,* assist the Committee in monitoring implementation of the measures. The Panel, which is mandated to coordinate its activities as appropriate with the ongoing operations of AMIS, is based in Addis Ababa and travels regularly to El Fasher and other locations in the Sudan.

Following its establishment, the Panel, on 11 August 2005, held preliminary meetings with representatives of the Commission in Addis Ababa. It also met in Khartoum, on 22 August 2005, with my Special Representative. It should be indicated that, on 21st December 2005, the Security Council adopted resolution 1651 (2005), extending the mandate of the Panel of Experts until 29 March 2006. It also requested the Panel to report and make recommendations to it, through the

Committee established by resolution 1591(2005), on the implementation of the measures imposed.

IX. AU LED JOINT ASSESSMENT MISSION

At its 28th meeting, the PSC, having welcomed the dispatch of an AU-led Assessment Mission to the Sudan in March 2005, encouraged the Commission, working with PSC members and the partners, to undertake such periodic reviews as necessary, to ensure that AMIS is provided with adequate structure and support to enable it function effectively. It is in this context that I dispatched to Darfur, from 10 to 20 December 2005, a second Assessment Mission, with the following terms of reference:

> to undertake an in-depth and critical review of the operations of the military and civilian police components of AMIS in relation to the implementation of their mandate, as spelt out in Decisions PSC/PR/Comm. (XCII) and PSC/PR/Comm. (XXVIII), adopted by the PSC on 20 October 2004 and 28 April 2005, respectively;
>
> to assess the extent of implementation of the recommendations of the AU-Led Assessment Mission of 10 to 20 March 2005, as reflected in my Report on the Situation in the Darfur Region of the Sudan [PSC/PR2(XXVIII)] of 28 April 2005 and subsequently approved by the PSC.
>
> to evaluate the prevailing security and humanitarian situation in Darfur, as a whole; and
>
> to make recommendations on the way forward.

The Mission, which was led by my Special Representative in the Sudan and included representatives of the TCCs and the PSC and all the partners assisting AMIS, visited the Force Headquarters in El Fasher and all the Sectors and MILOBs Groups Sites. The Mission had thorough discussions with all the components of AMIS, as well as with the UN Office for the Coordination of Humanitarian Affairs (OCHA) and the main service and logistics providers in view of assessing the situation as a whole.

The visit took place at a time when the political landscape in the Sudan had changed significantly, particularly with regard to the implementation of the Comprehensive Peace Agreement (CPA) of 9 January 2005. Major developments included the death of First Vice-President John Garang and its aftermath, the establishment of the Government of National Unity (GoNU), on 8 September 2005, and the subsequent establishment of the Government of Southern Sudan (GoSS). A

number of other instruments, bodies and mechanisms called for by the CPA have also been established.

The visit also took place against the backdrop of considerable progress in the deployment of AMIS, which has expanded its presence from 16 to 34 locations within Darfur and established permanent civilian police posts in 26 out of 65 sensitive villages and IDP camps identified in the region. The Assessment Mission stressed that this expansion had contributed to the improvement in the humanitarian situation, as exemplified by the fact that aggregate malnutrition and mortality rates are now below emergency thresholds, that there have been no major epidemics and that there is a wide coverage of food aid. However, the Mission noted that the situation remains fragile and vulnerable to shocks, given the high levels of dependency of millions of Sudanese civilians on humanitarian assistance, and the fact that protection concerns still remain paramount.

The Mission further noted that, through its military diplomacy and the efforts of the CFC, the expanded AMIS has increased contacts with rebel groups and local government representatives throughout Darfur. In addition to pre-empting violence, this combination has improved monitoring of the parties' compliance with the N'djamena Humanitarian Ceasefire Agreement. In this respect, the Mission emphasized that there are a number of specific examples of AMIS deployment having a positive effect on both the security and the humanitarian situation in specific locations: AMIS deployment to Zalingei, when there was heightened tension following the kidnapping of civilians by the SLM/A, helped to prevent retaliation against IDPs; AMIS deployment to Muhajeriya halted the SAF advance on this town, which would have resulted in the displacement of around 40,000 IDPs; finally, the recent continuous presence (24 hrs, 7 days a week) of AU CIVPOl in Kalma camp, near Nyala, and Protection Force patrols around the camp have had significant impact; indeed there have been no reported incidents against the IDPs since this intervention started.

Nevertheless, the Assessment Mission noted that there have been cases where AMIS has been unable to address incidents that would have required a response within its mandate of protecting civilians in imminent danger and within its means and capabilities. Such incidents, it was stressed, demonstrate the importance of maximizing existing capabilities through a robust interpretation of the AMIS mandate when protection of civilians is at issue.

The Mission pointed out that the effectiveness of AMIS is directly related to the level of cooperation it receives from the parties to the conflict. Thus far, that cooperation has been extremely inconsistent. On the one hand, there are continued bureaucratic obstacles to AMIS's ability to operate freely, through curfews, early airport closings and long delays in issuing permits and visas, while the use of white vehicles and aircraft in military operations puts AMIS, humanitarian organizations and civilian populations alike in danger. In addition, the Janjaweed/armed militias

and other proxy forces continue to destabilize Darfur. On the other hand, the SLM/A and JEM continue to obstruct AMIS work. In this respect, it is worth mentioning restrictions on the freedom of movement, threatening patrols, harassment, theft of equipment and even abductions of personnel.

In addition to the full implementation of the recommendations made following its March 2005 visit, the Mission made a number of recommendations for the AMIS operation in Darfur in the short to medium terms, as well as on the long term, based on the current context. Regarding the short and medium terms, the recommendations focus on the following issues:

(i) **The Government should**:

fulfill all the obligations to which it has committed itself;
stop using white aircraft and vehicles for any security related activity;
refrain from attempts to restrict freedom of movement of AMIS throughout Darfur, including through the use of curfews; and
keep airfields open until full darkness, and allow AMIS to fly at night as needed.

(ii) **The rebel movements must specifically**:

fulfill all the obligations to which they have committed themselves;
allow AMIS and humanitarian agencies unrestricted movement into and throughout all rebel held areas;
work to stop banditry and attacks on AMIS and humanitarian operations in areas under their control.

(iii) **Working with partners**: Recognizing that there is only predictable funding to last into early 2006, it is recommended that partners continue to engage the AU on identifying sources of funding to meet AMIS's essential logistic and operational needs.

(iv) **Joint Commission**: The decision to hold monthly meetings of the Joint Commission should be implemented. Further, the Joint Commission should work closely with AMIS and the AU Head of Mission to convene emergency meetings when needed. In the event that a situation cannot be resolved at the Joint Commission, the AU should not hesitate to refer the situation to the Security Council and to the Sanctions Committee.

(v) **Mandate and the Use of Force**: AMIS' current mandate is adequate, but is not clearly understood by commanders at all levels. It must be interpreted flexibly and robustly in order to maintain the force

credibility, and to provide the necessary degree of protection to civilians within capabilities.

(vi) **Operational and Tactical Planning**: Greater thought must be given to the development of possible future security and humanitarian scenarios, the role and tasks of each mission component within them and how this effort can best be integrated, while efforts should be immediately made to address the lack of clarity, in some Sector HQs, on the specified and implied tasks within their areas of operations and the relative priority of tasks.

(vii) **Command and Control**: Problems of command, control and coordination have been exacerbated by the increased size of the Force. In addition to the structural measures, clear, proactive and timely direction by commanders at all levels is required to ensure that subordinates are aware of current plans, future intents and their unit/individual role within them.

(viii) **Force Levels and Operational Flexibility**: The current mission strength is based on operational requirements determined in March/April 2005. It is still considered that the current size is sufficient for the assigned tasks; however, some redistribution of personnel and assets between Sectors may be required. Finally, until a dedicated force reserve is provided, the Mission HQ should consider designating a usable force reserve from troops deployed in the Sectors.

(ix) **Protection of Civilians within Capabilities**: Contribution to the provision of a secure environment for civilians is a key AMIS task. To enhance civilian protection, within its capabilities, AMIS should provide a 24 hour CivPol presence in all identified IDP camps and night patrols/presence of protection force outside camps and elsewhere in the area of operations. It should also provide systematic firewood patrols in all identified camps and increased levels of CivPol patrols.

(x) **Joint Operations and Management**: To further strengthen joint operations and management, AMIS should fill vacant posts in the JLOC and ensure it has sufficient authority to fulfill its role. It should also establish a Joint Operations Centre with the appropriate authority to effectively co-ordinate the military, CivPol and humanitarian/human rights components of AMIS.

(xi) **Intelligence-Driven Operations**: If AMIS operations are to be effective, the use of intelligence will be essential. In tandem with the development of intelligence structures and mechanisms, there is a

requirement for qualified staff at all levels and potentially a training requirement.

(xii) **Training**: There is a requirement for induction and refresher training throughout AMIS to ensure operational readiness and standardization. Full time qualified joint training staff is required at Mission HQ to identify needs and coordinate implementation.

(xiii) **Use of Personnel**: There is a need to review the roles and interface between the Sector and Battalion headquarters to avoid duplication and overlap.

(xiv) **Civil-military Coordination**: To strengthen civil-military coordination and enhance AMIS's own prioritization of tasks, regular high-level strategic planning meetings between the UN Humanitarian Coordinator and AMIS should be held. Also daily liaison between AMIS and UNMIS/UNDSS/OCHA on security/humanitarian situation should occur at Mission HQ and at sector level, where feasible.

With respect to the long term, the Mission recalled that the initial stabilization phase has been largely achieved in Darfur. AMIS efforts have contributed to reducing the number of large-scale ceasefire violations between parties, although the recent surge of violence in late September/October is a matter of concern; humanitarian indicators have improved, and the Mission has contributed to creating conducive conditions for the political process in Abuja.

However, it was noted that the political and security situation is both fluid and fragile. Although the Abuja political process is well underway, an agreement is clearly going to take more time than envisaged. Even if a peace agreement is achieved in early 2006, only 30% of IDPs are expected to return during the remainder of the year and it will take time to promote an atmosphere of safety and security sufficient for widespread IDP return. The implication is that, even under best case conditions, a peace support operation will be required in Darfur for at least 2-3 years. Furthermore, the situation and the requirements placed on the Mission are becoming increasingly complex and require a high degree of integration of efforts in political, humanitarian and military terms. The post-conflict phase will also require integration of additional issues, including DDR and SSR (Security Sector Reform), and coherence with the CPA for Sudan.

The Mission therefore recommended that consideration be given to how an international presence can be sustained in Darfur in 2006 and beyond, considering all viable alternatives in this regard and cognizant of the uncertainty of sustaining funding based on a system of voluntary contributions. The Mission stressed that if other institutions are to be involved, an early start to contingency planning will be required, bearing in mind that, in any case, it is inevitable that AMIS presence in

Darfur will be maintained for the next 6-9 months. In the longer term, a single operation covering the whole of Sudan would bring coherence and synergy, in addition to facilitating integration of the increasingly complex political, humanitarian and military efforts.

Finally, I would like to inform the PSC that, on 5 January 2006, the partners supporting AMIS made a collective demarche to the Commission concerning the future of the operation. They praised the AU efforts in ending the large scale organized violence in Darfur and stressed the need to capitalize on this success by moving ahead towards a UN operation, while strengthening AMIS in the interim. They emphasized the need for the AU to urgently give indications in this respect to enable the Security Council authorize planning for rehatting, which, in practical terms, will not happen until the end of 2006.

X. OBSERVATIONS

Since the 28th meeting of the PSC, the AU has intensified its efforts to resolve the Darfur conflict. In this regard, I have the pleasure to note the almost complete deployment of the manpower complement of AMIS. This strengthened presence has indisputably had a positive impact on the situation obtaining on the ground. I would like to thank the Member States that have contributed troops and police for their commitment and sacrifice. I would like also to thank our partners for their logistical support, which has helped in transporting troops and other staff to Darfur and maintains the Mission.

Furthermore, sustained efforts were made for the successful conclusion to the Abuja Peace Talks. The parties committed themselves to make the ongoing 7th Round of Talks in Abuja a decisive one, and I urge them to do everything possible to translate this commitment into reality.

Almost three years after the outbreak of the Darfur crisis, sustained efforts are still required to achieve a lasting solution. At the security level, if the period which followed the 28th meeting of the PSC was marked by a significant fall in the number of direct clashes between the parties, the overall situation nevertheless remains volatile. Indeed, we are witnessing an increase in the number of armed groups, which act in an increasingly autonomous manner, acts of banditry and violence against the civilian population, the humanitarian agencies working in the region, the commercial convoys and AMIS personnel, as well as an alarming rise in inter-ethnic clashes.

At the political level, the signing of the Declaration of Principles at the beginning of July 2005 reflected significant progress, as the document outlines the general principles that should guide the deliberations of the parties on the issues at the heart of the conflict, and constitutes the basis for a fair, comprehensive and lasting resolution of the conflict. At the same time, it should be noted that the progress

made since September 2005 in the discussions on power and wealth sharing, as well as on security arrangements, has been modest. The 6th Round of the Inter-Sudanese Peace Talks did not produce any tangible result. The on-going 7th Round has produced uneven results: while significant progress has been made on wealth sharing, there is total stalemate as regards power sharing, as the parties involved are defending positions which are far removed from each other on crucial issues relating to the status of Darfur, the representation of the Movements in the Presidency, the federal administrative capital, and the borders of Darfur. As regards security arrangements, the parties took a month to simply to adopt an agenda.

Experience over the past months clearly shows that any delay in the resolution of the Darfur conflict further complicates the situation and makes the search for a solution more difficult. From that viewpoint, some recent developments have taken place which are a particular source of concern:

First, the divisions within the SLM/A, which contributed not only to the deterioration of the security situation on the ground but also impeded any significant progress in the Abuja Peace Talks. These divisions are all the more dangerous as they take on ethnic dimensions;

The emergence of dissident armed groups, which contributes to the deterioration of the security situation and makes the situation on the ground more confused;

The attacks perpetrated against AMIS are also worrying. During the period under consideration, this situation assumed a tragic turn, with the losses recorded by the Mission following the attacks on 8 October 2005 and 6 January 2006 on AMIS patrols and the kidnapping for a short while of several members of the Mission whose equipment, including ammunition, was seized by the attackers; and

Finally, the tension between the Sudan and Chad, exacerbated by the desertion of Chadian soldiers who retreated towards the border between the two countries and the attack, on 18 December 2005, on the town of Adré, threaten to destabilize the entire region, especially as the general situation is particularly fragile. This situation is all the more disturbing as the Adré incident was followed by accusations and counter accusations between Chad and Sudan.

The signing of the Comprehensive Peace Agreement (CPA) between the Sudanese Government and Sudan People's Liberation Movement/Army (SPLM/A) gave rise to great hope not only because it put an end to the longest civil war on the Continent but also because it established a new political framework which could facilitate the settlement of the Darfur crisis. Clearly, no single part of the country can enjoy lasting peace if other regions are engulfed in instability and violence. The continuation of the conflict in Darfur and its evolution are not likely to facilitate the implementation of the CPA.

It is important that the Sudanese parties and all the members of the international community concerned urgently intensify and pool their efforts to speed up the restoration of peace and stability and consequently put an end to the indiscriminate violence which the people of Darfur are the innocent victims.

The primary responsibility for this lies with the parties. It behoves them to honour the commitments made and negotiate in good faith within the framework of the Abuja Peace Talks. It is regrettable that the parties are not able to make significant progress after more than 18 months of negotiations. Nevertheless, I wish to express satisfaction at the inclusion of representatives of the SPLM in the Government delegation to the Abuja Peace Talks, and I hope that this development and the establishment of a Government of National Unity will inject a new dynamism in the search for peace in Darfur.

The parties should scrupulously comply with the N'djamena Humanitarian Ceasefire Agreement of April 2004 and the Abuja Protocols of November 2004. The attacks against the civilian population, the acts of banditry and other acts of violence have continued for too long. All parties should see the speedy end of this situation as their priority.

I once again request the Sudanese Government to take all the necessary measures to give effect to the solemn commitment it made to disarm and neutralize the Janjaweed/armed militia, in conformity with the relevant provisions of the Abuja Protocol on Security Issues as well as the relevant resolutions and decisions of the UN Security Council, the PSC and the Joint Commission. Similarly, the armed movements should fulfil unconditionally their obligations, particularly by indicating to AMIS the positions occupied by their forces.

In general, the parties should collaborate fully with AMIS and do all in their power to guarantee the safety of the members of the Mission. The Government should ensure that no white coloured vehicles are used for military operations, abstain from any attempt to limit the freedom of movement of AMIS, including the imposition of curfews, and keep the airports open as late as possible to enable the Mission to operate night flights when necessary. The armed movements should guarantee AMIS and the humanitarian agencies unrestricted access to the areas under their control and put an end to the acts of banditry.

There can be no lasting peace and reconciliation in Darfur without combating impunity. I note, with interest, the measures taken by the Sudanese Government in this respect, particularly the adoption of decrees establishing Courts to judge the crimes committed in relation to the Darfur conflict. The AU will closely follow the work of these Courts. At the same time, I urge the Government and the rebel movements, to cooperate with the Office of the Prosecutor of the ICC in the implementation of the mandate entrusted to it. On its part, the Commission, in conformity with the relevant resolutions of the Security Council, will give the ICC all

the necessary assistance and will pursue its efforts to promote reconciliation in Darfur. As mentioned above, proposals were formulated on the contribution of the AU to the promotion of reconciliation in Darfur.

The Commission will, in the coming weeks and months, endeavour to speed up the implementation of the recommendations of the Assessment Mission which recently visited Darfur and which focus, among others, on the operational and tactical planning, command and control, the protection of civilians, training, and civilian and military coordination.

The Assessment Mission considers that the present strength of the Mission is adequate for the tasks assigned to AMIS. It is, however, understood that there should be a redistribution of staff and resources between the different sectors. While being of the view that the mandate of AMIS is adequate, the Assessment Mission considers that it is not understood in the same manner at all levels. It stresses the need for a flexible and robust interpretation to maintain the credibility of the Mission. In light of the situation on the ground and the continuous attacks against the civilians, humanitarian agencies and others, a number of NGOs have called for a strengthening of the mandate and an increase in the strength of the Mission, in order to give it a greater responsibility in the protection of civilians and the establishment of the necessary security conditions for the delivery without any restrictions of humanitarian assistance and the return of refugees and displaced persons.

On the basis of the recommendations of the Assessment Mission, immediate measures will be taken to improve the understanding of the mandate by the troops on the ground and, more generally, to ensure that the Mission, at all levels, interprets the mandate robustly in order to better protect civilians. The tasks of AMIS should be specified accordingly, to better reflect the importance of the protection of civilians and to highlight further this aspect of the mandate. Furthermore, I will continue to request the cooperation of the Sudanese Government to facilitate the deployment of all military equipment deemed necessary for the successful fulfilment of the mandate of the Mission. It is understood that the mandate of the Mission could be reviewed in future if these measures proved to be inadequate to provide the necessary protection, particularly to the civilians.

At the time when the PSC is meeting to pronounce itself on, among others, the issue of the extension of the mandate of the AMIS, the following elements should be borne in mind:

In spite of its limited means, the Mission, within a particularly difficult security context, performed its tasks remarkably well, contributing significantly to the protection of the civilian population and the improvement in the security and humanitarian situation. It is cause for legitimate pride for the AU and its Member States and a source of encouragement and optimism for the smooth conduct of

future operations. The work thus accomplished has been highly appreciated by the members of the international community, especially the partner countries and institutions of the AU and many NGOs that are involved in the efforts aimed at putting an end to the Darfur crisis;

The AU's engagement in Darfur, through AMIS was aimed at creating propitious security and humanitarian conditions for political negotiations between the parties in order to achieve a comprehensive political agreement. Despite the efforts by the AU, with the support of the facilitators and partners, political agreement has not yet been achieved. It is clear that more pressure at the highest level should be brought to bear on the parties for them to make the necessary compromises on the issues which remain outstanding in the Abuja Talks.

In addition to its contribution to the improvement of the situation in the region, the AU, through its Mission in Darfur, has acquired valuable experience in the conduct of peace support operations. This experience can only enhance our Organization's capacity to carry out peace support operations;

While attesting to the determination of the AU to fully assume its responsibilities in the promotion of peace on the continent and give effect to the principle of non-indifference, the deployment of AMIS also highlighted the limitations of our Organization regarding the conduct of peace support operations the size of the Darfur operation. These are, among others, linked to the lack of appropriate management procedures and mechanisms, the weakness of management, command and control structures, lack of dedicated financial resources and lack of a policy for reimbursement to the troop contributing countries. Efforts are being made to find lasting solutions to these problems, particularly within the framework of the establishment of the African Stand-by Force which constitutes one of the key elements of the continental peace and security architecture;

When the AU initially undertook to deploy a peace support mission in Darfur, it was intended to be an operation of limited size and mandate. In fact, the Mission was intended to comprise 60 military observers and, if necessary, a protection force not exceeding 300 soldiers. The mandate of the military observers was to support the Ceasefire Commission established by the Ndjamena Agreement, whereas the protection force was to protect the military observers. Since then, both the size and mandate of the Mission have changed considerably to take into account the prevailing situation on the ground, in particular the lack of commitment by the parties to their obligations under the N'djamena Agreement. Today, the Mission comprises almost 7000 military and civilian personnel and the mandate has been extended to the protection of civilians under certain conditions;

Furthermore, AMIS depends exclusively, both for its financing and logistics, on voluntary contributions from our partners. I would like to seize this opportunity to reiterate my appreciation to all our bilateral and multilateral partners for their

assistance without which the deployment and sustainment of AMIS would have been impossible. It is obvious that the management of such an important operation, as that of Darfur, is made more difficult by the lack of a secure and predictable financing. Besides, considering the available resources, the Commission can ensure the current financing of the operations in Darfur only until the end of March 2006, by utilizing the last contribution of the EU from the Peace Support Facility. At present, no commitment has been made by our partners for the funding of the Mission beyond March 2006, unless the extension of the mandate of the Mission is part of a process of transferring it to the UN. It should be noted that the requirement in cash for the Mission amounts to about US$17 million dollars per month;

In view of the progress, albeit fragile, made on the ground and the still modest progress at the Abuja Peace Talks, it would be appropriate to start preparing for the new phase for the peace efforts. After the conclusion, which I hope will be quick, of a Comprehensive Peace Agreement, it would be necessary to deal with the formidable task of the repatriation of refugees and displaced persons and post-conflict reconstruction, including DDR and security sector reform, in a manner complementary to the Comprehensive Peace Agreement of 9 January 2005. It is probable, as pointed out by the Assessment Mission, that the attainment of these objectives would require the maintenance of a peace support operation for an additional 2 to 3 years; similarly, the situation would demand an increased integration of the different aspects of the peace process. It would involve the establishment of multidimensional peacekeeping operation, requiring expertise and experience, as well as considerable and foreseeable logistical and financial resources and a management capacity, which the AU does not yet have;

The Assessment Mission recommended that reflection be initiated on the modalities for maintaining an international presence in Darfur in 2006 and beyond, by considering all viable alternatives and bearing in mind the uncertainties linked to a financing arrangement based on voluntary contributions. Furthermore, the Mission stressed that if other institutions should be involved, then it is important to begin planning as early as possible, it being understood that AMIS would be maintained for an additional period of 6 to 9 months before a single mission covering the whole of the Sudan is established; and

While appreciating the efforts undertaken by the AU and the progress thus far achieved and taking into account the increasingly complex tasks expected of the Mission, the main partners, particularly those who make financial and logistical contributions, have encouraged the AU to consider the transfer of AMIS to the United Nations. They suggest a speedy decision in that regard to enable the Security Council to pronounce itself and to authorize, as from February 2006, the necessary initial measures for the transfer of the Mission to the United Nations. While stressing the growing difficulties faced in financing AMIS on the basis of voluntary contributions, they clearly pointed out their preparedness to continue to support AMIS during the transitional period.

In the light of the foregoing, the time has come to make a pronouncement on the future of the AU Mission in Darfur and the ways and means to adapt it to the present challenges, including the hand-over to the United Nations, at the appropriate time. I recommend that the PSC extend the mandate of AMIS for a period of 9 months to one year as from 20 January 2006, provided the partners come up with the necessary financial and logistical support or that alternative sources of funding be found for the period after March 2006 for the duration of the period.

During this period, the Mission will exert additional efforts to stabilise the security and humanitarian situation in Darfur. In that regard, and as indicated above, in the coming weeks and months, the Commission, with the cooperation of the troop contributing countries and the partners, will do everything to improve the performance of AMIS and enhance its effectiveness on the basis of the recommendations made by the Assessment Mission and other missions.

The AU, with the support of the facilitators, will continue to do everything to facilitate the conclusion of an agreement between the parties as soon as possible. The conclusion of such an agreement will open a new phase which would require a more complex mission for a prolonged period, for which the United Nations is better prepared and equipped. In that connection, and as reiterated by the Assessment Mission, it is important to begin the requisite preparation as soon as possible.

I would like, finally, to stress the importance of the role of the international community and the coherence of its action in the search for a lasting solution to the Darfur conflict. It is a matter of exerting the greatest possible pressure on the Sudanese parties to bring them to honour the commitments made and to negotiate with the necessary flexibility the lasting resolution of the conflict. In this regard, it is important for the PSC to reaffirm clearly its determination to request the Security Council to impose the appropriate sanctions on any party impeding the search for peace. The international community also has the imperative duty of solidarity with the affected people, particularly through the supply of the necessary humanitarian assistance.

Finally, I would like to express my gratitude to my Special Envoy and Chief Mediator, Salim Ahmed Salim, and to my Special Representative, Baba Gana Kingibe, and to all the staff of AMIS, for their commitment and determination. I also thank all the African leaders, particularly the Chairman of our Union, Olusegun Obasanjo, for their efforts to restore peace in Darfur.

ANNEX A : BREAKDOWN OF THE MILITARY COMPONENT

MILOBs.

	Algeria	13
	Benin	01
	Botswana	10
	Burkina Faso	04
	Burundi	10
	Cameroon	30
	Chad	31
	Congo	14
	Egypt	34
	Gabon	34
	Gambia	20
	Ghana	25
	Kenya	39
	Lesotho	05
	Libya	09
	Madagascar	09
	Malawi	24
	Mali	15
	Mauritania	10
	Mozambique	14
	Namibia	23
	Nigeria	59
	Rwanda	35
	Senegal	34
	South Africa	44
	Togo	08
	Zambia	45
27)	EU	13

28)	USA	13
29)	GOS	31
30)	SLM/A	31
31)	JEM	31
32)	EU TAG	02

b. Int staff/ CFC Members - 38

c. Protection Force

1)	Nigeria	2,040
2)	Rwanda	1,756
3)	Gambia	196
4)	Senegal	538
5)	Kenya (MP)	60
6)	S/Africa	285
7)	Chad	40