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ADDIS ABABA, ETHIOPIA P. O. BOX 3243 TELEPHONE : 0115517 700 FAX :0115517844
WEBSITE: www.africa-union.org

**PEACE AND SECURITY COUNCIL
237th MEETING
AT AMBASSADORIAL LEVEL
21 JULY 2010
KAMPALA, UGANDA**

**PSC/PR/2(CCXXXVII)
Original: English**

**REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN DARFUR**

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I. INTRODUCTION

1. Council will recall that, at its 198th meeting held on 21 July 2009, it reviewed the situation in Darfur. Council, *inter alia*, decided to extend, for a further period of 12 months, the mandate of the African Union – United Nations Hybrid Operation in Darfur (UNAMID), as defined by the UN Security Council in resolution 1769 (2007) of 31 July 2007, and requested the latter to do the same [Decision PSC/PR/COMM(CXVIII)]. Subsequently, on 30 July 2009, the Security Council adopted resolution 1881(2009), which also extended the mandate of UNAMID as set out in resolution 1769 for a further 12 months to 31st July 2010.

2. The present report, which should be read in conjunction with the report on the activities of the AU High-Level Implementation Panel (AUHIP) I presented to the 235th meeting of Council held on 2nd July 2010 [PSC/PR/2(CCXXXV)], provides an update on the situation in Darfur, covering aspects relating to the security and humanitarian situation, the deployment of UNAMID, the status of the political process, as well as the efforts being made by the AU High-Level Implementation Panel (AUHIP) on Sudan. It concludes with recommendations on the way forward, including the renewal of the mandate of UNAMID.

II. SECURITY SITUATION

3. As Council is aware, the security situation in Darfur has changed significantly since the peak of the crisis in 2003-2004. However, over the past several months, the situation on the ground has seriously deteriorated, with the outbreak of sustained fighting between the Justice and Equality Movement (JEM) and Government troops, repeated clashes between the Sudan Liberation Army (SLA)-Abdul Wahid and Government troops, and tribal clashes in the Zalingei corridor, in West Darfur.

4. Between January and March 2010, the Sudanese Armed Forces (SAF) were engaged in clashes with SLA-Abdul Wahid, in Jebel Marra, with JEM, in Jebel Moon. Following a brief period of relative calm after the signing, on 20 February 2010, of the Government-JEM Framework Agreement and during the April general elections, renewed fighting between SAF and JEM broke out on 3 May 2010 in the Jebel Moon area (West Darfur), a traditional JEM stronghold. SAF ground attacks and aerial bombardments forced JEM to withdraw from Jebel Moon by 13 May, moving South-East, through North and South Darfur, towards the Southern Kordofan border. Reports received in late May indicated that SLA-Abdul Wahid's forces in Jebel Marra launched attacks on SAF positions in Kindingeer, Leiba and Deribat, in South Darfur, all controlled by Abdul Wahid's forces prior to February 2010. While the military situation on the ground remains fluid, confrontations continue in parts of Jebel Marra, with SLA-Abdul Wahid forces, and along the main supply routes from Khartoum to El Fasher and Nyala, with JEM.

5. The security situation for UNAMID and humanitarian personnel has continued to be precarious. Between July 2009 and July 2010, UNAMID peacekeepers were attacked on 28 occasions, resulting in 10 killed and 26 injured, and, on two occasions, UNAMID personnel were kidnapped. Every effort should be made to bring to justice the perpetrators of these crimes. In addition, during the same period, 54 United Nations personnel suffered incidents of banditry and criminality, while 53 vehicles were stolen from UNAMID and UN agencies. Concerns surrounding the security situation and humanitarian access in South Darfur have intensified in recent weeks, following abductions of staff of two international NGOs in South Darfur on 18 May and 22 June, respectively; to date, the three kidnapped international staff remain in captivity.

6. Against this backdrop, Council, at its 235th meeting, expressed concern at the prevailing security situation in Darfur, and called on all parties to demonstrate restraint and refrain from actions likely to further complicate the situation. I cannot but echo these concerns, especially in view of the impact of the current state of affairs on the civilian population and the search for a political solution. I am encouraged by the commitment expressed by the Government of the Sudan, during its consultations with the AUHIP, to take unilateral steps to improve the security situation in Darfur, especially for Internally Displaced Persons (IDPs).

III. HUMANITARIAN SITUATION

7. Some two million people – a quarter of Darfur's total population – are currently displaced and continue to rely on aid agencies for their survival. The level of population displacement in 2010 follows the trend of recent years, with an estimated 116,000 people displaced so far this year, compared to about 175,000 people displaced in 2009, and around 300,000 displaced both in 2007 and 2008.

8. In May 2010, the World Food Programme (WFP) distributed food to over three million people throughout Darfur, while over 250,000 intended beneficiaries were not reached due to insecurity, as well as suspension of activities by an implementing partner because of security concerns. The scarcity of water in Darfur is growing, with reports of a significant number of wells drying up. Access to the population affected from recent fighting in Jebel Marra and in parts of South Darfur remains of concern due to restrictions imposed by both the Government and the armed movements.

9. In the meantime, the United Nations Country Team (UNCT) and UNAMID are looking at ways of assisting the Government and local authorities to take advantage of areas where peace has been restored to stimulate livelihood opportunities and empower IDPs to choose their own future. Commendable early recovery programming has been undertaken by United Nations agencies in recent years, in parallel with the delivery of life-sustaining humanitarian aid. In the context of its protection mandate, UNAMID is working to increase its support to the early recovery efforts, through the provision of a safe and secure environment on the main routes throughout Darfur and in areas emerging from conflict.

IV. UNAMID DEPLOYMENT AND RELATED ASPECTS

10. During the period under review, there have been changes in the UNAMID leadership with the appointment, with effect from January 2010, of Professor Ibrahim Gambari, former UN Under Secretary-General and Nigerian diplomat, as the new Joint Special Representative, in replacement of Mr. Rodolphe Adada. This appointment was welcomed by the 14th Ordinary Session of the Assembly held in Addis Ababa from 31st January to 2 February 2010.

11. As of 12 July 2010, the strength of UNAMID military personnel stood at 17,270, representing 88 percent of the authorized strength of 19,555. This includes 16,712 troops, 308 staff officers, 70 liaison officers and 180 military observers. The advance party of the second Senegalese Infantry Battalion arrived in Darfur on 17 May 2010, increasing the number of infantry battalions in UNAMID to 17 out of the mandated 18.

12. Regarding the police component, its strength stood at 2,658 individual police advisers, or 70 per cent of the mandated strength of 3,772, of whom 367 are women. Thirteen of 19 authorized Formed Police Units (FPUs) are deployed in the Mission area. The personnel of the FPUs stand at 1,808, or 68 per cent of the authorized strength of 2,660. The arrival of the six remaining FPUs should be completed by the end of 2010.

13. Finally, as of 12 July 2010, the number of UNAMID civilian personnel stood at 4,210 (1,115 international staff, 2,654 national staff and 441 United Nations Volunteers). This represents 75 percent of the approved strength of 5,577. The Mission continues to face difficulties in recruiting and retaining suitably qualified staff owing to Darfur's harsh living conditions and unpredictable security situation. Since January 2008, 193 potential candidates have declined offers of appointment.

14. UNAMID continues to experience the adverse operational effects of shortfalls in essential military aviation capability, in particular the 18 medium utility helicopters and a fixed wing aerial reconnaissance unit for which no pledges have been received. The combination of these shortfalls with the longstanding delays in the deployment of two pledged infantry companies is limiting UNAMID's monitoring and verification activities and hindering its quick reaction capabilities. I call on all countries having the necessary capabilities to provide UNAMID with the required force and enablers.

15. At its 198th meeting, Council expressed its appreciation to the Government of Ethiopia for the provision of five tactical helicopters. The Ethiopian Tactical Helicopter Unit was deployed in Nyala on 16 February 2010. However, between March and June, the Unit was only allowed to conduct 94 flights limited to training, crew currency and area familiarization. The agreement with the Government on the requisite and unconditional employment of helicopters during emerging crisis situations is yet to be implemented.

16. UNAMID's focus by necessity shifted from deploying the Mission to harnessing its military, police and civilian resources for the benefit of Darfur. The Mission's military component provides escorts to increasing numbers of Darfurians and support to the humanitarian community in delivering aid to those in need. There are now regular patrols of thousands of kilometres of road, providing an active deterrent to opportunist violence and crimes. Meanwhile, UNAMID Police has pioneered the concept of community policing inside IDP camps, including 24/7 patrols in 18 camps, and is also present in many vulnerable communities throughout Darfur, serving as a first point-of-contact on security issues and a bridge between citizens and state security institutions. The Police has built working relationships with its Government counterparts, strengthening local capacity to prevent crimes in accordance with international norms and standards. UNAMID civilian component provides support, on a daily basis, to Darfur communities and local institutions, including civil society groups, the Transitional Darfur Regional Authority (TDRA), locality commissioners, native administration and community leaders.

17. The period under review was also marked by the holding of the 7th and 8th meetings of the Tripartite Coordination Mechanism involving the Government of Sudan, the African Union and the United Nations, in Khartoum and Addis Ababa, on 16 November 2009 and 10 May 2010, respectively. I am pleased to report that this Mechanism has continued to be instrumental in addressing issues related to the deployment of the UNAMID. One of the issues discussed at the 7th tripartite meeting was the UNAMID staff hostage cases; the Government of Sudan reiterated its commitment to deploy all the necessary efforts for the safe release of the hostages. During the 8th meeting, deliberations focussed on ways and means of optimizing the "employment" of UNAMID assets and resources, in order to further enhance security, recovery and development in Darfur.

V. DARFUR POLITICAL PROCESS

18. At its above-mentioned meeting in July 2009, Council expressed concern at the difficulties facing the peace process, in particular the lack of progress in the talks between the Government of the Sudan and JEM and the impasse in the implementation of the Agreement of Goodwill and Confidence Building for the Settlement of the Conflict in Darfur signed between the two parties in Doha, Qatar, on 17 February 2009. Council called on all the Sudanese parties to demonstrate the necessary political will and engage in dialogue without preconditions. At its meeting of 2 July 2010, Council encouraged the parties to the Doha process to intensify their efforts towards achieving further progress, and urged the Movements that are not in Doha to join the process.

19. During the period under review, the negotiations between the armed belligerents conducted by the Joint AU/UN Chief Mediator, Djibril Bassolé, with the support of the Government of Qatar, continued to face serious challenges. On 23 February 2010, in Doha, the Government of the Sudan and JEM signed a Framework Agreement to Resolve the Conflict in Darfur. This Agreement was negotiated and initialed in N'djamena, on 20 February, under the

auspices of President Idriss Déby Itno, to whom I would like to pay tribute for his efforts. I attended the signing ceremony in Doha. However, this process has since been seriously undermined, with the parties failing to agree on a ceasefire implementation Protocol or a final Agreement by the deadline of 15 March 2010, largely due to disputes over the participation of other Movements in the peace talks and the insistence of JEM that its prisoners held in Khartoum be released by the Government of Sudan. This was followed, in May, by an outbreak of fighting between the parties in various locations in Darfur, and JEM's announcement that it was withdrawing from the peace process.

20. On 19 May, the Chairman of JEM, Dr Khalil Ibrahim, was detained at the N'djamena airport and refused entry by the Chadian authorities. Following the incident, the JEM Chairman travelled to Tripoli, Libya, where he still remains. JEM insists that the Mediation facilitate Khalil's return to Darfur - needless to stress that the Mediation neither had the capacity nor the mandate to provide JEM with transportation to a location other than Doha.

21. I am, however, pleased to report the progress made in the unification of the armed movements, as demonstrated by the creation, on 23 February 2010, of the Liberation and Justice Movement (LJM), which merged members of the Tripoli and Addis Ababa Groups into a single new movement under the leadership of Mr. Eltigani Seise. On 18 March 2010, the LJM and the Government of the Sudan signed a Framework Agreement to resolve the Conflict of Darfur, as well as a Ceasefire Agreement. The Commissioner for Peace and Security attended the signing ceremony in Doha. Discussions between the Government of the Sudan and the LJM resumed in Doha on 6 June 2010. The two parties have agreed on a work programme and formed six committees to negotiate on issues relating among others to power-sharing and administrative status of Darfur; wealth-sharing, including land rights; compensation and return of IDPs and refugees; security arrangements; and justice and reconciliation.

22. In early March, the Mediation, together with UNAMID, launched a series of consultations in a number of localities throughout Darfur. The consultations in Darfur were complemented by meetings in Khartoum, in refugee camps in Chad and in the diaspora, all of which built on the conclusions of the first Doha Darfur Civil Society Conference in November 2010, the work of the Darfur-Darfur Dialogue and Consultation (DDDC) and the conclusions of the public hearings conducted by the AUPD in June 2009. From 12 to 15 July 2010, the second Doha Darfur Civil Society Conference was held simultaneously with the ongoing negotiations between LJM and the Government of Sudan. The Conference brought together some 400 civil society representatives from the three Darfur states, Khartoum, diaspora community and refugee camps in Chad.

23. Clearly, there is need for renewed efforts to advance the search for peace, justice, reconciliation and healing in Darfur. To this end, I am pleased to report that the AUHIP and UNAMID are working together to convene, within Darfur, a Darfur-Darfur Conference (DDC), at a date to be determined shortly, building on the progress achieved in Doha. The Government of the Sudan has indicated its willingness to facilitate the convening of the DDC, as part of the overall efforts to domesticate the peace process and make it more inclusive. At its 235th

meeting, Council expressed its full support to the early convening of the DDC, and called on all concerned to extend the necessary cooperation and support for this initiative, which is based on the recognition that the problem of Darfur requires a comprehensive and inclusive process of negotiations that addresses all the issues of peace, justice and reconciliation and involves the Government of Sudan, armed belligerents, political parties, IDPs, refugees, traditional leaders, native administration, pastoralist groups and civil society.

VI. JUSTICE, RECONCILIATION AND HEALING

24. In all its deliberations on Darfur, Council has strongly condemned the violations of human rights and international humanitarian law in this region, requesting that concrete steps be taken to investigate the abuses committed and bring their perpetrators to justice. This position is informed by the relevant provisions of the AU Constitutive Act and other relevant instruments on the need to fight impunity.

25. Against this background, the AUPD, which was put in place to make recommendations on how best to address the three interlocking issues of peace, justice and reconciliation, devoted an important component of its work to measures aimed at ensuring that justice is done. More specifically, the AUPD recommended the establishment of a Hybrid Court to try those responsible for the most serious crimes in Darfur. The Panel also made recommendations on reconciliation, bearing in mind that justice and reconciliation are inextricably linked and should be approached and implemented in a coordinated manner. Among others, the Panel proposed the establishment of a Truth, Justice and Reconciliation Commission, to promote truth telling and appropriate acts of reconciliation, as well as to grant pardons as may be considered appropriate. I am pleased to report that the Government has just appointed a team to initiate consultations with the AUHIP, with the view to agreeing on the best way forward.

VII. ICC PROCESS

26. During the period under review, the Commission continued to follow the process initiated by the International Criminal Court (ICC) against President Omar Hassan Al Bashir. It is to be recalled that, on 4 March 2009, Pre-Trial Chamber I of the ICC issued an arrest warrant against President Al Bashir for war crimes and crimes against humanity. On various occasions, Council and other AU organs, including the Assembly, have expressed deep concern at the consequences of this decision on the search for peace, justice, reconciliation and healing in Sudan. In this respect, the AU has made repeated calls for the UN Security Council to make use of Article 16 of the Rome Statutes to defer the ICC process. Additionally, the 13th Ordinary Session of the Assembly, held in Sirte, Libya, from 1st to 3 July 2009, requested Member States not to cooperate with the arrest and surrender of President Al Bashir [Assembly /AU/Dec. 245(XIII)] to the AU.

27. Since last July, no progress has been made regarding the request made to the Security Council. Accordingly, the ICC has pursued its process. On 12 July 2010, Pre-Trial Chamber I of

the ICC, following an application by the ICC Prosecutor, issued a second warrant of arrest against the Sudanese President on charges of genocide. The Commission noted with deep concern this development, believing that this new decision by the ICC is counterproductive and will complicate the ongoing efforts and increase the risk of instability, with far-reaching consequences for Sudan, the region and Africa as a whole. I, once again, urge the United Nations Security Council to assume its responsibilities and act on the call for the deferral of the process initiated by the ICC in the interest of peace, justice and reconciliation.

VIII. FOLLOW UP TO THE REPORT AND RECOMMENDATIONS OF THE AUPD AND ACTIVITIES OF THE AUHIP

28. It should be recalled that the AUPD was established pursuant to the communiqué issued by Council at the end of its 142nd meeting held in Addis Ababa on 21 July 2008, with the mandate to make recommendations on how best to address the three interlocking issues of peace, justice and reconciliation in Darfur. The Panel, which was chaired by former President Thabo Mbeki and comprised, among others, former President Pierre Buyoya and Gen. Abdulsalami Abubakar, former Head of State of Nigeria, was inaugurated in Addis Ababa on 19 March 2009. In pursuit of its mandate, it consulted extensively and systematically with the people of Darfur.

29. The main message which the Panel heard and transmitted can be encapsulated in the definition of the crisis as “Sudan’s crisis in Darfur”. Indeed, while many other factors are at play, it is fundamentally the historical legacy of Sudan’s inequitable governance that led to armed uprisings in various parts of the country and the resulting cycle of conflicts. The Panel saw the Darfur crisis as a symptom of the wider Sudanese national crisis. The Panel made a number of recommendations, which were endorsed by Council at its 207th meeting held in Abuja on 29 October 2009. Council requested me to establish the AUHIP to assist in the implementation of all aspects of the AUPD Recommendations, as well as in the implementation of the Comprehensive Peace Agreement (CPA) and other related processes.

30. During the period under review, the AUHIP has pursued its efforts, maintaining close consultations with the Sudanese parties to assist them both in the implementation of the CPA and in the search for peace, justice and reconciliation in Darfur. The AUHIP also interacted closely with the neighboring countries, as well as with international partners. In approaching its task, the Panel was guided by the clear mandate it had been given, namely to examine the three principal pillars of peace, reconciliation and justice in the context of Darfur. In the view of the Panel, the objectives of peace, reconciliation and justice in Darfur are interconnected, equally desirable, and must be pursued in a manner consistent with the need to achieve democratic and socio-economic transformation in Sudan. As indicated above, a full report on the activities of AUHIP was submitted to Council at its 235th meeting held on 2 July 2010.

IX. ESTABLISHMENT OF THE SUDAN CONSULTATIVE FORUM

31. As Council will recall, at its Abuja meeting, it requested me to undertake consultations with the UN Secretary-General and the Secretary-General of the League of Arab States, for the speedy establishment of a Consultative Forum, involving relevant stakeholders and Sudan's neighboring countries, as well as AU partners, to receive regular reports on the implementation of the decision adopted in Abuja and to serve as a coordinating mechanism. It is in this context that I convened the inaugural meeting of the Sudan Consultative Forum, in Addis Ababa, on 8 May 2010, with the following objectives: (a) to facilitate the ongoing process of democratic transformation of the country, in line with the vision of the CPA; (b) to support the implementation of the remaining provisions of the CPA and the resolution of issues related to post-referendum arrangements; (c) to speed up the search for a political resolution of the conflict in Darfur; and (d) to ensure a coordinated approach and action by the international actors engaged in the Sudan.

32. The meeting formally established the Sudan Consultative Forum, which will meet every two months. With respect to Darfur, the meeting resolved that a Darfur political process should be initiated, in accordance with the Recommendations of the AUPD, that is inclusive of all stakeholders in Darfur (belligerent and non-belligerent), and which comprehensively addresses all issues, including justice and accountability, leading to a Darfur Global Political Agreement. The meeting emphasized that the Doha peace process, conducted between the belligerents, should, in the meantime, continue with the objective of finding an end to armed conflict between the GoS and the armed movements, as an essential component of this process. At the time of finalizing this report, preparations were underway for the convening of the first meeting of the Consultative Forum, in Khartoum, on 17 July 2010.

X. OBSERVATIONS

33. Despite determined hard work by the international community, the resolution of the conflict in Darfur continues to elude us. Hence the need to redouble efforts in order to arrive at an all-inclusive and comprehensive political agreement. This is all the more urgent as Sudan is entering into one of the most critical phases of its history. It is important that peace be restored in Darfur to enable the population of this region to fully participate in the decisions that will be made in the coming months on the future of the Sudan. In the meantime, I welcome the progress made towards the democratic transformation of the Sudan, with the holding of the April 2010 general elections, the ongoing efforts to address the outstanding issues in the implementation of the CPA and the commencement of the negotiations on post-referendum arrangements. The successful completion of all these processes require the involvement of all Sudanese people and stakeholders and genuine support from the international community. I also welcome the normalization of the relations between Chad and Sudan, which will contribute significantly to the overall efforts to resolve the crisis in Darfur.

34. I welcome the progress achieved by UNAMID towards its full deployment. The need to give increased attention to the employment of UNAMID assets to further enhance security, recovery, and development in Darfur must be stressed. This, indeed, is consistent with the conclusions reached at the meeting of the tripartite Mechanism of 10 May 2010, in Addis Ababa.

35. UNAMID must continue to expand the work it has painstakingly begun amid continued challenges, so that these positive developments can be converted into lasting improvements. It is in this context that I recommend to Council to renew the Mission's mandate for another year. However, in order to maximise the potential of the Mission, it is essential that Sudanese authorities continue to work towards creating a more enabling environment for UNAMID, including taking the necessary steps to facilitate the use of UNAMID aerial assets, including the military helicopters stationed in Nyala. Furthermore, the Government and the armed movements must spare no efforts in ending restrictions on UNAMID's freedom of movement.

36. Finally, it is important to reiterate the Government's primary responsibility to address the root causes of the conflict in Darfur, namely the political and socio-economic marginalisation of the region. UNAMID has an important role to play to provide a secure environment conducive to voluntary returns and to support efforts to stimulate livelihood opportunities. But none of these can compensate for the responsibility of the Government to scale up its investments in Darfur, to further the development of the region and the empowerment of its people.

2010-07-21

Communiqué of the 237th Meeting of the Peace and Security Council of the African Union Held on 21 July 2010, Kampala, Uganda.

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