The African Mission in Sudan: Darfur dilemmas

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For much of the past two years, the African Union Mission in Sudan (AMIS) has managed to achieve a semblance of stability in much of Darfur, which has been reflected in the improvement of humanitarian conditions. At the same time, the mission has come under serious international pressure to respond appropriately to the deteriorating security situation on the ground by enhancing its presence and effectiveness. Subsequently, following the decisions of the AU Peace and Security Council (PSC), AMIS has undertaken two successive enhancements. Although the last enhancement exercise was remarkably successful, it could not be considered complete without the provision of the outstanding personnel and logistics by both member countries and the international partners. Meanwhile, serious challenges continue to undermine the mission’s effectiveness and its prospects, not the least of these obstacles being adequate funding. At present, the mission is in a dilemma with respect to its mandate, engaging with the parties, partners, implementation of the N’Djamena Humanitarian Ceasefire Agreement (HCFA), and the way forward, as the AU is now almost totally dependent on external donations to sustain its Darfur operations. This article therefore explores the way forward in all these thematic areas in order to make appropriate recommendations.

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Introduction

This article has been written against the backdrop of the huge security challenges facing Sudan. At present, the situation is generally highly fluid and uncertain in all the country’s conflict areas and there are genuine fears that an ‘arc of conflict’ could emerge across Sudan’s central belt, from western Darfur to the Red Sea region. Historically, Sudan’s relations and interactions with its neighbours frequently have been troubled, and this also impinges on considerations of its internal security, especially in the case of Chad.

Ever since the deployment of AMIS in Darfur some two years ago, the humanitarian conditions of many of the vulnerable have improved remarkably. Although the mission can take credit for these modest achievements, its operations and activities are still confronted by complex challenges. The coming into force of the N’Djamena Humanitarian Ceasefire Agreement (HFCA) of 8 April 2004 provided the initial mandate or the legal authority for the deployment of AU monitors in Darfur, but its implementation proved to be more challenging than anticipated. The difficulties inherent in implementation have included the lack of executive powers for the Joint Commission (JC), the admission of the representatives of the belligerent parties as integral to the Ceasefire Commission (CFC) at all levels of command and the requirement for their participation in all investigation patrols, and the lack of commitment of the signatories to adhere to the agreement. Other challenges have included a deterioration in the security situation as the various parties have persisted in their intransigence, force generation issues, over-dependence on partners, and the cross-border tension between Chad and Sudan.

Although this article is focused primarily upon the AMIS operation since the last enhancement exercise, it would be prudent to take a cursory look at the operation as a whole. Since a cardinal feature of an AMIS operation is one of partnership, it would also be useful to examine the cooperation mechanism between the AU and its partners in Darfur in order to bring to the fore critical lessons learned along the tortuous path towards establishing peace in Darfur.

Update on the security situation

Although there are many problems facing the Darfur region, it is axiomatic that security lies at the heart of the current crisis. Other issues related to history, culture, marginalisation, ethnicity and humanitarian dynamics further complicate the situation. Since the end of August 2005 the security situation has been very volatile, which is related to the outright disregard for the HCFA and related protocols by all the parties and other belligerents. The situation is currently characterised by:

- mass movements and concentration of forces;
Infiltration of Chadian rebels into the AMIS Area of Responsibility (AOR);

escalation in the number of ceasefire violations;

attacks on, and harassment of, AMIS personnel by armed militia and breakaway groups from the Justice and Equality Movement (JEM) along the Chadian border;

attacks upon, and hijacking of, NGO vehicles;

attacks on innocent civilians and the burning of villages;

collection of illegal tolls by the parties, especially in Sectors 1, 2 and 8.

Serious divisions within the Sudan Liberation Movement/Army (SLM/A) leadership during the same period also exacerbated the already fragile situation as intra-SLA fighting and tension affected AMIS operations negatively, particularly in states in North and South Darfur.

Enhancement of AMIS II (AMIS IIE)

Against the background of the fluid security environment, in July 2005 AMIS successfully commenced its second enhancement exercise, also known as AMIS IIE. As of writing this article, the mission had successfully deployed 6,964 personnel of the 7,731 strength projected, representing some 80 per cent of its full complement. AMIS is still awaiting the South African contribution to increase that country's enhanced company to battalion strength and provide the Force Commander's reserve at the Forward Headquarters (FHQ). On completion of AMIS IIE, the military component was expected to comprise three Nigerian battalions, three Rwandan battalions, one South African battalion, a South African engineer company, a South African FHQ Reserve, a Senegalese battalion, a Kenyan Military Police Detachment and a Gambian FHQ company. Together with the 700 military observers (MILOBs), the military component would number 6,171. The Civilian International Police (CivPol) have also made significant progress in deploying 1,320 out of the 1,560 authorised for AMIS IIE. Contrary to expectations, however, this significant increase in numbers does not necessarily translate proportionally to the operational efficiency and effectiveness on the ground, mainly because of the lack of appropriate equipment and inadequate or lack of proper interpretation of the mandate by commanders.

Logistics and funding for AMIS IIE

Though AMIS is to be commended for the rapid deployment of its authorised troops during the enhancement, the same cannot be said for the arrangement of logistics and funds to support the
new force. The mission, therefore, has had to operate with about half its critical force enablers, such as vehicles, ICT equipment and other logistical requirements. For all these, AMIS depends entirely on the benevolence of partners; and even where the partners want to provide cash, the AU does not have procurement capacity for such bulk purchases. On this the chairperson of the commission could not be more blunt:

… 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.¹

As of writing this article, AMIS had no predictable funding beyond 31 March 2006. It was therefore vital that the European Union (EU) made available to the AU €70 million (US$84 million) by way of the Africa Peace Facility Fund. The United Kingdom (UK), Canada and France have also donated additional funding to cover various aspects of the operation.² These pledges notwithstanding, there is an additional requirement for US$4.6 million to enable the mission to continue to the end of March 2006. Clearly, there are signs that the AU partners are acutely aware of the embarrassing consequences should the mission fold as a result of lack of funding. This is an important observation, because the responsibility to protect in Darfur is a global one, and this collective obligation must strengthen the resolve of the international community not to fail.

Given the sheer size of Darfur, the absence of a road network and other infrastructure, the AMIS mission depends heavily on air assets. In this area the governments of Canada and the Netherlands have been extremely generous: of the entire helicopter fleet of 28 that the mission has in its inventory, Canada has provided 25 and the Netherlands the remaining three. In addition, the Netherlands is funding the lease of four fixed-wing aircraft to lift goods and personnel from Khartoum to the field and within the theatre. In addition to the air assets, the Canadian government has donated 105 armoured personnel carriers (APCs),³ which have already been inducted into the mission. The APCs were assembled in Dakar, Senegal, where the AU turret operators and drivers were trained in their use. The APCs were planned for induction in the AOR in early September to coincide with the end of the original plan of deployment of the troops, but bureaucratic delays on the part of the authorities in Khartoum were ended only after strong diplomatic intervention.

Achievements: AMIS – so far, so good

Political

AMIS political initiatives and activities span the whole spectrum of the political activities undertaken to facilitate the peace process. They involve the use of good offices and political support for the
In the South and the Abuja Peace Talks for the Darfur crisis, engaging officials of the Government of National Unity (GNU), the diplomatic community, the United Nations Mission in Sudan (UNMIS), other UN agencies, media, academia, leaders of communities and parties at local levels and military diplomacy. These activities tie in neatly with the objective of pursuing a political solution to the crisis. AMIS personnel give considerable assistance to the Mediation of the Peace Talks in Abuja, where, unfortunately, the expectations of the international community have yet to be met. Dr Salim Ahmed Salim, the AU Special Envoy for the talks, recently expressed his disappointment with the slow progress owing to what he described as inflexibility, suspicion and the absence of minimum confidence. Earlier he had described the talks as “disturbingly and agonisingly slow” when he addressed the UN Security Council in New York. It is significant, however, that there is international recognition that Abuja is the only viable negotiating forum. That the parties are actively engaged in the talks is an achievement in itself and may explain why despite increased violations in Darfur, there has been a significant reduction in the number of inter-party conflicts.

As the Head of the AU Mission in Sudan, the Special Representative of the Chairperson of the AU Commission (SRCC) is the principal facilitator for the political process and head of the AU presence in Sudan. In this capacity he strives to attain legitimacy and credibility by dealing with the parties, the partners and the wider international community as impartially, frequently and transparently as possible. He achieves this through personal involvement where necessary, but also through delegated authority in the field. Significantly, and to the credit of the incumbent, there is an open-door policy at the Mission Headquarters which practically gives all staff members access to the SRCC, including the local staff. At the FHQ, the Deputy Special Representative of the Chairperson of the AU Commission, who also serves as the chairman of the CFC, leads the political engagement with all parties and representatives of the international community. He is ably assisted by the military and CivPol leadership at all levels of command through regular military diplomacy. The December Assessment Mission 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.

One significant achievement of the presence of AMIS in Darfur is the relatively secure environment that it has created for unrestricted access by the international community, particularly the media, to undertake investigative journalism and reporting.

There was significant support for the SRCC when the government of Sudan (GoS) unilaterally declared Ambassador Baba Gana Kingibe persona non grata after the September 2005 press conference, at which he was very critical of the incessant violations of the HCFA by all parties. The courageous
stand and unequivocal support from the AU chairperson for his special representative during that critical period was commendable. Together with the support of the UNMIS hierarchy and the international community, the GoS had no option but to shelve its threat eventually.

Another area of political success in AMIS is the handling of the APC impasse. Initially, the GoS agreed that only 35 of the 105 APCs will be allowed into the mission. This was rejected by the AU and the international community, and after persistent demarches the GoS gave in and on 12 November granted approval for all 105 APCs to be inducted into the theatre.

Military component

Being the first and the largest of the three components of AMIS, the military undertakes a great many tasks in fulfilling the mandate. The military, deployed according to a revised Concept of Operations (CONOPS), has also seen the MILOB group sites (MGS) increase from 16 to 34. The basic unit of the military function is a MILOB team comprising representatives of the parties, AU partners and, of course, AU MILOBs. The team is normally escorted by a Protection Force of a section or more during patrols or investigations. The Protection Force also escorts AU or humanitarian convoys in the mission area, and in addition provides protection for the unarmed CivPol in their duties. To sum up, AMIS military tasks include:

- monitoring, investigating and reporting ceasefire violations;
- protection for MILOBs, CivPol and AMIS personnel and installations;
- protection of AMIS contractors and their property;
- protection of civilians and international staff of humanitarian community within capability and within vicinity;
- escort of AMIS patrols;
- escort of humanitarian convoys; and
- providing a secure environment for the safe delivery of humanitarian assistance.

In carrying out these core functions the force often finds itself in harm’s way, as recently demonstrated by the unprovoked attack on an AMIS escort near Khor Abeche by unknown armed group when four AMIS soldiers were killed, and the series of attacks in Kulbus general area perpetrated by splinter groups from the JEM also resulting in various fatalities. AMIS troops
have often demonstrated courage in the face of these dangers and also when civilians have been involved. In the recent outbreak of fighting between the SLA and GoS in Golo, AMIS provided protection for the staff of the NGOs and also assisted with their evacuation, an act that did not escape the attention of the international community. Also, in several instances, the military has acted as an interposition force to protect the vulnerable, especially internally displaced persons (IDPs), during imminent attacks. The rapid and timely deployment of AMIS to Zalingei, following a tense situation after the kidnapping of civilians by SLM/A, helped to prevent retaliation against IDPs; also the deployment of AMIS to Muhajeriya stopped the advance of GoS forces into this town and thus averted a probable displacement of some 40,000 IDPs.

It is hoped the operationalisation of the APCs will go a long way to boost confidence in AMIS personnel, enhance their capacity for self-defence and provide protection to civilians and the humanitarian community. It is possible that some of the more serious incidents could have been avoided with the effective deployment of the APCs.

**CivPol component**

Deployed in response to international outcry for immediate attention to critical security concerns that require appropriate police functions, the AMIS CivPol has made a remarkable progress in the protection of the vulnerable in the conflict. Although the CivPol CONOPs is basically drawn from the military one, it comes with some modifications and innovations as a result of the peculiarity of the GoS police organisation in Darfur. The AMIS CivPol undertakes the following confidence building measures:

- establishing and maintaining contact with the GoS police authorities;
- collaborating with the GoS police in day-to-day community policing activities;
- performing village and town patrols, as well as patrols within IDP camps in the AOR, together with GoS police;
- observing, monitoring and reporting the effective service delivery of GoS police;
- investigating and reporting all matters of GoS police non-compliance with the HCFA; and
- at the request of the GoS police authorities, assisting in capacity enhancement initiatives.

One of the cardinal requirements of AU CivPol is to monitor the GoS police to bring their standards up to international policing levels, thereby assisting them to win back the confidence of the civilian population. It is for this reason that the CivPol must coexist with GoS police and work alongside
them, a situation that the rebels have found very difficult to accept. Therefore, in addition to deploying with the military in all eight sectors and MGS, CivPol maintains three regional offices, commanded by regional commanders, in the three states of Darfur to ensure proper coordination and liaison at the appropriate level. The presence of CivPol in the IDP camps has curbed the violence and reduced the crime rate to very low levels. At present, of the 65 sensitive villages identified by the CivPol, 26 have operational police posts, which enable a round-the-clock presence in their IDP camps. The government of Norway, which provided for the initial 26 villages, has signed a contract with the AU to enable CivPol to cover all sensitive communities. Other non-traditional duties initiated and undertaken by CivPol include firewood patrols, escort of IDPs to water points, organisation of women’s forums in the camps, and the screening of suitable movies to children in IDP camps. The positive impact of these initiatives is that it is now commonplace to observe the women asserting themselves on matters that affect their lives and that of their children. They have also embraced community-based policing concepts: foot patrols, person-to-person contacts, and meetings with the community to identify problems and seek a mutually satisfying solution. CivPol personnel are also exposed to danger just like the military, and in fact they have been victims. Importantly, the recent continuous presence of CivPol at the famous Kalma Camp, near Nyala, the joint patrols with the GoS police and outer perimeter patrols of the Protection Force have resulted in a remarkable reduction in the number of reported incidents.

**Human rights and humanitarian component**

The human rights/humanitarian segment is relatively new but appears to be making good progress irrespective of its inherent shortcomings such as lack of adequate personnel, training and logistics. In order to fulfil its tasks, the human rights officers of the AU work closely with their counterparts in the UN and other humanitarian agencies. Because of the lack of adequate personnel, the first three female human rights officers are deployed to the three states of Darfur, and not necessarily in conformity with the military sectors, to monitor, investigate and report on both human rights/humanitarian issues. That means they have to work with two or more sector commanders on a daily basis, and at the same time develop a working relationship with the CivPol regional and sector commanders. They also act as the AU’s focal point for coordinating the required humanitarian effort in conjunction with the Office for the Coordination of Humanitarian Affairs (OCHA) and other humanitarian agencies. To derive maximum benefit from this component the AU should recruit more staff to cover all sectors effectively. Generally, humanitarian conditions have improved throughout Darfur following the deployment of AMIS.7

**AU-led Joint Assessment Mission**

Another significant feature of AMIS has been the decision of the AU Peace and Security Council (PSC) to dispatch Joint Assessment Missions (JAMs) under AU leadership to undertake periodic
reviews of the operation. So far, there have been two such missions; the first one from 10 to 22 March 2005, and the second from 10 to 20 December 2005. During both missions the composition of the team reflected the interests of the AU and its partners. The first report identified critical institutional gaps, weaknesses, and logistical shortfalls, and accordingly made appropriate recommendations to the PSC. On the basis of these recommendations significant progress was made in the field in terms of institutional restructuring, human capacity building, logistical support, provision of additional air assets and APCs, increased force levels, slow but steady recruitment of international staff, and the appointment of two deputy Special Representatives of the Chairperson of the AU Commission, one at AMIS HQ in Khartoum and the other at the Forward HQ in El Fashir, where the latter also serves as the chairman of the CFC.

Under the leadership of the SRCC, the second mission visited the Forward Mission Headquarters in El Fasher and all the sectors and MILOBs groups sites in the AOR. This second mission differed from its predecessor in that, in addition to the traditional partners of the AU, it included representatives of the troop contributing countries (TCCs). Significantly, the report of the mission observed that “considerable progress had been made 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”.8 As a result of this considerable progress in deployment AMIS has “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”.9 This is not to say that mission had become complacent, however, for it also “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”.10

**Challenges**

**Mandate**

After almost two years in Darfur, AMIS is still in a dilemma with its mandate. The second JAM report observed that the “current mandate is adequate” and recommended for it to be “interpreted flexibly and robustly in order to maintain the force credibility, and provide the necessary degree of protection to civilians within capabilities”, but the current security dynamics cast doubt on the adequacy of these arrangements. It must be understood that the current mandate of AMIS established by the PSC on 20 October 2004 is an enhanced version of the HCFA, which was highly diluted and compromised to accommodate the concerns of the parties. In the main, the mission is mandated to:
Features

- monitor and observe compliance with the HCFA;
- assist in the process of confidence building;
- contribute to a secure environment for the delivery of humanitarian relief and support the return of IDPs to their homes; and
- contribute to the improvement of the overall security situation in Darfur.

Critics argue that the mandate is not robust enough for commanders to protect civilians in danger within their capability and within their vicinity. Their concerns have become more relevant following the recent spate of attacks and threats to AMIS personnel and convoys in Darfur by the belligerents. It is further argued, therefore, that if AMIS continues to fail to protect itself against unprovoked attacks by armed elements, it will lose any credibility in Darfur as the only international force charged with the responsibility to protect civilians and the vulnerable in the war-torn region.

This notwithstanding, other good opportunities have been missed by the AU to strengthen the mandate during the two successive enhancement programmes. From the inception of the mission, many high-profile personalities and groups, particularly NGOs and the media, have strongly advocated a more robust mandate that would enable the mission to extend its protection to civilians in Darfur. A comparison with the UNMIS mandate for southern Sudan reveals that a broader mandate has been provided there, even where conditions are more benign. Although draft Rules of Engagement (ROE) akin to the UNMIS ROE are now in circulation in Darfur, the lack of critical force enablers, equipment and the chronic logistical shortfalls will continue to hamper commanders and deny them the flexibility and the robust interpretation of the mandate envisaged in the December JAM report. This report observed that some commanders lack a clear understanding of the ROE, and talk little of how they could enhance their operational capability. Although the JAM report noted that the mandate was adequate, it is believed that unless AMIS meets the expectations of the people of Darfur and the wider international community by providing adequate protection to civilians with its presence and robust intervention mechanisms, the debate about the inadequacy of its mandate will remain. Some have observed rightly that the AMIS ‘protection by presence’ strategy has not been effective insofar as protection of vulnerable civilians is not guaranteed in the event of an escalation of the security threat. In multi-dimensional operations, the mandate alone will not make automatically for an effective force if the authority and capacity are lacking. For this reason the mandate must be unambiguous and achievable. But where commanders employ different interpretations of their mission, and equipment is in short supply, then clearly these fundamental principles have been violated. This is the perfect recipe for ‘mission creep’. The report, however, conceded that the mandate may be reviewed in future
if current measures prove inadequate. The recent change in the command of the AMIS military component in which Major-General C R U Ihekire and Brigadier-General Frank Kamanzi took over as force commander (FC) and deputy force commander (DFC) respectively, presents another opportunity to introduce a fresh momentum into the military operations. There could not be a better time to strengthen the mandate and give AMIS a robust posture. However, conscious of the current financial difficulties facing the AU and the high probability of transferring the mission to the UN soon, the decision of the AU, based on the recommendation of the assessment report, to maintain the status quo is generally understandable.

The Humanitarian Ceasefire Agreement

The HCFA, which is the fundamental legal authority upon which the mission was launched, appears too generous to the parties with respect to their status in the Ceasefire Commission (CFC). In terms of the HCFA, each party to the agreement provides permanent representatives to all MILOB investigation teams, who are also on the payroll of the AU, and with the same status as the international MILOBs. Although some aspects of the modalities for the establishment of the CFC and the deployment of observers in Darfur have been overtaken by events, others remain problematic. The document states, *inter alia*: “To ensure command and control, all observers shall be answerable to the Chief Military Observer (CMO) … who in turn shall be answerable to the CFC … [A]ll observers … as well as members of the CFC, shall be funded through the budget of the CFC.”14 In an attempt to have the mission under way quickly, the AU may have been too magnanimous, and conceded too much. For example, living and working together with the representatives has serious consequences for security, intelligence and confidence-building. Most investigations have become hamstrung or hijacked as a result of this novel arrangement.

At the CFC, the representatives of the parties wish to be treated as superior in status and privileges to other MILOBs; the same is true at sector level, where commanders and team leaders have to contend with frustrations of dealing with the party representatives, whose lack of commitment makes the work very difficult. Given the fact that most of these representatives have satellite phones, they frequently have been able to frustrate investigations and patrols and manipulate the outcome of such investigations. It is for this reason that one report of Refugees International observed that the belligerents have informers built into the CFC mechanisms15 and accordingly advised the AU to limit the involvement of outside representatives in investigations and adopt a model similar to the Civilian Monitoring Team (CMT) that was used in South Sudan.16

On the other hand, there are times when these representatives may facilitate liaison with their field commanders for the safe conduct of patrols, investigations, and operational visits and military diplomacy. It would seem, however, that the task of liaison could be undertaken without necessarily making these individuals an integral part of the mission. The current situation is an expensive
novelty, because the AU, which is operating under stringent budgetary constraints, is compelled to pay monthly mission subsistence allowances to some 90 representatives of the parties. Given that the entire strength of the MILOBs is about 700, this constitutes a significant expenditure merely for liaison work. The AU has missed opportunities to rectify this anomaly during subsequent reviews; so the mission may have to live with this situation since the parties consider their assignment with AMIS as an opportunity to make profits for themselves and their parties. Should there be any attempt to deprive them of this privilege at this stage, there will be fierce resistance from all the parties, with serious security implications.

**Force generation issues**

The mission’s performance with respect to force generation, including the rotation of MILOBs and CivPol, has been tardy, at best. Initially, things were done haphazardly and the information flow on personnel movements to and from the mission was virtually non-existent, because there was no Darfur Integrated Task Force (DITF) to manage the mission, and the Peace Support Division (PSD) also lacked the requisite capacity. This created a situation in which there were no AU reception parties to meet most personnel arriving in the mission area and obviously no arrangements for accommodation in Khartoum or FHQ. Over time, with the enhancement of the capacity at the DITF, Mission HQ in Khartoum and FHQ in El Fashir, there has been a considerable improvement in pre-deployment planning and reception arrangements, although much remains to be done in the area of rotation of key appointment holders. For example, in a bid to allow more Africans to benefit from the mission, there is a strict ban on the extension of tours of duties by the AU. The unintended result is that most of the pioneer principal commanders of the mission and the key staff officers were scheduled for rotation or replacement between October 2005 and February 2006. In fact, most have already left the mission: they include the first Chief of Staff (FHQ), Deputy Commissioner of Police, Sector Commanders, Force Commander, Deputy Force Commander and all principal staff officers at FHQ. The Commissioner CivPol will also follow shortly. It is not hard to fathom the difficulties the new commanders will be confronted with in what is understandably a volatile environment. The DITF should be more flexible and conscientious with its planning in order not to lose such critical body of experience within such a short timeframe. Given the volatile security situation during the same period, such omissions could spell disaster for the mission.

**AU partnership and capacity-building**

One thing that continues to baffle observers is the inability of AMIS to derive maximum benefit from the numerous capacity-building programmes that partners bring to the mission. From experience, it is observed that most training and assistance packages sent to AMIS were put together by the partners themselves, with little or no input from the AU because the AU/AMIS does not either clearly state its requirement or know exactly what it wants. Meanwhile, the full benefits
of the training needs assessment that was conducted by the partners in collaboration with the AU are yet to be realised. Another problem is the failure of the partners to coordinate effectively among themselves and with the AU prior to the implementation of the initiatives, which tends to make AMIS appear disinterested or unprepared. Other concerns also relate to a lack of capacity in the AU to generate appropriate human resources to meet critical timelines, as happened with the establishment of the Joint Logistics Operating Centre (JLOC) in El Fashir. Although the partners provided the experts on time, the AU staff for the JLOC were recruited only months later, giving the concept a foreign look, which also explains, in part, some of its initial setbacks. As a result very few Africans, if any, benefited from the valuable expertise of the first batch of partners at the JLOC. On the contrary, however, the provision of over 20 EU police advisors to AMIS was, without doubt, well planned and executed thanks to a series of meetings with EU delegations at the AU Headquarters in Addis Ababa, Mission Headquarters in Khartoum and the Mission in Darfur. The newly created African Standby Force Planning Elements (PLANELM) will have to put in place mechanisms to mainstream all these ad hoc arrangements in order to enhance the capacity of the African peacekeepers.

Engaging the parties

The second Assessment Mission pointed out that:

[T]he 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 organisations and civilian populations alike in danger.18

At the same time the GoS has not been able to either disarm or rein in the notorious Janjaweed militia and other armed groups, which continue to destabilise Darfur with impunity. As the mediation team at Abuja will also testify, dealing with the parties at any level is extremely frustrating. AU commanders in the field have therefore chosen military diplomacy as the principal tool to reach local leaders over outstanding issues and to boost confidence building. This notwithstanding, the experience is one of frustration as none of the local leaders can be trusted unconditionally, nor do they consider themselves bound by their words.

It should also be noted that the balance of power in terms of numbers and weapons between AMIS, on the one hand, and the belligerents on the other, has never been favourable to the mission, necessitating a cautious response on the part of AMIS commanders to rebel aggression
and attacks. And this becomes highly evident when the situation becomes localised at the MGS level and below.

The situation has been exacerbated by the ‘permutations and combinations’ that are currently characteristic of the leadership of the rebellion. The split in the SLA/M faction and JEM splinter groups have caused immense problems to the mission, and the involvement of Chad in Darfur’s conflict further compounds the situation.

**Chad-Sudan border**

Observers of the AMIS operation would have noticed that the insecurity in Chad reflected in defections from the National Army in October 2005, and the subsequent skirmishes at the border with Sudan involving both Chadian and Sudanese rebels have introduced new dynamics into the Darfur equation that defy immediate solution. As a result, any agreement concluded in Abuja is unlikely to be conclusive if the Chadian situation is not factored in.

**The way forward**

It is appropriate at this stage to review the principal recommendations of the two JAMs to Darfur. The JAM urged Khartoum to fulfil its obligations in terms of the ceasefire agreement and various undertakings to the UN and provide all assistance to AMIS in executing its mandate. Likewise, it required the rebel movements to abide by their commitments, grant unrestricted access to AMIS in areas under their control, and desist from attacks on AMIS or humanitarian organisations. Continuous and frank engagement between AMIS and its international partners remains a *sine qua non*, especially as the mission prepares for a handover to UN control at some future date. In the meantime, donor commitment will have to be sustained. At present the Joint Commission is seen as ineffective, and the suggestion that unresolved issues be referred to the UN Security Council, where sanctions may be considered, seems sound if its credibility is to be established.

**Mandate and the use of force**

Should it become necessary for AMIS to stay in Darfur for a protracted period before the UN takeover envisaged by the Chairperson, it may be prudent to introduce mechanisms and innovations that will give the mandate a semblance of robustness in the short to medium term. A review of the mandate is unlikely at this juncture, especially since few see this as the nub of the problem. A more effective option would be to provide AMIS with a well-equipped Rapid Reaction Force (RRF) to serve under the command of the AMIS Force Commander, which would give him the much-needed operational muscle to respond appropriately and in timely fashion to contingencies. At the present juncture this
has become an urgent issue, given the factionalisation of the rebel groups, Chadian involvement, and the need to achieve better coordination with and between humanitarian agencies encouraging the return of refugees and IDPs to their homes. Thus, the focus and primary responsibility of AMIS must be the protection of civilians, and to do that effectively, the AU Mission must be robust enough to cover all hotspots and respond swiftly to any behaviour of peace ‘spoilers’.

**Engaging the parties**

It is not unusual to hear of new armed groups in conflict situations because of internal strife and leadership problems, and the Darfur situation is no exception. Together with the split in the SLA/M leadership and non-commitment of the parties to the HCFA and Abuja protocols, these new groups and their special relationship with the Chadian authorities or rebels have significantly changed the dynamics of the Darfur conflict. There is evidence of marriages of convenience and divorces between the main parties and the splinter groups, a situation that further complicates the problem. Until now the Abuja negotiators have not officially recognised all belligerents in Darfur or engaged them on an all-inclusive track. The frequent attacks by these groups on AMIS personnel along the Chadian border may reflect a protest against the exclusiveness of the Abuja Process. The negotiators also have to recognise the concerns of many of those commonly lumped together as Janjaweed and other armed militia, and identify their proper leadership for meaningful engagement.

**Force generation**

Although considerable progress has been made at the strategic level (the DITF, in identifying and assembling military and CivPol capability for the AMIS operation since its inception), much remains to be done in terms of the quality of key personnel and ensuring a smooth transition during the rotation of such personnel. Perhaps this twin problem could be addressed by ensuring that nominated officers are interviewed by a well-constituted panel and the rotation periods are staggered to ensure continuity. In addition, there should be a database of AU experts in AMIS who have benefited from the various capacity-building programmes in which partners have assisted the mission. This will go a long way to augment the continent’s ability to create ‘backstopping’ capacity and assist Africans to take full ownership of future peacekeeping operations. The African Standby Force (ASF), which will likely take over the duties of the DITF, should establish proper mechanisms and procedures to solve future force generation issues.

**A transition strategy**

The second AU-led JAM acknowledged that for the mission in Darfur to be sustained there was a need for an early consideration on all viable options, including the introduction of other international institutions. Since then discussions on the issue have decided in principle that the
UN should take over control of the mission, although the Sudanese government and its allies insist that a better-resourced AU mission would be preferred. Although, as at the time of preparing this article, no firm decision had been reached on the transfer of AMIS to the UN, this author believes that this is the most reasonable and sensible step for the AU while there is still credibility and support from partners. History is replete with examples of states that paid huge price for failing to recognise and take advantage of the war termination phase during conflicts. In the context of AU peace support operations, the current stage where a Comprehensive Peace Agreement between the parties is highly probable, coupled with the incessant logistics and financial nightmares, there could not be a better time for the AU to implement its exit strategy. This is not to suggest, however, that the challenges facing AMIS will disappear when the UN takes over the mission. But, if nothing else, the UN brings sustainable resources and predictable funding, which the suffering people in Darfur deserve. And in order to have a smooth transition from AMIS to a UN mission in Darfur, it will be imperative to develop a strategy anchored on lessons learnt from AMIS and the momentum built up by all aspects of the mission. Having been an active partner of AMIS from the beginning, the UN already has a head start for the takeover. That strategy must specifically address the weaknesses and the main challenges confronting the mission.

Although this is not a blueprint, the strategy could entail the following:

**African Union**

- Keep current mandate unchanged but strengthen it with the presence of a Rapid Reaction Force.
- Endeavour to bring AMIS IIE to full strength and operational capability as soon as possible.
- Give meaning to the ROE by making pocket-size copies for all soldiers.
- Seek amendment to the HCFA with a view to changing the status of representatives of parties from MILOBs to liaison officers who are neither organic to the mission nor on the payroll of the AU.
- Provide attack helicopters and night-vision capability to match the rapid reaction capacity: partners will be requested to assist since these are not available in Africa.
- Work towards maintaining an AU liaison office in the mission to provide an advisory role and communicate lessons from UN best practices.
- Request partner support to build an AU logistics base where all AMIS logistics would be transferred for future PSO in the continent. The staff of the AU Brindisi could be picked from the current JLOC in AMIS.
United Nations

- Have a clear, unambiguous and robust Chapter VII mandate. The experience of AMIS provides ample evidence that relying exclusively on the good will of the parties will render the mission hazardous, and therefore a Chapter VI mandate would be a non-starter.

- Absorb AMIS completely in the interim, re-hatting the current force on the ground. Maintain the African ‘face’ of the mission for a while in order not play into the hands of zealots who might exploit the situation to call for jihad against troops from Western countries.

- Set up a Joint Task Force, a DITF/DPKO special task force, to manage the mission for the interim period and work out the transition arrangements,

- Request NATO to deploy an RRF with AMIS in the short term.

- Pass an appropriate UN Security Council resolution to cover interim arrangements between UN and AMIS.

- Formulate an immediate operational plan or concept for dealing with the Chad-Sudan cross-border instability and the proliferation of arms in the general area, including monitoring and intervention capacity in the territory of Chad.

- Use its good offices to adopt an all-inclusive approach in its political engagement with the stakeholders, including regional actors, especially Chad.

- Obtain the consent of all key belligerents and traditional authorities of Darfur before deployment.

- Sustain military diplomacy on the ground by identifying and connecting with leaders of all belligerents at every level, including the Janjaweed militia and splinter groups of the rebel movements.

- Hold peace ‘spoilers’ accountable and responsible through appropriate sanctions.

Conclusion

From the foregoing, it is self-evident that fashioning appropriate policy responses to Sudan’s hydra-headed security situation will not be a simple process. At present, the focus is on the Abuja peace talks, and how these could impact positively upon the conflict zone. The restoration of security, however, will depend on a combination of many factors: the status of the current deployment of AMIS, the activities
and achievements of AMIS, challenges, and prospects for the mission's future as the UN gears up to take over shortly. By all measurable standards, and given the unfavourable operational circumstances, the performance of AMIS in Darfur has been remarkable, not least in providing the Abuja talks a platform for continuous dialogue among the parties and contributing to a stable environment for the delivery of humanitarian assistance. A critical challenge since the mission’s inception has been the non-commitment of the parties to the N’Djamena Agreement and related protocols; a behaviour that has encouraged all other belligerents and political actors in Sudan to act with impunity. The new agenda should seek ways of making these stakeholders take ownership, and respect the spirit and the letter of the agreement. Add to this is the need for a resolution by the international community to hold the parties accountable should they fail to comply with the provisions of the agreement. This is fundamental to the peace process, and must form the main building block for further prospects.

Last but not the least, the international community must commit itself to strengthen AMIS in the interim to consolidate the gains, working together with AMIS and UN to ensure a smooth transition devoid of shocks to the humanitarian and socio-economic conditions in Darfur and maintain the momentum for the Abuja peace talks between the GoS and the Darfur rebels.

Notes

3. The need for additional APCs has been regarded by many as essential for AMIS. This equipment could provide measure of protection for the AMIS troops, boost their confidence, ensure robust and proactive patrols and enable AMIS to better provide protection to the vulnerable.
6. AU PSC, Report of the Chairperson of the Commission on the Situation in Darfur (Sudan), op cit, p 27.
8. AU PSC, Report of the Chairperson of the Commission on the Situation in Darfur (Sudan), op cit, p 28.
9. Ibid.
10. Ibid.
11. There have been several calls on the AU to review the mandate, and elsewhere this author has argued the mandate was restrictive, see Appiah-Mensah, AU’s critical assignment in Darfur, African Security Review 14(2), 2005, p 13 and International Crisis Group, Darfur: The failure to protect, Crisis Group Africa Report 89, 8 March 2005, p 18.
16. Ibid, p 7. See also the UK House of Commons International Development Committee, Darfur, Sudan: The responsibility to protect, Fifth Report of the Session 2004–05, p 46, for observations this writer and others have raised on the same issue.
17. AU PSC, Report of the Chairperson of the Commission on the Situation in Darfur (Sudan), op cit, p 17.
21. Brindisi is the main UN logistics base in Italy.