The year 2005 was an extraordinary one for Sudan. A comprehensive peace agreement (CPA), signed in January, brought to an end two and a half years of intensive negotiations and a war that dates back to 1955. A major new United Nations operation, the UN Mission in Sudan (UNMIS) was established to support implementation of that agreement. Meanwhile, the brutal conflict in Darfur led to the deployment of the African Union’s second-ever peace operation. Established as an observer mission in 2004, the African Union Mission in Sudan (AMIS) grew to a major operation of almost 7,000 by the end of October 2005, just as the situation there took a significant turn for the worse. The challenge posed by the multiple conflicts in Sudan is a test of the ability of the UN, the AU, and a host of others to work cohesively to see a fragile and lengthy peace process through to its conclusion.

Background
The conflict between north and south began in 1955 and has continued for all but eleven of the forty-nine years of Sudan’s independence. For two decades, the Sudan People’s Liberation Movement/Army (SPLM/A) fought the government over a range of issues: resources, power, national identity, and self-determination. Over 2 million people died, 4 million were uprooted, and some 600,000 people fled the country as refugees.

The Machakos Protocol of July 2002, brokered by the Inter-Governmental Authority on Development (IGAD), set forth a framework for peace, culminating in a referendum on self-determination for the south after a six-year interim period. That protocol was followed by agreements on security arrangements, wealth-sharing, power-sharing, and resolution of the conflicts in Southern Kordofan, the Blue Nile States, and Abyei. In June 2004, peace seemed to be just around the corner, but it took until 9 January 2005 to finalize the CPA.

The National Congress Party (NCP) government of Sudan and the SPLM/A (two political-military elites) saw the CPA as a way out of a prolonged stalemate that was gradually eroding their own political authority. Through the CPA, the south is granted a significant degree of autonomy for the interim period, followed by the option of full independence, while the NCP retains its dominance in the national government and continues to apply Islamic (Sharia) law in the north—at least until national elections that must be held before 2009. However, many other political parties and armed groups were not part of the CPA negotiations. For the agreement to fully succeed, the legitimate demands of the marginalized peoples these groups claim to represent (in Darfur, the east, and elsewhere) must be reconciled with the need to preserve the will of the elites within the CPA parties to sustain the process.

In Darfur, a violent conflict and humanitarian crisis has been unfolding since February 2003. A group called the Darfur Liberation Front (DLF) took up arms against government forces to protest against many years of political and economic marginalization. Rebranded the Sudan Liberation Movement/Army (SLM/A),...
the DLF announced the launch of an armed rebellion in March and was soon joined by other groups including the Justice and Equality Movement (JEM) and the National Movement for Reform and Development (NMRD). The government of Sudan reacted by mobilizing tribal militias widely described as “janjaweed.” Resource disputes contributed to the escalation of the situation, with various groups seeking to take advantage of the conflict by claiming land or livestock of rival tribes. Tens of thousands were killed in fighting or died from hunger and disease in Darfur. By the middle of 2005, almost 3.4 million of the region’s 6 million inhabitants were “conflict affected,” 1.8 million of whom were internally displaced, mainly as a result of raids on villages by the janjaweed militias.

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The Security Council adopted a number of resolutions on the situation in Darfur, including Resolution 1556 in July 2004, which welcomed a joint communiqué between the government of Sudan and UN Secretary-General that set out a number of steps the government was required to take. In September 2004 the Security Council established an International Commission of Inquiry to determine whether genocide was being committed in Darfur. In its January 2005 report, the commission concluded that the government had not pursued a policy of genocide, although “in some instances individuals . . . may commit acts with genocidal intent. Whether this was the case in Darfur, however, is a determination that only a competent court can make on a case by case basis.”1 The report added that the crimes against humanity and war crimes that were committed may be “no less serious and heinous than genocide.” The commission gave the Secretary-General a sealed file of names of fifty-one people believed to be responsible, and recommended that the Security Council refer the matter to the International Criminal Court (ICC). After some initial resistance by the United States, Russia, and China, the Council did so on 31 March 2005, and the Secretary-General gave the list of names to the prosecutor on 6 April. The Council also adopted a sanctions regime under Resolution 1591, targeted at individuals who impede the peace process, commit atrocities, or violate the arms embargo that had been imposed in mid-2004.

With UN support, the AU took the lead in negotiating a series of agreements, including the N’djamena Agreement of April 2004, the Addis Ababa Agreement of May 2004, and the Abuja Protocols of November 2004. Together, they call for a halt to the violence, establishment of a cease-fire commission, and deployment of an AU observer mission. The Abuja Protocols set out a number of broad principles that became the basis for
on-and-off talks between the parties over the year in review, which resulted in a further declaration of principles in July 2005.

Mission Mandate and Deployment

UNMIS was established by the Security Council in March 2005 with a mandate to support implementation of the CPA by monitoring the cease-fire and redeployment of armed groups, assisting in the establishment of a disarmament, demobilization, and reintegration (DDR) program, promoting political inclusiveness, assisting with restructuring police and rule of law institutions, monitoring human rights, supporting elections and referenda, and facilitating the return of refugees and internally displaced persons (IDPs). The mandate is entirely under Chapter VI, other than the standard language on the protection of UN personnel and equipment, other international personnel, and civilians under imminent threat in its “areas of deployment and as it deems within its capabilities,” which is under Chapter VII. The resolution also imposes the model status-of-forces agreement (SOFA), pending agreement on a specific SOFA that had still not been signed by the end of October 2005.

By the end of October, UNMIS had reached about 35 percent of its authorized strength of almost 10,715 military and police. It was deployed throughout its area of operations, though thinly in the south. The top troop contributors were Bangladesh, Pakistan, India, Egypt, Nepal, Zambia, and Rwanda. About half of the civilian staff (international and national) were on the ground, performing a range of political, human rights, governance-related, and humanitarian tasks.

Planning for UNMIS benefited from the Department of Peacekeeping Operations’s (DPKO) participation in the political negotiations, a long lead time, the deployment of the UN Advance Mission in Sudan (UNAMIS) in June 2004, and the participation of the Standby High-Readiness Brigade for UN Operations (SHIRBRIG). Nevertheless, the planning process ended in a rushed final effort. Unexpected and extensive responsibilities in Darfur, combined with engagement in the sensitive north–south negotiations and planning for a major UN operation in a huge country, meant the mission was simply spread too thin. Moreover the initial reluctance of both parties to accept a large UN presence delayed consultations with troop contributors for UNMIS, setting back the timetable for deployment.

UNMIS is in essence a consent-based, multidimensional operation designed to assist the parties on a wide range of military and civilian tasks, but not to do the work of peace and governance for them. It is led by Special Representative of the Secretary-General (SRSG) Jan Pronk, and aims to be a “unified mission” with common goals, an obligation to consult and share information, and common decision-making according to a specified chain of command. Success in “unifying” the mission was mixed, due partly to the lack of a corresponding unified approach between parts of the UN at the higher level.

The African Union Monitoring Mission in Sudan (AUMIS) was originally deployed in June 2004 as a mission of 60 observers and a protection force of 300. In October of that year, reports of continued attacks on civilians and
restrictions on the movement of humanitarian workers prompted the AU Peace and Security Council to enhance the force to over 3,000 and give it a stronger mandate. The expanded mission (which by then was called AMIS) was based on plans drawn up in August with extensive assistance from the UN. Its new mandate included help to create “a secure environment for the delivery of humanitarian relief and, beyond that, the return of IDPs and refugees to their homes.” The mission was also tasked with protecting civilians “under imminent threat and in the immediate vicinity” within the limits of its resources and capabilities. It was authorized to deploy proactively to areas where trouble was expected, “in order to deter armed groups from committing hostile acts against the population,” and not just in response to reports of violations. The option of a mixed UN/AU protection force was considered at the time, but AU determination to score a success in Darfur dovetailed with the government of Sudan’s opposition to non-African troops and the unwillingness of Western countries to make the necessary material and political commitments. There were also genuine concerns about the technical feasibility of such an operation.

Following an AU-led assessment mission in March 2005, AMIS was expanded again to a total of 6,171 military personnel and 1,586 civilian police. A later expansion of AMIS to 12,300 troops in a third phase was contemplated at the time, but less was heard of that as the year wore on. The mission had reached close to its full strength by the end of October. The largest troop-contributing countries are Rwanda, Nigeria, and South Africa, with further contributions by Senegal, Gambia, and Kenya.

Key Developments and Challenges
Implementation of the CPA has made slow but steady progress. On 9 March 2005 a government–SPLM joint national transition team went to work in preparing for the establishment of governments at the national, southern-Sudan, and state/regional levels. In mid-April, a south–south dialogue was organized to bring together political leaders and representatives of civil society. June saw a second south–south dialogue, as well as an agreement by the National Democratic Alliance (an umbrella opposition group) to participate in implementation of the CPA. On 8 July, former SPLM leader John Garang arrived in Khartoum, to take up the position of first vice president under President Omar al-Bashir, with Ali Osman Taha serving as second vice president. The interim national constitution was signed the next day. Garang’s untimely death
on 30 July precipitated a brief spasm of violence, but the quick and relatively smooth succession of Salva Kiir to leadership of the SPLM and vice presidency enabled the creation of a government of national unity on 23 September, and the new legislature for South Sudan was inaugurated on 30 September. The SRSG and a cadre of advisers were actively engaged on a political level and through good offices to support these developments.

Nevertheless, the Sudanese peace process is fragile. The challenge of political inclusiveness at the national level was graphically illustrated by the difficulties encountered in forming the National Constitutional Review Commission in April. The CPA formula for allocating seats had to be altered to accommodate the main opposition groups, who felt they were underrepresented. Even then, most northern groups boycotted the process, and the Darfur rebels and eastern Sudanese insurgents distanced themselves. The limited national consensus behind the new constitution was underlined by the formation in June 2005 of a second opposition alliance, headed by the Umma Party and Popular Congress of Hassan el-Turabi.

Meanwhile in the south, the establishment of governance institutions is proving to be a major challenge, partly due to a woeful lack of resources. Militias armed by the government during the war and grouped under the umbrella South Sudan Defense Force (SSDF) form a sizable military presence that was not involved in negotiating the CPA and has considerable spoiler potential. The SPLM/A itself has a history of factionalism and has found it difficult to make the transition from an autocratic guerrilla army to a more inclusive political organization. The succession of Salva Kiir galvanized the south–south dialogue process intended to smooth divisions. But it remains to be seen whether he can deliver on high hopes for southern reconciliation. Meanwhile, precisely what fuels hopes for southern reconciliation—Kiir’s historical position in favor of secession—raises concerns in the north. Garang’s death may mark a shift in the SPLM away from the “New Sudan–make unity attractive” vision he championed, which has also prompted doubts about how helpful the SPLM could be in resolving the Darfur conflict.

Throughout the year, UNMIS struggled to build up the mission after a slow start. By October 2005, military and civilian elements were deployed throughout the south to monitor security elements of the CPA and in support of the fledgling government of South Sudan. Capacity building in policing, rule of law, and human rights gradually stepped up, while work in demining and returns was beginning to exhibit more tangible dividends. Meanwhile, the mission is providing good offices to facilitate conflict resolution in Abyei and the east—two flash points and test cases for the government of national unity. And it supported AMIS and the AU, politically, operationally, and with a human rights and humanitarian presence in Darfur.

UNMIS’s mandate allows for a robust approach in the name of protecting civilians, in areas where it is deployed. However, its ability to do more than deal with minor disturbances in its immediate vicinity is questionable. Even when the mission reaches full strength, it will have neither the mandate nor the capacity to deal with a major breakdown in security. The gamble is that the incentives for both the government of Sudan and SPLM/A to implement the CPA, combined with a substantial UNMIS presence and other forms of pressure, will be enough both to keep the main parties on board and to bring in or neutralize the various groups who might otherwise undermine the peace process. The risks of such an approach are evident; less evident is what the alternatives are.

While AMIS contributed to security and protection of civilians in Darfur, the situation there fluctuated dramatically throughout the year. January 2005 saw a peak in violence, but even this was markedly down from mid-2004, and by late summer there were fewer militia attacks, a decline in confirmed deaths, and greater humanitarian access. However, in October 2005 the UN Secretary-General reported an “alarming deterioration” in the security situation in all three Darfur states. What had been a high level of banditry...
and violence took on a more overtly political character. Attacks and counterattacks by government forces, government-aligned militias, and the armed rebel movements led to numerous deaths, injuries, human rights violations, sexual violence, abduction of children, and newly created IDPs. The Secretary-General was especially troubled by the government’s record. Never having made a serious effort to disarm the janjaweed and other armed outlaw groups, it now seemed government forces had triggered some of the incidents and were supporting the militias in their violence. The SLM/A also initiated some of the attacks, suggesting that both sides were acting in blatant violation of their obligations. As disturbing, and also confusing the picture, attacks by the janjaweed against government forces and a growing divide within the SLM/A indicated a general descent into unrestrained violence. In his November report, the Secretary-General described a continuation of this trend, worrying that “the looming threat of complete lawlessness and anarchy draws nearer, particularly in western Darfur, as warlords, bandits and militia groups grow more aggressive.”

The Darfur political process, meanwhile, proceeded haltingly. There were encouraging developments in July 2005 when the Abuja Declaration of Principles was signed to shape future negotiations on unity, religion, power-sharing, wealth-sharing, security arrangements, and land use and ownership. But the sixth and seventh rounds of Abuja talks, in September and November respectively, were hamstrung by splits and internal power struggles within the participating rebel groups.

AMIS itself did not have an easy time of it in 2005. NATO, the EU, and bilateral donors provided operational support, though institutional rivalries involving NATO, the EU, the UN, and the AU complicated the situation. Equipment shortages, combined with intelligence and communications problems, were an obstacle to operational efficiency. The mission itself was a target of attacks in 2005, first in March and April and then again in September–October, when five African Union peacekeepers were killed, three wounded, and some forty taken hostage. There were also reports of the government painting its military vehicles in the white colors of the AU’s cease-fire monitors during attacks in North Darfur. A general increase in attacks on international aid workers prompted the UN to announce on 13 October that all nonessential staff would be withdrawn from the region.

Darfur represents an enormous challenge for the AU. While the international community continues to hope for consent to its activities—through the Abuja talks and on the ground—the ferocious collapse of the situation in the fall of 2005 suggested that hope may be in vain. New forms of pressure began to build in June through the start of ICC investigations and the work of the panel of experts set up under Resolution 1591. AMIS has a mandate to act robustly to provide security and protect civilians, and its presence and active patrolling in and around IDP camps made a tangible difference in the summer. But events toward the end of the year raised questions about its capacity to respond to widespread and systematic violence. Maximizing the capabilities of the AMIS personnel was seen as a necessary step. Beyond that, serious consideration was being given to the idea of the UN establishing a mission in Darfur sometime in the year 2006, perhaps taking over from the AU.

As the year drew to a close, the intertwined challenges facing UNMIS and AMIS were plentiful. They concerned foot-dragging by the National Congress Party on the “sharing” principles embodied in the CPA, how to deal with marginalized opposition groups throughout the country, and the slow buildup of southern civic governance institutions. Meanwhile, questions about what the AU, the UN, and others could do to address the badly deteriorating situation in Darfur had reached a new level of urgency.
Notes


