



Imperatives for Immediate Change The African Union Mission in Sudan

Glossary	1
I. Summary	3
II. Recommendations	7
Recommendations for Current AMIS operations	7
To the African Union	7
To the Government of Sudan	9
To the United Nations Security Council.....	9
To partner Governments: the United States, the European Union and its member states, and the member states of the Arab League.....	9
Recommendations on a possible transfer to a U.N. mandate	10
To the United Nations Security Council and the African Union Peace and Security Council	10
To the Government of Sudan	10
To the United Nations and African Union member governments	11
III. Background: Mission Evolution from Ceasefire Commission to AMIS II-E	
Conception	12
A. April 2004 agreement establishing Ceasefire Commission and AMIS.....	12
B. AMIS and AMIS II.....	13
Rethinking AMIS operations, and the transition to AMIS II.....	15
Logistical challenges.....	16
AMIS II Operating Environment.....	18
C. From AMIS II to the Beginnings of AMIS II-E	18
AMIS first and second phase effectiveness.....	18
March 2005 Assessment.....	20
IV. Mandate and Rules of Engagement.....	22
A. AMIS mandate and its perceived limitations.....	23
Mission tasks	24
B. Rules of Engagement	26
Lack of understanding of the rules of engagement.....	28
V. Establishing AMIS II-E.....	30
A. AMIS II-E structure.....	30
B. AMIS II-E deployment.....	31

C. Support to AMIS II-E.....	32
Funding and in-kind contributions, including training.....	32
Sudan Government Obstruction of Assistance.....	34
Operating Environment.....	35
VI. AMIS II-E Performance Assessment.....	38
A. Planning and Logistics.....	38
Planning.....	38
Logistics and Infrastructure.....	39
B. Operations and Technology.....	40
Command structure and reporting.....	40
Operations.....	41
Technology.....	42
C. Prognosis.....	44
VII. Conclusion.....	47
Annex 1: The AMIS mandate.....	49
Annex 2: Figures 1 to 5.....	51
Figure 1: Military Staff Committee Protection Force recommendations for AMIS enhancement, April 25, 2005.....	51
Figure 2: AMIS II-E Deployment Detail: July 2005 to January 2006.....	52
Figure 3: AMIS to AMIS II-E: Deployment Targets and Progress, July 2004 – July 2005.....	53
Figure 4: Initial Estimate of Pledges, AMIS II-E Pledging Conference, May 26, 2005.....	54
Figure 5: Organigram of the AMIS command structure.....	55

Glossary

AMIS	African Union Mission in Sudan: Generic name for the mission, but also used in this report to describe the mission from its establishment in June 2004 to its first enhancement in October 2004
AMIS II	African Union Mission in Sudan II: The mission from the first enhancement in October 2004 until the second enhancement effective from July 2005
AMIS II-E	African Union Mission in Sudan II-Enhanced: The current mission, in operation since July 2005
A.U.	African Union
Chapter VII	Chapter of the Charter of the United Nations that provides for a UN military response to threats to the peace and acts of aggression. military enforcement by states.
CFC	Ceasefire Commission
CONOPS	Military Concept of Operations
DITF	Darfur Integrated Task Force, a body reporting to the African Union Peace and Security Council
DPKO	United Nations Department of Peace Keeping Operations
CivPol	Civilian police observers within AMIS
FOC	Full Operational Capacity
GoS	Government of Sudan
HCFA	Humanitarian Ceasefire Agreement, signed on April 8, 2004, in N'Djaména, Chad
Janjaweed	Ethnically-based militias backed by the Government of Sudan
J.C.	Joint Commission, the reporting body of the Ceasefire Commission established under the April 2004 Humanitarian Ceasefire Agreement
JEM	Justice and Equality Movement, one of two principal rebel groups fighting the Government of Sudan in Darfur
MilObs	Military Observers
MSC	Military Staff Committee under the African Union Peace and Security Council
P&SC	African Union Peace and Security Council
PSO	International Peace and Security Operation
QRF	Quick Reaction Force

SLA Sudan Liberation Army/Movement, one of two principal rebel groups fighting the Government of Sudan in Darfur

UNMIS United Nations Mission in Sudan, responsible for 10,000 peace support troops deployed in Sudan pursuant to the north-south peace agreement.

I. Summary

The conflict in Sudan's Darfur region is far from over. Since it began in February 2003, two million people have been expelled from their homes by the Sudanese government's campaign of crimes against humanity and "ethnic cleansing" conducted in the name of counterinsurgency, and are trapped in refugee camps in neighboring Chad or in internally displaced persons' (IDP) camps inside Darfur. Small-scale attacks by government forces and government-backed militias continue against civilians, while the actions of rebel groups and opportunistic bandits further subject Darfur's civilian population to abuse and insecurity. Ethnic cleansing threatens to become consolidated, as civilians remain confined in camps exposed to violence and human rights abuse that prevent them from returning to their homes and claiming back their land.

This report examines the evolving role in the Darfur conflict of the African Union Mission in Sudan (AMIS) from its inception as a ceasefire monitoring body in June 2004 to its current incarnation, AMIS II-Enhanced (AMIS II-E). The report identifies ways AMIS II-E can be immediately strengthened to improve protection for civilians. It also looks at factors that must be taken into account in any further transformation of AMIS II-E, one possible direction being incorporation into a United Nations mission (an option that is reportedly to be considered at the January 2006 African Union summit meeting). The report is based on an expert technical military assessment of the African Union Mission in Sudan as well as on Human Rights Watch's extensive research and reporting on the human rights and humanitarian crisis in Darfur.¹

On April 8, 2004, the Sudanese government and two Darfur rebel groups—the Sudan Liberation Army and the Justice and Equality Movement—signed an African Union-mediated humanitarian ceasefire agreement in which the A.U. was mandated to send military observers to monitor and report on the ceasefire. Hopes were high for the success of this all-African operation, the first ever by the A.U., created in 2004. But the ceasefire was more fiction than reality: with all parties repeatedly in breach of the

¹ See "Darfur in Flames: Atrocities in Western Sudan," A Human Rights Watch Report, vol. 16, no.5 (A), April 2004; "Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan," A Human Rights Watch Report, vol. 16, no. 6(A), May 2004; "Darfur Documents Confirm Government Policy of Militia Support," A Human Rights Watch Briefing Paper, July 20, 2004; "Empty Promises: Continuing Abuses in Darfur, Sudan," A Human Rights Watch Briefing Paper, August 11, 2004; "If We Return We Will Be Killed," A Human Rights Watch Briefing Paper, November 2004; "Targeting the Fur: Mass Killings in Darfur," A Human Rights Watch Briefing Paper, January 24, 2005; "Sexual Violence and its Consequences among Displaced Persons in Darfur and Chad," A Human Rights Watch Briefing Paper, April 12, 2005; and "Entrenching Impunity: Government Responsibility for International Crimes in Darfur," A Human Rights Watch Report, vol. 17, no.17(A), December 2005. All are available at <http://www.hrw.org/doc/?t=africa&c=sudan>.

ceasefire agreement, AMIS was confronted early on by challenges and expectations beyond its capabilities. The Sudanese government's failure to protect civilians—indeed its continued attacks on civilians—increased pressure on the observer mission to take on the role of proactive civilian protection.

October 2004 saw an increase in numbers of AMIS personnel as well as changes to the mission mandate and structure. AMIS was transformed from a contingent primarily of unarmed military observers to a major operation that included armed force protectors, unarmed civilian police, and support teams. By then the military mandate of AMIS was essentially four-fold: to monitor and observe compliance with the ceasefire agreement; to assist in confidence building measures; to contribute to a secure environment by facilitating humanitarian assistance and returns of internally displaced persons; and to contribute to overall security. But while the mandate of the mission may have been clear, its effective implementation remained a concern. Mission personnel lacked training, operational capacity and political initiative to achieve the mandate through proactive mission operations within the mission's rules of engagement in the face of continuing lack of respect for the ceasefire agreement. Poor planning, logistical difficulties and external factors such as weather compounded the mission's problems and hampered its impact from the start.

Faced with a potential failure of this high-profile undertaking, the A.U. decided in the first quarter of 2005 to accept military planners and budgetary and logistical experts from outside the continent to provide training and improve operations, as well as to bring in substantial military equipment, such as armored personnel carriers. This marked a significant change in the approach and capacity of AMIS. The A.U. led a March assessment mission with the participation of the United Nations Department of Peacekeeping Operations (DPKO), the European Union, the United States, Canada, and other international partners. The outcome of this assessment resulted in a jump-start for the mission's initially slow deployment: at a May 2005 conference, international donors pledged over U.S. \$312 million to enhance the AMIS mission from 3,320 personnel to a total of 7,700 personnel. The assessment mission recommended no change to AMIS's mandate, but a re-prioritization of tasks to achieve the mandate: contributing to a secure environment was given top priority, recalling the mission's specific task from October 2004 to “[p]rotect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the Government of Sudan.”²

² African Union, *Communiqué* (PSC/PR/Comm.(XVII)), African Union Peace and Security Council 17th Meeting, October 20, 2004, Addis Ababa.

The full deployment of the enhanced mission AMIS II-E that was to have taken place by September 2005 had not been achieved as of year's end, however. A further assessment mission of AMIS II-E was conducted on December 10-20 by the African Union, the United Nations and other concerned international actors. In view of that assessment mission's imminent presentation of findings, it is crucial to look closely at AMIS's performance to date, including its weaknesses and strengths, to determine what next steps are necessary to ensure AMIS has immediate maximum impact on civilian protection and contributes to the reversal of "ethnic cleansing" in Darfur. A central conclusion drawn from the examination undertaken here by Human Rights Watch is that the African Union Mission in Sudan must provide a more aggressive response to the persistent violence against civilians in Darfur and must be equipped and supported to do so. As a top priority, the mission and its partners need to complete the entire AMIS II-E deployment of military troops, civilian police and equipment. The Sudanese government until very recently refused entry into Darfur for months of vital equipment needed by AMIS to fulfill its mandate. All possible pressure must be put on the Sudanese government to stop impeding the full deployment and operations of AMIS.

At present, the only available option for civilian protection in Darfur is aggressive patrolling by AMIS troops properly equipped with armored personnel carriers (APCs), attack helicopters and other necessary equipment with clearly defined and understood rules of engagement among all troops that permit them to use deadly force to protect civilians. AMIS's mandate and mission tasks already provide for the protection of civilians under imminent threat, but AMIS forces need to apply their rules of engagement more proactively. The rules of engagement must be clarified or modified so that deadly force is explicitly permitted to protect civilians, including humanitarian operations under imminent threat. This change also requires that the decision to use deadly force be delegated from the force commander to the sector commanders in the field where decisions to escalate are most imperative and must be made on a timely basis. As well, AMIS should deploy in each sector, fully equipped (with artillery) quick reaction forces to respond immediately to civilians and humanitarian operations under imminent threat with rules of engagement that provide for the use of deadly force. To further strengthen civilian protection, AMIS civilian police (CivPol) tasks should be augmented and reformulated to provide CivPols with the power to arrest persons engaged in criminal activity.

These are steps that would bolster the existing AMIS II-E. Debate is ongoing as to whether AMIS could and should be further transformed including through integration into a non-A.U. institution. The possibility of placing the AMIS operation under U.N. authority is one option under serious consideration, primarily for financial reasons, and at this writing it is reported to be on the agenda of African Union summit meeting in

Khartoum, Sudan, on January 23-24, 2006. Over and above the objective of fiscal stability, reasons of logistical enhancement and the well-established and tested command and control structure needed for such a large mission may well recommend that AMIS be “blue-hatted” or folded into the U.N. peace support mission running parallel to AMIS in the rest of Sudan. This merger would be desirable only so long as it would not reduce the mandate, mission tasks, rules of engagement or equipment AMIS has or plans to acquire. As African Union leaders and A.U. and U.N. planners consider this option, they will need to ensure that any attempt to integrate or acquire AMIS operations does not diminish in any way the response capability of the mission in protecting civilians. Even if a decision were made to “blue hat” AMIS, it is clear that any transfer would take many months. In the short term, AMIS can take immediate measures to improve civilian protection and resources and political pressure must be applied to ensure that it has the capacity, will and support to protect civilians in Darfur.

This report was researched and written by staff and consultants in the Africa Division of Human Rights Watch. Primary research sources were the reports of the AMIS military planners, and interviews with African Union, United Nations, European Union, NATO and Canadian government personnel and military planners and diplomats.

II. Recommendations

Recommendations for Current AMIS operations

Having completed a detailed examination of the technical capacities of the AMIS II-E, and in view of our extensive research on the situation in Darfur, Human Rights Watch makes the following recommendations for ways in which mission operations may be *immediately* improved to protect civilians and which are urgently needed whatever the mission's future evolution might be. A second set of recommendations follows on the possible transfer of AMIS to a United Nations mandate.

To the African Union

- In view of escalating insecurity across Darfur, urgently put in place measures to immediately enhance the performance of AMIS II-E. To this end:
 - Expedite the completion of AMIS II-E in its entirety, including the full deployment of all 6,171 military personnel, 1,560 civilian police and equipment;
 - Proactively and aggressively interpret AMIS's mandate to protect civilians and humanitarian operations;
 - Clarify that AMIS rules of engagement apply to the tasks of protecting civilians and humanitarian operations under imminent threat, and ensure that the rules allow for use of deadly force in the execution of these tasks;
 - Delegate more control over the use of deadly force to sector commanders, to increase effectiveness;
 - Ensure that the rules of engagement are supported and implemented by sector commanders and understood by soldiers through practical training. To this end, ensure that troop contributing countries provide soldier rules of engagement cards in the appropriate language, and that these cards are disseminated;
 - Deploy in each sector fully equipped quick reaction forces to respond immediately to imminent threats to civilians and humanitarian operations, with rules of engagement that provide for the use of deadly force;
 - Provide civilian police with some arrest powers (particularly in areas where no Government of Sudan presence exists), facilities, equipment, and procedures to enable them to detail and document alleged perpetrators before turning them over to the Sudanese authorities; and

- Pressure the government of Sudan to desist from any action hindering the deployment and full operationalization of the Canadian-loaned armored personnel carriers, and other equipment and supplies.
- As recommended in the A.U., U.N., and E.U. March 2005 assessment of AMIS, ask donors to provide attack helicopters to enhance AMIS's capacity to protect civilians.³
- Change the composition of the ceasefire monitoring teams and remove members of the parties to the conflict from the investigative body. They should retain the right to see and comment on the commission's findings before they are published, but within a limited (e.g. one-week) period. If any party disagrees with the final report it should file a dissenting report.
- Due to Sudanese government obstruction of AMIS operations, ensure that Sudanese President Omar El Bashir is not elected to the presidency of the A.U. at the January 2006 African Union Summit.
- Pending a decision on transfer of the mission to a United Nations mandate:
 - Start planning for additional troops above the AMIS II-E levels of 6,171, including staff checks with troop contributing countries and discussions with donors about securing logistical and financial resources to support an increased force posture;
 - Urgently generate and deploy additional civilian police above the AMIS II-E levels of 1,560 to provide improved visibility and protection around camps for internally displaced persons and vulnerable villages; and
 - Assess the impact of the current operational command and control structure via force and mission headquarters, which competes with a "national" linear command and control structure (in which troop contributing countries nominate a national commander to oversee sector commanders, who in turn oversee national battalion groups).

³ A May 2005 United Nations report on assistance to AMIS states, "AMIS has already identified and informally made available to donors a number of specific items in this regard [items required for expansion], including operations support (attack helicopters...)". See: United Nations, *Report of the Secretary-General on U.N. Assistance to the A.U. Mission in the Sudan* (General/ S/2005/285), May 3, 2005 [online] http://www.sudantribune.com/article.php3?id_article=9677; European Union, "Council Joint Action (2005/557/CFSP)" *Official Journal of the European Union*, L188, July 18, 2005, pp. 46-51 [online] http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l_188/l_18820050720en00460051.pdf; African Union, *The AU Assessment Mission to Darfur, Sudan 10-22 March 2005: Report of the Joint Assessment Team*, March 22, 2005.

To the Government of Sudan

- Ensure that Sudanese military forces and police cooperate fully with African Union Mission in Sudan forces. Deploy only experienced units of the Sudanese government armed forces in Darfur.
- Immediately remove all obstacles to the deployment and operation of AMIS by:
 - Expediting deployment and operationalization of the Canadian-loaned APCs, tactical air support and other equipment and services requested by AMIS;
 - Expediting entry procedures for the A.U. and its partner personnel, and facilitating their full and unimpeded access throughout Darfur;
 - Supporting A.U. requests for any additional AMIS troops and civilian police and for policing powers to AMIS police;
 - Ensuring that all state security forces and government-backed forces cease committing violations of human rights and humanitarian law;
 - Unconditionally ceasing to provide arms and logistical, financial, and other support to all militia groups, and disarm them; and
 - Facilitating safe and unhindered access for humanitarian relief operations to all civilians in need of assistance throughout Darfur.

To the United Nations Security Council

- Urge member states to continue to provide the African Union Mission in Sudan with funding including with sufficient cash to enable AMIS to effectively protect civilians and humanitarian operations, and with all necessary communication, logistical and technical support. Promptly pass a resolution demanding that the Sudanese government fully cooperate with the A.U. and the continuing AMIS mission, and desist from placing any obstacles in the way of AMIS deployment and operations.

To partner Governments: the United States, the European Union and its member states, and the member states of the Arab League

- Ensure adequate allocation of funding for the completion of AMIS II-E deployment, infrastructure, and ongoing operations pending any change to the mission's status. Fund the urgent enhancement of AMIS's ground and aerial mobility. Insist that the government of Sudan promptly and fully remove obstacles to the deployment of AMIS and fully support and facilitate AMIS operations.
- Pending a decision on transfer of the mission to a United Nations mandate:

- Support planning for additional troops above the AMIS II-E levels, including pledging logistical and financial resources to support an increased force posture, and providing attack helicopters to enhance AMIS's capacity to protect civilians; and
- Support an immediate and substantial expansion of the AMIS civilian police component through logistical and financial support and expertise.

Recommendations on a possible transfer to a U.N. mandate

To the United Nations Security Council and the African Union Peace and Security Council

- Ensure that the U.N. Security Council and the African Union Peace and Security Council work closely to develop plans, building on the recommendations of the forthcoming A.U.-U.N. assessment mission report, to ensure sustainable and long-term protection in Darfur, through a likely transition to a U.N. mandated force.
- Ensure that any United Nations mission mandated for operations in Darfur preserves and strengthens the capacity to act robustly to protect civilians.
- Should AMIS be folded into the existing United Nations Mission in Sudan, ensure that any merger does not diminish the mandate, mission tasks, rules of engagement or equipment AMIS has or plans to acquire, unless these are rendered unnecessary by a durable peace agreement.
- Recognize that a mission in Darfur requires rapid reaction forces, APCs, helicopters and attack helicopters, and a more robust profile than the current U.N. Mission in Sudan is deploying. Define the terms of reference for operations in Darfur accordingly.
- Ensure close collaboration by the U.N. Department of Peacekeeping Operations with A.U. headquarters and AMIS personnel to ensure that the successive evaluations of AMIS operations are fully reflected in planning and implementation of a U.N. mission in Darfur.

To the Government of Sudan

- Should the African Union and the United Nations Security Council decide on the transfer of the African Union Mission in Sudan to a U.N. mandate, cooperate fully with the United Nations in the deployment and operations of forces under a U.N. mandate in Darfur, including accepting inclusion of forces from outside Africa as part of such a mission.

To the United Nations and African Union member governments

- Contribute personnel, equipment, funding and other resources to any mission under U.N. auspices that replaces the African Union Mission in Sudan.