



House of Commons
International Development
Committee

**Darfur: The killing
continues**

Second Report of Session 2005–06

*Report, together with formal minutes, and oral
and written evidence*

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International Development Committee

The International Development Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for International Development and its associated public bodies.

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Publications

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Committee staff

The staff of the Committee are Alistair Doherty (Clerk), Hannah Weston (Second Clerk), Anna Dickson (Committee Specialist), Chlöe Challender (Committee Specialist), Katie Phelan (Committee Assistant), Jennifer Steele (Secretary) and Philip Jones (Senior Office Clerk).

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Footnotes

In the footnotes of this Report, references to oral evidence are indicated by 'Q' followed by the question number. References to written evidence are indicated by the page number as in 'Ev 12'.

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Background

In March 2005 the report *Darfur, Sudan: The responsibility to protect*¹ was published by this Committee in the previous Parliament. The report followed a three month inquiry and a visit to Darfur in February. It set out the true extent of the international community's failure to protect the people of Darfur from the atrocities committed against them. Although the blame lay primarily with the Government of Sudan (GoS), there had been major failings by the international community — by governments, including that of the UK; by the humanitarian system; and by the United Nations Security Council. Early warnings about the emerging crisis were ignored; humanitarian agencies were slow to respond; responsibilities for helping displaced people and managing camps were unclear; and the UN suffered from an avoidable leadership vacuum in Sudan at a critical time. We welcomed the involvement of the African Union (AU) in Darfur, but argued that much stronger political pressure on all sides was needed if civilians were to be protected, security enhanced and a political solution found. Although we agreed that the AU's role ought to be supported, we were concerned that this should not become an excuse for inaction by others.

The Government responded to our report on 7 June 2005². But we did not let the issue of Darfur rest there. In September we sent a list of follow-up questions to the Department for International Development (DFID) and on 8 November the Committee held an oral evidence session with Rt Hon Hilary Benn MP, Secretary of State for International Development and Lord Triesman, Parliamentary Under-Secretary at the FCO as well as with Suliman Baldo of the Crisis Group and Dr James Smith of the Aegis Trust. We also received written evidence from the Government of Sudan (GoS) and the Darfur Centre for Human Rights and Development. Our initial intention was to publish the transcript and the written evidence and not to report. In the light of the evidence we received, however, we considered it appropriate to make some brief comments on the evidence session in the form of this short report.

1 *Darfur, Sudan: The responsibility to protect*, Fifth Report of Session 2004-05. HC 67

2 Cm 6576

1 Introduction

1. In the months since our report, much has happened in Darfur and Sudan. The UN Security Council passed a series of resolutions intended to bring pressure to bear on the Government of Sudan. These included the referral of the situation in Darfur to the International Criminal Court, an extension of the arms embargo to cover the Government of Sudan, and the establishment of a sanctions committee.

2. In Sudan itself, implementation of the Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Army/Movement (SPLM)³ has made faltering progress. A major setback was the death of the SPLM leader, John Garang, in a helicopter crash, only a few weeks after he had become First Vice-President of Sudan. In Abuja, Nigeria, desperately slow progress was made in the Darfur peace talks between the GoS and the rebels, although a "declaration of principles" was agreed on 5th July. In Darfur, the AU has made reasonable progress in deploying more troops who, with limited resources and a restricted mandate, continue to shoulder the responsibilities of the international community to protect the people of Darfur.

3. September and October witnessed a deterioration in the security situation across Darfur. According to the UN Secretary General's October report "The frequency and intensity of violence reached levels unseen since January 2005"⁴. The report makes specific mention of sexual violence against under 18 year olds. Insecurity in West Darfur has led the UN to pull its staff out of the area. This has had a pronounced effect on the delivery of humanitarian aid. 3.4 million people (half the population of the Darfur region) are conflict-affected. There are still 1.8 million Internally Displaced Persons (IDPs). The breakdown in security is due to a number of factors, including the factional fighting within the rebel movement and increased attacks on civilians by Sudanese armed forces, Arab militias, and increasingly by the rebel groups, as well as a dramatic increase in banditry along main transit routes.

3 9 January 2005

4 UNSC, Monthly report of the Secretary-General on Darfur, 14 October 2005

2 Events on the ground: Continuing insecurity and the humanitarian response

4. The UN Secretary General's October report stated that fresh violence in September had forced IDPs who had returned to their villages for the agricultural season to once again seek refuge in the camps⁵. There have been mixed messages on the humanitarian situation. The UN states that the number of people affected by the conflict has stabilised and that the overall humanitarian situation, measured in terms of food deliveries and World Health Organisation (WHO) mortality surveys, continues to improve⁶. The Secretary of State pointed to the increasing number of people being fed by the World Food Programme (WFP)⁷ and to a decline in one type of violence, "attacks on people in their homes and the ending of aerial bombardment"⁸. **It is clear to us, however, that the reason for the decline in the type of attacks seen in 2004 is that the *de facto* ethnic cleansing has succeeded and people have fled their homes for the protection of the camps.**

5. To concentrate only on the WFP and WHO statistics is to miss the wider point. The figure which counts is the 1.8 million people who remain in camps and who, as Hilary Benn told us, "are not going to move until they think it is safe to do so"⁹. Suliman Baldo of the Crisis Group summed up the position:

"the worst violence done to the population in Darfur is the fact that today there are 1.8 million people in camps for the internally displaced by no choice of theirs. This is a disruption of their traditional livelihood and this is the worst thing that you could do to a traditional subsistence community. It is a situation we have had in northern Uganda for the last 20 years. It is turning into a normality."¹⁰

Dr James Smith of the Aegis Trust added that the number of people at risk and dependent on aid had increased by one million over the last year¹¹, so that despite the apparent improvement painted by the UN Secretary General, there had been an increase in vulnerability. **The increase in the number of people dependent on humanitarian assistance is all the more worrying since the ability of aid agencies to deliver assistance – and not only in West Darfur – has been seriously affected by the increase in banditry and violence.**

6. Violent attacks are not the only threat which humanitarian workers face. Earlier in the year Human Rights Watch accused the GoS of "stepping up its bureaucratic war on the vast humanitarian relief effort that is attempting to help millions of Darfurians. Since December [2004], the Sudanese government has been trying to intimidate some

5 UNSC, Monthly report of the Secretary-General on Darfur, 14 October 2005, paragraph 10

6 UNSC, Monthly report of the Secretary-General on Darfur, 14 October 2005, paragraph 19

7 Ev 21. WFP performed well during the rainy season and distributed food to 2.5 million beneficiaries in September 2005 compared with 1.3 million in September 2004.

8 Q25

9 Q7

10 Q48

11 Q49

humanitarian agencies in Darfur through arbitrary arrests, detentions and other more subtle forms of harassment.”¹² Commentators have claimed that obstruction is under-reported as humanitarian workers fear reprisals and the withdrawal of cooperation by the GoS. The fear of reprisals led some organisations to request the Committee not to publish their written submissions.

3 The effectiveness of the AU force: African solutions for African problems, an international excuse, or the only option?

7. We said in our earlier report that, given the improbability of the UN Security Council authorising military intervention by other organisations, the AU has been the only realistic option. There are now approximately 6706 AU military and civilian personnel in Darfur¹³ — still short of the 7731 total which the AU Peace and Security Council authorised on 28 April 2005, with a target deployment date of the end of September. This number is far short of the 12-15,000 suggested by the Crisis Group and Jan Egeland¹⁴ as necessary to protect the IDP camps. There are two issues here: first, the mandate of the AU Mission in Sudan (AMIS)¹⁵; and second, its capacity. The current mandate of AMIS includes some civilian protection but much is left to the discretion of individual commanders on the ground¹⁶. AMIS has had a positive impact on security in some areas by often going beyond the strict terms of its mandate, but its ability to protect civilians and humanitarian operations is hamstrung by limited capacity, insufficient resources and political constraints. In our earlier report we called for the mandate to be further revised if large-scale killing continued.¹⁷ But the Secretary of State told us that it was for the AU to change the mandate if it felt it necessary, and denied that there was an issue of any country within the AU blocking change. Based on his discussions in Darfur in June, he maintained that the mandate was not the burning issue.

12 Human Rights Watch press release, May 24, 2005; see also UNSC, Monthly report of the Secretary-General on Darfur, 23 December 2005, paragraph 25.

13 UNSC, Monthly report of the Secretary-General on Darfur, 16 November 2005.

14 UN Under-Secretary-General for humanitarian affairs and emergency relief coordinator

15 Communiqué of the Seventeenth Meeting of the [African Union] Peace and Security Council, 20 October 2004 — available at <http://www.africa-union.org/DARFUR/homedar.htm#>

16 Crisis Group The AU's Mission in Darfur; Bridging the Gaps. 6 July 2005

17 *op cit* paragraph 67.

8. The Secretary of State quoted the AU Deputy Force Commander as saying that if AMIS had a wider mandate then it would need to make sure that its troops were protected and would need the delivery of equipment (armoured personnel carriers) which the GoS was obstructing¹⁸. So the issue of the mandate cannot be discussed separately from the practicalities of ensuring that the AU has the means to carry it out. Lord Triesman gave the strong impression that a lack of equipment restricted local AMIS commanders from exercising the mandate they already have. Once again, the discussion came back to the GoS obstructing the delivery of the armoured personnel carriers donated by Canada. Lord Triesman said that pressure on the GoS had to be “very, very strong” and that “we told them in no uncertain terms what the expectations of the international community would be”¹⁹. The importance of equipment and logistical constraints has been highlighted by the reluctance of the AU to undertake certain missions because of fears that it cannot protect itself from attacks.

9. Hilary Benn, referring to influencing the actions of the GoS, said “it is pressure that makes the difference”. The Committee’s concern is that pressure only works when there are credible sanctions to apply in the event of non-compliance. To quote the Crisis Group²⁰:

“The Government (of Sudan) has agreed to neutralise or disarm the militias it has armed and controls or influences in five separate agreements: the N’djamena ceasefire agreement of 8 April 2004, the N’djamena agreement of 25 April 2004, the 3 July 2004 communiqué signed with the UN, the 5 August 2004 Plan of Action signed with the UN, and the 9 November 2004 Protocol on Security Arrangements signed at the AU-led Abuja talks. The government has also agreed to identify militias under its control or influence in the Plan of Action and the Protocol on Security Arrangements. It reiterated its promise to disarm militias in the 19 December Ceasefire Agreement signed with the National Movement for Reform and Development (NMRD). UN Security Council Resolutions 1556 and 1564 also demanded that the government disarm the Janjaweed militias. It has fulfilled none of these commitments.”

Simply making the GoS meet the commitments it has undertaken would be a first in Sudan for the international community. The UK Government was right to tell the GoS “in no uncertain terms”, as Lord Triesman said he had done, that it had to fulfil its commitments, but the GoS has not done so. **The UK Government should propose to the UN Security Council that it should apply credible sanctions until the GoS has complied.**

10. Lord Triesman denied that funding was a problem for the AU²¹. The UN Secretary General clearly disagrees and in his October report stated that despite donor generosity, AMIS has not been receiving the (cash) funding required for it to carry out its mandate effectively²². Dr Smith (of the Aegis Trust) told us that, rather than proactively supporting the mission, donors had waited for the AU to plead with them that they were running out

18 Q9

19 Q10

20 Crisis Group The AU’s Mission in Darfur; Bridging the Gaps. 6 July 2005, footnote 11

21 Q16

22 UNSC, Monthly report of the Secretary-General on Darfur, 14 October 2005, paragraph 29

of helicopter fuel or couldn't meet their payroll requirements²³. During our visit to Darfur we were told that pledges and donations from the partners are mostly in kind but there is need for enough cash in the mission to meet contingencies and timely payment of salaries/allowances of staff and monitors. On several occasions lack of funds has delayed transfer of funds to the mission area, which in turn leads to delay in payment of salaries and allowances to the troops. The impact of this on the morale and credibility of the AU cannot be over-emphasised. The Committee is concerned that existing funding for the AU mission will be exhausted by early 2006, thus preventing the AU from fulfilling its mandate and leaving civilians ever more vulnerable to attack. We support statements by Sir Emyr Jones Parry, the UK Permanent Representative to the UN, who urged stronger world support, including greater EU funding for the AU force²⁴.

11. The overriding priority for the international community must be to end the bloodshed. Given the capacity and funding issues being experienced by AMIS, the Committee believes that the UN should mobilize additional resources for the AU Mission's work and reinforce its role with a UN mandate. This would allow for the AU Mission to be blue-helmeted, make greater resources available and thus speed up deployment. This needs to happen immediately.

4 The new Government of National Unity, the north-south peace accord and the death of John Garang

12. The Comprehensive Peace Agreement (CPA) between the GoS and the SPLM formally ended the conflict in southern Sudan. By creating a new power-sharing Government of National Unity (GNU) with John Garang, the leader of the SPLM, as its Vice-President, the CPA raised the possibility that a new government in Khartoum might signal a change in policy on Darfur. Garang was killed in a helicopter crash in July. In public he had stressed his determination to resolve the conflict in Darfur, but his ability to influence government policy would have been limited, and his main focus of concern would likely have been southern Sudan. Garang's successor, Salva Kiir, is presumed to be less wedded to the idea of a united Sudan but he nevertheless faces the same challenges as Garang did. Kiir told Lord Triesman that having devoted so much energy to the Government of National Unity his priorities now lay in the formation of a government in the south.²⁵ Speaking at Garang's funeral, he stated his resolve to find a just solution for Darfur²⁶. But despite his intentions, he is likely to be in a weaker position to influence government policy than Garang, and in any case Darfur is not his main priority.

23 Q53

24 Sudan Tribune, 5 January 2006

25 Q24

26 Crisis Group, Garang's death: Implications for peace in Sudan, 9 August 2005, p8 ff

5 The Abuja negotiations

13. Peace in Darfur requires a political solution. Talks between the rebels and the GoS have been going on (and off) in Abuja since August 2004. Both sides share responsibility for the lack of progress. The tensions which Suliman Baldo described — not only between the SLA and the smaller JEM but more recently between sub-groups of the SLA — have made it impossible for the rebels to develop a coherent position in the negotiations. Mr Baldo went so far as to suggest that a split between the groups might be a positive outcome in that it could create more cohesive and disciplined participants in the negotiations.²⁷

14. DFID told us of the support which it has given in terms of training workshops, aimed at helping the parties to the talks formulate their negotiation positions and approach the talks with greater clarity.²⁸ Hilary Benn painted a chaotic picture of the negotiations, with different people claiming to be leaders and “40 people turning up, having to ring somebody who is living in Europe to find out what the line is and what they should be doing”²⁹. It strikes us that the talks are bedevilled by a lack of urgency and that, though capacity building by donors is helpful, what is really needed is to persuade those African countries which have been providing assistance to the rebels to now put pressure on them to make progress. The Deputy Head of the Joint FCO/DFID Sudan Unit described the Libyans as on side though not actively so³⁰. **We urge the UK Government to do more to persuade the relevant African countries, and in particular Libya, to bring pressure to bear on the Darfur rebels to take the Abuja negotiations seriously.** The criticism of the rebels’ behaviour at the negotiations does not detract from the primary responsibility which the GoS bears for failing to protect its own citizens. This is not a conflict between protagonists of equal strength; the government-backed militias continue to attack civilians, including those in IDP camps.

15. On the Government of Sudan side, there has been a question mark over whether the delegation representing the GoS at Abuja also represents the SPLM and reflects the composition and position of the new Government of National Unity. The difficulty has been that the ruling National Congress Party and the SPLM have not been able to agree on a common negotiating position. As a consequence, the rebels have found themselves being asked to negotiate with the same party that has been responsible for engineering the ethnic cleansing in Darfur.³¹ Since our evidence session, DFID has told us of progress made by the GNU in formulating a joint strategy for Darfur and that the SPLM will be part of the current round of talks at Abuja. Nevertheless, **pressure needs to be maintained to ensure the National Congress Party adjusts to the new reality — that it is now part of the Government of National Unity and needs to develop a joint position with its new partner, not only on Darfur but also on eastern Sudan where a similar emergency is developing.**

27 Q51

28 Ev 29

29 Q26

30 Q30

31 Q51

16. Suliman Baldo contrasted policy on Darfur with the IGAD³² process on the conflict in southern Sudan.³³ In the case of IGAD, there had been a very robust coordinated approach by the Troika³⁴ to back the process, and to provide logistics, expertise and political pressure to move the process forward. Although the key international players have their own Special Envoys for the Darfur peace process sitting in Abuja there was, in his view, nothing similar to “the Troika’s organic integration with the mediators as had been the case with IGAD”³⁵. Mr Baldo called for the establishment of a similar troika for the Abuja process, expanded to include the EU and France. **We endorse this suggestion. We were pleased to see DFID respond³⁶ that it is working closely with its partners, but note that when HMG refers to “maximising the pressure on the parties”, no mention is made of how this is being done. The history of lack of sanctions for non-compliance by the GoS does not inspire our confidence.**

6 Responsibility to protect

17. In our last report we described the Responsibility to Protect as an emerging legal norm. The adoption of “the responsibility to protect” was regarded as perhaps *the* success of the UN World Summit in September. Paragraph 139 of the Summit Outcome document states that Member States are:

“prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the UN Charter, including Chapter VII, on a case by case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law.”³⁷

18. This is a huge step forward; it shows that there is, in theory, a political endorsement of the Responsibility to Protect. That, in itself, is important legally as well. State practice and intent are crucial components when identifying legal norms and codifying international law. From a legal perspective, Paragraph 139 is also important because it does not limit Member States’ actions to intervening only in cases where the problem has spilled over from one state to another. Therefore, the Responsibility to Protect could apply to violence solely within one state.

19. Hilary Benn pointed out that political will and legal base were one thing, but having the capacity to intervene was what really counted. At present there was not “sufficient of the

32 Inter-Governmental Authority on Development

33 Q53

34 US, UK and Norway

35 Q53

36 Ev 31

37 <http://www.un.org/summit2005/documents.html>

right capacity to make a difference”³⁸ and “that is why we have to ensure that we do build that over time, including supporting, in this case, Africa’s efforts to provide some of that capacity”³⁹. But the dispossessed of Darfur cannot wait that long. One option would be to call on those who have the capacity, but Lord Triesman thought a NATO intervention might be seen as an act of war and resisted strongly by the GoS.⁴⁰ What does remain is the possibility of NATO and the EU helping to provide the tools for the job. This means: force preparation, deployment, sustainment, intelligence, command and control, communications and tactical (day and night) mobility. The AU made many of these points to us during our visit back in February — including the suggestion of intelligence communication equipment. What has been on offer since has been limited to the Canadian armoured personnel carriers, some of which, at the time of our evidence session, were still waiting on the quayside at Dakar. **If the UK Government and the international community are determined on an African solution to an African problem then they have an obligation to give practical help to make the AU Mission work. This is an area where political will is paramount. Until there is a change of heart, despite the endorsement of the concept at the 2005 Millennium Review Summit, the Responsibility to Protect will remain just an aspiration.**

20. China holds a 40% stake in Sudan’s oil industry. In our previous report we commented on China’s role on the UN Security Council in blocking effective sanctions against the GoS. We were therefore encouraged to hear from Lord Triesman that, in relation to Sudan, he recently had what he described as “a more open and fruitful discussion with the Chinese Ambassador than perhaps one might have expected”⁴¹. We have to be realistic as to the level of influence which the UK Government can bring to bear on China. But, at the very least, we would expect to see concerted diplomatic pressure within the Security Council to persuade China that it is in its long-term interest to become a partner in Africa and to help create greater security and a durable peace in all of Sudan.

7 Conclusion

21. In our earlier report we asked for clear answers to the following questions:

- How is the effectiveness of the AU Mission being assessed, on what basis, and by whom?
- What level of insecurity would signal that the AU Mission — working in a context largely beyond its control — was not being effective?
- How many months does the AU Mission have to demonstrate its effectiveness?

38 Q47

39 Q47

40 Q17

41 Q34

- If the AU Mission proves unable to fulfil its mandate effectively — monitoring and reporting on the ceasefire, and providing civilian protection — what are the next steps to ensure its success, who will ensure that they are taken, and when?

These questions were not answered by the UK Government in its response to our report. We therefore included them among the follow-up questions which we sent to DFID; this time DFID gave a response on each point. But the UK Government was reluctant to answer the question “What level of insecurity would signal that the AU Mission was not being effective”. Nevertheless it felt able, without specifying how an assessment would be made, to go on to say “in our assessment it [*the AU Mission*] has already demonstrated its effectiveness”. As this report makes clear, we disagree. **We favour African solutions to African problems, but at present, despite the best efforts of the African Union, the AU Mission in Sudan is not providing adequate protection for people in Darfur. The Responsibility to Protect, agreed at the UN Millennium Review Summit, should be a responsibility which falls on all UN members, not just on neighbouring states. Given the expiry of the AU’s mandate at the end of March, we are convinced of the urgency of the need to put resources in place, whether through the AU or the UN, to ensure effective protection for people in Darfur. This needs to happen immediately. We request that the UK Government, in its response to this report, sets out the actions which it has taken to put this into effect.**

Main conclusions

1. It is clear to us that the reason for the decline in the type of attacks seen in 2004 is that the *de facto* ethnic cleansing has succeeded and people have fled their homes for the protection of the camps. (Paragraph 4).
2. The increase in the number of people dependent on humanitarian assistance is all the more worrying since the ability of aid agencies to deliver assistance — and not only in West Darfur — has been seriously affected by the increase in banditry and violence. (Paragraph 5).
3. The GoS has not fulfilled its commitments. The UK Government should propose to the UN Security Council that it should apply credible sanctions until the GoS has complied. (Paragraph 9).
4. The overriding priority for the International Community must be to end the bloodshed. Given the capacity and funding issues being experienced by AMIS, the Committee believes that the UN should mobilize additional resources for the AU Mission's work and reinforce its role with a UN mandate. This would allow for the AU Mission to be blue-helmeted, make greater resources available and thus speed up deployment. This needs to happen immediately. (Paragraph 11).
5. We urge the UK Government to do more to persuade the relevant African countries, and in particular Libya, to bring pressure to bear on the Darfur rebels to take the Abuja negotiations seriously. (Paragraph 14).
6. Pressure needs to be maintained to ensure the National Congress Party adjusts to the new reality — that it is now part of the Government of National Unity and needs to develop a joint position with its new partner, not only on Darfur but also on eastern Sudan where a similar emergency is developing. (Paragraph 15).
7. We endorse the suggestion of a troika for the Abuja process similar to that used for the IGAD process, but expanded to include the EU and France. (Paragraph 16).
8. We note when HMG refers to “maximising the pressure on the parties”, no mention is made of how this is being done. The history of lack of sanctions for non-compliance by the GoS does not inspire our confidence. (Paragraph 16).
9. If the UK Government and the international community are determined on an African solution to an African problem then they have an obligation to give practical help to make the AU Mission work. This is an area where political will is paramount. Until there is a change of heart, despite the endorsement of the concept at the 2005 Millennium Review Summit, the Responsibility to Protect will remain just an aspiration. (Paragraph 19).

10. We favour African solutions to African problems, but at present, despite the best efforts of the African Union, the AU Mission in Sudan is not providing adequate protection for people in Darfur. The Responsibility to Protect, agreed at the UN Millennium Review Summit, should be a responsibility that falls on all UN members, not just on neighbouring states. Given the expiry of the AU's mandate at the end of March, we are convinced of the urgency of the need to put resources in place, whether through the AU or the UN, to ensure effective protection for people in Darfur. This needs to happen immediately. We request that the UK Government, in its response to this report, sets out the actions which it has taken to put this into effect. (Paragraph 21).

List of abbreviations and acronyms

AU	African Union
AMIS	AU Mission in Sudan
CPA	Comprehensive Peace Agreement
GoS	Government of Sudan
GNU	Government of National Unity
ICG	International Crisis Group
IDPs	Internally-Displaced Persons
IGAD	Inter-Governmental Authority on Development
JEM	Justice and Equality Movement
NMRD	National Movement for Reform and Development
SLA	Sudanese Liberation Army
SPLM	Sudanese People's Liberation Movement
WFP	World Food Programme
WHO	World Health Organization
UNSC	United Nations Security Council

Formal minutes

Tuesday 17 January 2006

Members present:

Malcolm Bruce, in the Chair

John Barrett	Richard Burden
John Battle	Ann McKechin
Hugh Bayley	Joan Ruddock
John Bercow	Mr Marsha Singh

Draft Report (Darfur: The killing continues), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 21 read and agreed to.

Main conclusions agreed to.

Resolved, That the Report be the Second Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the Provisions of Standing Order No. 134.

Several papers were ordered to be reported to the House.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till Thursday 19 January at 2.00pm]

Witnesses

Tuesday 8 November 2005

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Rt Hon Hilary Benn MP , Secretary of State for International Development, Lord Triesman , Parliamentary Under-Secretary of State, Foreign and Commonwealth Office, Ms Jessica Irvine , Head, and Mr James Thornton , Deputy Head, joint FCO/DFID Sudan Unit	Ev 1
Dr James Smith , Executive Director, Aegis Trust, and Dr Suliman Baldo , Africa Program Director, International Crisis Group	Ev 14

Written evidence

Written evidence submitted by witnesses who also gave oral evidence:

UK Government / Department for International Development	Ev 20; Ev 31
Aegis Trust	Ev 31

Other written evidence:

Darfur Centre for Human Rights and Development	Ev 32
Government of Sudan	Ev 34

List of unprinted written evidence

Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons Library where they may be inspected by members. Other copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to the Record Office, House of Lords, London SW1. (Tel 020 7219 3074) hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

Background papers submitted by the Department for International Development:

Humanitarian Response Review, commissioned by the United Nations Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs, August 2005

Inter-Agency Standing Committee real-time evaluation reports:

Darfur crisis real-time evaluation first working paper for the UN country team, September 2004

Inter-Agency evaluation of the humanitarian response to the Darfur crisis: observations and recommendations following second visit, 9 January to 10 February 2005

Inter-Agency real-time evaluation of the humanitarian response to the Darfur Crisis: observations and recommendations (Third visit report), Khartoum, 2 July 2005

Background paper submitted by the Embassy of the United States of America:

Senate testimony on *Darfur Revisited: The International Response*, Robert Zoellick, Deputy Secretary of State, and General James Jones, Supreme Allied Commander Europe and Commander US European Command, September 2005

Reports from the International Development Committee

The following reports have been produced during the current session.

Session 2005–06

First Report	Delivering the Goods: HIV/AIDS and the Provision of Anti-Retrovirals – Volume I	HC 708-I
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Oral evidence

Taken before the International Development Committee

on Tuesday 8 November 2005

Members present:

Malcolm Bruce, in the Chair

John Barrett
John Battle
Hugh Bayley
Richard Burden

Mr Quentin Davies
Mr Jeremy Hunt
Ann McKechin
Joan Ruddock

Witnesses: **Rt Hon Hilary Benn**, a Member of the House, Secretary of State for International Development, **Lord Triesman**, a Member of the House of Lords, Parliamentary Under-Secretary of State, Foreign and Commonwealth Office, **Ms Jessica Irvine**, Head, and **Mr James Thornton**, Deputy Head, the joint FCO/DFID Sudan Unit, examined.

Q1 Chairman: Secretary of State, thank you very much for coming to see us. I am very pleased to see you here, given some of the rumours that were flying around last week!

Hilary Benn: I am pleased to be here!

Q2 Chairman: We are pleased to have you here. Perhaps you could, first of all, introduce your team and your colleagues to us?

Hilary Benn: Yes, indeed. I have Lord Triesman, the Minister from the FCO, on my right, and Jessica Irvine, Head of the Sudan Unit, and James Thornton on my far right.

Q3 Chairman: Thank you, also, for agreeing to give us a little bit of an update on the Pakistan situation before we take evidence on Darfur. Just briefly, the weekend news was that the death rate was heading towards 100,000, or seems to be getting close to that figure, and the point of concern was that the international agencies are saying they are actually short of money to do things now. I know you have been following the situation closely, and I wondered if you could give us an indication, first of all, of what your current take on that is and, I suppose, specifically, what we, the UK Government, are doing? Also, in the Presidency of the EU, there seems to be a shortfall amongst some of our EU partners who could be doing more as the UK Presidency did to co-ordinate the EU response.

Hilary Benn: Thank you very much indeed. The current situation is indeed that the death toll continues to rise. I think it will be sometime yet before we finally know exactly how many people were killed and injured in this terrible catastrophe. We are, as many people have said, currently engaged in a race against time to bring, in particular, shelter and warmth to those who have lost everything—in particular their homes. Although the numbers who are coming down from the hillsides is reducing, there has been a very large operation, certainly in the first couple of weeks, to airlift the most seriously injured out to Islamabad and elsewhere to receive treatment. There have, sadly, been a considerable number of

amputations, people had limbs that were damaged by the earthquake and then gangrene set in and medical care is now being provided for the less severely injured in areas that people can get access to. The task of trying to get access to all of the parts affected continues (you have the Jehlum Valley and the Neelum Valley), and the Government of Pakistan, and the military in particular, are trying to clear those roads and there is now this huge helicopter operation taking supplies up to the main towns. As the Select Committee will know, I was there two and a half weeks ago and went to Muzaffarabad and Rawalakot and I must say it really brings home to one just how difficult an operation it is because I saw with my own eyes just how difficult the terrain is. As far as shelter is concerned, it seems now as if there are enough tents in the pipeline, provided they can be got to people where they are. The UN and the aid agencies, the Government of Pakistan, are pursuing a number of different approaches. One is to provide winter tents. The other approach is to give people materials to enable them, if they are able—physically capable—and if they can be reached, either to rebuild their homes or to provide what is known as a “warm room” ie somewhere that families will be able to live in and keep warm in during the course of the very harsh winter which is on its way, or, if that is not possible, to bring people down to camps that are being provided at the lower levels, although because of the topography there is not a lot of flat space on which to build those camps, and there is also a problem of clearing the rubble of the houses in the towns, as I saw for myself in Muzaffarabad and Rawalakot. In Rawalakot almost every building has been destroyed; in Muzaffarabad less so, but a lot of the houses and buildings there have been severely damaged and people, understandably, are reluctant to go in. As far as funding is concerned, yes, I wish there was now more of a response. I briefed European Union Development Ministers on my return with Jan Egeland when we met in Leeds for the EU informal, and I am just in the process of writing again to EU ministers to say: “Come on, we

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need more funding in the international system in order to support the operation". Britain, we have, as you know, pledged £33 million and almost all of that is now committed in some shape or form and we will do more if that is required. When, not last Friday but the Friday before, the UN announced that their helicopters were at risk of stopping operating because of a shortage of funds, the following day I took a decision to provide £1.5 million for UNHAS (the UN Humanitarian Air Service) and that has been helping to keep the UN helicopters going. Frankly, if they run the risk of running out of money again then I will do the same again in the absence of anybody else in the international system providing funding to allow that vital support to continue. There are about just under 100 helicopters operating now, with some more in the pipeline, but some need to come out to be serviced because they are working very hard going up and down, and the weather conditions are extremely difficult. So there is more capacity on the ground now. We still need more money and we need to turn that into practical help. We need to get to people where they are and ensure that they do not die of cold and respiratory tract infections, and there is less and less time in which to do it. That is, in quick summary, where I think we are.

Q4 Chairman: The President of Pakistan made a fairly angry statement, really, that demonstrated some frustration—not at the United Kingdom but perhaps at the wider community in the European Union. He made a comparison with the Tsunami and said that of course that was a holiday resort for a lot of Europeans and maybe Pakistan was not. Do you feel that there is more that we can do to generate a better international response? I think what people are concerned about is the proximity of winter. International agencies say they need money now to get to people and yet the international community seems to be somewhat passive.

Hilary Benn: I heard the interview and, in fact, what President Musharraf said—although it was reported as criticising the overall response to the immediate crisis—was that on the relief side he said (from memory) something like “broadly satisfied”, and what he was really talking about was support for reconstruction. There will be a conference in Islamabad in just over a week’s time to talk about support for the reconstruction. My view is the immediate priority is the relief effort, frankly. Reconstruction will be hugely important. He has previously talked about a figure of \$5 billion, as I recollect, being required for that but, frankly, if we do not save people’s lives then people will not be alive to have their homes reconstructed. So, in my view, it really is a case of first things first. To be honest, I wish I understood why some in the international community have not responded in a more generous way, because I do not think anybody can be under any illusions about the scale of the challenge and the fact that we have a very short amount of time. When winter comes and those places are cut off and the temperature drops to below freezing, if people do not have somewhere warm out

of the elements to live, then they are going to die. I think we have to continue to do what we have done, both as the Presidency supporting the UN’s effort to raise the profile of this, and to tell it like it is, so that people realise what the stakes are and how they can contribute practically. It would be helpful, actually, if some of the non-European states which have contributed quite large sums of money for reconstruction were in a position—and this is something I was talking with the team about this morning and I intend to follow up—to provide some of that to support the on-going relief operation. When one looks at the total sums being committed you always have to distinguish between what is for relief and what is for reconstruction. The other thing, if I may just make the point, is that there has been a lot of focus on contributions in response to the UN flash appeal. We have given our money in three different places: in response to the UN flash appeal, to the Red Cross movement and to the NGOs—so when Oxfam recently very unfairly criticised Britain and said we have only given a little bit to the UN, they were not counting all that we have done; they were not counting what we have given to Oxfam, which I thought was rather strange.

Q5 Chairman: Is there more we can do to directly appeal to other Members of the EU?

Hilary Benn: I will continue to do all that I can. That is why I am writing around to them, again—I do not know whether the letters are going out today—saying this continues to be extremely serious. Any ideas, any suggestions or any support that anyone can give to try and persuade others that they need to contribute with the same generosity and speed—because it is now a matter of speed—as they did in response to the Tsunami would certainly be much appreciated.

Q6 Chairman: Thank you very much, Secretary of State. I think we are all just anxious to ensure that what is a bad situation does not become impenetrably worse in the next few weeks. You actually came before us initially and principally to take follow-up evidence on the situation in Darfur and the report that this Committee produced in the last Parliament¹. I was not a Member of the Committee but a number of the Members of the Committee from that time are here today who participated in that report and the visit to Darfur, and they will clearly be pressing their experience home. I just wonder if I could perhaps start by saying that my only update on that was a meeting with Juan Méndez who was in London within the last couple of weeks. He indicated that the situation has deteriorated. El Geneina, he said, was effectively a no-go area and, to my concern, said that there were at least 200,000 people whose circumstances were almost unknown: they did not know where they were or how they could get to them. Perhaps the first question, really, is how do you see the situation, the deterioration, at the moment? Perhaps you could answer that question first.

¹ *Darfur, Sudan: The responsibility to protect*, Fifth Report of Session 2004–05, HC 67-I and II.

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Hilary Benn: If I go back to February, which is when I last appeared before the Select Committee on this subject, what has happened since then is that the security situation overall improved. I think there is no doubt about that. In terms of the clashes between the Government of Sudan and the rebels (the Arab militia and Janjaweed activity) there continued to be a level of banditry. Then as the year progressed the rebels became responsible for more violence and attacks. The African Union (AU) force (and of course we will no doubt come on to that), in my view and that was what I heard when I was last in Darfur in June of this year, had undoubtedly made a difference in improving the security situation. Then, however, in the last couple of months there has been an upsurge in violence and, in particular, there have been three incidents: the attack on the Aro Sharrow camp by militia, the Sudan Liberation Army (SLA) attack on Sheriya and the killing of the AU peacekeepers by persons unknown. In the last couple of weeks it has been slightly quieter but banditry continues. Clearly, this has had an impact on the humanitarian situation and, you are right, in West Darfur that is particularly acute and that has affected the ability of NGOs and others to get out and about, although the World Food Programme is now getting food to more people than was the case in the past and are using, if I recollect, private truckers in the west to get the food distribution out. If one looks at the latest World Health Organization (WHO) mortality survey, which has come out, the situation has improved compared to where it was when the last WHO survey was undertaken. So, in summary, it is a mixed picture. Now the question is whether the recent upsurge in violence is a spike associated with jockeying for position around the peace talks in Abuja? Is this the beginning of a return to an upward trend? Frankly, I do not know because I think it is rather early to say. Of course, David has been there even more recently.

Lord Triesman: Yes, in El Geneina. I had a meeting with all of the organisations based in El Geneina during the course of a two-day visit there and they were quite clear that they could not get out and about, in exactly the way that you have described, and were uncertain when they would be able to. That was plainly, in part, due to the general violence but the banditry was a key factor in that. I think that the last five or six weeks, with the possible exception of the last 10 days to two weeks, have unquestionably shown a significant upsurge and West Darfur has probably been among the worst areas affected.

Q7 Chairman: One of the things that comes across pretty regularly from reading both our own report and other reports is, frankly, the downright obstructiveness of the Government of Sudan who seem to be putting all kinds of obstacles in the way—never mind the role they may be playing in some areas: insisting on a variety of conditions that make it difficult or impossible to function on the ground. What can and should be done to bring the Government of Sudan into a co-operative frame of mind? In other words, to accept their responsibilities, if they cannot co-operate, at least

not to obstruct the activities of the international forces to create a situation where displaced persons might begin to think about the possibility of going back to their land, which at the moment seems to be not in prospect.

Hilary Benn: It certainly is not in prospect, with two very small exceptions. One was the returns that took place, as I recollect, to Labado and Kor Abeche, after there had been a problem in the past and the AU had gone in to provide security there. There have been very small amounts of returns in parts of the west. However, overall, no the bulk of the 1.8 million in the camps are not going to move until they think it is safe to do so. In direct answer to your question, Chairman, the answer is by keeping up the pressure, because the evidence so far demonstrates that it is only by persistent pressure from the international community that one is able to see progress. One of the issues that we discussed in December 2004 was the demand that had been made by the international community that the Government of Sudan would cease to use its military aircraft in offensive attacks. They have ceased doing so and there has been one incident, I think, recently which is still under investigation, but when I was in El Fasher in June and met commanders of both the SLA and the Justice and Equality Movement (JEM) I put that question to them and said: “Is the Government of Sudan honouring the commitment they had entered into eventually, after a lot of pressure, to cease air attacks?” and they said yes, that was the case. I just give that as a for instance. I think our immediate concern at the moment, in terms of obstruction, relates to the armoured personnel carriers which the AU are waiting to arrive (and we can go into that if you like) and the problems they have had with fuel. That is organisational and we are trying to take some steps—I think the Canadians are helping to deal with that. It is pressure that makes the difference. I am sure, David, you will have discussed these things when you were there most recently.

Lord Triesman: We did. We saw both the first and second vice-presidents and the foreign minister during the final day of the period that I was there, in a meeting between the EU Troika and the Government of Sudan. Javier Solana was there on behalf of the European Commission. The critical things, in my view, from what I saw, were that if people are to be protected effectively, whether it is civilians who might one day go home and plant their own fields—and Hilary is absolutely right, nobody at the camps had any intention of doing that—or whether it is protecting the NGOs and the UN people in distributing food, the African Union are trying to do the very best they can. I felt for them. They unquestionably need the equipment to fulfil their mandate. The 105 Canadian armoured personnel carriers are critical; I doubt (though it is hard to tell) that the African Union troops would have been killed if they had been in hardened vehicles rather than soft vehicles. There were two civilians killed, incidentally, as well in that attack—at least two, I heard three at one stage. They unquestionably need to be able to get around an area

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which has no real roads—not in any sense that we understand. They need to be able to get around that area, which means flying helicopters and being able to fly them, not being obstructed on the flight plans, having the fuel to put in the tanks and getting to places quickly. I think it is a very hard to know just how effective a force they could be in the absence of the equipment to be a really effective force. The Government of Sudan can unlock those doors. We told them in terms that that was the requirement of them and that their obligation to the international community, having invited the AU in, was to do what they pledged themselves to do. We must just keep up that pressure, as we did indeed try on the occasion when I was there.

Q8 Hugh Bayley: There are something like 11,000 unarmed humanitarian workers in Darfur, and Jan Egeland has warned that if the violence continues to grow they may find themselves unable to do the job they are there to do. He has even drawn a parallel between the safe areas approach in Bosnia and what is happening currently in Darfur. How real is the danger that humanitarian workers will not be able to provide protection to those in the camps, and what can be done to guarantee their safety?

Hilary Benn: If I may answer first, clearly it depends very much on what happens to the level of violence from here on. The AU force had undoubtedly made a real difference. I remember in Nyala meeting the representatives of all of the NGOs and the UN, and without exception they said the AU had made a real difference. It was very striking. This was back in June. Both because there is greater presence now, they had more bases, they were beginning to provide protection in some of the camps where there had been difficulties; in some cases they were providing patrols to help women in going out to collect firewood outside of the camps and that had helped, in cases where they were able to do so, reduce the number of attacks on women, because the women I spoke to in the camps I visited were obviously very frightened about going outside because they knew from experience and from what they had heard from elsewhere that they could fall prey to those who would harm them and attack them in a number of ways, including rape. There had been a number of reports of that. So it really does depend on what the rebels, the militia and the Government of Sudan choose to do in those circumstances. There is no doubt in my mind, however, that the AU had made a real difference.

Lord Triesman: I think there is some variation between the different sectors. Sector commanders, when you talk to them, obviously spoke of it being more dangerous in some areas than others. El Geneina was particularly dangerous at that time and probably still is. There were any number of heavily armed people wandering around; quite who they were or what they were doing was never wholly clear. What I do think is true is that the AU forces where their bases are close to camps are able to produce a pretty good level of protection. The police in the areas are having a real impact inside the camps as well. The recruitment of a number of Ghanaian

women in the police is also giving confidence to some of the women in the camps that they have got somebody who they can feel they can talk to. Those are all very important. Of course, the more remote you are, as a force, from the camp the less that protection is there. If there is to be any disarming of all these people who are wandering around with weapons, or any attempt to do that, which is, after all, what the Government of Sudan has undertaken to do, then the AU force—to repeat the point I was making a little earlier—has got to be equipped to be able to fulfil its mandate so that the confidence increases in a significant way and the next steps, which are going to be much more hazardous steps, can potentially be taken.

Q9 Hugh Bayley: What needs to be done, both in terms of broadening the mandate and in terms of the number of troops and equipment available to the AU mission, in order to be able to enable them to fulfil their role and protect civilians in the camps?

Hilary Benn: Can I say this on the mandate, because we have discussed previously this very question: was the mandate sufficient? When I went in June I asked the question in my discussions with the Brigadier General Kazura, the AU Deputy Force Commander. By and large, the answer I got from those I asked (and I also asked others that I met) was that the mandate was sufficient. The answer to the question, in the end, is the AU sets its own mandate and if the AU feels it is necessary to change the mandate then they are free to do so. My perception is that (and I think I made this point previously) the AU, certainly in places, was prepared to put themselves about, but what Brigadier General Kazura said to me was: “If we are going to continue to do that I need to make sure that our troops are protected.” That is why the armoured personnel carriers are so important, and that is why the obstruction of their entry into the country by the Government of Sudan—because that is what has been going on—is unacceptable and that is why I welcome the fact that the Canadians have said most recently, as I understand it, that we are planning to bring them in because we do not want to put up with this obstruction any more. I think that is a real test for the Government of Sudan. You cannot say you are co-operating with the AU force—and that was one of the five points which the Prime Minister put to President Bashir when he visited in October of last year. For me, for us, this is a real test of the willingness of the Government of Sudan to demonstrate its co-operation with the AU peacekeeping force: is it going to stop now obstructing the AU troops getting the protection that they need to be able to carry on doing their job?

Q10 Hugh Bayley: Secretary of State, who, in your assessment, within the AU is blocking an extension of the mandate, and who supports it?

Hilary Benn: I do not think that is the case. As I understand, they have discussed this in time. I do not think there is an issue of anybody blocking it. The AU has set the mandate itself, if the AU wanted to change it—all I am doing is to report back the

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answer to the question that I asked when I was there in June, both of the AU force and of others that I spoke to: “Do you think the mandate is the problem?” I went with a genuinely open mind and I did not know what answer I was going to get and I report back to you the answer that I did get, which was, from those I spoke to: “The mandate is not actually the burning issue”.

Lord Triesman: I certainly ran into local commanders who believed that they would benefit from being able to chase after people who had attacked them and to engage them, and they were not certain about whether an extension of the mandate would support their need to do that, although they certainly said they thought it was a possibility. Let us be very clear about that: they thought it was a possibility. What they have not been able to test out was whether they could fully use the mandate they had currently got. That was the unknown. They need the hardened vehicles, they need the helicopters and they need the fuel for the helicopters. They need some quite basic things which we talked about whilst I was there, and I am going to see what might be done, which is more reliable base radio stations rather than the small hand-held kits which meant you could not really run the risk of operating in the hours of darkness. There were some very significant problems, particularly with the militias. So there were some very practical things that were tested out and in every single case getting the import permissions from the Government of Sudan is necessary, and that is why pressure on them had to be very, very strong. I must say I think we told them in no uncertain terms what the expectations of the international community would be in each of those areas.

Q11 Hugh Bayley: Finally, Lord Triesman, you said that where you had an African Union Mission in Sudan (AMIS) base close to a camp you had a better level of protection than where they were more remote from those who they were seeking to protect. What are the current troop numbers? What are the build-up plans? What troop numbers are expected by early next year? Do you think those troop numbers are going to be met and do you think they are adequate? Jan Egeland has talked about a need for 15,000 troops to protect the civilian workers in the camps.

Lord Triesman: There are about 7,700 at the moment deployed. People have talked about various numbers above that, and one figure I know was discussed in some detail was about 13,500. It is quite difficult to see where the extra troops are going to come from, at the moment. There is a battalion of South African troops they were hoping to add to the force to be deployed rapidly, and those are very good quality troops as well, which is of great significance. The South Africans, who have been very willing to look at that, are also now considering whether that battalion would best be deployed in the Democratic Republic of Congo (DRC) to ensure that the elections take place there and they disarm marauding forces in the east of the Democratic Republic of Congo. So there is a question there. I do

not know if there is a dignified word for it and I do not mean to demean it, but there is a “trawl” going on to try and find another force that might replace the South Africans in the event that they go to the DRC. We are keeping very closely up-to-date with that. We have obviously provided very considerable financial support for those troops who are there so that, even if the numbers have not reached the numbers we want, their capacity and their deployment is as effective as it can possibly be.

Q12 Mr Hunt: Secretary of State, you have rightly got stuck into the detail of what is happening on the ground in Darfur, but can I ask you to step back for a moment and look at the bigger picture? I think the perception of a lot of members of the public, and it is one that I share as a new Member of this Committee, is that with respect to Darfur the West has fiddled while Rome has burned. I just wonder whether you could respond to that and tell me in particular, if you were to go back to 2003 when the whole situation started, should we have been more willing to intervene directly? Was it over-bold to go for an African solution to an African problem? Are there any things you would have done differently and, if a similar situation arose in the future, are there any ways that you would want the international community to respond differently to the way it has?

Hilary Benn: Clearly, if we had known then what we know now, of course we would have done some things differently. I think, in particular, the slow way in which the international community, as a whole, responded to what was going on has meant that the people of Darfur have suffered a great deal as a result of what has happened. I think it demonstrates precisely why what was being discussed at the Millennium Summit a couple of months ago—the concept of a responsibility to protect—matters. However, I think Darfur also exemplifies the practical difficulties that the international community faces in trying to do something about it. As I am fond of saying, you first of all need to take a decision to do something but then you need to have people who are prepared to go and do the work. That is why I have been, from the very start, such a strong supporter of the African contribution to try and find a solution to this because it is adding to the world’s capacity to do something. I welcome it unreservedly, it is why Britain was the first country in the world to provide support to the AU force, why we have been such a strong supporter and why we have contributed, so far, I think it is about £32 million in financial support, which is providing 450 vehicles and so on. They are prepared to put the troops in. The second thing I would say is that there was a period of time when the Government of Sudan worked very hard to make sure that the international community could not see what was going on. I think the third lesson I would draw is that the humanitarian system can work more effectively than it has worked in this case, and that the proposals I have made for reform of the international humanitarian system were originally generated by my experience in Darfur, because I saw what was

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working, what was not and where the gaps were; the slowness with which we were deploying as an international community and I came to the conclusion that if we changed the way we went about it we could change things. I think the final message is we have come belatedly, through UN resolutions, sanctions, the reference to the International Criminal Court (ICC), but I think that is hugely significant. There were many people, and we discussed this last time, who thought: "Are we going to get ICC referral through the UN Security Council?" "Is Britain really going to push for it?" I simply point out: look what happened. Britain played a very important part in getting that referral in. I think that has had an impact because it does, at last, demonstrate that those who have been responsible for what has gone on are not going to be able to hide from justice as provided for by the international community. This was very significant because it is what has happened in Darfur that has led to the first referral to the ICC, and I think when we come to look back at this in many years to come we will see this as a very important moment. Overall, the international community could and should have done more, is the honest answer to your very direct question.

Q13 Chairman: On the point about the Canadian armoured vehicles, they have said they are going in, which is in direct contrast to what the Government of Sudan says is acceptable. How do you think the Government of Sudan will react? It is an interesting test.

Hilary Benn: It is an interesting test. I was informed of this yesterday when we were talking about this, and they are having a meeting with the Government of Sudan today or tomorrow in order to talk about this. We wait to see what the outcome is, but I think those armoured personnel carriers will be—

Q14 Chairman: Will there be Canadian troops in them?

Hilary Benn: No, it is a question of flying. It is transport, so that they can be used by the AU force to protect them. If I could add one other thing in response to Mr Hunt's question, having said all of that I think, not to be defensive, that the part the UK has played both in supporting the Comprehensive Peace Agreement, which was the right thing to do, and the part we played in the humanitarian relief—the speed with which we have done that, because we were on the case pretty early—and the effort that we have put in to try, both through the UN and through visits to Sudan and Darfur, because there has been a very large number of visits from Ministers from the UK, I think demonstrates that we have taken this seriously and we have tried very hard. It is a very, very complex problem and, in the end, the fundamental problem is that people continue to fight each other and are not prepared to use politics and dialogue to find a way forward. That is the problem we are having to deal with.

Q15 Ann McKechin: Lord Triesman, you have obviously talked about the need for better quality equipment, and various agencies working in Darfur together with the UN Secretary-General have identified that there are still problems with funding the EU Mission there. What are the problems with funding the AU force? Where are the problems coming from?

Lord Triesman: Just before I answer that question directly, can I just correct a figure that I provided for the Committee? I mistakenly added the police on, so the total should be 6,700 not 7,700. I do apologise. I counted the police separately and should have counted them together. So far the funding that the Secretary of State has referred to has been one of the key sources of funding. There has been a European Union funding and whilst we were there in early October the European Union was looking at and, I think, has subsequently come up with something in the order of €70 million in additional funding to support the force that is there. That will get them through the immediate period. However, that is not long-term funding. If the AU forces stay there for any length of time there will have to be new sources of funding identified, and as yet they have not been. I would only add one point to that, and that is that our discussions and the AU discussions certainly have been very open to trying to find that funding, but no one has been able to commit budgets that have not yet been voted.

Q16 Ann McKechin: Given how fragile the situation is, do you think the international community has been complacent in not tackling the issue of funding now, given that we could face an escalation of violence in the immediate future?

Lord Triesman: I suppose it would always be better if everybody could tell where, long term, the funding was going to come from for an operation of this kind, but I do not think it is complacency and I do not think the current lack of security of that force is because of a current lack of funding. There have been some issues about getting things like helicopter fuel very rapidly, largely because a donation of that did not come through exactly when everybody was expecting, but generally speaking I think it is true to say the whole of the funding has been available when everybody said it would be. The genuine problems in security, I believe, are the inability to get hold of equipment which is available, which has been donated, which has been funded but which cannot be got, at the moment, to the African Union troops—unless the Canadians and others do exactly what they have said and that is just bring it in and make it happen.

Q17 Ann McKechin: I think that comes neatly into my next question, because I think people are worried that if the current EU Mission is unable to contain the violence and it escalates, what is the Plan B for the international community, and when is it going to be put into operation? You have mentioned the fact about Canadian forces bringing the equipment

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direct as a possibility. Is there any possibility of NATO taking a part if need be, to boost AU forces if we need to have an immediate response?

Lord Triesman: I am going to start with the last bit first, if I may. I think the Government of Sudan would react very, very sharply to a NATO intervention. They might regard it as being an act of war, I think. There are strong possibilities that it would be resisted very strongly. It is, however, true that moving some of the heavy lifting equipment from the African brigades into Darfur has been undertaken with help, and that has been significant and that has been allowable because it is under the terms of the AU mandate and the invitation to AMIS to come in and do the job. There are real reasons, because this is the first AU operation of its kind, to try to make sure that it succeeds. If the AU can provide the rapid response in Africa to problems in Africa then the problems are owned in Africa and the chances of success are a huge amount higher. So we do want, really do want, them to be successful. In the long term I am sure there will be discussions about whether other additions to command control logistics may be desirable but I think that that is only really likely to succeed if the AU itself can show that it has an appreciable level of success. That has got to be our first aim.

Q18 Ann McKechnin: I think most of us would agree that having the AU mission as the front leader is important, but given, as you have indicated, that the South African military is having to consider whether it goes to the DRC or Sudan and given the scale of both these potential conflicts happening at the same time, my concern is that if there is an escalation in both for different reasons the capacity of African troops and their ability to cope is going to be very, very severely tested and it will mean an effective solution can be found only if other international troops are available.

Lord Triesman: There is a very serious point in that, and I acknowledge it. We have not been talking about the south of the country because we are concentrating on Darfur, but it is certainly true that the deployment of international forces in the south of the country along with the Comprehensive Peace Agreement has brought a very, very much larger degree of settlement to the south of Sudan. That has been one of the great gains over the last period. It may be that that gain would have been driven through to an even better point had John Garang lived, but, nonetheless, it is certainly true now. I think it is early to talk about this, but there are reasons to think that if the stability in the south can be sustained and the resistance army do not become more of a problem (certainly if it is containable) then there may well be African nations who feel that they have forces on the ground and relatively near where those forces might be available. That is not, I assure you, fanciful thinking or an unrealistic hope; it is a real reflection of the successes that have been achieved in the south.

Hilary Benn: If I may add, what your question puts a finger on is this question of capacity: take a decision to do something, who is going to do the

work? There is increasing demand because we recognise, from a development point of view, that unless you have got peace and stability it is very hard to get going. That is why there is such a large MONUC [UN Mission in DR Congo] force in the DRC, helping to bring some stability so that, hopefully, the political process, the elections and the 20 million people registered can make progress. There are, I think, 2,500 UN peacekeepers as part of UNMIS in Southern Sudan, and they are due to get up to 10,000. If you end up with 10,000 UN peacekeepers in Southern Sudan—and David is absolutely right, they are an important part to guaranteeing the peace but it is relatively peaceful there if the politics holds—and you have got, hopefully, 7,700 if the final brigade can be found from somewhere, depending on whether South Africa decides to come or they can find someone else, in a part of the country where security is worse, it seems to me a question that very quickly would be asked is: have we quite got the balance right? There needs to be an open and, frankly, an honest debate about this. On financing, which was your original question, I agree with David; I do not think that the way in which the financing has been spatchcocked together has got in the way of the AU's capacity because the EU has been very generous (we have given a lot); it has been the practical questions of finding the troop-contributing nations, building the accommodation, getting the equipment, radios that work, deploying around difficult territory and this is the first big operation of its kind—in fact it is the first, apart from what the AU did in Burundi—and it takes time and experience. Part of the support that we have offered has been trying to help them to do this so they can actually make a success of it. They have undoubtedly had an impact—there is no question in my mind about that whatsoever.

Q19 Joan Ruddock: Obviously the Secretary of State has been dealing with the problem up to the present time. I wonder, going forward, whether it is your view that the pledges made by the international community will be long-term commitments, both in terms of Southern Sudan, the UN peacekeeping requirements and the AU, and the funding of all of those operations, especially if they have to increase and provide better materials and so on and so forth. If I can just ask you to respond to that and then I want to look at the issue of the Government of Sudan itself and what it is up to with money.

Hilary Benn: The great benefit of the Comprehensive Peace Agreement is that for most of Sudan, but not all and certainly not Darfur, it opens up the new political arrangements, the formation of the national government, the government of Southern Sudan, people beginning to return to the South. I went to the South for the first time in the course of my visit in June and went to Rumbek. If you just look around you can see (a) the consequences of 25 years of civil war and (b) how desperately needed the support from the international community and others is. As far as our humanitarian programme is concerned, we are giving £75 million to Sudan, including Darfur and including eastern Chad this

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year. This includes £45 million for the UN Work Plan of which around £25 million will be sent to the South. We are trying, through some of that, to test out one of the proposals I made in my speech on humanitarian reform, namely giving the money to the UN co-ordinator so that they can distribute it amongst the different agencies having regard to the needs. We have got that pilot in Sudan and we are working on one in the DRC to test out, in particular countries the proposal I originally made. I hope that the international community will continue to provide support. The UN work plan is about 50% funded, so far, but I tell you what would really, really help: an end to the conflict in Darfur. If people felt that right across Sudan everybody was now committed to the path of peace—and they have done it to end the civil war—the real answer to all of the things we have discussed so far this afternoon is: are the parties to the conflict at Abuja prepared to use debate, dialogue and politics to reach an agreement, because that is the only real solution. In the end, the parties to the North/South conflict in Sudan realised that and through a very painful and difficult process—which Britain played a hugely important part, when history comes to be written, in supporting—it happened. The final thing I would say to the Government of Sudan is not all the benefits of the peace deal and, in particular, debt relief are going to flow until Darfur is sorted out.

Q20 Joan Ruddock: We will come, I think, to the peace talks in a moment. Just on the point of the Government of Sudan, I think the estimate is between \$7 and \$11 billion for the value of Sudan's oil production. What is happening to those oil revenues and how does the oil revenue profit that that country is making compare with the amount of money that the international community is having to put in?

Lord Triesman: I think that links with the last question as well, because the amount of aid that goes particularly to the South is going, to some extent, to be affected by the other sources of revenues that can be got to the South. Under the Comprehensive Peace Agreement the agreement is to split the oil revenues 70% to the South and 30% to the North.² I will check that that is what Salva Kiir said and there were similar arrangements over timber and other minerals. The big difficulty when we were there was that one of the commissions that was to be established under the Comprehensive Peace Agreement, the petroleum commission, had not been set up, although I now understand that it has been. Whilst it was not established nobody knew how much oil was being pumped or bunkered, or anything else, so you never knew what 70% of anything was because you did not know what the baseline sum was. The petroleum commission ought

to be able to provide objective evidence and we offered objective help in doing that. The measurement of these things is not a mystery; it is done all over the world and in all sorts of environments. If it comes off then the prospects of there being significant revenue flows to the South, I think, improve very considerably. They need to feel confident they are getting what they are due. That is very important as well, otherwise tension would increase. The other vital thing that then becomes very important, and Hilary has been mentioning it in talking about some of the other forms of dealing with assistance, is the capacity in the South to absorb that kind of income and use it to the greatest possible effect. You need to be able to step up its capacity. I was in Juba—it is a big country but relatively close to where we were—and as you go round it is very clear that they are very threadbare in governmental resources, let alone other resources, to be able to absorb significant changes in their income flows, whether it is from aid or anything else.

Hilary Benn: Can I just add, in terms of transparency about the budget, I discussed this, I think, on my first visit to Sudan with the Finance Minister, and that is something that the international community is looking for and will continue to look for because that provides the answer to your question: what is happening to the money? We will want to know that, in particular, in making progress on debt relief that there is not going to be any promise (I made that very clear as far as the UK is concerned—we offered to chair a group to progress it) until Darfur is sorted.

Q21 Joan Ruddock: Do you know what the Government is actually spending on the military to pursue its fighting?

Hilary Benn: I think the honest answer is we do not really, because, as sometimes happens in these circumstances, there is expenditure on the budget and there is other expenditure which it is very hard to know how much and what. Hence the point I made about transparency.

Q22 Richard Burden: Most of what I would like to ask you continues on the same line as the North/South issue, but before moving on to that, if I could just take you back to what you were saying about the possible use of forces in the South, if things were relatively quiet in the South and there were real problems in Darfur, could there be an adjustment there to provide a better use of resources, which seems to me to be quite sensible? Does that, in your view, have any implications for the questions we were asking earlier about the AU mandate and how far that would need to change?

Hilary Benn: I pose the question because it seems to me, at some point someone is going to ask: "Hang on a minute". That is the first thing. The second reason is because Kofi Annan himself has talked about whether in time there is a way in which the UN might be able to provide support and, frankly, there is discussion and debate going on about this because the questions that we are discussing this afternoon have also been debated by the AU and others in the international community. In the end, because this is

² *Witness correction:* Under the terms of the Comprehensive Peace Agreement (CPA), following payments to an Oil Revenue Stabilisation Account and to the oil producing states, 50% of revenues derived from oil produced in Southern Sudan will be paid to the Government of Southern Sudan (GoSS), and 50% to the National Government and States in Northern Sudan.

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an AU operation, the point that David has made is really important; they have invested a great deal in this practically in terms of troops, some of whom have been killed, and in terms of the reputation of the AU I think they have done a very, very good job in very, very testing circumstances and in circumstances where no one else was prepared to come in and do something. They deserve a huge amount of credit for that. We have been pressing to do a further assessment mission, which goes back to the original question that Mr Bayley asked about numbers because the plan always was when you got to the 7,700 and you then said "Should we go further? Should we be looking at another way of dealing with the problem?" and, in those circumstances, I think the AU and the rest of us should be open to looking at all the potential options, frankly, which might provide a solution to the problems of insecurity in Darfur. What the AU thinks about this is going to be hugely important.

Q23 Richard Burden: On the question of the Government of National Unity (GNU) and the significance of getting the petroleum issues sorted out, that certainly links with some of the evidence we have had from elsewhere, could you perhaps tell us a bit more on how you think the Comprehensive Peace Agreement is moving forward—the process itself—and how much of a blow is the death of John Garang?

Hilary Benn: Can I just add, on public expenditure, that the World Bank is currently undertaking a public expenditure review, which might provide part of the answer to the question that Mrs Ruddock asked. What about the GNU? It was formed on 20 September, so it is now one of the most representative governments Sudan has had for 50 years, and the Government of Southern Sudan was formed on 22 September. Clearly, John Garang's death was a huge blow because he had led the Sudan People's Liberation Movement (SPLM), he had led the negotiations, and with him on the SPLM side and Vice President Taha on the Government of Sudan side, the relationship they had established and their willingness in the end to negotiate their way through these very tricky, difficult questions, it was that with support and encouragement that delivered the Comprehensive Peace Agreement. To be honest, there was enormous nervousness when this tragedy occurred about what would then happen to the political process. I have to say that Salva Kiir has stepped into his new responsibilities with great effectiveness, and the worries that some people had that it might all fall apart have not come to pass. That is the first point. The second is that we have seen some progress very recently with the formation of the assessment and evaluation committee, and that was agreed on 30 October. There had been concern that it was taking time because that plays a particularly key role in the process to get that up and running, and that is now in place and Tom Vraalsen will chair it. We are providing support to a number of the key national commissions. So there is that, there is the Government of Southern Sudan getting itself in

place and the first tranche, as I understand it, of money to the Government of Southern Sudan, under the wealth-sharing agreement that formed part of the Comprehensive Peace Agreement, has now come. As I say, it has taken a bit longer than people hoped but I say so far so good, but people have to demonstrate they are going to continue to use these new mechanisms and work together. I think one of the big tests for the new government is: how does it then hope to deal with the problem of Darfur?

Q24 Richard Burden: What you said about Salva Kiir and the seriousness with which he is taking this role is encouraging. Is there an issue, though, about, in a sense, his authority and, in a sense, the SPLM's authority in the absence of John Garang, in terms of exercising leverage over some of the rebel groups in the South?

Hilary Benn: David met him during his visit, so is in a very good position to answer.

Lord Triesman: I have to say I was impressed by his approach to all the questions. Given that he perhaps seemed to have less of an argument for a united Sudan than John Garang had it was very important to see how he was going to respond to the Government of National Unity and what level of responsibility he felt he would have for influencing former allies or associates in Darfur. He made several points which I think were important. The first was that he had to give a huge amount of his energy to the formation of the Government of National Unity to make sure that ministerial portfolios were fairly distributed, they were operating and, as Hilary said, that the commissions that were going to be set up were set up and that they function. The second point that he made, and we heard it also in Juba in the South, was that because he had spent so much time, following John Garang's death, doing that he had not had as much time to deal with the issues of forming a government in the South. That was, consequently, taking rather longer. Regrettable or not, that was where the priorities lay and he then got on with the formation, as he said he would, of the government in the South. The third point he made, which was really the one to do with allies, was that he was completely willing to take part in discussions with any of rebel the groups in order to try to bring about a sensible negotiating position at Abuja. But he was insistent that it was the Government of Sudan, the new Government of National Unity's position that he was not somehow out on a limb doing something wholly separate from everybody else, and he was still in the formation period when he was being brought into that. But he was quite clear that as soon as he had clarity as first Vice-President for those responsibilities he would get into that with some real enthusiasm and energy. I will not say that he was totally optimistic about outcomes, but he was going to try.

Q25 John Barrett: Secretary of State, I am sure that you, along with the Committee, share a deep sense of frustration at the lack of progress that there has been over the last year in Sudan and in Darfur.

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While there have clearly been some successes since the Committee was out there at the beginning of this year, coming to the end of this year one of the key problems is the lack of cooperation of the Government of Sudan. That is one of the key problems. They seem to be continuing things as they are—and there is also conflict in regions of the country in getting the oil revenues. If this continues well into next year and we all get contacted by our constituents and that sense of frustration continues, how do we change the relationship with the Government of Sudan, to say that we have tried the carrot and the stick and the carrot has not been effective? What sticks can be used to make sure that things do not continue as they are, because my fear is that we go into 2006 and then we say that the AU Presidency is not nearly as strong as it could be, and possibly we are waiting on more logistical support and the mandate cannot be strengthened until we have that at the beginning. How long can we sit and say that the current dealings with the Government of Sudan have to be on the same basis as they have been for the last year, or do we change gear at some time?

Hilary Benn: The first thing I want to say in answer to that is that we do need to recognise the progress that has occurred because we only have to go back a year, 18 months, with real concern that we were looking at a humanitarian catastrophe in Darfur, continuing attacks, people continuing to flee their homes. And what we have seen in the last year—and the WHO mortality survey shows it, the increasing number of people who are being fed by the WFP shows it—the decline in one type of violence, ie attacks on people in their homes and the ending of aerial bombardment and the use of helicopters for offensive purposes. It is a complex story but we need to recognise that all of those things have happened during the course of last year and that represents unquestionable progress. Why have those things happened? Because of a lot of effort, money, international pressure and so on. If one looks back at the five points which the Prime Minister put to the Government of Sudan during the visit just over a year ago: cooperation with the AU force, I would say is pretty mixed and we have discussed this afternoon the recent example of lack of cooperation; revealing the location of their troops, yes, they have done that; confining them to barracks, no; concluding the Comprehensive Peace Agreement by the end of 2004, yes, that was done; implementing the humanitarian protocol, I would say a kind of mixed report. That is how I would summarise their progress on those fronts. The frustration is actually about the political process. My sense is that I think the Government of Sudan is willing to negotiate. The real problem actually has been the rebels because the rebels have been responsible for an increasing proportion of the attacks and insecurity. The rebels are divided and, to be blunt, unless the rebels get their acts together in the negotiations, know what it is they are trying to achieve, and use the political opportunity which the Comprehensive Peace Agreement provides—and that is why it is so important to get it through to completion. And it was a false argument to say that that was at the

expense of what we were doing in Darfur because having the Comprehensive Peace Agreement gives those, if they want to use it, politically the best opportunity to find a political solution to the problems of Darfur because all the elements are in there, sharing power, sharing wealth and so on and so forth, and I think my biggest frustration is about the failure of the political process. The question: what can we all do to get the parties to those talks, to take them seriously and actually to do the business because that is the only long-term solution to this? My continuing frustration in relation to the Government of Sudan is particularly about the things we have already discussed, obstructing the AU getting, frankly, the tools they need to do the job.

Q26 Joan Ruddock: I would like to ask the Secretary of State to answer his own question. What can we do to help the rebels to get their act together? To come up with a coherent programme, a set of demands, to end their leadership struggles; is there anything that you believe can be done?

Hilary Benn: We have a Special Representative at the talks. There has been a process of taking people away to sit away from the talks to think about what their position might be; encouraging all of the parties to turn up to the talks; encouragement to the SLM in particular to sort out themselves out so that it is clear who is actually representing the movement, because when you have different people both claiming to be the leaders, in different places, some coming and some not coming to the talks, 40 people turning up, having to ring somebody who is living in Europe to find out what the line is and what they should be doing, you have a bit of a problem on your hands. We have done all of those things but so far the talks proceed pretty slowly and with difficulty.

Lord Triesman: I think that is absolutely right. The only that I would add to it at the moment is this. The rebel groups are plainly fragmented, they do not stay as cohesive groups and, as Hilary says, it is very far from clear that people who turn up at any talks when they do turn up actually represent the people on the ground. There is no cabling between the leader at one end and whatever is at the other end, and that is a significant problem and we are trying to work on that as has just been described.

Q27 Joan Ruddock: When you say, “We are trying to work on that”, who is “we” and how is it being done?

Lord Triesman: The Special Representative who we have there is trying to build the links and to make sure that we are talking to people who are capable of taking part in a meaningful negotiation. We have specific people doing that work. The only other thing I wanted to add in general is this. There is some evidence—not conclusive but some—that there is an upturn in violence every time any discussions take place in Abuja; that there are people who believe that shooting each other is more of a way of achieving leverage than talking. That is why I come back to the effectiveness of the AU troops. If it were to be much less likely that committing acts of violence was likely to yield any kind of political

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progress, when compared with talks, I suspect that those people who have not resolved the question about who is talking for them would begin to resolve that question because it would be the only thing that would be of any use to them.

Hilary Benn: Mr Thornton has been involved in this and might like to add something.

Mr Thornton: I have attended parts of both the last two rounds of talks in Abuja along with the UK Special Representative for Darfur and another colleague in the Sudan Unit. It has been slow. I think we have seen a slight picking up of the pace in the last round with negotiations proceeding steadily, if not especially rapidly on one of the three clusters that have been identified as one of the three sets of the topics that will form part of the final peace settlement: that is the political line, power sharing. The parties have been negotiating for upwards of eight hours a day on those issues and the two rebel groups have been acting relatively well together. Having said that, there is still a long way to go and we need to find ways, if we can, of accelerating the process. One thing we could do is to ensure that when the talks restart in November that they go into permanent session and they do not break after three weeks or a month, which has become the pattern. To date there have been sessions of a month or so followed by a break. We do need to try and bring the two wings of the main rebel movement, the SLM, together, and one of the things that is happening on that is that today in Nairobi there is a meeting brokered by the Americans but with our strong support, and with the attendance of the UK Special Representative to try to get the two main leaders of the rebel group, the SLM, talking to each other and on a path to resolve their differences, because so far only one of the SLM factions has been attending talks in Abuja and they both need to be there and they both need to give their active support to the crisis.

Q28 Joan Ruddock: That is a very interesting answer. I notice it is the US and Europeans again who are trying to do this. Is there no African country that has any leverage in this situation and could influence their thinking?

Mr Thornton: The Nigerians step in from time to time. Obasanjo has turned up to the talks in Abuja from time to time to talk to the rebels in particular. I think we need to encourage them to be more active; we need to encourage the countries which are providing material assistance to the rebels to weigh in and to bang their heads together. But so far the West has been very much taking the lead on this.

Q29 Joan Ruddock: Do you think there is any prospect of those who are helping them in the military sense doing the task that is clearly necessary to make them become diplomats and not aggressors?

Mr Thornton: We have to try. I do not think we are going to convert those countries overnight; they are not necessarily countries with whom we had strong links.

Q30 Joan Ruddock: Do they include Libya?

Mr Thornton: The Libyans and the Eritreans, but particularly the Libyans. In general they are on side but they are not very actively on side, and we need to push them to take rather more robust action with the rebels.

Q31 John Battle: I think while appreciating the patient and positive efforts of the peace process, it strikes me that there is a larger political context. An actor we have not really talked much about is the UN Security Council, which sometimes strikes me that it tends to be a spectator at the massacre. I say that because in the Secretary-General's July report there is a reference to the fact of the Government of Sudan's efforts to rein in the Janjaweed, and it says, "Government officials have recently made it known that the disarming of the militias will commence only after a political settlement is reached," putting conditions on it, which were not agreed at the Security Council. The Secretary-General's August Report, "The Government still shows no intention of disarming these militia and is yet to hold a significant number of them accountable for the atrocities in earlier months." The Crisis Group comment on the AU Mission in Darfur, "UN Security Council Resolutions 1556 and 1564 also demanded that the government disarm the Janjaweed militias. It has fulfilled none of these commitments." Are the UN Security Council resolutions making no impression whatsoever?

Hilary Benn: I would not say that. I do not demure from the passages you have read out from the Secretary-General, but we have had five in all—1556, 1564, 1574, 1591 and 1593. I think the first lot of resolutions undoubtedly upped the pressure on the Government of Sudan and I go back to the earlier answer that I gave, that in my experience it is only by consistent international pressure that you see progress, and I think the UN Security Council has played a part in that. I would say that the adoption of the resolution on sanctions was important. We wait to see the final report of the Sanctions Committee. It is very important that those who are on the ground—and it really falls to the UN and to the AU, who are closest to the ground—to put names into the Sanctions Committee so that those sanctions can be applied. We would like to see the arms embargo, for example, extended to cover the whole of the country. I think the ICC referral was important, for the reasons I gave earlier, and I think it has had an effect. So the UN's contribution has been to demonstrate the international concern to up the pressure but we are sitting here having this discussion about Darfur precisely because although while some things have improved some things have not changed.

Q32 John Battle: So you would say that the ICC reference, for example, has had a deterrent effect and you think that the arms embargo is going to bite?

Hilary Benn: The reason we are in favour of an arms embargo to cover the whole of the country is because it is quite difficult to operate an arms embargo as it is currently constituted and it would be sensible and

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logical to go the whole way. The ICC referral, I think there is no doubt that when the 51 sealed names were produced by the International Commission of Inquiry they were passed to the ICC prosecutors, and they are investigating. I do not know who is on the list. I think it was said when I was in Sudan in the summer that there are 51 names on the list and there about 400 people who think they are on the list. I think that does have an effect and in the end if people realise that they are not going to escape and if the evidence can be found they will be called to account, then I think that must have some impact in relation to this particular problem. I think in the longer-term it also has a much bigger impact because it shows that this thing we created, the ICC, which Britain has been such a strong supporter of, can actually be used to deal with crises like this.

Q33 John Battle: When will the Sanctions Committee report be ready?

Hilary Benn: Early December, I understand.

Q34 Chairman: Just on that particular point, given that the President of China is in town and given that China have been blocking initiatives of the Security Council, has anybody raised this matter with the Chinese President?

Hilary Benn: Today, or while he is here?

Lord Triesman: I do not know if it is going to be raised today, although there is a possibility. I have had detailed discussions with the Chinese Ambassador on these issues about two days ago now, and it was a more open and fruitful discussion than perhaps one might have expected because I think he accepted that the levels of their trade with Sudan, particularly about 40% of the oil business that is conducted with the Chinese, does give them some possibilities of being influential, if they are willing to be influential. I put the argument to them that they are a major player in the country, as they are in several African countries, and if they chose to have a more dynamic impact they could achieve that. He said that he was willing to discuss ways of doing that.

Q35 Chairman: That sounds like a very inscrutable Chinese answer.

Lord Triesman: Probably so.

Q36 Mr Davies: Lord Triesman, I think you said to the Committee a few moments ago that there is a tendency for people taking part in the Abuja talks to think that they will get some leverage in those talks if there is violence on the ground in Darfur. Is that not a bit naïve? Is it not the case that the only reason why anybody is invited to these talks in Abuja or any other peace talks is because they are engaged in violence? Had it not occurred to you that the major driver of violence in Darfur is that violence was obviously successful after about 20 years in Southern Sudan in getting the Naivasha Agreement and achieving autonomy and the prospect of statehood?

Lord Triesman: I understand the argument that people have got to the negotiating table because they conducted a war of violence. But I think my point is slightly different, with respect; it is that some people think that violence is an alternative to getting to the negotiating table, that they would prefer to see a result from that rather than from coming along and talking. We have to dissuade them from thinking that.

Q37 Mr Davies: What you are saying is that we have to change the rules of the game so as to make sure that in the future the balance and advantage to them is not engaging in violence, that I very much agree with you. I also wondered whether you are not being a bit naïve about the Chinese. The Chinese are only in the Sudan because they need the oil, that is why they are getting involved in so many African countries with primary resources that they want. So the idea that they would be willing to forego the oil in order to achieve some political changes in the Sudan, again, I fear is a little naïve. You may not be able to comment on that.

Lord Triesman: Mr Davies, one of the things that I do not think I suggested was that they would forego the oil. I am just saying that as a major partner in the area it would be good to be able to engage them in discussions about how that country can come out of war in all parts of that country. They may also have some interests in there being greater security and greater and more durable peace. I do not know until that discussion proceeds a bit further whether that will be the case. I do not think it is a matter of foregoing anything; it is a matter of them potentially a becoming partner and a major international player with significant influence if they want to avert it.

Q38 Mr Davies: You said that China is involved in the obtaining of 40% of the oil in Sudan and that might give them a special influence. The only way in which that will give them a special influence is if they were prepared to forego that oil if some *quid pro quo* was not secured, but I think you have agreed with me that that would not be a sensible or a realistic way of looking at the matter, whatever the Chinese Ambassador diplomatically may feel that he wants to tell you to keep you happy. I wonder, Mr Benn, if I could just take up a little of your relative optimism which you have expressed this afternoon. You said that there had been good news this year, that some types of violence have declined, and particularly violence against people in their homes. Is that not because so many more people in the Sudan, or particularly in Darfur, do not live in their homes; they have been driven into these camps? There has been *de facto* success in the Sudanese Government's policy of ethnic cleansing. They have been removed, there is no prospect of them coming back, so therefore inevitably there is going to be less violence against people in their homes.

Hilary Benn: Undoubtedly that is the case. But it is not about optimism. I have tried to describe the situation as I see it, and there was real concern about the continuing levels of attacks on people. It was partly because a lot of people have left their homes,

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that is true; it is partly because there has been more effective protection of people in the camps than was the case in the past, and that is because of the AU presence and because of the patrols that they are undertaking.

Q39 Mr Davies: It does not relate to the point you made about less violence against people in their homes. If it is because they are all in the camps we agree it is just a statistical result of the fact that there are fewer people in their homes, and you should not therefore take comfort from that.

Hilary Benn: Overall, whether people are in their homes or in the camps there has been less violence against people during the course of this year than the case previously.

Q40 Mr Davies: That was true until August; it has not been true in the last two months, has it?

Hilary Benn: There have been the three particular incidents that I referred to: the attack on the IDP camp, which was extremely worrying because that was the first for some time; the attack on Sheriya that the SLA was themselves responsible for, and of course then the five AU peacekeepers who were killed. That is right, that is why we are all of us concerned about the recent increase in violence that has taken place.

Q41 Mr Davies: I am afraid I draw the conclusion from this exchange that you are inclined to put a lot of emphasis on the apparently good news that comes out, even if the news is more apparent than we realise in the case of people being removed from their homes and therefore less violence occurring in the home. I am afraid I am more struck by the lack of progress, the fact that we appear in the last two months to be going backwards. You have just been talking about strengthening the AU capability on the ground, and we all support that. I can tell you that when I was myself there on the ground in February and March and talking to African Union commanders it was quite clear to me that they did not have some of the essential tools to do the job. It is misconceived, I think, to talk about the numbers they would have; the fact is that how many thousand men they have there they will not be effective or efficient unless they have the tools to do the job. But if they are given the tools a relatively small number can have substantial effect. They did not have the armoured infantry vehicles, the warrior type vehicles, the APCs we have talked about this afternoon; they did not have any heavy-lift helicopters, Chinook helicopters at all, and they clearly badly need them. It is absurd to think that you can intervene across those distances and in those conditions by road; you can only intervene quickly if you have the heavy-lift helicopters and they do not have them. They still do not have them now, some seven or eight months later. It was also clear to me that they had no access whatever to satellite surveillance or to electronic intelligence, which I would have thought were obvious pre-requirements for that kind of intervention.

Chairman: Can you get to the question?

Q42 Mr Davies: The question is, Mr Chairman, why is it only now that the government is focusing on these shortcomings? They have been apparent to most of us who have tried to familiarise ourselves with the situation on the ground for quite a long time.

Hilary Benn: It is not the case, Mr Davies, that the government is only now focusing on these shortcomings. That is the first point, because we have been working with the AU and others for a considerable period of time to try to ensure that they have the capacity to do the job that they have been given, and we have offered our support in extremely practical ways, not least the provision of vehicles, so that they can get around and do their job.

Q43 Mr Davies: The Canadians are now providing some armoured vehicles, thank goodness. Are you suggesting or proposing providing, for example, satellite surveillance or electronic intelligence capabilities, which we have available to us?

Hilary Benn: No, I am not proposing that, and, yes, you are right that the Canadians have since June, if not earlier, been willing to provide the armoured personnel carriers.

Q44 Mr Davies: Why are you not proposing those things, Mr Benn, if I may ask you?

Hilary Benn: It is not an issue that was certainly raised with me in the conversation I had with the AU; I do not know if it has been raised with David. Can I just go back to the first point that you made because, with respect, I would not accept that we are trying to be unduly optimistic, I am trying to give the Committee an honest answer to the questions that have been asked about the situation. It was the AU themselves who said to me in June that there had been a significant reduction in violence against civilians; that is what they said.

Q45 Mr Davies: In June that was true.

Hilary Benn: It was. So going back to the original premise to your question, that we are being optimistic about what happened, the fact is that there has been a considerable reduction in violence, the fact is that there has been a reduction in mortality in the camps because of the improved humanitarian operation. I think it is fair to point that out because otherwise people listening might draw the conclusion that nothing had changed as a result of the international effort. I share the concern that you expressed about what has happened in the last month or so. Question: is this going to be a one-off increase, are things going to settle down or not, or will it be a continuing rise in violence? If it is a continuing rise in violence then we are all of us going to have to think about what we are going to do to do something about it. I am trying to give a balanced picture. I think there has been some progress but there are some other things that have not been dealt with.

Q46 Hugh Bayley: The UN World Summit approved the Responsibility to Protect. Is that responsibility obligatory on the UN Member

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States, or just advisory? And does its existence now mean that Russia and China will feel obliged to cease threatening to veto military intervention or to consider seriously oil sanctions?

Lord Triesman: My understanding is that it has become a charter obligation and it should be binding on all Member States.³ There is obviously going to be some early testing out of how strongly all Member States make use of the new provision but the intention was—and Kofi Annan was explicit about it in the course of the summit—that a number of key issues would have to be revisited in the light of the new provision and to try to make sure that it was used properly and used effectively as it was intended to be used.

Q47 Hugh Bayley: Will our government use Darfur as a test bed?

Lord Triesman: I do not whether Hilary has a specific answer but I would certainly be willing, from a foreign policy point of view, to look at that because it was clear to me in New York that Darfur was one of the issues that there was a good deal of resonance with the Secretary-General and others and it may well be that discussion could be engaged in. It is so new that no one has yet tried to use it, but it is certainly a possibility.

³ *Note by witness:* The primary responsibility for the protection of vulnerable populations lies with that population's government. But where that government is unwilling or unable to exercise their responsibility, the international community should act to prevent or stop the worst atrocities (genocide, war crimes, ethnic cleansing and crimes against humanity). The 2005 UN World Summit endorsed this concept, and for the first time world leaders agreed that they were prepared to take collective action. This includes using political and diplomatic pressure, sanctions, and, should peaceful means be inadequate, military action through the Security Council. Endorsement of the responsibility to protect does not amount to a legal obligation under the UN Charter to act in a specific case. But it provides the international community with another tool for tackling these gross human rights violations.

Hilary Benn: I think what the summit acknowledged by adopting that was that we have a responsibility to do something, but as the discussion this afternoon has demonstrated the question is: how you are going to do it, who is going to provide the support, the funding, the material, the men and the equipment on the ground and the humanitarian support, in order to make the difference? The truth is that the world is feeling its way towards a way of dealing with these situations, and Darfur is a very difficult one, and there are others that we have discussed previously and will no doubt do so again. So political will is one thing because without political will it is not going to happen, but you have to have the capacity and we do not yet have sufficient of the right capacity to make a difference, and that is why we have to ensure that we do build that over time including supporting, in this case, Africa's efforts to provide some of that capacity, without which I would not be able to sit here today and say there have been less attacks on civilians during the course of the year or there has been improved security from about February until the recent increase in attacks.

Chairman: Secretary of State, Minister, thank you very much. I think you will have gathered that the Committee is concerned about two fundamental things. One is that we are watching a very difficult situation and are alarmed that it might deteriorate very rapidly and concerned that the international community does not have the capacity to respond. Secondly, that at some point or another we are to break the logjam and give people the opportunity to return to their homes. I thank you and your colleagues for coming here and giving us your time. I think I can speak for the whole Committee—and, by the way, Mr Bercow would have been here but his wife had a baby in the early hours of the morning, and everything is fine but that is the reason why he is not here. I can assure you that the Committee will continue to watch the situation closely.

Witnesses: **Dr James Smith**, Executive Director, Aegis Trust and **Dr Suliman Baldo**, Africa Program Director, International Crisis Group, examined.

Q48 Chairman: Dr Smith and Dr Baldo, you have been sitting in on the evidence we have been taking from the two Ministers and their colleagues and perhaps just to start this slightly brief session, as we have overrun, in a sense I will give you the floor because what we would ask each of you to do is to pick up on what has been said and to highlight a couple of the key points that arise out of that. If you would like to put it in terms of positive recommendations or comments. Dr Baldo, would you like to go first?

Dr Baldo: Thank you for inviting me. I will start by saying that yes, there are indications of concrete improvements in the interior situation for the first two-thirds of the year, mainly due to improved access to humanitarian assistance and services and camp conditions. The trend is now changing in a negative fashion because of the ongoing increase in violence and the trend towards escalation of that violence. Let

me start by saying that the worst violence done to the population in Darfur is the fact that today there are 1.8 million people in camps for the internally displaced by no choice of theirs. This is a disruption of their traditional livelihood and this is the worst thing that you could do to a traditional subsistence community. It is a situation we have had in Northern Uganda for the last 20 years—it is turning into a normality there because of the detail of the humanitarian assistance that is developing, and the crisis is therefore now basically forgotten. But there are also two million people there who are in refugee camps and who are “in relatively safer conditions”. So this is the real risk facing the population. In Darfur, the disruption of traditional livelihood is affecting everyone, those inside the camps and those communities outside the camps, including groups of Arab background; and definitely not all of these

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groups are “Janjaweed”. There are only very sub-clans of certain Arab groups who have joined the Janjaweed militia for reasons that relate to their entitlement to land usage. So that is a problem. The trends that are of concern for us, the split within the rebel movement between Abdel Wahed Mohamed al-Nour, the President of the Sudan Liberation Movement, the largest Darfur group, and the group’s Secretary Minni Minawi, is basically for all purposes consumed. The Minni faction held its conference and elected Minni as President from 4 November. The interesting thing is that neither of the two factions are challenging the unity of the movement; they are just challenging the legitimacy of the other faction. There have been attempts to reunify these two factions because of the risk of a split for personal disputes over leadership that can lead to an ethnic split between the two factions. As we know, Chad, with the backing of France, tried to convene a unity conference for all the top leaders of the SLA last week. That did not work, none of them showed up in Ndjamina, but they showed up for the meeting today, this morning, in Nairobi and the SLM faction was represented. Minni did not come, he sent a delegation though, and I understand that both the Under Secretary of State and Charles Snyder and other US officials were there, and other facilitators of the political process in Darfur have been appealing to the leaders to really avoid the worst, which is really the split of the movement. So this trend is causing a deterioration of the situation on the ground. There is fighting between the Minni faction and the smaller of the two rebel groups, the Justice and Equality Movement, over control of territory. Minni’s faction is also attacking some SLA factions, Sudan Liberation Army factions, that are counted as pro the Abdel Wahed group, and this includes a group from southern Darfur, the Rezeigat cattle herders of southern Darfur. The tensions between these two sub-groups of the SLA is leading to increased tension due to the blockage of migratory routes of the cattle from south Darfur in the search for pastures up north and the risk again is that this will create greater violence. There is also an increase in violence due to the regional ramifications of the Darfur rebellion. We are all aware of the recent mutiny in Chad of forces very close to President Idriss Deby. These forces say they are 600, the government say that they are closer to 200, but in any case they are predominantly Zaghawa from the same ethnic group of the President and which is in control in Chad. The trouble is they blame the President for not having clearly backed the rebellion in Darfur. One reason they are unhappy is the distribution of oil revenues in Chad and about incidents of corruption. They are crossing the border with arms and munitions and some, according to reports we are receiving, are joining forces with the Minni faction. The Government of Sudan is claiming that it has arrested some of them, 20 to be specific, and handed their arms and munitions over to the Chadian government. Khartoum also said it was considering giving those forces political asylum. The trend is really one of mutual destabilisation; Darfur destabilising Chad and Chad contributing to the further destabilisation in Darfur. This is not very encouraging; it could really

feed the escalation of violence. The Janjaweed groups have been raised, trained, armed by the government of Khartoum, as I said, because of a very specific agenda to the sub-clans. But now they are increasingly concerned about their own future; they feel that Khartoum has not delivered its promise of giving them land for contributing to its insurgency campaign of 2003 and 2004. Therefore we are witnessing incidents of flexing of muscle by some Janjaweed against the Government of Sudan forces, as appeared in western Darfur. Factors of deterioration of security in western Darfur are basically relating to these dynamics of the Janjaweed and the sub-groups and we have a situation where they become entangled in violence against the government forces or intra-Janjaweed fighting. So all the indicators are pointing towards a deteriorating security situation and I would not be under the impression that because of the improved humanitarian indicators that the situation is improving; on the contrary, it is about to take a really alarming turn for the worse.

Q49 Chairman: Dr Smith?

Dr Smith: Just in response to the previous session, a comment on the humanitarian situation. It does not give me pleasure to say today that a year ago this month Aegis predicted that if there was not a more concerted effort to provide enough protection for these internally displaced people to go back to their villages so that they could plant crops, that unless there was an accompanying huge humanitarian effort, that it would precipitate a famine in the region. The reason there has not been such huge starvation and an increase in mortality over the past six months is because of the humanitarian intervention of the provision of food. The Secretary of State explained part of the picture with the World Health Organisation report, which has shown a reduction in crude mortality since last November. But the other part of the picture is drawn from the Office of the Coordinator for Humanitarian Affairs, which shows that there has been an increase in affected peoples in Darfur, and those under risk and dependent on aid, and there are a million more people requiring aid now than there was this time last year. So despite the apparent improvement that is being painted it is a picture of great vulnerability. Just to emphasise that, in November 2004 34% of the population—that is 2.2 million people—were dependent affected, according to the UN’s figures. By September of this year that had risen to 51% to this 3.39 million, so over a million more people are affected. When this affected population is extrapolated against the World Health Organisation’s figures it implies in fact there has been an increase in death rate of overall total deaths because whereas the crude death rate has gone down the population size that is vulnerable has gone up, so there are in fact increased deaths and not decreased.⁴ What dismayed me further, listening to the Secretary of State and to Lord Triesman, was that there does not seem to be any kind of vision about what are we

⁴ Ev 31–32

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going to do reverse the ethnic cleansing that Mr Davies clearly described. There seems to be an acceptance of the current *status quo*, that we can protect people, look after them provided they are in the internally displaced camps. As we have seen, in September even the IDP camps were being attacked for the first time, and this is a very worrying trend. These are not small excursions into the IDP camps that are happening. On 29 September in a Tawilha camp it was 41 trucks and seven land cruisers of the Government of Sudan, not the Janjaweed that attacked these camps. Thousands fled, quite a number were killed and had to take refuge in the African Union camp while their own camp was on fire. So I think that a final point that I would want to make in response is that all of this is giving a signal to the Government of Sudan that there is not a seriousness to see through the reversal of the ethnic cleansing and it is that, I believe, that is blocking the political settlement. The Secretary of State made it clear that what is required is an end to the conflict, a political resolution. I do not think there can be a political solution, and I have spoken to representatives of rebel groups since the last round at Abuja. I do not think there can be while the women and their children are remaining in these camps. It is not just a simple civil war, there has been ethnic cleansing taking place. And despite the Responsibility to Protect at the World Summit we seem to be abdicating our responsibility and devolving all of this and giving all the wrong signals to the Government of Sudan.

Q50 Chairman: On that last point, what pressures do you think have been or could be effective on the Government of Sudan and the rebels, because it is not clear from what both of you have said what works and what does not work? What would you think has been effective and proved as effective on both the Government of Sudan and the rebels to be less obstructive and fulfil their responsibilities?

Dr Smith: It is very difficult to evaluate what pressure has been effective because there has been so little pressure to evaluate. The referral to the International Criminal Court of the situation in Darfur was helpful; it did rattle cages in Khartoum. However, however important accountability is it is not the answer, as we can see, to resolve the situation. It is an important component; it is probably the most effective pressure. I think the problem that exists is that the demands that have been made by the Security Council to disarm the Janjaweed in resolution 1556 and further demands to stop offensive flights over Darfur have not been backed up with any kind of consequence if those demands are not met, and the more that time goes by the greater the signal is that these demands will be made by the Security Council and they can just ignore them and flout them and violate them.

Q51 Chairman: So what do you make of the Sudanese government saying, "We are curtailed in what we are allowed to do anyway, so how can we disarm them"?

Dr Smith: Of course they are not because they signed an agreement on 8 April 2004 that they would disarm them, and the demand has been made by the Security Council in resolution 1556 that they should disarm them. So they are not curtailed, they have been empowered with all that they need to do that. I think that had those resolutions and those demands been backed up with, "If you do not disarm them as a consequence will be targeted sanctions," or "If you do not stop offensive flights that action will be taken to enforce a no-fly zone," then I think the pressure would be different. But it was not backed up and so I think the pressure was quite negligible⁵.

Dr Baldo: I think we need to distinguish between two sets of priorities. The security track, which the protection of civilians on the ground is a priority, and the political track, the process of the negotiations by the AU for a peaceful resolution. With reference to the security track, the Government of Sudan is now admitting that it is not in a position or it is unable to disarm the Janjaweed and therefore there is a trend to let them off the hook. The Government of Sudan has committed to disarming the Janjaweed in at least six binding documents, and none of these have been observed. The government has not even tried to disarm the Janjaweed. This is an area where there needs to be pressure applied. Simply making Khartoum meet the commitments that it has undertaken under all these international instruments, this is not the case so far. On the contrary, there are indications that the government is absorbing some of these forces of the Janjaweed into its regular forces, for example as policemen, and they are still roaming around outside the camps. The effect is that those who are inside the camps cannot simply leave. It is a space which is a big prison. Therefore, to improve the security situation, pressure has to be applied on the government. The rebels, the clashes between the different groups, they need to be accountable for maintaining discipline, regardless of what faction it is. We do not know the outcome on these negotiations to encourage them to reunite, but in the event that they separate this may lead effectively to a positive outcome with groups that are more cohesive and more disciplined. Or on the other side, the worse case scenario, a more chaotic situation of local commanders acting on their own. So we need to be prepared in the international community. Therefore the rebels have to be held accountable for disciplining the commanders on the ground. Both governmental rebels need to be held accountable for their conduct at the negotiating table. Here, let me say, there is a big question mark whether the delegation representing the Government of Sudan today is representative of the Government of National Unity⁶. The SPLA, the other partner of the Government of National Unity is not represented in that delegation. Why? Because their position, as it has been explained to us, is that they need to agree with the government partner, the National Congress Party, on a position that is common to both, which is that of the Government of National Unity. The

⁵ See DFID response, Ev 31

⁶ Ibid

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National Congress Party is refusing this to the SPLA, the SPLA is saying, “We do not go to the negotiations.” The rebels are negotiating with the same partner, a ruling party that has been responsible for engineering the death and pain of ethnic cleansing. There is total lack of trust because of this and lack of trust in the international community. International pressure needs to be put on the Government of National Unity of Sudan to have a common position between the SPLA and the National Congress Party, which is when that could be said of the Government of National Unity of Sudan. Unless that is done this will be another delaying tactic by the National Congress Party and distinguishing between the ruling and the dominant party and the Government of Sudan, but the government has changed—it is a new beginning today—and nobody appears to be taking that into account. How do we get there? One appreciates that pressure appears to have been taken off the table, that the situation is improving, there is security and stability, and all is well and fine, but the Government of Khartoum has not been confronted on the issue of its representation at the Abuja talks. They need to be pressured; the Government of National Unity needs to be pressured on a joint position, not only with Darfur but even for eastern Sudan, which is coming up as a similar emergency and possible armed insurgency, and to present this at the government.

Q52 Mr Davies: Thank you, Chairman. I think the Committee will be very grateful both to Dr Baldo and for Mr Smith for coming along this afternoon. I am only sorry that we did not hear their evidence before we saw the Secretary of State because the Secretary of State would have had the opportunity to listen himself to their very interesting evidence. If I could summarise the case you are putting to us, very briefly—and you tell me if I am summarising it unfairly? One, we must reverse the *de facto* ethnic cleansing in Darfur, for the sake of the people of Darfur, and I would add—and you did not say this but you would not necessarily disagree with it—also so that we do not allow a signal to be sent to the rest of Africa or to the rest of humanity that people can get away with impunity with this kind of behaviour. Second, you cannot rely on the AU force to do that, you need a force of hundreds of thousands if you are going to protect people in their villages; it is just not practicable. Thirdly, therefore, the only way you can do it is to get rid of the aggressors, to disarm the Janjaweed. Fourthly, the only people who can do that are the Government of Sudan; they promised to do it, they have not done it and therefore they must be pressured into doing it. Is that a fair summary? If that is the case we are talking about sanctions. We know that the Chinese are likely to veto a lot of potential sanctions. What are you suggesting? Are you suggesting that the EU or NATO actually go in there and carry out flights, to actually shoot the Sudanese air force out of the sky if they breach the no-fly zone, as they did in Iraq? What concretely are you suggesting, because I share what I understand is

the logic of your argument, but I think we are still trying to feel what the conclusion of that argument has to be.

Dr Smith: It would have been extremely helpful if last year we had threatened and had the political will to follow through with enforcing a no-fly zone. There are violations of the no-fly zone now, as you saw last month. I think that the key at the moment is to demonstrate that there is a will to reverse that ethnic cleansing, the first stage of which needs to be expansion of the African Union Mission. Originally the Joint Assessment Mission had planned to increase the number of African Union troops to 12,300. There has been difficulty in deploying the last battalion of this second part of the shipment, so we do need to be clear whether the Member States of the African Union can provide more troops.

Q53 Mr Davies: The African Union does not have the capability to enforce a no-fly zone; only sophisticated air forces like the EU and NATO forces could do that.

Dr Smith: Certainly, and the EU or NATO need to be committed to working with the African Union closely on this to provide the logistical support and capacity that they would think likely to undertake their work, even to undertake their work at this second phase, providing a degree of protection to the IDP camps. I think we should be more proactive. Despite us hearing earlier today how the EU have been so supportive of the African Union Mission they were hardly able to run a payroll in September; they had run out of fuel for their helicopters. They had an extra €17 million which is going to last until the end of November. This does not give any command to the confidence that they can increase their mission, their mandate or fulfil what they are doing because we are not proactively supporting; we are constantly waiting for the African Union to come back and say, “We are about to run out of fuel, we are about to run out of money for our payroll,” and we could be working in much greater hardship. If there was either a partnership that the African Union requests or that the UN Security Council establish so that the mission is under the UN—and I know you are shaking your head, Mr Davies, and it is unlikely it is going to happen—in that scenario the resources, the capacity, the logistics will follow. At the moment we have an argument that there should be an African solution to African problems but then we are constraining the African solution, and this is not in any way to undermine what they have accomplished there. The countries have contributed troops and there are some experienced commanders out there and they have done a good job in providing protection, but they need a partnership with the EU or NATO to fulfil the ultimate vision of reversing the ethnic cleansing.

Dr Baldo: In response to this very pertinent question, I believe that we have definitely to change tactics and approaches; the security and political tracks need to be combined and we need to be preoccupied by both at the same time and therefore set a strategy for the international community that

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places those priorities at the same time. The issue of what pressures would be most effective, I have tried to outline them and what intervention needs to be taken. One had in mind the support of the International Community to the IGAD process—the negotiations between the SPLM and the government in Khartoum. There was a very robust coordinated approach by the Troika, US, UK and Norway, to back that process, to provide logistics, expertise and political pressures so that the process moved forward. We do not see any of these behind the Abuja talks. As I said, the pressures have been taken off the table from the government side and each of the key international players have their own special envoy for the peace process in Darfur sitting at Abuja. There is some level of coordination taking place but not anything similar to the Troika's organic integration with the mediators in this case of IGAD⁷. This is the level of coordination and consultation that we need. We need a similar Troika, expanded in the case of the Abuja process, to include the European Union and probably France because of their presence in Chad and their capabilities in terms of electronic intelligence surveillance. They have been discreetly involved because of their strategic interest, both in Chad and in Sudan, and in May 2004 the French deployed forces along the border to stop incursion by the Janjaweed inside Chad; they have surveillance along the border so that they made sure they sent a strong message to the Janjaweed, a red line for them to stop raiding in Chad. They have also backed Chadian efforts to reconcile Abdel Wahed and Minni. Therefore a joint strategy would need to take all these aspects into account, namely: greater coordination among all the international players to back up the logistics, coordination, intelligence capacities of the AU Mission in ways that would enhance the mission's effectiveness and capabilities; apply coordinated and well-concerted pressures on both parties to improve the situation. The Government of National Unity has to get the message that we do not have the time while two million people are in IDP camps. This pressure on the Government of National Unity will force the SPLM also to be more concerned and give a sense of urgency for them to sort out this joint policy for the Government of National Unity at the talks. But without pressures applied on the new government in Khartoum I do not think that situation would improve either on the security on the ground or at the political talks in Abuja.

Q54 John Battle: I share my colleague's welcome for your comments this afternoon and maybe it would have been better if we had heard them before and I think you have given us a focus on the people in the camps. I think all too readily in lots of international situations the international community accepts as a permanent reality IDP camps, whether it is in Palestine, and you mentioned Uganda, or indeed in Indonesia with the Timor conflict, with which I was involved at one time. I think what they

tend to do is to make them safe havens as best they can and then keep food aid going. I wondered if I could ask for clarification because I lost it in the speed of the presentation and because you put a focus on the people in the camps. I thought there were 1.8 million but you gave us a figure of 2.2 million and up to 3.39 million. Were they people dependent on food aid, were you suggesting? And a further part of the equation I did not quite understand. I understand that if people are driven out of their villages and a subsistence farmer's traditional livelihood is on the land and they are in the camps so they cannot grow things, that that is not a usual pattern. But did you suggest at one point—and I only half-heard it really—that there was a prospect, because they could not grow, of famine later on? I wonder if you could say a bit more about that?

Dr Smith: The figures that I was referring to in terms of those that are dependent on the international community for humanitarian assistance were combined figures for those in the IDP camps and those that are outside the IDP camps also dependent on aid. So that figure of 3.39 million as of September 2005 included 1.8 million within the camps and whatever the rest remains being outside the camps. In terms of the danger or threat of famine in the region, this year was the third year that many people in Darfur were unable to plant their crops. If they are unable to return by the middle of 2006 it will be the fourth year and the fourth planting season that they have lost and, yes, without humanitarian assistance there would have been a famine. This is a huge number of people, 3.39 million people entirely dependent on food aid. That is particularly worrying, and given that you will recall that the Committee made it very clear in your report of March how the Government of Sudan had blocked the humanitarian assistance in the middle of the crisis, if that kind of blocking were to resume at that level there are many more people under threat than there were this time last year.

Dr Baldo: I want to support what Dr Smith has just said. We do not want people to be living on handouts. If the farmers are not producing everyone else is affected. The entire population of Darfur is now affected because of this.

Chairman: Thank you for that. It is perhaps a reverse process to hear the Minister first. Obviously this Committee produced its report earlier in the year and visited Darfur and produced a strong report. I think as a matter of policy we are anxious to ensure that you do not just put a report on the shelf. We clearly cannot do another report as such but this evidence session is on the record. Certainly there are points of concern and what I think all of us are concerned about is that it is not acceptable that two or three million people should be in a permanently displaced situation, and if that is the international community settlement then it is unacceptable. Secondly, we are all apprehensive because we keep getting little snippets here and there that something more serious is going to happen, a massacre or a serious famine because you

⁷ See DFID response, Ev 31

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cannot reach a remote area and aid does not get through. That is where the Committee is very anxious to ensure that we keep shining a light on this, and we very much appreciate that first of all you, Dr Baldo, have come here specifically to give us evidence and that you and your organisation, Dr Smith, will keep tabs on it to keep the focus on that. The Committee is pleased to be able to do

what we can to provide support for your continuing efforts because there is a clear difference of view between your evidence and—it would be unfair to say the optimistic or even complacent view—of the Minister, but a slightly more low key presentation when you are presenting these fairly stark realities on the ground. Thank you for coming to give us your evidence.

Written evidence

UK Government Response to questions submitted by the International Development Committee

DARFUR: THE RESPONSIBILITY TO PROTECT

Tracking/follow-up questions put by the Committee to HMG in relation to the report (Darfur, Sudan: The responsibility to protect, 5th Report of Session 2004–05, HC 67-I).

The numbers refer to the paragraph numbers used by HMG in its response to the Committee [CM 6576].

4. *The international community chose to ignore the early warnings of NGOs and senior UN officials. Other factors—poor access, continuing insecurity, a flawed humanitarian system, and an unfavourable political context—played a part too, but by ignoring the warnings, the international community helped to ensure that the initial humanitarian response to Darfur was, as Médecins Sans Frontières put it, “a staggering failure”. (Paragraph 15)*

We agree that the international community was too slow. It is important to learn lessons from Darfur to improve the response there now and to future crises. In August 2004, the UN Emergency Relief Coordinator Jan Egeland, in a joint effort with agencies of the Inter-Agency Standing Committee, commissioned a real-time evaluation to strengthen the humanitarian response in Darfur and future crises of a similar nature. We have looked, and will continue to look carefully at the recommendations made by the evaluation, and their implementation. The crisis and response in Darfur prompted the Secretary of State for International Development’s proposals for reform of the humanitarian system. These were launched in December 2004, and will be a key part of our Presidencies of the G8 and the EU this year.

What mechanisms have been put in place, by the UK and others, to ensure that the lessons of Darfur are learnt and applied in future crises? What recommendations did the Inter-Agency Standing Committee’s evaluation make? When will these recommendations be implemented? Can the IDC be provided with a copy of the Inter-Agency Standing Committee’s Report? What progress has been made with reforming the international humanitarian system?

As demonstrated in Darfur, the humanitarian community can only offer limited protection to civilians. The primary responsibility for the protection of vulnerable populations lies with the government. Where governments are unwilling or unable to exercise their responsibility, the international community should act to prevent or stop the worst atrocities. The 2005 Millennium Review Summit endorsed this concept, and for the first time world leaders agreed that they were prepared to take collective action. This includes using political and diplomatic pressure, sanctions, and, should peaceful means be inadequate, military action through the Security Council. This agreement is not an end in itself, but gives the international community another tool for tackling gross human rights violations.

It was the crisis and response in Darfur, and the need to learn lessons and apply them in future crises that prompted the Secretary of State for International Development to propose reforms of the humanitarian system.

- Darfur demonstrated that UN agencies need access to rapid funding.
- The Millennium Review Summit in September confirmed the transformation of the UN Central Emergency Revolving Fund from a \$50 million loan facility to a more substantial grant facility to which \$160 million has been pledged so far—including \$70 million by the UK. This fund will enable UN humanitarian agencies to respond quickly to breaking crises.
- Pilots to channel pooled donor funding through the UN Humanitarian Coordinator are being developed in Sudan and the Democratic Republic of Congo. Please see the Government’s response to recommendation 27 below for further details.
- It was clear from Darfur that better coordination of humanitarian assistance is required.
- The Humanitarian Response Review will lead to improvement of sector coordination. Please see the Government’s response to recommendation 16 below for further details.
- DFID is also working with the UN Office for Coordination of Humanitarian Affairs (OCHA) and the UN Development Group to improve the quality, recruitment, training and retention of UN Humanitarian Coordinators. Proposals on this will be made to the December meeting of the Inter Agency Standing Committee (IASC).
- Lack of data hindered the humanitarian response in Darfur.
- DFID is supporting work by the World Health Organisation and OCHA to improve tracking of key humanitarian outcomes, particularly mortality and nutrition trends. These will be critical to enable improved needs assessment, coverage and monitoring and evaluation. The work will be presented at a major DFID-funded international meeting in Geneva in December.

The IASC real-time evaluation has produced three reports over the last year. Copies of all three reports are attached for the IDC¹. The reports make a large number of recommendations. In particular, DFID has followed up on the performance and staffing of the UN Department of Safety and Security, the nutrition and health surveillance system, and clarifying roles and responsibilities of different UN agencies for protection of IDPs. Improvements are being made in these areas.

5. The UK Government deserves credit for its speedy and generous response to the crisis in Darfur. The EC/ECHO and the USA deserve praise too. Particularly noteworthy is the EC's early support for the AU's work in Darfur. Other donors, including other European countries, should have done more. Arab countries have donated 2.5% of the total, mainly through in-kind bilateral humanitarian aid. This is disappointing. The donor response to Darfur has, after a slow start, been very good. But huge needs remain across Sudan and elsewhere. (Paragraph 16)

We welcome the IDC's recognition of the role the UK has played in responding to the crisis. We agree that, despite the UK's efforts to increase the international community's response, many other donors could have done more. There are still big gaps—the UN 2005 Workplan is now 40% funded, with US\$617 million of the required US\$1.6 billion pledged or received so far. There were some successes however, and the UK was instrumental in securing EUR92 million from the EU's Peace Facility for the AU. The 11–12 April Oslo Donor's conference for Sudan was highly successful with US\$4.5 billion of new funding pledged by donors over the next 2–3 years. Although we await final result, pledges made at the Oslo Conference could raise UN 2005 Workplan funding to US\$1–1.1 billion.

What is the funding situation now, for Darfur, and for the South of Sudan? Have commitments been delivered? Which countries are failing to deliver what they promised?

The UN 2005 Workplan for Sudan is now 50% funded. After revisions, the total required has risen to US\$1.97 billion (£1.1 billion). US\$988 million (£558 million) has been pledged or received so far, close to the level we expected following the Oslo Conference. Of this total, US\$524 million (£296 million) has gone to Darfur, US\$300 million (£169 million) to Southern Sudan, and the remainder to the rest of Sudan or national programmes. The Workplan does not cover all requirements. For example NGOs and the Red Cross have significant programmes that are funded outside the Workplan.

Pledges made at Oslo were for funding over 2–3 years, and we have not analysed the extent to which other countries have delivered on their promises. The UK is frontloading its disbursement of its pledge of £288.7 million over three years. £70 million has been disbursed so far, and we anticipate this figure will rise to over £110 million by the end of this first financial year.

Very large humanitarian needs will remain in Sudan through 2006. Ensuring sufficient funding levels will be a big challenge, and we will continue to work with other donors to ensure early and appropriate contributions are made.

10. All organisations tasked with the delivery of humanitarian supplies, including the WFP, must be well-supported by the donors at an early stage. If they are to deliver adequate supplies at the right time, then this is essential. In return for donor support, the organisations must deliver. The WFP must do all it can to ensure that adequate food supplies are in place before demand peaks in August this year. (Paragraph 23)

We welcome this recommendation. As of 25 April, the 2005 WFP Emergency Operation for Darfur was 60% funded, facing a shortfall of US\$186 million. WFP have made progress pre-positioning food in advance of the rainy season, and had some 26,000 MT of food pre-positioned in West Darfur by the end of April. However WFP are preparing to provide emergency food assistance for over 3 million people at the peak of the hunger period from July to October—up from 2.1 million target beneficiaries in April. The UK has provided around £11 million to WFP this year for both food aid and logistics as part of its £45 million contribution to humanitarian components of the UN Workplan.

What is the UK's assessment of WFP's performance during the 2005 rainy season? Has WFP been provided with sufficient resources?

WFP has performed well during the rainy season. Despite logistical constraints (including fuel shortages) and insecurity, WFP has established effective supply lines, scaled up its capacity to move and distribute adequate food, and has stockpiled food in predetermined areas. WFP distributed food to 2.5 million beneficiaries in September 2005 compared with 1.3 million in September 2004.

Fieldwork for the second annual interagency Food Security and Nutritional Assessment for Darfur has been completed. Preliminary results indicate a major improvement in the nutrition situation in Darfur. Global Acute Malnutrition was found to be 11.9%, compared with 21.8% in 2004. Severe Acute Malnutrition stands at 1.4%, compared with 3.9% last year. These improvements can be accounted for in part by the improved WFP beneficiary rates.

¹ Copies placed in the Library.

The budget for WFP's 2005 Darfur Emergency Operations Programme is US\$562 million (£317 million). WFP has so far received US\$414 million (£233 million), and has taken an additional US\$15 million (£8 million) internal loan. While this is still some way short of WFP's original budget, it has enabled WFP to operate effectively in Darfur. We are concerned however, that the loans WFP have taken could have knock-on effects for funding next year. We are working with WFP to maintain donor funding for its operations in Sudan next year.

14. *Donors, NGOs and UN agencies should give serious consideration to investing more in training and skills development for humanitarian staff from the developing world, so that the capacity of the humanitarian system can be enhanced. (Paragraph 29)*

We agree with the recommendation. We are open to proposals that DFID can support in this regard, and are ready to work with others to take this forward. We also look forward to the Humanitarian Response Review, commissioned by the UN Emergency Relief Co-ordinator, which will look at improvements in humanitarian response capacity, and which we are co-funding.

Has DFID received any proposals—and supportable proposals—along the lines mentioned? What work has DFID done with others to take this forward? Has the Humanitarian Response Review concluded? What did it recommend? When will its recommendations be implemented? Can the IDC be provided with a copy of the Humanitarian Response Review?

This year DFID has established a Conflict and Humanitarian Fund to support NGOs working in the conflict and humanitarian sectors. Through this fund, DFID is providing £2.5 million core funding over five years to the NGO RedR, whose work includes training humanitarian staff from the developing world. RedR is currently training NGO staff in Sudan, for which we are providing over £500,000 additional funding. We have not received any other proposals to fund training of humanitarian staff, but would consider applications to the fund for such work.

The Humanitarian Response Review (HRR) report was issued in August 2005. The report identifies a number of significant gaps in the international humanitarian response system. It notes that a number of initiatives are underway to address these gaps, and is broadly consistent with the Secretary of State's proposals for humanitarian reform (please see the Government's response to recommendation 4 above for further details).

The Inter-Agency Standing Committee is taking forward the HRR report's recommendations. The most significant recommendation is that individual agencies will take responsibility for delivery in certain key sectors. Please see the Government's response to recommendation 16 below for the division of responsibility amongst agencies. Lead agencies are now developing plans to strengthen human resource capacity in their sectors.

Other key recommendations of the report cover humanitarian response performance benchmarks, assessment of response capacities by sector, strengthening UN Humanitarian Coordinators, and improved timeliness and predictability of humanitarian funding.

A copy of the Humanitarian Response Review report is attached for the IDC².

16. *If the international community is to be able to fulfil its responsibility to protect, it must act now to ensure that it is able to deal effectively with crises involving IDPs. Ad hoc arrangements will not see duties adequately fulfilled. To respond to IDPs' needs with excuses about institutional mandates would be laughable if it did not have such tragic human consequences. (Paragraph 32)*

It is clear that we need to find a better way of assisting and protecting IDPs than we have collectively achieved in Darfur, where the lack of clear responsibility has led to confusion and poor delivery. The key issue must be effective provision of humanitarian assistance to IDPs, not the official mandate of any particular organisation. The international community must be able to provide coordinated humanitarian assistance tailored to people's needs, irrespective of whether they are refugees, IDPs or residents. The international community has agreed that a coordinated, collaborative approach where different agencies and NGOs work together under an OCHA lead (see below) is the most suitable way of dealing with IDP situations. We are working with the UN and others on how to make this approach more effective, and will monitor its effectiveness closely to see where additional work needs to be done. We cannot afford the same sort of incoherent and slow response we have seen in Darfur to happen elsewhere. OCHA's Internal Displacement Division and the UN Humanitarian Coordinator should lead the overall coordination of a collaborative response for IDPs. We are working with OCHA to improve their capacity to provide this coordination role. We are also funding the UN Representative on the Human Rights of IDPs, and the Global IDP Project, which provides information on IDPs across the world. These should contribute to a better understanding of the needs of IDPs, and how these needs should be met.

² Copy placed in the Library.

The UK's humanitarian reform initiative will lead to a more effective collaborative approach through promoting stronger leadership and coordination, and providing more ready access to funding. We will continue to monitor how the collaborative approach evolves, and to keep the need for more radical change under close review.

What progress has been made with improving the way in which the international humanitarian system addresses the needs of IDPs?

Following the Humanitarian Response Review, UN agencies have agreed—subject to approval by their governing bodies—to take lead responsibility for particular clusters of work. While lead agencies will not necessarily implement the work themselves, they will be responsible and accountable to the UN humanitarian system for ensuring that the work is done. The list of lead agencies is as follows:

<i>Cluster</i>	<i>Lead Agency</i>
Health	WHO
Protection	UNHCR
Water and Sanitation	UNICEF
Camp Co-ordination and Management	UNHCR
Emergency Shelter	UNHCR
Early Recovery (Return, Reintegration or Resettlement)	UNDP
Nutrition	UNICEF
Emergency Telecommunications	OCHA
Logistics	WFP

This division of lead responsibilities amongst UN agencies is positive and significant step towards better-coordinated and more accountable support to IDPs.

17. *The UK Government should—on behalf of the UK taxpayers who help to fund the agencies—find out why UNHCR and UNICEF were unwilling to take on the responsibility for the management of IDP camps in Darfur. (Paragraph 33)*

We agree with the Committee's recommendation and are following up with UNHCR and UNICEF. The proposals we have put forward for reform of the humanitarian system would help to address this.

What response did HMG get from UNHCR and UNICEF?

When UNHCR increased its presence in Darfur in August 2004, many agencies were already managing IDP camps. UNHCR therefore opted to focus its work on filling protection gaps affecting IDPs inside and outside of camps. It said that while camp management is a necessary temporary measure, protection and assistance are even more important, particularly for IDPs who are outside camps, residents hosting IDPs, and the few refugees returning from Chad. UNHCR's approach is to try to reduce the levels of displacement, to look for a durable solution, and to help avoid the long-term dependency on camps. However, since July 2005, UNHCR has increased its operations in IDP camps in West Darfur, and has taken on joint responsibility of camp coordination with OCHA.

UNICEF is the technical lead in four sectors: child protection, nutrition, education and water and sanitation. Effectiveness of camp management depends in a large part on how well these sectors are coordinated. However, UNICEF's performance, particularly in water and sanitation, has been poor. It does not have the technical competency, capacity or experience for camp management, and we would not want UNICEF to take on the additional burden. We are working closely with UNICEF to improve its performance in the sectors where it does lead.

20. *Security and progress on the political front are the pre-requisites for voluntary return. Agreements on Voluntary Return will not in themselves bring it about. Nevertheless, the international community must ensure that the Sudanese government sticks to the agreements it has reached and stops its practice of forcing IDPs to return home or to move to other camps. Rather than waiting for security to improve, the UN should be putting plans in place now, for the informed and voluntary return of IDPs to their homes over the next year. (Paragraph 38)*

In North and South Darfur, returns protocols that bind the GoS are set out in the Management and Coordination Mechanism, drafted by the International Organisation on Migration. In West Darfur a Letter of Understanding between UNHCR and the GoS sets out responsibilities. These have improved communication between the various organisations involved in the movement of IDPs. The GoS continues to act in violation of both agreements, though there are no recent examples of forced movement of large numbers of IDPs. This issue was raised at the most recent Joint Implementation Mechanism meeting in

Khartoum, and a joint GoS and UN mission will visit South Darfur to address it. We agree that the UN should have an integrated plan for returns. They are working on this, and should also have a new head of Returns and Reintegration in place by the end of this month. We expect the new personnel will lead to a more vigorous and transparent approach to planning for returns.

Does the UN now have an integrated plan for returns, and a new head of Returns and Reintegration?

Robert Turner is now in place as the UN Director of Return, Reintegration and Recovery for the whole of Sudan.

The UN has only recently developed a framework for the movement phase of spontaneous returns to Southern Sudan, following pressure from donors and the governments in Khartoum and the south. However, the UN lacks a coherent reintegration plan for resettlement and immediate recovery. During the coming dry season it will be particularly important that the UN prioritises and targets areas where the pressures of returns could result in a worsened humanitarian situation and possible re-displacement. We are pressing them to do so. There are indications (though no confirmed figures) that re-displacement has already occurred.

In Darfur, planning for returns is underway in West Darfur. The UN has mobile teams and satellite offices scattered across the State, and is monitoring return movements. It is starting to provide small-scale community based reintegration and rehabilitation projects in areas of return. Such a process is also getting started in North and South Darfur.

24. There is a strong case for initiating an inter-governmental review of the humanitarian response, along the lines of that which took place after Rwanda, led perhaps by an African country. The UK Government should consider supporting such a review. (Paragraph 43)

There have been two key reviews of the humanitarian response so far: the Inter-Agency Standing Committee real-time evaluation, which was commissioned in August 2004 by Jan Egeland to strengthen the humanitarian response in Darfur and future crises of a similar nature, and is still ongoing; and the Joint UNICEF-DFID evaluation of UNICEF preparedness and early response to the Darfur emergency. We are still following up on the findings of these reviews, and will consider in due course whether any additional reviews, such as an inter-governmental review as suggested by the Committee, would be appropriate.

Has HMG considered whether an inter-governmental review would be appropriate? What was the decision and why?

We agree with the Committee that this would be appropriate, and we would support a proposal to conduct an inter-governmental review of the humanitarian response in Darfur.

27. We endorse strongly the suggestions made by the Secretary of State for International Development for reforming the international humanitarian system, particularly as regards funding and giving UN-OCHA a stronger role in coordination. More broadly, we share his concern that there are no clear means of holding humanitarian donors and agencies to account. In the absence of accountability, the provision of humanitarian relief will be slow to improve. (Paragraph 46)

We welcome the Committee's comments, and are piloting this approach in Sudan this year. In order to empower the UN Humanitarian Coordinator (UNHC) in Khartoum, DFID has provided an un-earmarked £45 million contribution for humanitarian components of the UN Workplan. The UNHC has allocated this money to activities in the Workplan and it is being disbursed to operational agencies and NGOs. For the 2006 Workplan we are looking to establish a funding mechanism through which all donors can contribute, and where the UNHC would both allocate and disburse to UN agencies and, if they are included in the Workplan, NGOs. DFID is also considering whether a similar approach could be taken in the Democratic Republic of Congo and possibly also Ethiopia.

How has the piloting in Sudan of the new funding approach gone?

DFID's £45 million un-earmarked contribution for humanitarian components of the UN Workplan was allocated and disbursed to operational agencies and NGOs in the first half of 2006. The Humanitarian Coordinator allocated around £23 million of the contribution to projects in Southern Sudan; £17 million went to Darfur and the remainder to other parts of Sudan and national programmes. This distribution of funds reflects the relative lack of donor interest in Southern Sudan compared to Darfur, even though in Southern Sudan humanitarian indicators are in places commensurate with or worse than Darfur. The Humanitarian Coordinator's ability to address this and channel funds to where they are most needed represents a big advantage of this approach.

DFID is now working with the Humanitarian Coordinator in Khartoum to put a common funding mechanism in place for the 2006 Workplan. This would allow the Humanitarian Coordinator to both allocate and disburse funds to operational agencies and NGOs in the Workplan. We expect the fund will be in place by December, and that several other donors will join the UK and use it to channel their contributions to the 2006 Workplan. A similar mechanism is being established in the Democratic Republic of Congo.

We will undertake rigorous monitoring and evaluation of both the Sudan and Democratic Republic of Congo pilots over the course of 2006.

36. *We believe that the UK Government has had honourable intentions throughout; but mistakes were made. Strategies for dealing with governments to move dual peace processes forward will be needed again. Lessons must be learnt. In its response to our report, we invite the Government—not solely DFID—to outline the lessons, which have been learnt about sequencing and prioritisation as a result of the experience of Darfur. (Paragraph 58)*

There are always lessons to be learned following any crisis. We have not yet done a formal lessons learned exercise in terms of two peace processes in one country or Sudan in particular, but agree that this is something we should consider. Reviews of the humanitarian response are being carried out. Please see the response to recommendation 24 for further details.

Has HMG considered and conducted a lessons-learned exercise relating to dual peace processes in one country and the implications of such situations for the practice of international diplomacy?

We agree that a lessons-learned exercise would be valuable, and will explore how best to do it. We will keep the Committee informed of how we take this forward.

42. *Decisions about mandate are for the AU's Peace and Security Council to make, in consultation with the wider international community. However, if security does not improve in Darfur within weeks, and if large-scale killing continues, then the mandate of the AU must be revised to enable it to use force to protect civilians, and to disarm militias. As a first next-step, the AU should do more pro-actively to police the no-fly zone, agreed to by the parties as part of the 9 November Security Protocol. The AU must also be provided with the logistical and technical support to enable it to fulfil its mandate. (Paragraph 67)*

Response to recommendations 41 and 42.

We agree that it is for the AU Peace and Security Council (PSC) to decide the mandate of its mission. The current mandate requires the mission to carry out “proactive monitoring” and to “contribute to a secure environment for the delivery of humanitarian relief.” It is also mandated to “protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability”. A recent AU-led assessment mission, including UN, UK, EU and US military representatives, unanimously agreed that the mandate was sufficiently broad, but that greater numbers were needed to implement it effectively. The AU PSC subsequently decided to expand the number of military personnel to 7,731 by the end of September. The AU is currently in discussions with the international community over support for its expansion. This is likely to include both further logistical and technical support, and the UK will play its part. In February 2005 the Sudanese Foreign Minister told the Secretary of State for International Development that the Government would withdraw all its Antonov aircraft from Darfur. This has been done and, although helicopter gunships remain in Darfur, the UN Secretary General reports that there have been no hostile military flights since this commitment was made.

Has the deployment of the additional AU troops and civilian police been completed? What delays have there been and why? Have there been any GoS hostile military flights since April? When there have been hostile military flights, what sanctions have been imposed, or pressure brought to bear, on the GoS?

The deployment of the expanded AU mission has continued. There are now approximately 6,440 military and civilian personnel in Darfur—still short of the 7,731 total. It is likely that South Africa will now be unable to provide a military battalion, and it has proven difficult to generate appropriately qualified civilian police. There was a three-week delay in deployment in September for infrastructure improvements to be made, and due to Sudan-wide fuel shortages.

When the Secretary of State for International Development met rebel commanders in El Fasher in June this year, they confirmed that the GoS had stopped military flights. We are concerned however about recent reports of hostile GoS helicopter flights. The AU is investigating though has not yet substantiated the allegations.

We continue to put pressure on the Government of Sudan and the rebels. During its visit to Sudan earlier this month, the EU Troika—including Minister for Africa Lord Triesman—pressed the parties to make immediate improvements to the security situation in Darfur, and to rein in their fighters and act with restraint.

46. *Helping the AU Mission, and bringing pressure to bear on the Government of the Sudan, to improve policing, is a matter of considerable urgency; the UK and the EU must do more to provide support, more quickly. As discussions continue, and action follows, attention must also be given to ensuring that there are sufficient numbers of women police officers and civilian specialists so that reports of violence against women and girls can be dealt with appropriately. (Paragraph 71)*

Improving the rule of law in Darfur through better policing is important in finding a sustainable solution to the continued insecurity. We welcome the recent decision by the AU PSC to expand the number of its police in Darfur, and the emphasis it placed on the importance of policing, including recruiting more women police officers, for the longer-term security of Darfur. The UK is supporting the AU policing mission through the provision of vehicles as well as providing advice on AU policing matters to the Darfur Integrated Task Force (the Addis Ababa-based AU management team) Police Commissioner and the Darfur Commissioner. We have also provided funding to UNDP for their human rights training programme for GoS police. Within the EU, we have also been pressing for support to AU policing and for the EU to look at possible direct support to improve GoS policing. The EU is currently considering how it may best do this.

What conclusions did the EU reach about possible direct support to improve GoS policing, and what action followed?

The EU has agreed to provide civilian police support to the AU. It is seconding police advisors and trainers to work with the AMIS II Police Chain of Command and to train AMIS's own police trainers. The initial deployment of police experts started on 15 August. The UK is filling seven positions, including Police Head of Mission, and we are looking to see what further contributions the UK could provide.

49. *The UK and the EU have been particularly generous with financial support for the AU, but as Hilary Benn acknowledged—and the Commission for Africa reiterated in its recommendation that donors provide 50% of the AU's peacekeeping requirements—there is a need to find a mechanism that will allow funding to support AU peace support operations on a more consistent and long-term basis. (Paragraph 74)*

We agree with the Committee's recommendation. We fully support the AU and recognise the need for both predictable and flexible funding for the AU's peace support operations. The UK is working with the EU and other partners to identify funding mechanisms that will meet this need. In addition EU programmes have already begun to build financial management capacity at the AU. We anticipate this will encourage more donors to provide direct funding to the AU.

Have the UK, the EU and other partners identified funding mechanisms for the AU which will provide for predictability and flexibility for peace support operations?

The EU currently funds peace and support operations through the African Peace Facility, which provides a flexible and rapid response to AU requests for financial assistance. It is a major supporter of the AU mission with €92 million (£62 million) provided so far, and a further €70 million (£47 million) soon to be made available. The Facility is drawing to a close and we are working in our capacity as Presidency of the EU to ensure that a long-term flexible and sufficient funding mechanism is secured for the future.

53. *What concerns us most about the international community's delegation of responsibility to the AU is: first, that there seems little sense of urgency; and second, that the support which the international community provides to the AU Mission, does not seem to be based on a strategy in which the risks attendant to different options are assessed. Complex challenges are best tackled on the basis of a clear strategy; muddling through, or waiting and seeing, rarely works. Starting from the basis that protecting the people of Darfur, and holding the parties to account for ceasefire violations is the goal, we must have clear answers to the following questions:*

- *How is the effectiveness of the AU Mission being assessed, on what basis, and by whom?*
- *What level of insecurity would signal that the AU Mission—working in a context largely beyond its control—was not being effective?*
- *How many months does the AU Mission have to demonstrate its effectiveness?*
- *If the AU Mission proves unable to fulfil its mandate effectively—monitoring and reporting on the ceasefire, and providing civilian protection—what are the next steps to ensure its success, who will ensure that they are taken, and when? (Paragraph 77)*

Support to the AU must be determined by its needs. The UN, EU and NATO are all looking at what assistance they may be able to provide to the AU as it increases its presence further. The UN Secretary General recently reported that the UN should focus on logistics and technical support to improve management structures. This supports the recent findings of the AU-led assessment mission, which included UN, UK, US and EU representatives, to look at current performance of the mission, possible future expansion and how partners can best support the AU. The AU PSC recently endorsed the report and authorised an expansion in numbers to 6,171 military personnel, with an appropriate level of civilian support personnel, including 1,560 civilian police, by the end of September 2005. We fully support the findings and recommendations of this mission and have made clear that we will support the AU in achieving this. Further assessment missions are planned for the future to look at AU performance and donor support. The March assessment mission recommended a further review in September to consider the effectiveness of the AU mission against the situation then facing it, with a possible further expansion to around 12,000 should this be necessary.

How is the effectiveness of the AU Mission being assessed, on what basis, and by whom?

It is the responsibility of the AU to assess its mission including its fulfilment of its mandate, through its Peace and Security Council and Commission, including by examination of reports from the AU Chairman and Joint Assessment Missions. In addition, the UN Secretary General's monthly report on the situation in Darfur indicates any progress that has been made.

What level of insecurity would signal that the AU Mission—working in a context largely beyond its control—was not being effective?

The Committee is correct to note that the level of security in Darfur is not solely a function of AU mission performance: only a political solution in Darfur will result in lasting, improved security. This is why the UK remains closely engaged in the AU-mediated talks in Abuja. Meanwhile, the AU mission has made and continues to make a significant difference to security on the ground.

How many months does the AU Mission have to demonstrate its effectiveness?

The AU mission is doing a good job under demanding conditions. In our assessment it has already demonstrated its effectiveness. Until the most recent upsurge in violence in September, there had been three months of relative stability in Darfur—the AU mission contributed significantly to this.

If the AU Mission proves unable to fulfil its mandate effectively—monitoring and reporting on the ceasefire, and providing civilian protection—what are the next steps to ensure its success, who will ensure that they are taken, and when?

The AU mission does not bear primary responsibility for protection of civilians—this continues to rest with the Government of Sudan. The international community will continue to work with the AU to help it fulfil its mandate and achieve success, and would determine an appropriate response together with the AU, if any further steps were needed.

Have “further assessment missions” taken place? If so, what have they concluded? Is an expansion to 12,000 (or more) needed?

The UK and international partners have urged the AU to carry out a further assessment mission. We expect one will take place in the next few months, and should consider the future of the AU mission, including whether any further troop expansion might be needed. Such an assessment mission is for the AU to decide and announce.

58. It is a scandal that interests in oil and arms exports can prevent the Security Council from acting firmly on behalf of the international community to protect the people of Darfur. It shames those countries which, fuelling the crisis in Sudan, are happy to turn a blind-eye to crimes no less serious and heinous than genocide. And it demonstrates the impotence of the international community to act to prevent such crimes and to fulfil its responsibility to protect. (Paragraph 89)

We are firmly committed to the United Nations and to the role of the Security Council. It is essential that the international community works through the UN and the Security Council to confront threats to international peace and security. Working for consensus in the Security Council is the best way to achieve progress, particularly when negotiating on a set of issues as complex as this. However, it is the case that some UN Security Council members were unwilling to countenance Security Council action during the early stages of the crisis. The Security Council made good progress on Darfur, notably through the adoption on 29 March 2005 of Resolution 1593, which referred the situation in Sudan to the International Criminal Court. This should act as a deterrent for future atrocities. Resolution 1591 extends the Darfur arms embargo

to cover the Government of Sudan. This followed the continued violations of the N'djamena Ceasefire Agreement and the Abuja Protocols by governmental forces and Darfur rebels. Additionally, the resolution allows for the imposition of targeted sanctions on individuals who impede the peace process, constitute a threat to stability in the Darfur region, commit violations of international humanitarian law or human rights law or other atrocities, violate the arms embargo or are responsible for offensive military overflights in and over the Darfur region. The Security Council also agreed on the creation of a UN Sanctions Committee and a Panel of Experts to monitor implementation and enforcement of the measures and make recommendations on individuals against whom sanctions should be targeted. It took the Security Council too long to reach these conclusions; we had been pressing for stronger Resolutions for many months. We believe it is important that permanent Security Council members use the veto with restraint and in a manner consistent with the principles of the Charter, as we have done ourselves. UN member states are presently discussing a range of reforms to the UN system, in part to overcome the divisions over Iraq. Heads of States and Governments will commit themselves to these reforms at the Millennium Review Summit in September. One of the issues presently on the agenda is the responsibility to protect, which the UK strongly supports. We believe that the international community has a responsibility to act when governments are unable or unwilling to protect their citizens against genocide or crimes against humanity.

What progress is the International Criminal Court making with its investigations? How cooperative is the GoS being with the ICC?

Under the terms of UN Security Council Resolution 1593, the Chief Prosecutor of the International Criminal Court must report to the Security Council every six months. He presented his first report before the Security Council on 29 June and said that following a preliminary examination, he had determined there were sufficient grounds to open a formal investigation into the situation in Darfur.

The Court will carry out its investigations into Darfur independently, as with all other investigations. The timing of the indictments, like the names and numbers of those to be investigated or prosecuted, is solely within the Chief Prosecutor's discretion. The Chief Prosecutor is due to update the Security Council on the status of the investigation in December. He can use that opportunity to report any concerns in relation to co-operation between the Court and the Government of Sudan and other involved states and organisations.

Has the referral acted as a deterrent for subsequent atrocities?

In his August report, the UN Secretary General noted a decline in the level of violence. The ICC referral may have contributed to this in part. However, the situation has since deteriorated, and the level of violence in Darfur has increased.

Have targeted sanctions been imposed on anyone? If so, who, for what crimes/violations? Has the UN Sanctions Committee and Panel of Experts been established? What recommendations has it made?

The Sanctions Committee, composed of representatives of all UN Security Council members has met several times. It appointed a Panel of Experts on 30 June to assist the Committee's work. As yet, no individuals have been designated by the Committee. The UK comprehensively briefed the Panel of Experts when they travelled to the region.

The Panel of Experts submitted its interim report to the Security Council on 7 October. The interim report encouraged full information sharing with the African Union; noted that the Committee may wish to consider future modifications to the arms embargo; recommended that the Government of Sudan update its information in the UN Arms Registry on arms imports into Sudan; and recommended that the Sanction Committee consider designating individuals based on information from sources other than just the Panel of Experts. The Panel also made preliminary findings about ongoing breaches of the arms embargo.

The Panel of Experts will submit its final written report in early December 2005. We hope that this will include recommendations regarding sanctions against individuals. It will be important for the UN Security Council to take these recommendations forward promptly.

64. *Some simple guidelines for dealing with regimes like the Sudanese government are: do not trust what they say; demand hard evidence to back up what they say they have done; establish clear benchmarks and timetables against which their actions can be judged; and, specify what consequences will flow, and when, if the government fails to meet its commitments. Dealing with the rebels has its own problems too, with a lack of clarity as regards their organisation and their demands at the top of the list. Efforts must be made to engage with the rebels, not least to identify their demands. (Paragraph 95)*

Bilaterally, and through the UN and EU, we continue to insist that both the Government of Sudan and the rebels abide by the commitments they have already made and engage in finding a political solution to the conflict. We were closely involved in the recent three UN Security Council Resolutions, which clearly set out the obligations placed on the Government of Sudan and the SLM/JEM, and the measures, including targeted sanctions, which will be taken should they fail to comply. We fully support the AU-mediated peace

process for Darfur, and are pressing the parties to engage in the process at a suitably high level. The international community is also providing support, in the form of workshops, to the rebels to help them formulate a coherent and cohesive political position, ahead of the next round of talks. The Government of Sudan is aware of this support and recognises its benefit.

What support has the international community provided to the rebels to help them to formulate a coherent and cohesive political position? Why has this objective not been achieved?

The NGO Saint Egidio has run capacity building workshops with the rebel movements, and the UK has provided experts to the AU to run workshops to help all sides ahead of the sixth round of talks. These workshops helped the parties formulate their negotiation positions and approach the talks with greater clarity.

The greatest obstacles towards coherent and cohesive position have been the divisions within the SLM, and between the SLM and the JEM. We welcome the cooperation agreement between the SLM and the JEM of 13 September and the coordination demonstrated between them at the sixth round of talks. We have continued to press the rebels to ensure they co-ordinate their positions, and are supporting the meeting of the three main rebel leaders in an effort to resolve their differences ahead of the seventh round of talks. We will also provide experts for further AU workshops ahead of the resumption of negotiations, planned for 21 November.

69. *We do not accept that there is a trade-off, or choice to be made, between justice and peace. If the aim is a sustainable peace, then justice and accountability are required. Political negotiations with those responsible for crimes against humanity are hardly a sound basis for a sustainable peace. (Paragraph 104)*

We agree that accountability is essential to achieving long-term stability. This is one of the reasons we have promoted justice and the rule of law on the international agenda since September 2003. It is also the reason why the UK sponsored the Security Council resolution, which referred Darfur to the International Criminal Court (ICC). Should the ICC indict individuals for crimes against humanity or any other crimes within the Court's jurisdiction, those individuals must be brought before the Court.

Have any individuals been brought before the ICC? What discussions has HMG had with the USA regarding Salah Abdallah Gosh?

The ICC is conducting an independent investigation into events in Darfur. We do not know whom it is investigating. As far as we are aware, it has issued no indictments, though we might not be informed if it had issued sealed indictments. Sallah Abdallah Gosh is the head of the Sudanese National Intelligence and Security Services. We have had occasional discussion with the US about him in this capacity.

73. *Sudan's international partners, including the UK, must insist that all oil related transactions—payments by outside companies, as well as flows of finance within Sudan—are published in line with the highest international standards of transparency. Specifically, they should comply at least with the guidelines promoted by the Extractive Industries Transparency Initiative and consult openly with civil society. A full, independent audit of the state oil company should also be carried out, and the results published. (Paragraph 112)*

We agree that transparency on oil related transactions will be essential for the success of the CPA. The agreement recognises this by proposing to establish relevant institutions. Establishment of these institutions is ongoing and we will look to play a positive role where we can.

The UK, along with a number of other countries, called for Sudan to adopt Extractive Industries Transparency Initiative (EITI) in a recent discussion in the IMF. We will continue to do so bilaterally and in appropriate fora. The issue has also been raised with the Government of Sudan in the context of a World Bank Public Expenditure Review, in which the UK will participate. Representatives from the Government of Sudan and SPLM were invited to the EITI conference in London in March 2005, but did not attend. We hope that this issue will get more attention in coming months from both the Government of Sudan and SPLM.

Has Sudan signed up to the Extractive Industries Transparency Initiative? Has the issue of transparency re oil revenues received more attention from the GoS and the SPLM?

Sudan has not yet signed up to the Extractive Industries Transparency Initiative (EITI). The initiative remains on the workplan for the World Bank's Public Expenditure Review (PER) but substantive discussions have not yet begun, partly due to delays forming a Government of National Unity, and partly due to delays in the PER process. We will remain engaged with this work.

Interest has been expressed by the SPLM in EITI. In the last few weeks, some specific interest has been shown by GoS and we are following this up in Khartoum. Progress on EITI should link with actions taken by the commission to deal with petroleum issues, which is to be established under the CPA. This commission, like several others under the CPA, has yet to be established.

74. The UK Government should make its financial support to the Government of the Sudan conditional on a substantial and rapid decline in military spending, and encourage other donors to do likewise. (Paragraph 112)

It is important to commence development activities in Sudan quickly, so people can see the benefits of peace. In some cases, these will be best done with or through the Government of National Unity when it is established. The Multi-Donor Trust Fund for Northern Sudan will allow donors to scrutinise, in a joined-up way, the overall spending patterns of the Government and decide together on appropriate courses of action if the Government does not allocate acceptable levels of funding for poverty reduction. It is worth noting that the Government of Sudan has allocated \$3.1 billion of a total requirement of \$4.3 billion towards the reconstruction and development needs identified for the North in the Joint Assessment Mission report for the next two and a half years.

We are also supporting the World Bank to undertake a full Public Expenditure Review (PER) including an analysis of military and other spending. It is expected that the PER will provide analysis for improved allocation of public finances and accountability and transparency mechanisms.

What conditions has HMG attached to UK aid, including debt relief, to Sudan? Can you confirm that the Debt Support Group, mentioned in HMG response to para 117 of the IDC report has not been established? Has the World Bank concluded its Public Expenditure Review? What were its findings, and how are the findings being acted upon?

Following the CPA, DFID is supporting initial work on the delivery of basic services, and reform of the justice and security sectors, including disarmament, demobilisation and reintegration of combatants. We have also talked to the Government of Sudan about future prospects for debt relief. We have, however, made clear that it will not be possible for us to engage in this area without a substantial improvement in the situation in Darfur. The Debt Support Group has not been established.

The World Bank Public Expenditure Review has started more slowly than we had anticipated. The Review comprises a series of sector-specific modules and will take several years to complete. The results from the first module on finances at the state level are not yet available.

75. The humanitarian response must be integrated with plans for longer-term development. Working with the new Government of the Sudan, donors including the UK should consider how Reconstruction and Development Funds, such as those provided for in the CPA, might be used to support the rebuilding of livelihoods in Darfur. And, whilst the focus of livelihood rehabilitation will be on agriculture and related activities, the looming threat of HIV/AIDS must not be forgotten. (Paragraph 114)

The UK's humanitarian and development work is fully integrated in the Sudan Unit, and will be integrated in a DFID office in Khartoum once established. One example is that we are working towards a pooled fund for contributions to the UN Workplan (mainly for humanitarian work), which will be complementary to the Multi-Donor Trust Fund (MDTF—for reconstruction and development). The MDTF will allocate expenditure according to a needs assessment carried out by the SPLM, the Government of Sudan and international parties across both North and South Sudan; the Joint Assessment Mission (JAM). Darfur was excluded from the JAM due to the security situation there; but planning is underway for a JAM in Darfur, to be undertaken as soon as the security situation allows. In the meantime, the current JAM budget sets aside a specific allocation for longer-term reconstruction in Darfur, although without going into specifics at this stage.

Has a Joint Assessment Mission in Darfur taken place? If not, when is it thought that one might be possible?

A Joint Assessment Mission to Darfur has not taken place. The UN and World Bank would need to be assured that security was sufficiently improved before any mission happened. It is difficult to predict when this might be, though it is unlikely to happen in the near future.

Supplementary memorandum submitted by the Department for International Development

RESPONSE TO ISSUES RAISED BY DR BALDO AND DR SMITH

Q51 and the comments on the lack of enforcement of a no-fly zone

The Government of Sudan signed the Abuja Security Protocol on 9 November 2004, which commits it to refrain from all hostile military flights over Darfur. Under UN Security Council Resolution 1591, the AU was requested to monitor compliance by Government of Sudan with this commitment. The AU is currently looking at ways of improving its investigations.

In June this year commanders of the Sudan Liberation Army and the Justice and Equality Movement told the Secretary of State that the Government of Sudan was, up till then, honouring its commitments and had ceased air attacks. However, the UN Panel of Experts on Sanctions reported in October the presence of Sudanese Government attack helicopters in Darfur. Because the Government had previously reported that these helicopters had been removed from Darfur, the Panel of Experts believes that their re-introduction constitutes a violation of Resolution 1591.

We await the final report of the Panel in early December, but we continue to make clear to both the Government of Sudan and the rebels that they must abide fully by the commitments they have made, and the UN Security Council Resolutions on Sudan. We are calling for renewed Security Council commitment to Darfur and for the Panel of Experts to name individuals who are responsible for violations under Resolution 1591.

Dr Baldo's comments in Q51 on whether the delegation representing the GoS at Abuja is representative of the Government of National Unity

The next round of talks is due to resume in Abuja on 21 November. The SPLM have assured us that they will participate in these as part of the Government of National Unity delegation. We welcome this, and are pressing them to engage in good faith and to help reach an early settlement. The SPLM stated that they would work with the National Congress Party to formulate a joint strategy for Darfur, which would enable them to attend as a joint Government of National Unity delegation. We understand that they have now met to discuss this on a number of occasions and both parties have said that the SPLM will be part of the Government of National Unity delegation at the next round of talks.

Q53 and the comparisons with the IGAD process

We continue to work very closely with key international partners and are in regular contact at a variety of levels to coordinate our approach and maximise pressure on the parties. The UK plays a prominent role in the International Partners group in support of AU mediation at the Abuja talks, which includes the US, EU, UN, Norway, Canada, France, the Netherlands and others.

We agree that French engagement in Darfur is important, particularly with regard to the wider relationship between Chad and Darfur. France plays a significant role both bilaterally and through the EU and UN Security Council. We maintain close contact with France both at the talks in Abuja, bilaterally between capitals, and in Brussels and New York.

The UK hosted a meeting for senior policy makers, including the US, Norway, EU and France on 1 November to discuss the long-term strategy for Darfur and Sudan as a whole. We discussed ways in which we could help support the AU mission, the Abuja process and implementation of the CPA. On 12 November the UN also hosted a meeting in Khartoum to continue this discussion. We will continue to work closely with international partners to maximise the pressure on the parties to improve the situation in Darfur and reach a political agreement in Abuja.

November 2005

Memorandum submitted by Aegis Trust

AFFECTED POPULATION AND MORTALITY IN DARFUR 2005

(A)—UNFPA and Government of Sudan (GoS) estimates of 1999 pre-conflict Darfur population amounted to approximately 6.4 million people, as quoted in WHO/GoS Mortality Survey September 2005.

(B)—Figures from United Nations Office of the Coordinator for Humanitarian Affairs, Humanitarian Profile Darfur.

(C)—Crude Mortality Rate (CMR) of 0.8 deaths per 10,000 per day November 2004 to May 2005 taken from the joint WHO/Sudan Federal Ministry of Health Report: "Mortality survey among Internally Displaced Persons and other affected populations in Greater Darfur, Sudan", September 2005.

(D)—Baseline Crude Mortality (CMR) Rates for Darfur of 0.3 deaths per 10,000 per day, taken from Centre for Research on Epidemiology of Disasters (CRED) May 2005 report “Darfur: Counting the Deaths, Mortality Estimates from Multiple Survey Data”.

(E)—Excess Deaths figure is reached by Subtracting the Baseline Mortality Estimate from the Monthly Mortality estimate.

Table 1

**AFFECTED POPULATION CHANGES IN DARFUR
1 NOVEMBER 2004 TO 1 SEPTEMBER 2005**

	(A) <i>Total Population Darfur</i>	(B) <i>Affected</i>	% of the <i>Darfur Population Affected</i>	(B) <i>Darfur IDPs</i>	% IDPs <i>in Darfur Population</i>	(B) <i>Darfur Residents Affected</i>	% Residents <i>Affected in Darfur Population</i>
1 November 2004	6,700,000	2,279,266	34%	1,651,992	25%	627,274	28%
1 December 2004	6,700,000	2,189,985	33%	1,659,776	25%	530,209	24%
1 January 2005	6,700,000	2,404,470	36%	1,843,091	28%	561,379	23%
1 February 2005	6,700,000	2,296,594	34%	1,798,725	27%	497,869	22%
1 March 2005	6,700,000	2,450,116	37%	1,861,147	28%	588,969	24%
1 April 2005	6,700,000	2,622,488	39%	1,965,858	29%	656,630	25%
1 May 2005	6,700,000	2,738,559	41%	1,881,715	28%	856,844	31%
1 June 2005	6,700,000	2,960,569	44%	1,859,650	28%	1,100,920	37%
1 July 2005	6,700,000	3,202,083	48%	1,872,869	28%	1,329,214	42%
1 August 2005	6,700,000	3,381,646	50%	1,805,331	27%	1,576,315	47%
1 September 2005	6,700,000	3,397,225	51%	1,784,800	27%	1,612,425	47%
Difference in affected population 1 April 2005 to 1 September 2005	0	774,737	12%	-181,058	-3%	955,795	22%
Percentage Increase in affected numbers from 1 April 2005 to 1 September 2005		30%		-9%		146%	

Table 2

**MORTALITY RATES OF TOTAL AFFECTED POPULATION
1 NOVEMBER TO SEPTEMBER 2005**

	(A) <i>Total Population Darfur</i>	(B) <i>Affected</i>	(C) <i>Monthly Mortality Estimate of Affected Population</i>	(D) <i>Monthly Baseline Mortality Estimate of Affected Population</i>	(E) <i>Monthly Estimation of "Excess" deaths due to the crisis</i>	<i>Average "Excess" Daily Death Rate</i>
1 November 2004	6,700,000	2,279,266	5,470.24	2,051.34	3,418.90	113.96
1 December 2004	6,700,000	2,189,985	5,431.16	2,036.69	3,394.48	109.50
1 January 2005	6,700,000	2,404,470	5,963.09	2,236.16	3,726.93	120.22
1 February 2005	6,700,000	2,296,594	5,144.37	1,929.14	3,215.23	114.83
1 March 2005	6,700,000	2,450,116	6,076.29	2,278.61	3,797.68	126.59
1 April 2005	6,700,000	2,622,488	6,293.97	2,360.24	3,933.73	131.12
1 May 2005	6,700,000	2,738,559	6,791.63	2,546.86	4,244.77	136.93
1 June 2005	6,700,000	2,960,569	7,105.37	2,664.51	4,440.85	148.03
1 July 2005	6,700,000	3,202,083	7,941.17	2,977.94	4,963.23	160.10
1 August 2005	6,700,000	3,381,646	8,386.48	3,144.93	5,241.55	169.08
1 September 2005	6,700,000	3,397,225	8,153.34	3,057.50	5,095.84	169.86
Deaths Estimates in affected population 1 April 2004 to 1 September 2005			44,671.95	16,751.98	27,919.97	

Notes: The figures in Table 2, highlighted in the box, are an assumption on the WHO/Sudanese Federal Ministry of Health 0.8 CMR remaining unchanged as no mortality survey has been conducted for this period.

Memorandum submitted by the Darfur Centre for Human Rights and Development

In March 2005 the House of Commons International Development Select Committee produced a devastating report on Darfur that took the government to task for deliberately downplaying the scale of the crisis. The report, which called for the active involvement of the U.K government in the implementation of the Comprehensive Peace Agreement (CPA), also made clear that the situation in Darfur was untenable. It argued that the UK government must make substantive efforts to exert pressure on the Khartoum regime

if there was to be a lasting resolution of the crisis in Darfur. It also said that governments—in this case the British government—must be accountable for both their actions—and *perhaps more importantly here*—their inaction.

It has been more than 6 months since the publication of this report, yet little has happened to protect those suffering in Darfur. Inaction has spawned indifference as people on the ground continue to die, are raped, abused, mutilated and lose everything they own. This happens while the world stands by; while the UK government sticks to a policy that is failing to protect the people of Darfur.

Genocides and crimes against humanity don't just happen; they are made. And the greatest ally of perpetrators of such crimes is international inaction. In recent months, we have witnessed terrible devastating natural disasters worldwide, for which little can be done except to pick up the pieces. And we must. But Darfur is different. It is a crisis perpetrated against human beings by human beings. It is something that we can stop. UN member states recently agreed that they have a responsibility to protect victims of genocide and crimes against humanity when their own governments fail to protect them, or are themselves the perpetrators of these crimes. Britain will chair the UNSC in December and should use the principles of "Responsibility to Protect" to take further action in relation to civilian protection in Darfur and urge other UNSC members to do the same.

After Rwanda, the world said that genocide must never happen again. But we are watching a crisis of similar proportions unfold before our eyes. Over recent months the situation in Darfur has not improved, it has deteriorated markedly. Our informants on the ground fear a Srebrenica style massacre if they are not afforded greater protection. We can, and must take action now.

The following, in particular, should be noted by the International Development Committee:

- The AU mission in Darfur remains under-resourced and inadequate to meet the enormous task set it. With close to 6,000 monitors on the ground, it needs more logistical help, firmer support from the international community, particularly the EU. It needs enough political will behind it to hold its own against the government of Sudan. With an upsurge of banditry on the ground in the west of Darfur, the ongoing incorporation of the Janjaweed into the security services and the disarray of the insurgency movements, now is the time to show a serious commitment to resolve this problem.
- In light of continuing attacks on women IDPs in particular, the international community must put pressure on both Khartoum and the AU to allow the deployment of armed policewomen, seconded from African police forces, to specifically protect women in Darfur. In funding such a programme of secondment, the international community would be both building the capacity of police forces in the region, and facilitating and encouraging "African solutions to African problems".
- Pressure must be brought to bear on the Khartoum regime to restore a permanent media presence in Darfur. In the absence of any free press there can be no dialogue or accountability. Free media is also essential in documenting daily events that may provide the basis of investigations by the International Criminal Court, which has opened investigations in Darfur, but with whom the GOS refuses to cooperate. The regime knows this and has actively worked to ban or silence independent media. The UK government must exert pressure to open Darfur up to both local and international media.
- Government of Sudan military aircraft continue regular offensive flights over Darfur breaking Security Council Resolution 1591 with apparent impunity. Ambassador Baba Gana Kingibe, Special Representative of the Chairperson of the AU Commission on Darfur reported that:

"On 28 September 2005, some reportedly 400 Janjaweed Arab militia on camels and horseback went on the rampage in Arusharo, Acho and Gozmena villages in West Darfur. Our reports also indicate that the day previous, and indeed on the actual day of the attack, Government of Sudan helicopter gunships were observed overhead. This apparent coordinated land and air assault gives credence to the repeated claim by the rebel movements of collusion between the Government of Sudan forces and the Janjaweed/Arab militia. This incident, which was confirmed not only by our investigators but also by workers of humanitarian agencies and NGOs in the area, took a heavy toll resulting in 32 people killed, four injured and seven missing, and about 80 houses/shelters looted and set ablaze."

As has been documented by the UN's Juan Mendez recently, the security situation has deteriorated dramatically in Darfur since the summer, with the Khartoum-backed Janjaweed, and Sudanese military and security services personnel implicated in ongoing attacks against IDPs. Recent reports from Reuters confirm the pattern of attacks on civilians on the ground:

"Daily they come in and beat our people. But no one does anything,' said Darfuri Yehya Ahmed. 'They come on horses and camels. They rape our women and try to scare us away to force us to go home,' the elderly camp resident told Reuters. 'They (the AU troops) just come and write reports which don't go anywhere,' he said. 'They have been here now for more than a year and still we live in terror—we cannot go home.'"

(Reuters dateline: Riyadh Camp, West Darfur, 6 October 2005)

- In spite of these facts; in spite of the fact that the Sudanese military has taken to painting their vehicles white in order to disguise them as NGO or UN vehicles, nothing has been done to counteract their evident duplicity. The UN prohibition of offensive flights has not been enforced, nor have provisions for the imposition of travel bans and asset freezes on those who impede the peace process or who constitute a threat to stability or commit violations of international humanitarian or human rights law as described in Resolution 1591. The UK must exert pressure to render these resolutions meaningful without further delay.
- IDPs and humanitarian workers in Darfur fear that if the international community's attention strays elsewhere, there is a real risk of a Srebrenica-style attack on IDPs. With the withdrawal of UN staff in the West of Darfur—especially around el-Geneina—there is a security vacuum. The local population, already abandoned to the militias, now amount to nothing more than “sitting ducks”. This begs an inevitable question: Why it is acceptable to remove international staff due to security problems and yet leave the local population to fend for themselves?
- The response of the UN Security Council remains timid. Self-interest continues to determine how the world reacts to ongoing mass murder and ethnic cleansing. Although the SC approved selective sanctions, there is no evidence that any of the punitive measures agreed have been imposed or enforced.
- The UK government remains reluctant to put pressure on the government of Sudan over their continued support for the Janjaweed in Darfur for fear of jeopardising the Comprehensive Peace Agreement between Khartoum and Southern Sudan. However, the success of the CPA will rest on the willingness of the international community to hold the relevant parties to their commitments. So far there is a failure to insist that Khartoum fulfils its promises, thus risking the chances for long-term peace in the region. Unless a much stronger line is taken with Khartoum there is a risk the CPA will break down, compounding growing unrest in other parts of Sudan.

In conversations with the Darfur delegation to the Abuja talks, members of the Sudanese government freely admit to feeling no pressure to act on Darfur from either the international community or from their discussions with British officials or ministers in particular. The current British policy has therefore been a failure.

November 2005

Memorandum submitted by the Government of Sudan

GOVERNMENT OF SUDAN MEASURES UNDERTAKEN REGARDING THE DARFUR SITUATION

Any evaluation of the situation in Darfur over the past 12 months should be measured against the commitments made by the United Nations and Government of Sudan in the joint communiqué signed on 3 July 2004. These commitments included humanitarian, human rights, security and political issues.

THE SEARCH FOR PEACE IN DARFUR

The Government of Sudan has actively pursued a peaceful solution to the Darfur crisis from the very start of the violence. The signing of the Comprehensive Peace Agreement in January 2005, ending the long-running civil war between the Government of Sudan and the Sudan Peoples Liberation Army (SPLA), also provided considerable political space within which all sides to the Darfur crisis can move towards a peaceful solution to the conflict. The new Government of National Unity in Sudan, bringing together Sudan's former north-south combatants, has restated its commitment to peace talks. Southern Sudan's new leadership in the shape of Sudanese First Vice President (and President of an autonomous Government of Southern Sudan) SPLA leader Salva Kiir Mayardit committed itself to work for peace in Darfur. In September 2005, Sudan's new foreign minister, SPLA southern politician Dr Lam Akol, outlined a new plan to end the Darfur conflict. While the Government of National Unity has been welcomed internationally, it is a matter of regret that the Darfur rebels have chosen to attack Sudan's new government. In early October, Vice-President Kiir urged the international community to press the Darfur rebels to seek a peaceful solution to the conflict.

The Government has fully supported the African Union-sponsored peace process and has attended several rounds of peace talks in Abuja, Nigeria. While Government negotiators have arrived with every intention to seriously negotiate an end to the conflict, and welcome the signing of the Declaration of Principles in July 2005, it is a matter of record that the two rebel movements, the Sudan Liberation Army and the Justice and Equality Movement, have generally either prevaricated or been non-cooperative. The Government feels that the power and wealth sharing formula which brought the civil war in southern Sudan to an end—and which are entrenched in the January 2005 Comprehensive Peace Agreement—could provide the basis for a fair and just solution to the conflict. The Government repeats its calls upon the international community to bring pressure to bear upon the rebel movements to enter into negotiations in good faith and end the tragedy in Darfur.

The Government has cooperated and continues to cooperate with the United Nations and African Union with regard to the ceasefire and security protocols signed over the past two years. Sudan has welcomed and actively assisted the African Union's ceasefire and peace-keeping forces. The Government has provided details of government military positions and locations essential for African Union separation of forces. We note that despite repeated calls by the international community, the rebel movements refuse to do so. The Government has also withdrawn certain military aircraft from Darfur, and refrained from using others, at the request of the African Union. Government forces have also withdrawn from contested areas at AU request. The Government is deeply shocked at the recent rebel murder of AU peacekeepers—killings which are themselves the culmination of a pattern of rebel attacks on and obstruction of AU peacekeepers.

In tandem with the peace-making efforts of the African Union, the Government is also actively encouraging inter-tribal reconciliation at local and state levels. The Government believes that inter-tribal reconciliation will provide the essential cement surrounding the peace architecture provided by the African Union and international community.

HUMANITARIAN ISSUES

In September 2005, the United Nations stated that the overall humanitarian situation in Darfur has continued to improve. The Government has sought to facilitate humanitarian access to Darfur. As of October 2005, the number of humanitarian workers in Darfur was around 13,500 and that they were working for 81 NGOs and 13 UN agencies. (This compares with a few dozen aid workers in 2003.) By July 2005, the United Nations stated that it was able to access approximately 88% of the target affected population in Darfur, as compared to only 10% a year previously. The Government has assisted in whatever way possible to assist with this outreach. The authorities have established regular meetings with humanitarian organisations in Darfur. These have included weekly coordination meetings between aid workers and relevant Government officials. The Government continues to fast track visas for humanitarian workers. The Government has also continued to clear humanitarian goods through customs as fast as possible.

A UN mortality survey was undertaken in June 2005. The result of the survey indicated that the crude mortality rate was 0.8 deaths per 10,000 people per day in all three states of Darfur. This figure is below the critical threshold of one death per 10,000 people per day. In mid-2004 a similar survey showed crude mortality rates three times higher. As of July 2005, there were 184 fixed health centres, and 36 mobile clinics, operating in Darfur. Some 75% of accessible hospitals have been rehabilitated, servicing some 70% of the conflict-affected population.

The Government remains deeply disturbed at what can only be described as systematic attacks on aid workers and humanitarian traffic in Darfur. It is clear that much of this banditry has been, and continues to be, rebel-related.

HUMAN RIGHTS

The Government has implemented the January 2005 recommendations of the National Commission of Inquiry into the situation in Darfur. Several commissions and committees were established as a result of these recommendations. A National Judicial Committee was established to investigate human rights violations in the Darfur states. The three Darfur states have established similar bodies. On 7 June 2005, the Special Criminal Court on the Events in Darfur was established. It has held sessions in North and South Darfur. Despite a lack of infrastructure, transport and other facilities necessary to conduct investigations, legal investigators have started their work. It is a simple fact that the rebel movements deliberately murdered over five hundred policemen in Darfur, and wounded hundreds more. The rebels also destroyed over eighty police stations and dozens of courts. The judicial system in Darfur has yet to recover from these losses in personnel and infrastructure. In August 2005, the Special Criminal Court handed down its first convictions for murder and other joint acts. The Court has also convicted civilians and military personnel of armed robbery. The Court is continuing investigations of military and security personnel.

The government committee investigating human rights violations in North Darfur has identified 70 persons and armed parties of involvement in crimes within the state. The charges they will face range from murder, rape, looting and arson. The Supreme Court judge heading the Committee has stated that warrants of arrest have been issued for those indicted.

The Government has welcomed and facilitated the deployment of human rights officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR). As of July 2005, there were 65 UN human rights staff presents in Darfur. The United Nations has noted good cooperation between the Government and the human rights officers. The Government has also cooperated with the United Nations Development Programme and OHCHR in extensive human rights training courses for police forces and the judiciary in Darfur.

In May 2005 the Government agreed to clarify the procedures for the gathering of medical evidence regarding gender-based sexual violence. The Government has agreed to simplify or waive its normal investigative procedures, including the standard form known as form 8. The Government has also agreed that persons other than the victim can complete the form. The Government has also established a National

Committee on Rape. In August 2005, the Government outlined a plan of action to eliminate gender-based violence. The plan included awareness-raising activities on the issue, special training for police, and the establishment of police liaison officers. The Government of National Unity is also pursuing long-term training of police in human rights issues, the provision of legal aid to assist rape victims and the establishment of a joint committee of the Government and UN agencies to review and revise criminal procedure laws to bring them more into line with international approaches. Many of these measures reflect key United Nations and OHCHR recommendations outlined in a July 2005 report.

SECURITY

The Government has sought to provide security for all its civilian population in the Darfur states. The Government has deployed thousands of national policemen throughout Darfur. The United Nations has noted an improvement both in and outside of the many IDP camps in the three states. The Government has sought to keep strategic aid corridors open throughout Darfur—and has had to provide escorts for many humanitarian convoys. Several policemen and soldiers have been killed in the course of rebel or bandit attacks on these convoys.

One of the biggest obstacles facing those charged with security in Darfur have been blanket demands that the Government of Sudan immediately stop all “Janjaweed” activity and disarm “Janjaweed” gunmen. The simple fact is that no-one has arrived at a working definition of the term “Janjaweed”. It has been used as a blanket term to describe any armed nomadic tribesman in Darfur today, and particularly anyone involved in attacks on “African” communities in the region. The UN Special Envoy to Sudan, Mr Jan Pronk, has also noted that “the IDPs call everyone Janjawid”. It is a matter of record that the United Nations International Commission of Inquiry on Darfur adopted a typically questionable definition of “Janjaweed”. It noted that there were two “precisions” in a definition of “Janjaweed”, that attackers were Arab and armed with modern weapons. The Commission further noted that outside of these “precisions” it is “probably impossible to define the “Janjaweed”. It is clear that the Commission, by its own admission, followed a muddled and subjective rather than an objective definition of what constituted “Janjaweed”. Unfocused international pressure notwithstanding, the Government has engaged in several disarmament programmes in Darfur and urged all armed groups in Darfur to refrain from acts of violence and to ignore any provocation to which they may be subject. There are also clear logistical constraints on the Government’s ability to pursue and disarm organised groups of armed criminals in Darfur. The ceasefire strictly curtails the activity of the Sudanese military, including the airforce, and it is clear that the police force is inadequately equipped or armed to do that sort of job—and is over-stretched in protecting civilians and securing IDP camps across the Darfur states.

CONCLUSION

The Government of Sudan remains committed to a peaceful solution to the Darfur crisis. While it is a crisis that can ultimately only be resolved by the Sudanese themselves, the Government welcomes the assistance of the international community in trying to end the conflict. At the same time it must be noted that unrealistic international demands, based upon inaccurate or distorted images of events in Darfur—or on the demands of partisan pressure groups—will only serve to prolong the crisis. One example of this has been the unseemly arguments that have surrounded crude mortality estimates in Darfur.

In March 2005, Professor Guha-Sapir, Director of the WHO-affiliated Centre for Research on the Epidemiology of Disasters, at the Catholic University of Louvain, noted that the Complex Emergencies Database (CEDAT), which monitors conflict mortality from surveys, reviewed more than 30 survey results from UN agencies and non-governmental organizations: “These show that death and malnutrition rates in most parts of Darfur improved over the latter half of 2004 despite insecurity and political stalemate. Death rates for the displaced have halved since June 2004. All this is thanks to an efficient and effective donor response supporting an increasingly professional community of private and voluntary organizations and to the U.N. World Food Programme, the U.N. World Health Organisation and the UN Children’s Fund, Unicef.” In May 2005, the Centre for Research on the Epidemiology of Disasters estimated that between 63–146,000 people had died since March 2003 and January 2005 in the conflict-affected areas of Darfur and eastern Chad. Their deaths could be attributed to violence, disease and malnutrition because of the conflict during this period.

The report examined previous mortality surveys and found that some had been misused. Referring to interviews which formed the basis for claims by the Coalition for International Justice (CIJ), and anti-Sudan activist Eric Reeves, the Centre noted that: “These interviews . . . were not designed in any way to function as a mortality survey not was there an overall systematic sampling methodology used that could make it representative of the roughly 200,000 refugees that fled to eastern Chad, much less of the entire 2.4 million people affected of Darfur . . . The inappropriate misuse of these interviews . . . as a proxy for the aggregate Darfur population for the entire conflict (despite the availability of other more reliable data) has been a major basis of overestimation of deaths (common in most estimates).”

In May 2005, Professor Guha-Sapir commented upon the “unseemly fight” that “has broken out” regarding estimates of how many people had died in Darfur. She noted in a letter to *The Financial Times*, that: “The advocacy powers of Professor Reeves and CIJ are clearly stronger than their statistical ones. Deaths of 300,000–400,000 are now quoted by the UK House of Commons, the UN Office for the Co-ordination of Humanitarian Affairs and a series of respectable newspapers—including yours—making those who plod systematically through evidence and come up with less sensational figures look like uncharitable scrooges . . . Using badly constructed numbers for sensational attention does not help the cause . . . unsubstantiated figures and exaggerations are easily discredited and do the beleaguered Darfur population a great disservice.” The need for caution with regard to sources on Sudan, and particularly Darfur, is clear.

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