



**DFID Response to the Report of the  
International Development Committee of  
30 March 2005**

Darfur, Sudan: The responsibility to protect





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Presented to Parliament by  
The Secretary of State for International Development  
by Command of Her Majesty  
7 June 2005

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# **DFID RESPONSE TO REPORT OF THE INTERNATIONAL DEVELOPMENT COMMITTEE**

## **Darfur, Sudan: The responsibility to protect**

### **Conclusions and Recommendations**

#### **Introduction**

##### **Darfur mortality estimates**

**1. The only violent deaths which the WHO's estimate includes are those which took place in the camps for Internally Displaced Persons (IDPs). Of those attacked in their villages, only those who made it to the camps before dying would be included in the WHO's estimate. With the exception of these cases, the WHO's estimate does not include deaths due to the violence from which people have fled. In addition, the WHO estimate covers only the period from March to mid-October 2004, and only takes account of deaths in accessible areas within the borders of Darfur. Cited without clear explanation of its limitations, the WHO's estimate is extremely misleading. (Paragraph 4).**

Estimates of deaths in Darfur vary from 70,000 to 300,000 and above. Accurate figures are not available. We recognise the limitations of both the WHO's survey and other studies and agree that more accurate data is needed. The UK is funding a second WHO crude mortality survey and we expect the preliminary results in mid-June. This will only give a snapshot of the situation; we have to accept that we are unlikely ever to get a full picture of deaths from this conflict.

**2. Political pressure must be exerted on the Government of the Sudan to enable the WHO or a different competent organisation to conduct further assessments of mortality resulting from the crisis in Darfur. And, in a situation where statistics are deflated, inflated and used by all sides as political weapons, the WHO must ensure that its statistics are not open to misinterpretation and abuse. The WHO's press release of 14 October 2004, conflating two types of violence, demonstrated at best extreme naivety if not gross incompetence. (Paragraph 5).**

WHO plan to conduct the new survey in May and preliminary results are expected by mid-June. The study will be a six-month retrospective survey looking at three categories of population: Internally Displaced Persons (IDPs) present in the camps; IDPs living in settlements, rather than organised camps; and affected resident communities. This will allow data to be included from those outside camps as well as those within. The survey will be coordinated by OCHA (Office for the Coordination of Humanitarian Affairs) and is designed to be comparable with the previous exercise. We agree that it is very important the statistics are presented in such a way that they are not open to misinterpretation, and will be working with WHO to ensure this.

**3. Sovereignty entails responsibilities as well as rights. States have the primary responsibility for their citizens, but in circumstances where states commit crimes against humanity and war crimes against their own citizens, the international community has an obligation and a duty to those citizens – a “responsibility to**

**protect.” Sovereignty does not give states the right to commit gross human rights violations and war crimes against their citizens. (Paragraph 10)**

We agree that states have the primary responsibility for their citizens and in situations where governments are unable or unwilling to protect their citizens from genocide and crimes against humanity, the international community has a responsibility to act. This is a UK priority, and we strongly support the proposal of UN Secretary General Kofi Annan that UN member states acknowledge this responsibility at the September Millennium Review Summit. Our recognition of this responsibility is why we have been – and continue to be – working within the UN for coordinated pressure on the Government of Sudan; but at the same time giving practical support to the African Union in their work on the ground.

#### **Meeting humanitarian needs?**

##### **Early warnings, donor response and the role of the media**

**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.

**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 percent 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 €92 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.

**6. Governments and politicians must not wait to act until images of death and destruction are on the TV screens. By then it is too late. (Paragraph 18)**

We agree with and welcome the Committee's comments.

**7. Governments play an active part in shaping the news agenda. The UK Government could and should have done more to try to ensure that Darfur received greater news coverage in 2003 and early 2004. We invite the Government to outline, in its response to our report, its strategy for more effective media engagement around complex emergencies such as Darfur. (Paragraph 19)**

It is for news organisations to determine the priorities for news coverage, though the media played an important role in bringing the crisis in Darfur to public attention. This was reflected in the strong response to the Disasters Emergency Committee (DEC) appeal – around £20 million went to Darfur from the DEC.

At the onset of such emergencies, and at crisis points, there are a range of options we consider to bring the situation to the attention of the public and media, and to tell them what we are doing. These include statements to Parliament - both oral and written; press statements; and press briefings. In addition we often offer journalists places on Ministerial visits to such regions, which allows for more in-depth access and briefings than would otherwise be the case

In the case of Darfur, both the Foreign Secretary and the Secretary of State for International Development took journalists with them when they visited Darfur in September and June 2004. Ministers have also released press statements criticising actions of the Government of Sudan and rebel groups in Darfur. It is clear that these statements – and the negative publicity associated with them – have made an impact on both the rebels and Government.

**Humanitarian access: Government obstructions, logistics, insecurity**

**8. We condemn the Government of the Sudan for its deliberate policy of limiting humanitarian access to Darfur. We applaud the UK Government and the British Embassy in Khartoum for their persistent efforts to get restrictions lifted. The humanitarian response would have been more effective if diplomatic pressure had led to an earlier lifting of the Sudanese government's bureaucratic restrictions, but Hilary Benn and Jack Straw, the Foreign Secretary, deserve much credit for ensuring that such restrictions were eventually eased. Effective humanitarian response to crises such as Darfur depends upon unhindered humanitarian access. (Paragraph 21)**

We welcome the Committee's comments.

**9. Continuing diplomatic pressure is needed to ensure that humanitarian agencies and staff, including those involved in human rights and protection work, are not harassed. In a context where the Sudanese government is failing to protect its own people, it will not and must not escape criticism from agencies concerned with protection and human rights. Specifically, the Sudanese government should be put under pressure to ensure that the International Committee of the Red Cross – perhaps the archetypal humanitarian organisation – has the access which it needs to detainees. The UK Government, through the Embassy in Khartoum, must continue to press the Sudanese government on these issues. (Paragraph 22)**

Harassment of humanitarian agencies and staff remains an obstacle to their operations and to delivery of humanitarian assistance. We continue to press the Government of Sudan on this both bilaterally and through the UN-led Joint Implementation Mechanism (JIM). The latest (May 7) JIM meeting focussed on the harassment of humanitarian agencies in South Darfur – in particular the treatment of the Norwegian Refugee Council in South Darfur, and South Darfur's rejection of the Management and Coordination Mechanism, which assesses the voluntary nature of return. The GoS and UN agreed to conduct a joint visit to South Darfur to address these issues. We will keep up the pressure on this issue.

**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.

**11. The killing of humanitarian workers in situations of armed conflict is a war crime. The perpetrators of such crimes must be brought to justice, and the protection provided to humanitarian workers under international law must be clarified, and, if necessary, strengthened. (Paragraph 24)**

We agree with this recommendation. The safety and security of humanitarian workers is paramount, and the Government will work in the relevant international organisations to promote it. Respect for the impartiality and independence of humanitarian workers is vital, as well as ensuring humanitarian space to enable such organisations to continue their work. We continue to make this point strongly to both the Government of Sudan and the SLA/M and JEM in our meetings with them. More broadly, DFID is working closely with the UK military to improve their understanding of the roles and responsibilities of humanitarian workers and ensure these sensitivities are recognised.

**12. Resolving the security problem requires political pressure on the parties to stick to the ceasefire, and more robust protection for humanitarian agencies. But in the meantime, with more resources, UNDSS could check roads more frequently, allowing it to maintain its standards without having to declare roads “no-go” for long periods of time. The UK Government, in its support for the humanitarian response, must ensure that UNDSS receives adequate funding. (Paragraph 25)**

We welcome this recommendation and have been working with UNDSS in Khartoum to help ensure they are able to provide adequate coverage, particularly by working with security officers from other agencies such as WFP. We will continue to monitor this. UNDSS Sudan will become part of the UN Mission in Sudan (the peace support operation), and will receive funding through the UN Department of Peace Keeping Operations rather than sought through the Workplan. UNDSS in Khartoum is confident that the new structure will bolster capacity.

**13. To ensure that the humanitarian effort is not derailed by insecurity, the AU, the UK and other external powers must apply firmer political pressure, bilaterally and through the UN, to ensure that the parties honour their ceasefire commitments. But no matter what happens politically, or in terms of sticking to the ceasefire, humanitarian relief must be provided according to need; relief must not be made conditional. (Paragraph 26)**

We fully agree with this recommendation, and continue to press all parties to honour their commitments.

#### **The humanitarian system: Capacity, coordination and leadership**

**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.

**15. Humanitarian donors must do more to support their implementing partners in the times between crises. In the absence of core-funding, it is no surprise that NGOs find it difficult to train and retain staff and to respond quickly to need. We would appreciate further information about DFID’s policy on this. (Paragraph 29)**

We agree with the Committee’s recommendations. We also acknowledge the difficulties humanitarian agencies face in recruiting and deploying high calibre field personnel at short notice. To address these shortfalls in the humanitarian system, DFID currently supports a number of initiatives and training workshops led by RedR

(a humanitarian NGO), which seek to boost the humanitarian system by providing effective surge capacity , and targeting key groups, especially national staff in on-the-job training.

In helping to reform the humanitarian system, DFID will build on this support through its continued engagement with UN humanitarian agencies and its commitment to the principles of Good Humanitarian Donorship. DFID will also continue to support Civil Society, both in targeted programmes of improvement, and also wider partnership agreements, such as with Oxfam and Save the Children.

**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.

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.

**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.

**18. All IDPs are affected by violence, but the needs of women and girls affected and threatened by rape and gender-based violence stand out. Many attacks take place when women – putting themselves at risk of attack, rather than their husbands and sons, who might be killed – are collecting firewood outside the camps. Fuel-efficient stoves can help, and arrangements should be made to ensure that trustworthy police patrols are stepped up to protect women collecting firewood. More attention and resources also need to be devoted to the rights and needs of those who have been attacked, and to ensuring that those responsible are brought to justice. (Paragraph 34)**

Incidences of harassment and violence by the Sudanese police continue to be reported. However, in Zellingi where African Union (AU) police have been able to coordinate firewood collections, attacks have reduced dramatically, and a 24/7 presence by AU police is currently being negotiated in Kalma camp. There are currently around 400 AU civilian police in Darfur. The number is due to increase to 1,560 following the expanded mission announced at the AU Peace and Security Council in April. This would allow AU police to provide similar protection in other areas. However the AU are finding great difficulty in meeting the required numbers of civilian police. The UN has proposed that this is one area in which they might be able to help the AU. We are also looking at the possibility of EU training support to the AU police in Darfur.

The UN-led Protection Working Group continues its efforts to coordinate activities related to humanitarian protection, human rights monitoring and advocacy and justice provision for the victims of abuses in Darfur. This model is unique in such a context and whilst its efforts do not lack energy, they continue to lack clarity of strategy and purpose. We are working with the Group to improve its effectiveness.

Advocacy continues at local and national levels though the GoS continues with an extremely dismissive and defensive stance in the face of a growing body of evidence. At the request of UN OCHA, DFID has put forward candidates for consideration for senior protection posts in each Darfur state.

**19. If returns and relocations are to be truly voluntary, then there must be extensive consultation with the IDPs. And with the women, not just with the male tribal leaders. (Paragraph 37)**

We agree with this recommendation.

**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.

**21. Mukesh Kapila's enforced departure from Sudan was, it seems, the inevitable result of his decision to speak out and insist that a so-called "humanitarian crisis" had political causes and required political pressure for its resolution. Dr. Kapila told us that as the ethnic cleansing was not averted, he believes that he personally failed in Darfur. But it was the international community that failed, despite the best efforts of Dr. Kapila, and others such as Jan Egeland. (Paragraph 39)**

**22. Mukesh Kapila was right to speak out about Darfur, of that we have no doubt. The UN system failed to ensure a smooth transition at a critical time, because of a lack of planning, because – once sensible suggestions for his replacement were made – of a lack of political pressure by Member States through the Security Council, and because of the intransigence of the Government of the Sudan. (Paragraph 40)**

Response to recommendations 21 and 22

We agree that the UN system failed to ensure a smooth and rapid succession in the Humanitarian Coordinator position, and that the leadership vacuum damaged the UN's response at a critical moment. We made our concerns about this clear to the UN at the time.

### **Towards effective humanitarian relief**

**23. If, as seems certain, the IDPs are unable to return home this spring in time to plant crops, continuing food aid will still be needed this year to feed 3 or perhaps 4 million people, nomadic Arabs as well as African sedentary farmers. There is an extremely serious risk of famine. Having arrived late in the day, the humanitarian community must not now turn its back on Darfur. (Paragraph 41)**

We welcome this recommendation. WFP plan to increase the number of target beneficiaries in Darfur to 3-3.5 million during the hungry season from July to October. With little cultivation taking place in Darfur we anticipate a very small harvest this year, and that food aid will be required throughout much or all of 2006. It is vital that the humanitarian community stays focussed on Darfur while the needs remain. We will remain engaged, and will work to ensure others do to.

**24. There is 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.

**25. There may be value in having a system of graded warnings which, depending on the level of warning, require mandatory action by governments. (Paragraph 44)**

We take note of the Committee's suggestion. Establishing a system on which all governments would agree trigger points would be time-consuming. In the shorter term, in order to facilitate rapid response we are continuing to work with other donors on the idea of a global UN humanitarian fund, which the Emergency Relief Co-ordinator could access quickly while a coordinated response is worked up.

**26. The international community needs to establish ways of working which deliver humanitarian aid when it is needed, but which do not institutionalise artificial and unhelpful divisions between humanitarian relief, reconstruction and development. (Paragraph 45)**

We welcome the Committee's support for the humanitarian reform initiative. We agree with their sentiment about artificial divisions. Under the Good Humanitarian Donorship Initiative, donors are committed to provide humanitarian assistance in ways that help maintain sustainable livelihoods, and support recovery and long-term development.

We are also exploring with other donors in the Development Assistance Committee of the OECD how best to help reduce poverty in difficult environments. The UN Executive Committee on Humanitarian Affairs report on transition also offers useful food for thought on these issues. The establishment of the Government's Post Conflict Reconstruction Unit should also contribute to a more effective international response in transitional situations.

**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.

**28. The suffering of Darfur's millions is not the result of a natural disaster. It is not solely a "humanitarian crisis". It is a political, human rights and humanitarian crisis, and – as the UN Security Council has confirmed – a crisis which threatens international peace and security. Every opportunity should be taken to make this clear. Unless the causes as well as the symptoms of the crisis in Darfur are dealt with, and the humanitarian response is able to proceed in a secure context – with political progress being made – no amount of money will resolve the crisis. (Paragraph 47)**

We agree with this recommendation.

**29. Humanitarian aid is not a substitute for political pressure, and, if necessary, military action, to enhance security. The humanitarian community must not be made a scapegoat for the international community's failure to respond adequately to Darfur on the political level. (Paragraph 48)**

We agree with this recommendation.

**Providing protection and security by exerting political pressure?**  
**Sequencing and the prioritisation of the North-South peace process**

**30. The evidence shows that the international community — including the UK chose to treat the CPA and Darfur sequentially, with the priority given to securing the North-South peace through the CPA, in the hope that it would in turn provide a template for peace in Darfur. Governments, including our own, felt that highlighting events in Darfur, and pressurising the Sudanese government in relation to Darfur, might throw the CPA peace process off-track. (Paragraph 52)**

This is not the case. We have consistently said that we need to work in parallel both in support of the CPA, and to resolve the crisis in Darfur. With the benefit of hindsight, we should have done more earlier, but we reject the suggestion that the UK set a lower priority on responding to the Darfur crisis in favour of working on the Comprehensive North-South Peace Agreement. The UK has placed considerable pressure on the Government of Sudan to find a peaceful settlement in Darfur and abide by the agreements it has signed throughout the crisis. We have exerted considerable pressure on the Government of Sudan at the highest levels since the crisis began, irrespective of the progress of CPA negotiations. The Prime Minister, Foreign Secretary, Secretary of State for International Development, and the Minister

for Africa all visited Sudan and delivered very tough messages to the Government on the need to improve the situation in Darfur, while the CPA was still under negotiation. The UK Special Representative also undertook considerable lobbying of the Government on Darfur during the CPA negotiations.

Neither the CPA nor the situation in Darfur can be tackled in isolation. The CPA offers more than a template for peace in Darfur, it is fundamental to ending the conflict there, and the CPA cannot be fully implemented without a peaceful resolution to the conflict in Darfur. The CPA provides a clear and detailed framework to bring an end to decades of political and economic marginalisation in Darfur, as well as the rest of Sudan. We engaged fully and supported the negotiations in Naivasha for the CPA in tandem with the negotiations in Ndjemma and subsequently Abuja for a peace process for Darfur. We continue to support both processes. We have also made clear to the Government of Sudan that our post CPA support in certain areas, such as debt relief, cannot go ahead until there is a significant improvement in Darfur.

**31. Governments, including our own, failed to speak out about Darfur at an early stage; failed to get the UN Security Council to adopt a Resolution about Darfur until July 2004; failed to put concerted pressure on the Sudanese government to allow humanitarian access; and failed to make the government take seriously its responsibilities for protecting the people of Darfur and for complying with its ceasefire commitments and legal obligations. (Paragraph 54)**

The UK has engaged closely in Darfur from the first stages of the crisis. The then Secretary of State for International Development, Clare Short, first raised Darfur and the issue of access for humanitarian agencies with the Sudanese Vice President in April 2003. We made our first financial commitment in October 2003 and we had committed £7.5m before April 2004. The Secretary of State for International Development Hilary Benn visited Sudan in December 2003 during which he raised our grave concerns about the situation in Darfur and pressed the Government to improve the situation. We also provided the first contribution to the African Union of £2 million in May 2004 to jump-start their initial deployment. The UK has put consistent pressure on other donors to deliver greater commitments. Darfur has been a key issue for the UK and Ministers – including the Prime Minister – all visited Sudan, as set out in the response to paragraph 30 above, in order to deliver tough messages to the Government on the need to improve the situation in Darfur, negotiate a peaceful settlement, abide by their commitments and bring those responsible for abuses to justice.

We agree that the UN Security Council could have passed a resolution earlier. We have always been at the forefront of the international response and lobbying the international community to do more. But some of our partners in the Council were unwilling to countenance Security Council action during the early stages of the crisis. We played an important role in bringing about a Security Council statement on Darfur on 25 May 2004 and have been closely involved in all the subsequent Security Council Resolutions, sponsoring Resolution 1593, which referred the situation in Darfur to the International Criminal Court.

**32. On the ground, the catalogue of diplomatic failures had serious repercussions. In early 2004, with the international community prioritising the CPA process, the Government of the Sudan unleashed its deadly and totally**

**disproportionate counterinsurgency strategy. It was given a window of opportunity, and – with its room for manoeuvre soon to be reduced by the entry into power of the SPLM – a reason to take it quickly. If Darfur had not been sidelined, there is no doubt that events would have turned out differently. (Paragraph 54)**

Please see the Government's response to recommendation 30 above.

**33. It certainly would have been wrong to let the chance of securing the North-South peace, and perhaps a template for a wider peace, slip away. But prioritising the CPA ran counter to the needs of the people of Darfur for protection, security and humanitarian assistance. When the conflict in Darfur escalated in early 2004, this much was crystal clear. (Paragraph 56)**

Please see the Government's response to recommendation 30 above.

**34. The international community did not need to make such a choice, and – by emphasising one set of issues (the CPA) rather than the other (Darfur) – was playing into the hands of the Sudanese government (Paragraph 56)**

Please see the Government's response to recommendation 30 above.

**35. The international community could have pushed harder on Darfur without risking the CPA negotiations. A more holistic approach would not, it seems to us, have prevented the signing of the CPA (it may have delayed it by a few months, but as the North-South peace had already been established, this would have been at no great practical cost), and it would certainly have prevented the crisis in Darfur getting as bad as it did. In the simple terms of balancing likely costs and benefits, prioritizing the CPA was misguided. A more holistic approach was possible, and, in terms of likely impact, was preferable. (Paragraph 56)**

Please see the Government's response to recommendation 30 above.

**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.

## **The role of the African Union: African-led solutions for African problems?**

**37. We unreservedly welcome the AU's involvement in Darfur, for two reasons. First, the AU's involvement signals a new commitment by African countries to take responsibility for dealing with the problems of their neighbours, a commitment which will in time do much to enhance the world's ability to deal with crises and conflict. Second, and more importantly, the AU was and remains the only entity willing to involve itself so fully in trying to tackle the crisis and protect the people of Darfur (Paragraph 59)**

We fully agree with the Committee's support for the African Union. The AU has an important role to play in security in Darfur. To this end, the UK has provided financial support – over £14 million to the AU to purchase over 600 vehicles, provide airlifts, maps and rations packs; and expert assistance – a UK planning officer and a UK observer are on the ground.

**38. In the case of Darfur, the UK Government's rhetoric of "African-led solutions for African problems" is rather simplistic; many countries have had a role in the evolution of Sudan's problems. But nevertheless, HMG deserves a great deal of credit for its support of the AU. (Paragraph 60)**

We recognise the complex nature of the Darfur conflict. That is why we have been seeking to address the situation in a number of different ways – through support to the AU, but also through the UN Security Council – we strongly supported the recent UN Security Council Resolutions – and through bilateral political pressure on the parties.

**39. If the Abuja talks are to make progress on a political solution, sustained international pressure on the Government of the Sudan and the rebels will be needed, along with a clear vision of a desirable outcome. But it would be better to wait a month or two and get it right, than resume negotiations now, only to see them fall apart next week. (Paragraph 63)**

We fully support the AU-mediated peace process for Darfur – a UK observer regularly attends the talks in Abuja, providing expert assistance to the parties as well as to the AU mediation team. We agree that the talks need to be successful. To this end, we are pressing the parties to attend at a sufficiently high level, and to negotiate in good faith. There will also need to be sufficient preparation before reconvening; the AU is currently discussing a draft framework document with the parties, for agreement at the talks.

**40. Evidence suggests that the AU Mission in Darfur has had a positive impact on security. Through prompt and objective monitoring and reporting on ceasefire violations, and by making its presence felt, the AU has both enhanced accountability for violations and prevented violations from taking place. However, comprehensive data on ceasefire violations – how frequent they are, who is responsible for them, and what the trends are – does not seem readily available. The AU should make such information public. (Paragraph 66)**

We agree that the AU mission is having a positive impact on security. This view has been corroborated by the UN Secretary General in his monthly reports. We also agree on the need for clear and open information. At the start of its mission the AU faced significant difficulties with communication and information sharing. With donors' assistance this is improving, and information flows are now more regular and reliable.

**41. The AU, at the level of its Peace and Security Council, and on the ground in Darfur, needs to ensure that the mandate is clear, and clearly understood by all parties. Further, it is not clear that the mandate will be sufficient, even if the AU Mission works right at the limit of its civilian protection mandate. (Paragraph 67)**

**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.

**43. The speed of deployment, hindered by a lack of planning capacity at AU headquarters and by inefficient contractors, has been unacceptable. During our visit, some were keen to emphasise that the AU Mission was deploying more quickly than would a UN mission. This may be correct, but it offers little comfort to the people of Darfur. The UN and its Member States, alongside regional organisations such as the AU, urgently need to find ways of deploying troops more quickly. (Paragraph 68)**

The AU faced initial difficulties with deployment due to a lack of planning, management and logistical capacity. We and other international donors have been working with the AU to improve this area, including by loaning technical experts to help improve the AU's management structures. We have also paid for the airlift of troops into the arena. We welcomed the findings of the recent AU/UN/EU/US/UK assessment mission, which included a number of recommendations for further improvements – we will support the AU in implementing these.

**44. The AU Mission is in the best position to know how many troops are required to fulfil a particular mandate. Their views must be given much weight: by the AU's Peace and Security Council; by the members of the AU who have accepted a role in bringing peace and security to Africa; and by the UK, the EU and others who are in a position to respond to requests for assistance. Those African countries who have provided troops and police to the AU can be proud of their contributions as can the troops on the ground. They embody Africa's commitment to African solutions for African problems. (Paragraph 69)**

We agree that it is for the AU's Peace and Security Council (PSC) to decide how many troops are needed. The PSC recently endorsed the findings of the assessment mission, and decided to increase its mission in Darfur to 6,171 military personnel, with an appropriate level of civilian support staff, including 1,560 civilian police. We have made clear our commitment to support the AU in expanding its mission. We understand that the AU has already identified most of the required additional troops. We fully support the Committee's statement that those countries that have contributed troops to date – and from which more troops will be coming – should be rightly proud of their contribution.

**45. The international community must apply sustained pressure on the Sudanese government, so that Janjaweed are not absorbed into the police, and the policing element of the AU Mission must be strengthened. (Paragraph 70)**

We regularly raise the need for effective policing with the GoS, including by not incorporating the "Janjaweed" into its ranks. The AU plans to increase its police numbers, but at present is finding it difficult to meet existing commitments. The UN has indicated willingness to help the AU identify additional police from within AU Member States. We welcome this. Police are vital to increasing protection on the ground.

**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.

**47. The inclusion in ceasefire-monitoring and verification missions of representatives of the Sudanese government and of the rebel groups does much to ensure that the AU Mission is trusted as being impartial. This, we were told, is also the case for the JMC in the Nuba Mountains. But it is not difficult to come up with solutions which allow for this but which do not inhibit the monitors' effectiveness: don't tell the parties' representatives exactly where the monitoring mission is going; and, don't let them carry satellite phones. (Paragraph 72)**

We agree with the need for broad representation of the parties in the ceasefire-monitoring mission, to foster a climate of trust and impartiality. We note the Committee's recommendations, though it is for the AU to take this forward in discussions with the parties. It is unclear whether the rebels would accept such limitations and continue to cooperate with the monitors.

**48. The AU Mission should share its reports on ceasefire violations widely, without having to secure the consent of the parties. Access to reports should be unrestricted and immediate for UN agencies, including UN-OHCHR. Serious consideration should also be given to the inclusion of a human rights monitor, a nurse, and a child protection officer, on monitoring missions. Concerns about their security are not insuperable. Adopting this proposal would: enable the monitoring of human rights violations and enhance the chances of people being brought to justice for human rights violations; enable the provision to rape victims of emergency contraceptives, and drugs to reduce the likelihood of HIV transmission; and ensure that the needs of child victims of atrocities – a neglected group in the crisis – are better met. If the international community is serious about protecting the civilians of Darfur, such measures are essential. (Paragraph 73)**

We agree with the need for good communication and co-ordination between NGOs, UN agencies and the AU. Information flows from the AU have improved over recent months.

Insecurity remains the biggest obstacle to the delivery of humanitarian assistance. The UN Department of Safety and Security liaises with the AU and produces updates on which areas are safe for agencies to operate in. We are working with them in Khartoum to help improve the coverage they provide.

The UN OHCHR is responsible for human rights monitoring in Darfur. We are pleased that it has decided to expand its number of human rights monitors. The UK provided £250,000 to help speed the deployment of the first phase of monitors.

However, there are unlikely to be sufficient human rights monitors to deploy on AU missions. The limited numbers of medical staff – mainly deployed attending to urgent needs in clinics for IDPs and the resident population – also disallow their presence on monitoring missions.

**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 fifty percent 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.

**50. Following the UK’s lead, other donors should make vehicles available to the AU Mission on request, and satellite intelligence and help with radar to monitor the no fly zone must be provided. The UK Government should take the lead on this, working with its partners in the EU and the USA. (Paragraph 74)**

We liaise closely with the EU, US and others, to provide support to the AU mission. Donors are working to ensure the AU’s needs are met. The UK has provided vehicles to the AU; the US has paid for camp construction; the Canadians and Dutch have paid for lease of helicopters. The EU has allocated €92 million to the mission and individual Member States, such as Germany and the Netherlands, have also provided communications equipment to the AU. Intense discussions are now ongoing over support to the further expansion of the AU mission.

**51. The UK should second technical experts to the AU in Addis Ababa to provide the support which the AU requires. Political support to the AU is crucial too; the UK Government and others must publicise and condemn the ceasefire violations which the AU confirms, and ensure that the AU Peace and Security Council and the UN Security Council use the evidence collected by the AU Mission to hold the parties to account, and to ensure that consequences follow. (Paragraph 74)**

The UK has loaned considerable technical expertise to the AU. A UK planner helped the AU draw up its original plan in October last year and a logistics expert is currently seconded to the AU in El Fasher. The FCO Chief Police Expert has just returned from Addis, where he met Ambassador Djinnat and the AU Police Commissioner, to advise on the civilian policing aspect of the mission, and report on what further support the UK could provide. We have made clear our willingness to do more.

We have regularly made clear our strong support for the AU mission, and the need to hold accountable those it finds responsible for ceasefire violations. The Foreign Secretary and the Secretary of State for International Development have issued a number of public statements condemning specific attacks. We are also encouraging

the AU to report evidence of ceasefire violations and human rights abuses to the Security Council. UN Security Council Resolution 1591 provides for targeted sanctions against those found to be responsible for such abuses.

**52. Providing military assistance to the AU is an option which should not be closed off. On the contrary, it should be explored without delay. Policy should be based on the analysis of options and their attendant risks. Military intervention entails risks, but it is risky too for the international community to fail in its responsibility to protect the people of Darfur. (Paragraph 76)**

There are currently no plans to send UK troops to Darfur. But we have provided considerable military and technical expertise in the form of planners and experts to the AU. A UK military observer is currently seconded to the mission. The EU and NATO are also currently discussing further technical and logistical support to the mission. We strongly support any assistance that will help the AU perform its mandate

**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.

**54. Fulfilling the responsibility to protect includes persuading others to fulfil their responsibilities too. The UK Government should be engaging with members of the AU and specifically the AU Peace and Security Council, in order to protect better the people of Darfur. (Paragraph 79)**

At both Ministerial and official level, and both bilaterally and through the Partners Technical Support Group in Addis Ababa, we are in regular contact with the AU on how best we can support its mission.

**55. If the AU is to play its role in helping Africa to a peaceful, secure and more prosperous future, then its Member States must be prepared to make clear, through action as well as words, that sovereignty does not give states the right to commit gross human rights violations and war crimes against their citizens. African countries too have a responsibility to protect, as the AU's mandate affirms. Nevertheless, the fact that African countries have a responsibility to protect, and that the AU is increasingly willing to take on that responsibility, does not absolve others of their responsibilities. Countries beyond Africa share the responsibility for the success of the AU Mission, and for protecting the people of Darfur. If Africa needs assistance to protect the people of Darfur, then richer countries should step in. The AU's involvement is extremely welcome, but it must not become an excuse for inaction on the part of others (Paragraph 80)**

We strongly agree with the need for a co-ordinated and effective international response to Darfur. We welcome the lead the AU has taken on this – both in the monitoring mission and the political talks in Abuja, and have made clear our strong support for the AU. We and other countries have been providing financial and other support to the AU in Darfur, and will continue to do so. We are also pressing the parties, both bilaterally and through the UN and EU, to stop the fighting, engage in political talks and bring peace and security to the people of Darfur.

#### **The UN Security Council: Maintaining international peace and security?**

**56. The Government of the Sudan will not comply with resolutions which it considers counter to its interests unless there is sustained and concerted international pressure, with consequences of non-compliance spelt out clearly. (Paragraph 87)**

We agree with the Committee's recommendation. We have been at the forefront of international efforts to maintain pressure on the Government of Sudan, and have actively supported six Security Council Resolutions in this area, including Resolution 1591, which imposes an arms embargo on the Government of Sudan in Darfur and allows for targeted sanctions against individuals; and Resolution 1593, which refers the situation in Darfur to the International Criminal Court.

**57. Disarming the Janjaweed is important in itself, but it also illustrates the failure of the UN Security Council on Darfur. To be effective, demands must: be well defined; be ambitious but achievable; include mechanisms for monitoring compliance; specify a timetable; and spell out the consequences which will flow from non-compliance. (Paragraph 87)**

We agree with the Committee's recommendation. This is what we have been working to achieve in the UN Security Council.

**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.

**59. The International Criminal Court (ICC) – a court which 44 African countries have signed up for – must be the venue in which those responsible for atrocities in Darfur are brought to justice. It was set up to deal with such cases. (Paragraph 90)**

**60. The ICC is the only venue that will provide reliable, timely, cost-effective justice. The UK Government, which claims to enjoy a privileged relationship with the USA, must stand firm on this; to state that the ICC is HMG’s “clear preference” is not firm enough. The UK Government, in concert with its EU partners, has to persuade the USA that its commitment to stopping the conflict in Darfur, and bringing those responsible to account, is best served in this instance by pragmatism. The USA should make clear that it will not veto an ICC referral from the UN Security Council. This would do much to re-establish the transatlantic unity which is vital if the international community is to fulfil its responsibility to protect the people of Darfur. (Paragraph 91)**

Response to recommendations 59 and 60.

We made clear from the outset that our preference was for the situation in Darfur to be referred to the International Criminal Court as recommended by the International Commission of Inquiry. We are very pleased that there proved to be sufficient support in the UN Security Council for the UK-sponsored resolution of 31 March that achieved this referral.

**61. We support the use of sanctions. Well-designed sanctions that target key individuals within the regime, through travel bans and asset freezes, will send a strong message that the international community has had enough of the Sudanese government’s non-compliance and murderous policies in Darfur. We applaud the UK Government for the firm line it is now taking on sanctions. In addition, the UN arms embargo, which applies to non-governmental entities, should be extended to cover the Government of the Sudan, with an effective monitoring mechanism established. (Paragraph 92)**

We have achieved the use of sanctions via UN Security Council Resolution 1591 adopted on 29 March. This allows for targeted sanctions, such as a travel ban and assets freeze, to be imposed against individuals deemed by a Sanction Committee and Panel of Experts to be obstructing the peace process. It also extends the current UN arms embargo in Darfur to the Government of Sudan as well as non-state parties. The UN is establishing a panel of experts to recommend and monitor sanctions against individuals. We expect it to be confirmed shortly.

**62. There is little purpose in diplomatic energy being wasted on a Resolution which achieves consensus on the Security Council but nothing for Darfur. The USA and the UK should force a vote on a Resolution which extends the arms embargo, imposes targeted sanctions, makes clear demands, and outlines what further sanctions – to include oil sanctions – will follow in the event of non-compliance. A failed Resolution which exposes the “blocking” states would be better than the current stalemate, a stalemate which adds weight to the recommendation of the UN High Level panel that Member States should come to**

**an agreement not to use the veto, except in circumstances where vital interests are genuinely at stake, and also to the proposal that indicative voting, to reveal countries' positions on proposed actions, be adopted. (Paragraph 93)**

Please see the Government's response to recommendation 58 above.

**63. The international community's major failing has been its failure to intervene at an early stage. Waiting has allowed the crisis to grow, and a larger crisis requires stronger, more intrusive, intervention. Stronger and more intrusive intervention – especially military intervention – may, on the one hand make consensus hard to achieve, and on the other, demand the agreement of the UN Security Council. Without consensus, legally-authorized action is hard to take. And so the cycle continues. The lesson is clear: do not wait to intervene – work hard for a consensus for early, non-military, intervention. (Paragraph 94)**

We note and agree with the Committee's conclusions.

**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.

**65. The application of political pressure through different channels is the right approach, but it must be better coordinated. The AU, the UN, and its international partners must work from a coordinated strategic plan, with roles and responsibilities made clear. (Paragraph 96)**

The Government agrees with the Committee's conclusions, and is in close contact with all key players.

**66. The "responsibility to protect" is an emerging legal norm, but as yet it has no firm legal basis. As a result, a shared responsibility to protect risks degenerating into a game of passing the buck and avoiding responsibilities. When everyone is**

**responsible for collective security, it might be that no-one will take responsibility. To put it differently, when the Prime Minister says that in a situation similar to Rwanda in 1994, “we would have a moral duty to act”, who precisely is the “we”, and what action would be required? Despite the commendable efforts of the UK and others to promote the notion of the “responsibility to protect”, and what it terms the “doctrine of humanitarian intervention”, regrettably, there are no clear answers. There may be a shared responsibility to protect, but the mechanisms of accountability, to ensure that responsibilities are shouldered, are lacking. (Paragraph 97)**

The Government of Sudan has primary responsibility for its citizens, but when they fail to live up to their responsibility as is happening in Darfur, it is crucial for the international community to work together to protect civilians. In this case that is happening through support to the AU, to the UN and to NGOs on the ground, as well as through intense political pressure on all sides to respect the ceasefire, honour their commitments, and work towards a lasting political solution to the crisis.

**67. If the UN Security Council fails to act on Darfur, it will once more find its position undermined, in two ways. First, many will conclude that the workings of the UN Security Council do not promote the responsibility to protect. And second, if frustrated Member States act successfully outside the authority of the Security Council, many will conclude that the UN is not necessary. (Paragraph 100)**

We agree with the Committee’s assessment, which is why we have been working so intensively for appropriate action in the UN Security Council over recent months. We are pleased that the UN has now come together to make its position very clear.

**68. Those who do not wish to see the UN authorise military interventions for humanitarian purposes, for fear that they might be abused, have legitimate concerns. They should however, consider the following: if such interventions are left to “coalitions of the willing”, acting without UN-authorisation, then they will be more open to abuse, will be more likely to be driven by national interests, and will be less responsive to humanitarian need. For those of us who believe that membership of the international community requires that countries adhere to certain minimum standards of behaviour, and who regard the UN – flawed as it is – as the best hope of achieving collective security and sustainable development, this would be nothing short of disastrous. Global social justice – in relation to peace, security, development, and the environment – requires an effective and accountable UN. (Paragraph 100)**

Please see the Government’s response to recommendations 58 and 67 above.

#### **The responsibility for development**

#### **Governance and political change: Institutions for peace?**

**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.

**70. The UK Government and others must work alongside the SPLM and the Khartoum regime to help them to prepare for governing Sudan. The parties seem committed to implementing the CPA. Their goal, and that of the international community, must be to ensure that the nature of politics in Sudan is transformed so that when the South votes on secession in six years' time, the decision is respected by all. (Paragraph 106)**

We warmly welcomed the signature, on 9 January, of the Comprehensive Peace Agreement (CPA). We were closely involved in negotiations in Naivasha – the UK Special Representative regularly attended the talks, and worked with all sides to encourage a lasting solution. We are pressing the parties to implement the agreement and ensure an inclusive political process, with a view to creating a democratic and pluralist Sudan. To this end, we have offered technical expertise to Commissions established by the CPA, including the (crucial) National Constitutional Review Commission.

The international community committed \$4.5bn to Sudan at the April 2005 donors' conference in Oslo. The UK has allocated \$546 million over the next three years. In addition to humanitarian funding, and dependent upon the planned engagement of others, DFID is expecting to concentrate its longer term engagement on service delivery; the justice sector; security sector reform and disarmament, demobilisation and reintegration of combatants; debt relief, subject to progress on Darfur; and assistance to the government of Sudan in developing a sound Poverty Reduction Strategy.

**71. With a comparative advantage in supporting judicial reform and good governance, the UK has an important role to play in Sudan. We look forward to hearing more about DFID's plans. (Paragraph 108)**

We are starting work on a justice sector programme in Sudan, covering both National and Southern Regional Governments. This includes support to policing, peace agreement commissions, human rights and for capacity building in rule of law institutions in both North and South Sudan, led by the judiciary and attorney general departments/ministries of justice. The budget is £7.2 million over two years. We have just let two tenders for major parts of this programme and work with these tenders will begin shortly.

Wider governance involvements are still to be finalised in conjunction with the Government of Sudan, SPLM and other donors, but are likely to include capacity building for the Government of South Sudan and support for local government in the South and probably the North.

**72. It is not clear whether there will be another round of the Libyan-hosted tribal reconciliation talks. It is important that the relationship between any such talks and the Abuja peace process is clear. Stakeholders such as the UK should – whilst being careful to remain neutral – offer support to such initiatives. Attention must also be given to the establishment of a Land Commission for Darfur, to determine a fair formula for access to land. (Paragraph 110)**

The third round of Libyan-hosted tribal talks began in Tripoli on 7 May 2005. The UK supports all dialogue aimed at a peaceful resolution of the Darfur conflict. Tribal reconciliation, including the issue of land ownership, will need to be addressed as part of a permanent solution for Darfur. We agree that such talks need to be complementary to the Abuja political process.

### **Development and livelihoods: Incentives for peace?**

**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.

**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 \$3.1bn of a total requirement of \$4.3bn 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.

**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.

We agree on the need to avert a HIV/AIDS crisis across Sudan, and have allocated £1.5 million to work in this area this financial year.

#### **Shared responsibilities, accountability and effective partnerships**

**76. Donors must be generous, immediately and at the donors' conference in Oslo from April 11–12. The needs are immediate, and will be long-term; the support should be too. We expect the UK Government, which has worked tirelessly in support of the CPA, to provide generous and immediate financial support. It should also persuade its European partners to invest in the Sudanese peace. (Paragraph 116)**

The Oslo conference was successful in encouraging generous pledges from international donors totalling \$4.5 billion for development and humanitarian work. The UK pledged \$546 million over 3 years and is starting its development programmes immediately. The EC pledged \$765 million, and other EU member states also made generous pledges. We are also working at an EU level to ensure pledges are translated into real programmes.

**77. The Government of Southern Sudan must be provided with the resources it needs to become a partner for peace and development, and to invest in the human development of its citizens. But the provision of debt relief and of funds which would primarily benefit the National Congress Party – the Khartoum**

**regime responsible for the crisis in Darfur – must be conditional on resolving the crisis in Darfur. The conditions to be met must be clearly benchmarked, the timetables for meeting them spelt out, and the consequences which flow from meeting or not meeting commitments must be specified. The UK Government should take the lead on this, ensuring that donors speak with one voice at Oslo. (Paragraph 117)**

We agree that the Government of Southern Sudan must be given the resources it needs to improve the lives of people living in Southern Sudan. It is also important to move ahead with some development work with the Government of National Unity once formed in order to help implement the peace agreement and improve living conditions for people living in poverty in Northern Sudan: in some areas the depth of poverty and neglect is as bad or worse than in the South. However, we have told the Government that our assistance to find a way to address their massive debt burden is conditional on substantial improvement in the situation in Darfur and therefore will not establish the debt support group – which we will chair – until then.

**78. If the international community is to fulfil its shared responsibility to protect, then we must all fulfil our responsibilities, and hold others to account for fulfilling theirs. The UK Government has, on the whole, responded well to Darfur. The international community must fulfil its responsibility to protect the people of Darfur, now. Attacked by the government which is meant to protect them, the people of Darfur, who we have collectively and demonstrably failed, deserve no less. Action is needed now. (Paragraph 119)**

We agree this recommendation and are actively pursuing these objectives.









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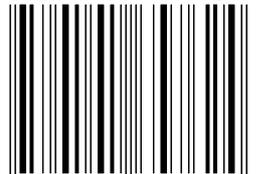
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