

# Talking to the other side

## Humanitarian engagement with armed non-state actors in Darfur, Sudan, 2003–2012

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## **About the authors**

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Map of West Darfur: Jebel Marra



- - - Rural council boundary
- Locality boundary
- State boundary
- Main roads
- ▲ IDP Gathering
- Administration centre/Principal town
- Secondary town

Map of Darfur





# Executive summary

Violent conflict broke out in Darfur, Sudan, in 2003. Although the humanitarian community was slow to react to the crisis caused by the conflict, the eventual response was enormous in scale. Darfur became the world's largest humanitarian operation, with over 200 aid agencies working there in the years since the conflict began. Approximately two dozen have worked outside of territory controlled by the Government of Sudan (GoS), inside contested areas and in territory held by armed non-state actors (ANSAs). During 2003 and the first few months of 2004 there was limited humanitarian access to any part of Darfur and very little direct engagement with ANSAs. In May 2004, the GoS permitted increased humanitarian access to Darfur, and aid organisations began arriving en masse in June 2004. Significant cross-line aid deliveries to rebel areas began in late 2004, and for the next two years the humanitarian community enjoyed what is now considered the 'golden age' of access. Aid agencies were able to travel almost everywhere in Darfur, including rebel-held and contested areas. The situation changed in late 2006, after the signing of the Darfur Peace Agreement (DPA). Although assistance to ANSA-held and contested territory continued, security deteriorated dramatically, the major rebel movements fragmented and it became increasingly difficult for aid agencies to find reliable interlocutors.

In 2008, United Nations–African Union Mission in Sudan (UNAMID) troops arrived in Darfur. The following year, the International Criminal Court (ICC) indicted the sitting president of Sudan, Omar al-Bashir, for war crimes and crimes against humanity. The GoS responded to the indictment by expelling 13 international aid agencies, including some of the agencies most active in rebel territory. Humanitarian assistance inside rebel territory suffered immensely after the expulsions and has never recovered. By the end of 2012 virtually no aid agencies were operating inside rebel territory, and the humanitarian community no longer had any communication with rebel movements. Hundreds of thousands of conflict-affected civilians inside rebel territory have no access to humanitarian assistance.

During the past ten years the civilian population living outside of GoS-controlled territory in Darfur has witnessed

the rise, decline and disappearance of cross-line aid. The policies and behaviours of the parties to the conflict are principally responsible for this unfortunate trajectory. The international community is also at fault. The GoS often knowingly and purposefully prevented urgently needed humanitarian assistance from reaching civilians in rebel-controlled and contested areas. Rebel movements rarely prioritised the humanitarian needs of the communities under their control. International interventions not only failed to support meaningful peace, justice and security initiatives, but also made it progressively more difficult for humanitarian actors to access and assist vulnerable populations throughout Darfur, particularly those inside ANSA-controlled areas.

Although violent conflict in Darfur continues, the time when the humanitarian community could access populations living on both sides of the conflict appears to be over. The GoS shows no sign that it is willing to change its position and allow aid agencies back into areas outside of its control, and the humanitarian community appears both less willing and less able to put pressure on the GoS. The challenge for the international community now is to identify and implement a strategy that recognises the reality of ongoing conflict, an obstructionist GoS, disorganised rebel movements and a large and vulnerable civilian population living inside rebel territory. At the very least, this will require a much more aggressive and coordinated high-level advocacy campaign directed at senior GoS officials and carried out by senior members of UNAMID, UN agencies and donor and troop-contributing countries. It will also involve a more assertive stance from the UN and international non-governmental organisations (INGOs) inside Sudan, which reprioritises humanitarian assistance in rebel and contested areas. Rebel movements will also need to reorganise themselves and take seriously the task of facilitating humanitarian assistance to populations under their control. Given the urgency of the current situation and the complete absence of access and assistance in rebel areas, any viable option, even one that compromises humanitarian principles, should be seriously considered.



# Chapter 1

## Introduction

Violent conflict has plagued Darfur for decades. The root causes of the current conflict are numerous, complex and disputed (Abdel Ghaffar M. Ahmed and Manger, 2006; Daly, 2007). The direct cause of major violence against civilians is less difficult to identify: in 2003, in response to attacks by rebel movements, the Government of Sudan (GoS) targeted not only rebel forces but also the rural populations of specific ethnic groups that it accused of supporting the rebellion. Attacks against the rebels and the civilian population were carried out by the Sudan Armed Forces (SAF) and the government's proxy militias, known as the *janjaweed*. The first two years of the counter-insurgency campaign produced horrific results: hundreds of villages were torched, thousands of women raped and countless livelihoods destroyed; approximately 2 million people were displaced and an estimated 200,000 died (Degomme and Guhu-Sapir, 2010; Flint and de Waal, 2008). The few reliable studies on mortality during the first year of the conflict indicate that direct violence was responsible for many of the deaths, with the remainder attributed to disease and starvation (Grandesso et al., 2005; Depoortere et al., 2004). Although the scale of the violence decreased significantly in late 2005, widespread insecurity persists. At the end of 2012, 1.7m IDPs and 300,000 refugees remained displaced by conflict, significant portions of rural Darfur were controlled by ANSAs, violent clashes between the SAF and rebels continued, militia groups regularly attacked each other and the civilian population, and the SAF continued to bomb civilians.

The international community has responded to the conflict in Darfur with a broad array of interventions, including humanitarian assistance, the deployment of international peacekeepers, peace negotiations, recourse to international criminal justice and economic sanctions. Humanitarian assistance is generally recognised to have significantly reduced mortality related to disease and malnutrition and, as a result, has saved tens of thousands of lives (Flint and de Waal, 2008). Humanitarian assistance is also credited with supporting livelihoods (Buchanan-Smith and Jaspers, 2007). Although the majority of humanitarian assistance has been distributed inside territory controlled by the GoS, where most of the conflict-affected population is located, humanitarian actors have also engaged with ANSAs in Darfur in order to secure humanitarian access to ANSA-held and contested territories. This report documents and analyses these engagements.

### 1.1 Overview of the project

Over the past two decades, humanitarian actors have expanded the geographic scope of their work to more challenging and dangerous environments. As a result, negotiations with non-state actors have become increasingly important in order

to gain access to populations in need of assistance. Yet many humanitarian actors feel that negotiating with armed groups involves formidable challenges, including a lack of respect for international humanitarian law (IHL), hostility to humanitarian principles and distrust and suspicion of humanitarian organisations.

In 2011, the Humanitarian Policy Group initiated research on aid agency engagement with ANSAs, and how this engagement affects access to protection and assistance for vulnerable populations. The work seeks to illuminate this engagement through case studies in complex political and security environments, to learn from productive experiences of dialogue with armed non-state actors and to investigate the dangers and risks inherent in this engagement, including the moral dilemmas that often arise in negotiations and the compromises agencies make in order to gain access.

### 1.2 Methodology

This report focuses on the humanitarian community's extensive engagement with rebel movements in Darfur. It chronicles the humanitarian negotiations that took place between aid agencies and rebel movements through first-hand accounts of the experiences of aid workers and rebels who participated in these negotiations. It describes the variety of approaches taken by humanitarian actors towards rebel movements and details the challenges faced in making contact with these groups, negotiating access to their territory and travelling to and working in their areas. The report also describes the humanitarian community's limited engagements with *janjaweed* and *janjaweed*-affiliated populations. It examines the reasons why assistance was so limited, and analyses whether it was justified to provide so little assistance given the scale of needs.

The report also addresses negotiations between the GoS and the humanitarian community, though only to the extent necessary to provide the appropriate background for interactions between ANSAs and humanitarian actors. It illustrates how the humanitarian community's ability to access and assist populations in ANSA territory was affected by the changing nature of the violence in Darfur, the policies of the GoS, the organisation of the ANSAs and interventions by the UN and the African Union (AU), including peace negotiations, international criminal justice and the deployment of international troops. The report concludes with an analysis of the strategies and approaches undertaken by humanitarian actors, highlighting best practices and proposing recommendations for future efforts to access and assist populations in ANSA territory.

A literature review on ANSAs and humanitarian action in Darfur was conducted to narrow the focus of the research. In August and September 2012 field research was carried out in Sudan, South Sudan and Uganda, which involved semi-structured interviews and informal discussions with aid workers, rebels, local experts, diplomats and civilians. The author's travel permit for Darfur was denied. From October 2012 to March 2013, telephone interviews were carried out with rebels, aid workers and other relevant individuals. In total, over 125 interviews

were conducted. The information gathered on the perspectives of rebel movements and humanitarian organisations (Chapters 2–4 and 6–8) is based almost entirely on interviews conducted for this report with members of these groups and organisations. The information gathered on the perspectives of *janjaweed*, Arab and nomad groups (Chapter 5) is based largely on the perceptions of aid staff who worked with these groups and on secondary literature as the author was unable to travel to Darfur to interview members of these groups.

### Box 1: Rebel movements in Darfur

The amount of territory controlled by rebel movements has varied considerably over the past decade. At the height of their strength, rebel movements controlled all of the Jebel Marra massif, the majority of Dar Zaghawa and significant portions of the rural areas in Darfur's (then) three provinces. At the end of 2012, rebel movements maintained control over the majority of Jebel Marra, a few areas in Dar Zaghawa in the northern part of North Darfur and isolated pockets of (almost exclusively rural) territory in each of Darfur's (now) five provinces (UNAMID, 2012).

The vast majority of rebel movements in Darfur have been led by commanders who splintered from one of the two original movements, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). SLA factions control the vast majority of rebel-held territory, as they have throughout the conflict. The JEM leadership maintains that controlling territory inside Darfur is not its objective. This lack of territory and the fact that, prior to 2007, JEM was militarily much less significant than the SLA has meant that the vast majority of interactions between humanitarian agencies and rebels have taken place with members of the SLA or its splinter factions.

#### The Sudan Liberation Army/Movement (SLA/M)

Formally established in 2001 as the Darfur Liberation Front, the SLA/M originated from a student movement and local self-defence militias. The founding members were intellectuals and former military officers, most of whom were from the Fur, Zaghawa and Massalit tribes. The movement's name was changed to the SLA/M in 2003, in solidarity with the vision of a 'New Sudan' advocated by John Garang, the late chairman of the Sudan People's Liberation Army/Movement. In mid-2005 the SLA/M split into two factions: the Sudan Liberation Army/Abdul Wahid (SLA/AW) and the Sudan Liberation Army/Minni Minnawi (SLA/MM). The two factions negotiated separately at peace talks in Abuja in 2006, where Minni Minnawi's faction signed the Darfur Peace Agreement (DPA), gaining him a post in the government as senior advisor to the president. With Minnawi as part of the government, his troops often fought non-signatory factions over territorial control. In the years following the signing of the DPA, both SLA factions fragmented. The SLA/AW has refused to attend any peace talks since Abuja, demanding security, disarmament of the *janjaweed* and the return of displaced people as preconditions

to negotiations. In 2010, the SLA/MM left the government and once again took up arms against the GoS.

#### The Justice and Equality Movement (JEM)

The JEM was founded in the early 2000s by former supporters of the National Islamic Front, the political precursor to the ruling National Congress Party (NCP) in Sudan. The movement's founder and former chairman, the late Dr Khalil Ibrahim, was a former government minister. As a result of shared ethnicity, the JEM had enjoyed the support of its Zaghawa kin across the border in Chad and, until early 2010, that of Chadian President Idriss Déby. The JEM was present at the Abuja peace talks, but did not sign the DPA. In May 2008 the JEM launched an attack on Khartoum. Although repelled by Sudanese security forces on the banks of the Nile just outside the city, the attack bolstered the JEM's reputation. In December 2011 Khalil was killed in an airstrike in North Kordofan.

#### Liberation and Justice Movement (LJM)

The LJM emerged in February 2010. The movement is led by a former Darfur Governor, Tijani Sese, who had been living in exile for two decades. The movement was composed primarily of splinter factions from the SLA and the JEM, grouped together through the amalgamation of two separate unification efforts spearheaded by the US and Libyan governments. The coalition is widely considered to have little military strength or popular support. In July 2011, the LJM and the GoS signed the Doha Document for Peace in Darfur (DDPD). Notably, the DDPD made Tijani Sese the head of a new Darfur Regional Authority, the highest-ranking GoS official in Darfur.

#### Sudan Revolutionary Front (SRF)

The SRF was formed in November 2011. It is a political and military coalition between the three main Darfur rebel movements: the JEM, the SLA/AW and SLA/MM and the Sudan Peoples' Liberation Movement-North (SPLM-N). Although the establishment of the SRF could potentially be a significant step towards a unified rebel movement, at present its political capacity, military strength, internal cohesion and popular support remain largely unknown. Its only tangible accomplishment to date appears to be a dramatic reduction in rebel infighting. Historic animosities, opposing visions and competing interests remain between and within the members of the coalition.

<sup>1</sup> Author interview, former JEM spokesman, Ahmed Hussein, 14 November 2012.

### 1.3 Terminology and definitions

*Aid agencies/humanitarian actors* refers to both humanitarian and multi-mandate (humanitarian and development) not-for-profit (and a few for profit) aid organisations. These organisations, which include UN agencies, the Red Cross/Red Crescent and international and national NGOs, aim to save lives, alleviate suffering and maintain human dignity during and in the aftermath of crises and disasters.

*Cross-line* refers to deliveries of humanitarian assistance that move from territory controlled by a party to the conflict (i.e. the GoS) into territory controlled by another party to the conflict (i.e. an ANSA).

*Humanitarian negotiations* refers to negotiations undertaken

by aid actors, conducted in situations of armed conflict with parties to that conflict. They are undertaken for humanitarian objectives, such as securing access, conducting assessments of humanitarian needs and providing assistance or protection, as set out in IHL.

*Rebel movements* refers to movements that took up arms against the GoS, igniting the current conflict. The two largest movements are the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM).

### 1.4 A note on quotations

Unless otherwise stated, all quotations from individuals given in this report are from interviews conducted for this research.



# Chapter 2

## A humanitarian disaster, 2003–2004

In April 2003 major violence erupted in Darfur, causing large-scale displacement and loss of life. Between April and September virtually no humanitarian assistance was delivered to conflict-affected populations in Darfur. The humanitarian community's presence in Darfur was limited to organisations that had been there prior to the conflict: the World Food Programme (WFP), the UN Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC) and six international non-governmental organisations (INGOs). The GoS severely restricted the movements of aid agencies in Darfur and prohibited other agencies from entering. The ability of these agencies to provide assistance was also hindered by insecurity, logistical concerns, meagre resources, ignorance of the scale of the crisis and difficulties transferring from development to aid operations. Although INGO staff in Darfur and Western diplomats in Khartoum reportedly engaged in private advocacy on humanitarian access to donors, UN agencies and the GoS, there was virtually no public advocacy for increased humanitarian access to Darfur during the first year of the crisis (Tanner, 2007). The few INGOs operating on the ground have been criticised for not speaking publicly about the violence (*ibid.*). An aid worker with Save the Children UK interviewed for this report contends that public statements would have served only to jeopardise its aid programmes. Another aid worker recalled a similar decision by Médecins Sans Frontières (MSF), but now believes it to have been wrong:

*MSF was able to start medical and nutritional services with expatriate personnel in South and West Darfur in November/December 2003. Within MSF there was a large debate at this time whether to issue reports about the abuses on-going in Darfur based on interviews with refugees in Chad [where MSF also had operations]. It was decided to wait in order not to hinder access discussions with Khartoum. In hindsight, I think this was a real mistake.*

### 2.1 The Humanitarian Ceasefire Agreement

In late 2003, Chadian President Idriss Déby initiated and mediated the first formal negotiations between the GoS and the SLA. These nascent peace negotiations produced a ceasefire agreement on 4 September 2003, but this failed to stop the fighting. Members of the rebel groups and individuals familiar with the negotiations contend that the GoS used the negotiations to buy time to build up its military position, recruit tribal militias and identify the main rebel leaders.<sup>3</sup> This contention is supported by a massive GoS military campaign, involving widespread attacks on civilians,

<sup>3</sup> Author interview, 7 September 2012.

between December 2003 and February 2004. In December 2003 the rebels refused to return to peace negotiations, citing the GoS offensive and their lack of faith in Déby as a mediator.<sup>4</sup> The following February, towards the end of the surge in violence, Bashir declared that victory over the rebels had been achieved and that humanitarian access would be granted. The few humanitarian workers with travel permits were allowed to enter Darfur, though visa and travel restrictions remained in place and in practice access increased only slightly.

With the exception of Déby and his entourage, who had close ties to both the GoS and the rebel movements, no internationals were present at the start of the negotiations and there was no substantive engagement between the humanitarian community and the rebel movements. According to SLA chairman Abdul Wahid, there was 'no contact [with humanitarian organisations] at the beginning because our goal was to fight. We started looking for humanitarian organisations after the government's response against the civilian population'. While the SLA reportedly had a commander tasked with humanitarian affairs during 2003, Adam Ali Shogar, his efforts were limited to documenting abuses, and he was not involved in trying to secure humanitarian aid. The JEM had no formal humanitarian coordinator in 2003 and the first part of 2004.<sup>5</sup> The first real humanitarian coordinators were appointed by the rebels on the advice of members of the humanitarian community.<sup>6</sup>

Despite the absence of rebel initiative, a few organisations made contact during 2003, often from their operations in eastern Chad. The only UN body engaged in any formal monitoring of the rebel movements in Darfur was the Office of the United Nations Security Coordinator (UNSECOORD), which had only six staff monitoring the security situation for all of northern Sudan. UNSECOORD security officers reportedly had reliable information about some of the fighting taking place in Darfur, which they relayed to the UN Resident and Humanitarian Coordinator in Sudan, Mukesh Kapila (Kapila, 2013).

In mid-2003, the Office of the UN Resident and Humanitarian Coordinator started gathering information about rebel movements. Initial work involved mapping the political and military structure of these movements and trying to understand the power struggles within them. Time was also devoted to determining how many civilians lived inside

<sup>4</sup> Author interview, Ahmed Hussein, 14 November 2012; author interview, Andrew Marshall, 4 January 2013.

<sup>5</sup> Author interview, Tadjadine Niam, former senior JEM member, 4 September 2012.

<sup>6</sup> Author interview, Andrew Marshall, 4 January 2013.

territory controlled by the rebels. This work was carried out by a very small number of UN staff.

The Centre for Humanitarian Dialogue (CHD), a Swiss-based mediation organisation, was the first international actor to engage directly with the rebel movements in a systematic manner. One of CHD's founders, Andrew Marshall, had worked in Sudan previously and used his network to develop contacts. In September 2003, Marshall flew to Khartoum to meet Sudanese Foreign Minister Mustapha Osman Ismail to obtain permission to open up a formal channel of communication between the rebels and the GoS. According to Marshall, the minister responded by saying that anything CHD could do on the humanitarian front would be most welcome.

Marshall went directly from Khartoum to N'Djamena, Chad, and then on to Tiné, a small village on the border between northern Darfur and north-eastern Chad, where he met rebels from the SLA. He spent the following week driving around SLA territory in North Darfur with the movement's Chief of Staff, Abdallah Abbakar, and the future SLA leader, Minni Minnawi. Marshall visited numerous areas directly affected by the conflict, and gathered photographic and video evidence of the violence. This information was shared with the ICRC and the UN High Commissioner for Refugees.

With a line of communication established with both the rebels and the GoS, Marshall was able to negotiate with the rebels over returning to the talks; prominent members of the

Zaghawa and Fur communities in Khartoum, N'Djamena and the diaspora also reportedly pressured the rebels to return to the negotiating table.<sup>7</sup> In late March the AU, in consultation with the GoS, assumed leadership of the negotiations (Toga, 2007). On 8 April 2004, a second ceasefire, called the Humanitarian Ceasefire Agreement (HCFA), was signed between the GoS, the SLA and the JEM. The HCFA established a Ceasefire Commission (CFC), tasked with monitoring the ceasefire, to include members from the AU, the GoS and each of the main rebel movements. It also mandated the presence of 300 AU ceasefire monitors, called for the disarmament of the *janjaweed* and included a provision guaranteeing 'fast and unrestricted humanitarian access to the needy populations of Darfur'.

The HCFA was a deeply flawed document, and the process of finalising it was extremely partial. It contained no articulation of who controlled which territories. It also called for 'the assembly of the [rebel] movements' in select sites, to be conducted in parallel with the disarmament of the *janjaweed*; this provision, which would have allowed the GoS to identify all rebel forces, was added by an AU mediator, at the request of the GoS and the insistence of the Chadian delegation, after the document had been signed and without the knowledge of the rebel groups (Toga, 2007; ICG, 2007b). As a result, the rebels and the GoS members of the CFC entered the agreement with starkly opposed conceptions of their obligations with respect to it.

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<sup>7</sup> Author interview, Andrew Marshall, 4 January 2013; author interview, 4 March 2013.

# Chapter 3

## The ‘golden age’ of access, 2004–2006

On 24 May 2004 – nearly two months after the ceasefire agreement was signed in N’Djamena – an emergency ruling by the GoS lifted the restriction on humanitarian access to Darfur. Humanitarian organisations began arriving in Darfur en masse in June 2004. In April 2004, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that 40 expatriate and 200 national staff members were present in Darfur; by August, these numbers had risen to 700 and 5,000, respectively (OCHA, 2004a). The reasons why humanitarian access increased so dramatically in June 2004 are disputed. Public statements by senior UN officials, such as Kapila and Jan Egeland, the UN undersecretary general for humanitarian affairs, about the nature and extent of the violence are often credited with prompting the UN Security Council to address the situation. According to a Western ambassador present in Khartoum in 2003 and 2004, it was these public statements, combined with continuous advocacy by diplomats and AU and UN officials, which pressured the GoS into granting humanitarian access. Pressure from aid agencies present in Khartoum may also have had an impact (MSF, 2005). The magnitude of the displacement caused by the fighting in early 2004 arguably overwhelmed the GoS; because IDPs congregated in cities, the GoS was unable to keep them hidden from international actors or the local population, and so they had little choice but to allow access.<sup>8</sup>

While some combination of these factors is likely to have contributed to the GoS’ decision to grant access, the decision, or at least its timing, may not have been determined by any of these. Rather, the decision to grant access may have been largely a product of the fact that the military campaign against the rebels had been successful. External (and internal) pressure arguably became effective only *after* the GoS had accomplished its military objectives.

Assistance started pouring into Darfur in mid-2004, over a year after major violence erupted. Nonetheless, the GoS continued to deny humanitarian access to certain parts of Darfur, especially areas controlled by rebel movements. Very few humanitarian actors reportedly entered rebel-controlled territory until several months after they were present in GoS areas. In July, OCHA asserted that there was no humanitarian assistance to SLA areas (OCHA, 2004b). In August it reported that assistance to ‘opposition held areas is in the initial stages. Assessments are currently on-going in these areas and though the population is unknown, it is estimated that an additional 500,000 conflict affected persons [in opposition areas] are in need of assistance’ (OCHA, 2004a). Identifying which territory was actually controlled by rebels was difficult. According to one INGO director with operations inside rebel

8 Author interview, Dr Mudawi Ibrahim, 5 September 2012.

territory in 2004, ‘there was little clarity about what was rebel-held and what was GoS-controlled in early 2004 ... The sense of clear control came much later’. Moreover, securing access to rebel-controlled territory simply was not the first priority of the humanitarian community.<sup>9</sup> The vast majority of humanitarian actors focused on accessing displaced people in camps in government areas, where humanitarian needs were believed to be most severe.

While the largest conflict-affected population was located inside GoS-held territory, the impact of the conflict on people in some rebel areas was reportedly grave. According to a World Health Organisation (WHO) report in 2004, people in areas not under GoS control ‘appear to be much worse off than those which can be accessed ... we estimate that mortality is at the higher end of the range – at least three per 10,000 per day – in these inaccessible areas’ (Nabarro, 2004). Although a small number of aid deliveries were made to Dar Zaghawa in mid-2004, humanitarian assistance to rebel-held territories began in earnest in late 2004. Humanitarian operations outside government territory were limited to WFP, the ICRC and a few INGOs. MSF and ICRC were amongst the first to arrive in Jebel Marra in late 2004; Action Contre La Faim (ACF) and German Agro Action were amongst the first to enter Dar Zaghawa.

### 3.1 Initial contacts with rebel movements

Initial contacts between rebel movements and humanitarian actors occurred in a variety of ways, inside and outside Sudan. According to senior SLA leaders, contact was first made during the N’Djamena negotiations, and the first substantive discussions between the SLA and NGOs began after the agreement was signed. Many UN agencies, including OCHA, and donor representatives were introduced to rebel leaders at a conference organised by CHD in Geneva attended by Abdul Wahid Alnour, Minni Minnawi and their newly appointed humanitarian coordinator, former politician Suleiman Jamous.<sup>10</sup> Other UN agencies and NGOs established contact with the rebels during subsequent negotiations in Asmara, Eritrea, and Abuja, Nigeria.<sup>11</sup>

Some donors and aid organisations were also contacted, on behalf of the rebels, by members of the Sudanese diaspora in Europe, especially in the UK. JEM members in eastern Chad made initial contact with NGOs already working with refugees.<sup>12</sup> SLA members approached NGOs discreetly in

9 Author interview, senior OCHA official, 27 December 2012.

10 Author interview, Andrew Marshall, 4 January 2013; author interview, senior UN official, 27 December 2012.

11 Author interview, MSF official, 9 November 2012.

12 Author interview, Ahmed Mohamed Tugod Lissan, JEM chief negotiator, 12 August 2012; author interview, Tadjadine Niam, 4 September 2012.

Khartoum in 2003. According to Hafiz Hammouda, an SLA member operating clandestinely in Khartoum from 2003 to 2005, the SLA approached INGOs, asking them to come to rebel territory.<sup>13</sup> One WFP staff member acknowledged that representatives from rebel groups living in Khartoum contacted him while he was in the capital. Early negotiations for WFP convoys into rebel territory were often carried out during seemingly casual conversations.

Initial contacts by NGOs were also made inside Darfur. Several senior members of the SLA, including Dr Salih Adam Ishaq, a senior commander and deputy humanitarian coordinator for North Darfur, recalled being introduced to humanitarian organisations by OCHA. INGOs' national staff members and Sudanese staff from national NGOs made numerous contacts on behalf of aid agencies. One staff member of the Sudanese NGO Sudan Social Development Organization (SUDO) facilitated contacts with the rebels for over half a dozen different NGOs. Local staff also made many contacts for OCHA at various stages of the conflict. According to Abdelaziz 'Danforth' Yahya, an SLA member on the Ceasefire Commission, the ceasefire monitoring mechanism aided communication between rebel movements and humanitarian organisations because rebel representatives were now accessible to NGOs inside GoS territory.

### 3.2 Initial meetings with rebel movements

According to a senior MSF staff member who worked in Darfur during 2004, 'once initial contacts had been made, it was relatively easy for humanitarian actors to communicate with the SLA'. Mere communication, however, did not guarantee access. Relationships needed to be solidified through face-to-face meetings with field commanders before access was granted. One of the first (if not the first) interventions by humanitarian actors into SLA territory in Dar Zaghawa occurred in Muzbat, North Darfur, in early 2004. Several UN agencies (WFP, UNICEF) and implementing partners (the International Rescue Committee, German Agro Action and Oxfam) attended the meeting to discuss access. Preliminary coordination was arranged by UNDP directly with then SLA General Secretary Minni Minnawi. Once the meeting was agreed, logistics were organised by national WFP staff, who communicated with SLA field commander Ali Abutakous and the regional humanitarian coordinator in Muzbat, Khater Ahmed Shatta. According to a WFP staff member involved in organising the meeting:

*the SLA were very worried about aerial bombardment and threatened to shoot down any helicopter they saw if they were not given the proper notifications ... [The SLA] initially gave GPS coordinates for the helicopter to land in Bir Maza, North Darfur before switching to Muzbat ... Khater Shatta was there to meet the helicopter ... WFP's primary concern during the meeting was to establish*

<sup>13</sup> Author interview, Hafiz Yousif Abdurahman Hammouda, senior SLA member, 10 August 2012.

*which areas were controlled by the SLA and who should be contacted to guarantee safe passage [of WFP convoys] through these areas ... The local commanders either did not know [who controlled which territory] or were too nervous to share this information ... We realised that there was a [communication] gap between the leaders that [the UN] had been in touch with in the diaspora and the commanders on the ground. [The commanders] did not understand how the UN worked and why they needed this type of information. They just wanted to receive humanitarian aid directly.*

This meeting established rebel contacts that the WFP and others used to secure access when cross-line shipments of food began later in the year. Maintaining these contacts was challenging as 'it was difficult to determine where they were. They often didn't know where they were. And the field commanders were dying regularly'.

Trouble locating rebel interlocutors was further illustrated by the WFP's first mission in 2004 to meet SLA rebels around Jebel Marra, scheduled to take place in Tawila, North Darfur, which was at the time controlled by the SLA. As in Dar Zaghawa, the purpose of the trip was to collect information and contacts. WFP organised the meeting by contacting SLA Foreign Affairs Secretary Ahmed Abdulshafi, who put WFP in touch with the regional field commander, Abaker Tawila.<sup>14</sup> According to a WFP staff member present, they found no rebels in the town. They eventually made contact with Tawila but found his forces disorganised, describing them as 'takosh, local defence forces that were sympathetic to the rebels and happened to have their own Kalashnikovs'. According to the WFP staff member, 'we realised that this was not a functional approach to facilitating aid delivery ... They were only concerned with defending themselves and not with their humanitarian needs'.

After these initial meetings, WFP and other UN agencies recognised that they needed to develop a more effective way to communicate with the rebels. Around the same time, the rebel movements reportedly recognised that they needed to organise themselves to receive humanitarian assistance. Rebel humanitarian coordinators were appointed. By July 2005 the SLA reportedly had five regional humanitarian coordinators, each responsible for a different region of Darfur. Members of the humanitarian community contend that they persuaded the rebels to make these appointments, though some rebels maintain that the appointments were made on their own initiative.<sup>15</sup> Either way, having members of the rebel movements dedicated to working with aid agencies helped to facilitate humanitarian assistance to rebel areas. Dedicated rebel humanitarian focal points based in a specific territory proved invaluable for aid agencies. Humanitarian coordinators

<sup>14</sup> Author interview, aid worker, 11 November 2012.

<sup>15</sup> Author interview, Andrew Marshall, 4 January 2013; author interview, Suleiman Jamous, 18 July 2012.

**Box 2: Suleiman Jamous**

The most significant humanitarian coordinator was Suleiman Jamous. A former National Islamic Front (NIF) politician, Jamous was imprisoned in Khartoum several times by the ruling NCP for alleged ties with the rebels. He was released as part of a prisoner exchange in September 2003. He formally joined the SLA on 10 October 2003, and was appointed humanitarian affairs coordinator in May 2004. Between 2003 and 2005 Jamous was the main interlocutor between the humanitarian community and the rebel movements. According to Jamous, after the SLA split into two factions in 2005 he coordinated humanitarian movements into both JEM and SLA territory.<sup>16</sup> Jamous has been criticised by some SLA members for his lack of understanding of the humanitarian situation inside Jebel Marra, and by some humanitarian workers for giving inaccurate descriptions of the security situation. However, many rebels and most humanitarians are very positive about his work on humanitarian issues, and the international community generally saw him as a reliable and credible interlocutor. Prior to the signing of the DPA, he personally facilitated the vast majority of humanitarian missions inside rebel territory, often orchestrating dozens of humanitarian movements in a single day. A senior OCHA official who interacted regularly with Jamous stated that 'when [Jamous] went to sleep, access suffered'.<sup>17</sup>

not only allowed more reliable communication with the rebel movements, but also served as a vital source of information about the security situation in and around rebel areas.

**3.3 Negotiations for humanitarian access to rebel-controlled territory**

Several humanitarian actors began to engage in humanitarian negotiations with rebel movements shortly after rebel humanitarian coordinators were appointed. Between mid-2004 and mid-2005 OCHA's office in El Fasher, North Darfur, in collaboration with UNDSS, undertook initial negotiations with the SLA on behalf of the majority of the humanitarian community.<sup>18</sup> OCHA offices throughout Darfur continued to negotiate access for UN agencies and INGOs until at least 2009. However, several aid agencies chose to remain independent of OCHA, including local NGOs such as SUDO and MSF. WFP also undertook many of its own negotiations. Several of the humanitarian actors that negotiated on their own behalf were able to secure access before OCHA did because they did not adhere to UN security protocols, which involved waiting for UNDSS to certify that an area was safe before travelling. Several of these actors, notably the ICRC and MSF, also had significant experience of cross-line aid delivery, which helped them to quickly establish operations in rebel territory.

<sup>16</sup> Author interview, Suleiman Jamous, 18 July 2012.

<sup>17</sup> Author interview, senior UN agency official, 21 September 2012.

<sup>18</sup> Author interview, OCHA official, 21 December 2012.

**Box 3: The role of UNDSS in OCHA's negotiations with the SLA**

OCHA worked closely with UNDSS to coordinate negotiations with the rebel movements. By late 2004, UNDSS had seven security officers based in Darfur, who developed an extensive contact network with the rebels. Its local staff, who were personally acquainted with members of the rebel groups, made many of UNDSS' initial contacts. International and national UNDSS officers facilitated the initial contacts, organised the initial meetings and shared their analysis of the conflict and the rebel movements, which was reportedly 'key for organising an appropriate humanitarian response to a complex emergency like Darfur'.

From mid-2004 until at least 2006, UNDSS was able to travel freely, including in rebel-controlled areas. A senior UNDSS official based in Darfur at the time attributes UNDSS' ability to access rebel territory to transparency regarding its travel plans. UNDSS 'would always inform the government of the area that we were going to and what we were going to do' although it 'did not ask for permission' and did not share the content of meetings with rebels with the GoS. During this period, the GoS was generally receptive to UNDSS' interactions with rebel movements, and very few field missions were blocked. Having a network through the highest levels of the GoS was crucial in this regard.

UNDSS officers also stressed the importance of consistency and transparency in dealings with the rebel movements. The procedure was to 'first inform the top commander in the region, and then inform the local commander, often several times before your arrival'. Once contact had been firmly established, UNDSS would escort OCHA staff to meetings with the rebels and make introductions. UNDSS would normally begin the meetings by establishing the security parameters, and would then allow OCHA to lead discussions on humanitarian issues. OCHA would normally begin by explaining the purpose of the meeting, try to get a sense of the most urgent humanitarian needs and ask permission for a subsequent assessment.

Source: Author interviews, UNDSS official, 17 January 2013, OCHA official, 15 March 2013.

The negotiations between OCHA's El-Fasher office and the SLA were reportedly the most comprehensive undertaken by a humanitarian actor in Darfur, though the issues addressed are broadly representative of those faced by others. The initial negotiations were conducted directly with Jamous. Although several contentious issues would arise in more extensive access negotiations between Jamous and OCHA towards the end of 2004 (discussed below), even these negotiations were described as 'pushing an open door'. A senior OCHA official involved in the negotiations noted that Jamous could 'clearly see the benefits of an independent and impartial humanitarian operation'.

Jamous' first contact with the humanitarian community inside Darfur was with a senior UNDSS officer whom he believes obtained his contact information from a relative working with the UN mission office in Khartoum. Jamous, along with several field commanders, met this UNDSS officer in Kukul, North Darfur, two days after their initial telephone call. Jamous believed that 'the UN was suspicious about whether they were going to get access because they had contacted other SLA commanders beforehand, including Minni Minnawi, and access had been denied'. Jamous informed UNDSS that access would not be a problem on condition that he was personally informed of missions, and would take responsibility for contacting the individual commanders. The UNDSS officer then introduced Jamous to OCHA officials.

The initial meetings between Jamous and OCHA reportedly took place in May 2004. According to Jamous, 'OCHA would deal with the NGOs in El Fasher and then formal negotiations for access would take place between [him] and the OCHA office for North Darfur'. The very first meeting took place in the desert outside Muzbat, North Darfur. Subsequent meetings were held in a variety of locations throughout North Darfur. According to an OCHA staff member present during the early meetings, 'the SLA would never give us clear names of locations, just GPS coordinates. We would helicopter in and see "SLA" written in huge letters in the sand or with stones in the middle of the desert ... We would get out of the helicopter and after a few minutes [the SLA members] would start appearing from the bushes'.

The initial meetings with Jamous were primarily about 'establishing trust and confirming the procedures of notification for humanitarian access'.<sup>19</sup> Jamous' main requirement was for OCHA to be clear and specific in its requests for access and notification of travel. He was reportedly not very concerned about whom the humanitarian community brought into SLA territory as long as they travelled in a UN or NGO vehicle. The notification procedure entailed OCHA contacting Jamous directly and informing him of the size of the humanitarian convoy, its purpose and when it would arrive. Jamous regularly approved access without any further questions or conditions.

Other rebel interlocutors were more difficult to deal with. According to an OCHA official, one of the main problems when negotiating with local commanders was that 'they did not understand certain humanitarian principles. They were proud of their control of territory and didn't understand why they couldn't dictate where the assessment was going to go but eventually they would agree'. As was the case in negotiations with Jamous, several UNDSS and OCHA staff members interviewed emphasised the importance of gradually establishing trust with local commanders – perhaps the most critical factor in gaining and maintaining access. According to one OCHA official, 'the real purpose of the meeting was to establish trust. And then trying to learn where the control was'

<sup>19</sup> Author interview, OCHA official, 15 March 2013.

in the rebel movement. OCHA and UNDSS officers who worked in Darfur in 2005–2007 remarked that 'you could tell the trust was real because the SLA focal points would often call up to inform us when security conditions changed, saying not to make deliveries'. According to several aid workers, once the rebels were confident that an agency had purely humanitarian purposes access was easy; once trust was established the rebels almost never denied humanitarian access.

Although the rebels were generally perceived by humanitarian actors to negotiate in good faith, there were some exceptions. An INGO head of mission who worked in Darfur during the early stages of the conflict remarked that, during early negotiations, the rebels took humanitarian workers hostage during an incident near Malha, North Darfur. The head of mission believed the hostage incident was a negotiation tactic, 'a way to show the NGOs that they controlled the territory and that NGOs needed to enter on their terms', further stating that 'the SLA wanted to set rules. Suleiman Jamous was playing a nasty game during this incident'. If true, such tactics do not appear to have been the norm. The rebels were generally seen as respectful of humanitarian access – at least initially.

Negotiating access to rebel-held areas became more complicated as humanitarian operations expanded towards the end of 2004. According to an OCHA official, towards the end of 2004 Jamous began asking many more questions about exactly who was entering rebel areas. One OCHA staff member noticed that Jamous became suspicious during a UNICEF/WHO vaccination campaign in Dar Zaghawa, being carried out in collaboration with the Sudanese Ministry of Health (MoH). Jamous did not want MoH officials entering rebel territory and stated that he would provide his own personnel to carry out the vaccination campaign. OCHA responded that this would not be sufficient and that MoH personnel were essential; Jamous ultimately allowed the MoH officials to enter. However, when OCHA notified Jamous that members of a high-level mission wanted to enter rebel areas, Jamous insisted on having the names of the team members. OCHA initially responded that it did not provide names but ultimately decided to share the names because it was a 'special mission'. After reviewing the names, Jamous reportedly refused entry to two Sudanese staff, saying that he could not guarantee their safety. Jamous' concerns were relayed to the high-level mission, and the two individuals were removed from the mission.

In late 2004 OCHA decided that it was necessary to negotiate formal 'ground rules' with the SLA to establish conditions and procedures for humanitarian access and operations inside 'controlled and contested areas'. This decision appears to have been a response to a convergence of factors, including increasing concerns among the rebels about who was entering their territory, a rapidly expanding humanitarian operation in rebel territory and tensions between the rebels and the humanitarian community as a result of a fatal incident in Dar Zaghawa in October 2004 involving Save the Children

UK (discussed below). Prior to these negotiations there was reportedly debate within OCHA about the political and legal ramifications of signing a formal agreement with the SLA, and whether such an agreement would be perceived as legitimising the rebel movement.<sup>20</sup> The negotiations culminated in the signing of a two-page document setting out ‘ground rules’ for humanitarian access in May 2005 (OCHA, 2005; attached as an appendix to this Working Paper).

According to an OCHA official involved in negotiating the ground rules, there were two main points of contention: rebel and humanitarian focal points and the identity of humanitarian staff. OCHA wanted to move away from dealing with Jamous as the sole rebel focal point, and instead wanted to deal directly with local commanders because they felt that this would be more efficient and would give them access to more reliable security information. Jamous was very resistant to this idea, though he ultimately agreed to provide humanitarian focal points that could be contacted directly by aid agencies.<sup>21</sup> For his part, Jamous insisted on being given the contact details of a focal point in every mission, and insisted that they be an international staff member. Although initially reluctant, OCHA ultimately agreed to this condition. Another, unexpected, issue developed as the negotiations progressed. When the SLA was finally ready to sign the ground rules, Jamous reportedly stated that the parties had agreed that aid workers would be required to obtain a permit to travel to rebel areas.<sup>22</sup> This was not an outcome that OCHA had anticipated. According to an OCHA official present during the meeting, ‘the last thing the UN wanted was a mini-visa for SLA territory ... we told them that the UN would not sign’. Ultimately Jamous dropped this demand.

The nationality and ethnicity of aid workers was by far the most contentious issue. Jamous wanted the names and nationalities of everyone travelling into rebel areas, so that he could vet all Sudanese staff. This was initially unacceptable to OCHA. An early draft of the ‘ground rules’, used during the negotiations, included a list of ‘*not negotiable* guiding principles’ [emphasis added], of which ‘Staffing composition/nationality/ethnicity’ was one (OCHA, 2004c). The final version, signed in May 2005, states that ‘Humanitarian Agencies may provide the name, age, and gender [of aid agency staff] for the SLM to approve access. It is the intention that a pool of agency staff be identified and endorsed by the SLM in advance’ (OCHA, 2005). Although the nationality and ethnicity of the staff concerned was not explicitly required, this information could easily be determined by the SLM based on the names of the staff members. As a result, OCHA can be said to have compromised on what it initially considered a ‘non-negotiable’ principle.

According to Jamous, and nearly all rebels interviewed for this report, securing the names of Sudanese staff was *the* primary

condition for gaining access to rebel territory. This concern stemmed from the entrenched belief held by the senior leadership of the SLA/AW, the SLA/MM and the JEM that the GoS was actively trying to infiltrate rebel territory through humanitarian actors. Names were necessary so that ‘rebel intelligence’ could perform background checks to ensure that national staff members were not government agents. According to a Sudanese activist with close ties to the rebels, ‘the rebels believe that humanitarians may be spying for [the] government because attacks commonly occur after humanitarians enter a space’. These suspicions were not limited to humanitarian actors: ‘the rebels are very suspicious of everyone. They often accuse members of their own communities of spying’.

These concerns meant that nearly all local Sudanese NGOs were denied access to rebel territory. According to Jamous, the rebels ‘did not accept any national NGOs in their territory because they were all sponsored by [the] NISS [the GoS National Intelligence and Security Service]’. According to Abdul Wahid, SUDO, which had members with close ties to the rebels, was the only national NGO permitted into SLA territory. Jamous contends that he refused entry to only three people, one a confirmed member of the NISS and two who were reportedly members; several humanitarian personnel interviewed for this report believe that the number was much higher. According to an ICRC officer, describing a meeting to negotiate access:

*The rebels didn’t trust the Sudanese staff. They changed the location of the meeting several times. We had to send a list of expats and nationals 24 hours before the trip. Some of our intended staff were excluded. An expatriate always drove in the first car.*

However, the same ICRC officer remarked that, later in 2005, the SLA attitude changed and it became ‘less worried about national ICRC staff’. He believed ‘that this was because their group had become stronger and they were less worried about the [GoS] seeing their troops’.

Some aid workers argue that rebels’ demands related to national staff were actually much broader, with certain ethnicities, tribal affiliations and even geographic origins not tolerated in national staff. Among international staff some nationalities, especially from the Middle East, were also unwelcome.

In general the humanitarian community was sympathetic to the rebels’ vetting requests and understood the rationale for prior notification and clearance of missions. This sympathy and understanding largely stemmed from INGOs’ observations of the HAC and its attempt to control which Sudanese nationals were hired by UN agencies and INGOs. The HAC reportedly vetted most, if not all, INGO hiring of national staff; many aid agency staff had personally been pressured by national and local HAC officials to hire particular staff who

<sup>20</sup> Author interview, OCHA official, 15 March 2013.

<sup>21</sup> Author interview, Suleiman Jamous, 18 July 2012.

<sup>22</sup> Author interview, OCHA official, 15 March 2013.

had close ties to the GoS.<sup>23</sup> Nonetheless, some aid workers interviewed argued that allowing the rebels to choose who did and did not enter their territory compromised humanitarian principles. As the head of mission for an INGO based in Darfur in 2004 put it: ‘the [rebel movements] should have the right to decide *if* the humanitarian community is allowed to enter their territory. The humanitarian should decide *how* this takes place [emphasis added]’. Some personnel who felt this way said that their views were coloured by their experience of Operation Lifeline Sudan (OLS) in South Sudan, arguing that during OLS ‘the humanitarians contributed a new dimension to the conflict and this was due in part to the extent to which the rebels and the GoS had control over humanitarian operations’. Other personnel contend that the ethnicity and background of staff was often in practice made less of an issue by the fact that staff from certain ethnic groups not accepted by the rebels, particularly Arabs, did not want to enter rebel territory because of security fears. Most NGOs working in Jebel Marra tended to hire staff from the Fur tribe, the most populous tribe in the area, on the grounds that they were familiar with the area. According to one aid worker who staffed projects in Jebel Marra, ‘We did not have to clear staff beforehand but we were very careful to bring only people who spoke the local language and knew the areas ... These people would be accepted by the community’. For security reasons, several NGOs had guidelines that prevented members of certain ethnicities from working in certain territories.

Vetting individual staff members was not the rebels’ only concern; they also wanted to be informed about the mode of transport being used, the objective, timing and size of the mission and the mission’s final location at the end of the day, stipulations that were reflected in the ground rules. According to the rebels, this was primarily to ensure the safety of aid workers: if humanitarian coordinators were not notified and did not have sufficient time to communicate exact details to field commanders, NGOs risked being attacked.<sup>24</sup> This concern was heightened when humanitarian organisations travelled by air because rebels contend that GoS personnel often travelled in helicopters with UN insignia. Instances of GoS planes using UN insignia are corroborated by UN staff and referred to in reports by the UN Secretary-General (UN, 2006b).

### 3.4 Travelling to rebel-controlled territory

Establishing contacts with rebel movements and conducting formal access negotiations were often the easy part of the process of accessing rebel-controlled territory in Jebel Marra and Dar Zaghawa; physically getting into rebel-held territory was often the most difficult component. It required negotiating with the GoS to exit government territory, addressing security concerns in ‘grey areas’ between GoS and rebel territory and travelling on unmaintained roads. From

<sup>23</sup> Author interview, Sudan researcher, 16 July 2012.

<sup>24</sup> Author interview, Ali Trio, 10 August 2012.

late 2004 through much of 2006, however, these obstacles were rarely prohibitive.

The ICRC was the first humanitarian actor to enter Jebel Marra, and one of the first organisations into rebel-controlled areas in Dar Zaghawa. Local staff were vital in securing access to both areas.<sup>25</sup> An ICRC security officer involved in the first humanitarian mission to Diza, Dar Zaghawa, in November 2004 remembers that ‘Once we passed the final GoS military outpost ... we would hide our travel permits and drive very slowly with the windows down ... An expatriate always drove in the first car ... then the Sudanese staff’. The ICRC officer in charge of facilitating the first Jebel Marra mission, to the town of Kaguro at the northern end of Jebel Marra, describes the trip:

*We contacted Suleiman Jamous and sent him a list of personnel. There was no humanitarian coordinator in Jebel Marra at this time so Jamous gave me the number for the SLA commander in charge of Jebel Marra, General Tarada. I explained the mission to [General Tarada] and he gave me the number for the field commander, Bashir Kosti, who gave us permission to enter the territory. We drove from El Fasher to Tawila, which was in GoS territory. We passed by some Arab Damras [temporary or semi-permanent settlements used by nomadic communities], but we had been instructed by the GoS not to approach the militias there. The GoS said that they would inform them ... Once we crossed into rebel territory we were met by Kosti, who I knew personally – he used to be a driver for Save the Children. He was very angry with me for ‘taking over a year to arrive’ ... Our team was allowed to move around very freely and do an assessment.*

An OCHA staff member in charge of negotiating access to Jebel Marra for a cholera vaccination campaign in 2006 recalls some of the added difficulty faced by humanitarian workers who needed to take government personnel into territory where they were generally not welcome:

*The [SLA] was particularly suspicious of the involvement of the Ministry of Health [MoH] in the campaign. The [SLA] heard reports that the GoS was throwing bags of faeces out of the back of planes in order to infect the water source and were now using the disease [caused by the faeces] as a pretext to enter SLA territory ... They only wanted their own people involved with the vaccination ... [OCHA] had to negotiate to get someone from Jebel Marra into government territory to receive training but this person was still not sufficient to carry out the campaign ... Finally the SLA agreed to allow a few MoH people in their territory. But they were not allowed to bring phones or cameras. And they checked every staff member and every item that came off the helicopter.*

<sup>25</sup> Author interview, 9 September 2012.

**Box 4: The bureaucracy of cross-line movement**

An expatriate field coordinator for Action by Churches Together/Caritas in charge of facilitating a mission by road from Zalingei, West Darfur, to the towns of Jildo and Golo, Jebel Marra, recalls some of the numerous cumbersome bureaucratic measures involved in cross-line movements in 2005:

*We worked with OCHA and the rebel humanitarian coordinator to decide which villages were in the greatest need of an intervention ... OCHA gave us the [satellite phone] number of the SLA humanitarian coordinator that covered the part of Jebel Marra we wanted to work in. We called the humanitarian coordinator and told him that we wanted to make a humanitarian assessment. He agreed ... We went to HAC in Zalingei and got a permit to leave the town. We then went to AMIS to verify security on the road between Zalingei and Nertiti. Then we went to the HAC registry again to get permission to leave Zalingei ... I called the rebel humanitarian coordinator again to tell them that we were on our way ... We drove from Zalingei straight to Nertiti, which was still under GoS control. We drove to the AMIS base in Nertiti and alerted them of our intention to cross into SLA territory. We then drove to the HAC office in Nertiti to get their permission to exit Nertiti. We called the rebel coordinator again to say that we are coming in. The [SLA] sent a security officer with his own car to meet us at the border of their territory. The security officer convoyed with us to the local town. We met the humanitarian coordinator in the town. We explained to him what we were there to do and how we planned to carry out an assessment (even though this had already been explained to him by OCHA). He agreed. The security officer and the humanitarian coordinator accompanied us to all the villages [during our assessment] but they were not part of the discussions with the community.*

Despite this being a relatively safe time for NGOs operating in Darfur, several serious security incidents took place during travel from GoS to rebel-controlled territory. In the worst, two Save the Children UK food convoys hit landmines in separate incidents in Dar Zaghawa in 2004, killing two staff members (BBC, 2004). UNDSS responded by designating the area off-limits, and according to Jamous no UN agencies or INGOs entered rebel territory in northern Dar Zaghawa for several months. The UN concluded that the rebels were responsible, though individuals familiar with the incident are sceptical. One former Save the Children staff member contends that at least one of the landmines may have been laid by the GoS to discourage the organisation from working in rebel territory, or possibly in response to Save the Children's insistence that its convoys not be escorted into rebel or contested territory by the GoS. It is also possible that the landmine was not intended for an NGO at all. The lack of concrete information and the absence of any similar incidents make it unreasonable to use Save's experience to generalise about rebel behaviour towards humanitarian actors.

**3.5 Working inside rebel-controlled territory**

Once issues around who was allowed to enter rebel territory were resolved and the bureaucratic and geographic obstacles to travelling to rebel territory were overcome, aid workers encountered very little resistance. Most NGO staff members stated that the two conditions they placed on the rebels, once they were inside rebel areas, were security guarantees for their staff and unhindered access to areas with humanitarian needs. According to Nimir Abdurahman, a senior general and former SLA spokesman who interacted with many of the NGOs coming into Jebel Marra, NGOs imposed only a small number of conditions: 'no weapons near NGO facilities, no travelling in NGO cars, no checkpoints for NGOs inside rebel territory and no soldiers near registration or food distribution'. As a result of these requirements, the SLA made humanitarian coordinators 'civilians' so that they could interact closely with NGOs.<sup>26</sup>

The few provisions articulated by OCHA in the ground rules about operating inside rebel territory are broadly consistent with the rebels' accounts. OCHA was concerned primarily with the safety and security of NGO staff and property and respect for humanitarian space. Security included not just being free from harassment by rebel groups but a positive duty on the part of the rebels to inform humanitarian actors if the security situation changed (OCHA, 2005). This is largely consistent with conditions laid out by MSF and other NGOs that negotiated their own access to rebel-held territory. According to OCHA officials, during the year and a half following the signing of the ground rules, rebels largely adhered to these precepts.

The consensus amongst aid workers was that, between the start of the conflict and the signing of the DPA in 2006, the rebels were very respectful of humanitarian space. There were periodic incidents of carjacking by rebels, and several interviewees from INGOs recalled some minor theft. Those incidents that did occur were generally seen as isolated. Stolen property, even hijacked vehicles, was sometimes returned.<sup>27</sup> According to a senior UNDSS official, they were 'often able to negotiate with rebel movements to return several of the hijacked vehicles, although this often took a long time'. Aid workers reported feeling secure inside rebel territory, especially in Jebel Marra; one remarked that the 'only limitation of the relationship with the SLA was their assessment of where the front line is. Once you are inside their actual territory, you felt very safe'. Another aid worker, whose convoy had been shot at by SLA soldiers, said that the SLA 'apologised profusely for shooting at us, they had mistaken us for someone else'. Aid workers interviewed also felt free to move around, but that these movements were monitored. Several aid workers reported that the SLA would follow them into its territory and often escort them. Another aid worker reported that, even when he could not see the SLA, the rebels were tracking his movements, and claimed to have

<sup>26</sup> Author interview, Dr Salih Adam Ishaq, 22 August 2012.

<sup>27</sup> Author interview, OCHA official, 8 November 2012.

once had a conversation with a commander who brought out a book in which he had marked all of his movements since he had arrived in SLA territory. Rebels acknowledge that some NGOs were escorted and monitored but assert that it was done for the NGO's own safety.

While the rebels appear to have been happy to allow humanitarian aid, they were not receptive to efforts by humanitarian actors to discuss civilian protection issues in their territory, and reportedly felt that engagement with aid agencies should focus solely on material assistance. According to one aid worker interviewed, commanders reportedly became very nervous when asked about security or protection issues. ICRC was one of the very few humanitarian actors to engage in efforts to systematically educate the rebels about protection issues through workshops on International Humanitarian Law (IHL) for SLA commanders and legal advisors. The SLA leadership may have become more receptive to IHL training as a result of UN Security Council Resolution 1593, which referred the situation in Darfur to the International Criminal Court (ICC). According to an aid worker familiar with the workshops, '[w]hat helped [get the senior rebel leadership to support the workshops] was the International Commission of Inquiry because the [senior leaders] realised that they could be held accountable for what their field commanders were doing in the field'. Whether and to what extent this training actually served to modify the behaviour of rebel field commanders is difficult to say. According to SLA legal advisor Abdelaziz Sam, who often acted as a liaison between the ICRC and SLA field commanders, the training 'had a positive effect on [the] behaviour of commanders. Now commanders abide by the Geneva conventions. Now we hand [prisoners of war] over to the ICRC'. The training does appear to have had some effect on the rebels' behaviour as the ICRC received fewer reports of violations than previously, and was 'able to visit [rebel] detention areas and ensure safety of prisoners and facilitate the release of government prisoners of war'. The workshops also reportedly enabled the ICRC to gain a better

understanding of the SLA and to establish better contacts with SLA commanders in the field.

### 3.6 Rebel interests and perspectives

The relative ease with which aid agencies operated inside rebel-controlled territory is unsurprising given that allowing aid in was largely in the rebels' interests. Rebels were direct beneficiaries of assistance; some pretended to be civilians in order to obtain services in refugee and IDP camps, communities often shared food aid with the rebels and several agencies allowed rebels access to health clinics, as long as they were unarmed. Some agencies reportedly gave food directly to the rebels, or distributed food to civilians through SLA humanitarian coordinators. Some rebels simply took food from INGOs.

Although aid workers interviewed were divided as to whether the rebels were genuinely interested in the welfare of civilians, there is a general consensus that genuine concern was more likely to be present when the host community was from the same community as the rebel groups. Providing support to these communities had the potential to increase popular support for the rebels and enhance their legitimacy in the eyes of the population. Conversely, a lack of aid could undermine the rebels' support. According to one ICRC official, 'the aid legitimised the rebels because the local population saw the rebels coordinating with the NGO and then saw the NGO delivering aid, which strengthened support for the group'. Rebels ensured that displaced populations outside of rebel territory were aware of the activities of humanitarian actors inside their territories, including through radio broadcasts. The presence of aid agencies also arguably provided protection for rebels: according to one UNDSS official, 'the presence of humanitarian personnel made the GoS less likely to attack and the rebels recognise this', though the notion of protection by presence had been disputed (Pantuliano and O'Callaghan, 2006).

# Chapter 4

## Growing insecurity and deteriorating access, 2006–2009

The security situation deteriorated dramatically after the signing of the DPA in May 2006. In the following months armed groups proliferated and became progressively more belligerent towards humanitarian actors. Violence was the most significant impediment to access in rebel-held and contested areas during this period. A perception that the humanitarian community was biased in favour of the signatory groups to the agreement contributed to the deterioration in relations with armed groups and the wider civilian population. The attitude of the GoS towards aid agencies also appeared to harden during this period. Several OCHA staff were expelled in 2007, including the head of office for South Darfur, allegedly for speaking out against involuntary IDP returns.

Although humanitarian operations continued, harassment of humanitarian staff and attacks on humanitarian property (both by armed actors and criminal groups) were widespread in both GoS and rebel-held areas. By early 2007, 95% of the roads in Western Darfur were unusable due to insecurity and the humanitarian community had no access to 900,000 people throughout Darfur (UN, 2007). This increased insecurity occurred within a context of growing humanitarian need for large sectors of the population, with half a million people newly displaced in the six months after the signing of the DPA (ICG, 2007a).

### 4.1 The Darfur Peace Agreement

The DPA was signed in Abuja, Nigeria, on 5 May 2006, by the GoS and the SLA/MM. The two other main rebel groups, the SLA/AW and the JEM, refused to sign it. The content of the agreement, and the process leading to its signature, have been intensely critiqued. The DPA focused on issues of power-sharing, wealth-sharing and security. Power-sharing provisions included guaranteed political representation for rebel signatories, including representation in the National Assembly, State Legislature and State Ministries. Wealth-sharing provisions included funds for reconstruction and compensation. Security provisions included the disarmament and demobilisation of government militias and the integration of rebel groups into the SAF. The negotiations that led to the DPA were marked by deep mistrust between the parties and disunity among the rebel factions. The process was criticised as being rushed to meet an artificial deadline set by the international community, and did not include civilian or civil-society representation. The agreement was deeply unpopular amongst some segments of the displaced population, and even its most ardent supporters acknowledge that it was a failure as almost none of its provisions were ever implemented.

### 4.2 Drivers of insecurity

Following the DPA Darfur's three main rebel groups fractured into dozens of different factions (Tanner and Tubiana, 2007). Many of these groups began to behave like bandits, as did some members of the original rebel movements, particularly the SLA/MM (ICG, 2007a). According to a senior UN agency official present in Darfur since 2004, 'For the first two years we knew who we were dealing with: two SLAs and the JEM in Silea [West Darfur] ... After [the DPA] it became much more difficult'.

Despite the fact that many humanitarian organisations did not support the DPA, non-signatory rebels believed that the humanitarian community was biased against them. After the signing of the DPA, AMIS, at the request of the GoS, expelled the non-signatory rebel factions from the CFC, destroying the only mechanism for investigating belligerent acts by all parties to the conflict. Attacks were carried out either because a particular organisation was perceived to support a rival group, or because the group wanted to raise its profile in the more fractured environment that followed the DPA.<sup>28</sup> Nonetheless, it is likely that most rebel attacks on humanitarian agencies were primarily for material benefit. Most of the major rebel movements acknowledge little or no responsibility for attacks on humanitarian property or personnel, attribute the violence to the GoS, the *janjaweed* under the direction of the GoS or bandits, and claim that the rebels had no interest in harassing NGOs.<sup>29</sup> According to Abdul Wahid:

*No rebel groups had an organisational policy to harass NGOs. Even the JEM did not do this. [The rebels] had no organisational interest to harass NGOs. [Harassment was done] just by some splinter groups trying to gain strength. Rebels have families in the camps. It is in our interest to keep the NGOs operating.*

Rebel leaders also contend that the GoS and its proxy forces often masqueraded as rebels in order to carry out attacks.

Attacks against aid workers by *janjaweed* militias and groups associated with Arab and nomadic populations were common. Nomadic Arab populations felt that the government had failed to represent their interests during the Abuja negotiations, and was blaming them for the violence. As one aid worker familiar with Arab and nomadic populations explained:

<sup>28</sup> Author interview, aid worker, 31 August 2012.

<sup>29</sup> Author interview, Abdul Wahid Mohammad Ahmed Alnour, 10 September 2012.

*After the DPA the relationship between the GoS and the armed militias deteriorated. The GoS had blamed the Arab tribes during the negotiations. Tribes came to believe that they had been used and sold out ... these groups claimed that the GoS had used 'outlaws' from their tribes to do [GoS] bidding.*

Excluded from most forms of humanitarian assistance, and no longer loyal to the GoS, these groups began to attack humanitarian organisations, nearly all of which they perceived as biased. They also began to attack each other. Fighting between these tribes became the single largest cause of violent death in the aftermath of the DPA (Flint, 2010). According to numerous aid workers, the nomads witnessed the benefits of aid being received by the IDP communities, which they did not receive, and felt that it was no longer in their interest to respect the security of humanitarian actors.

There is disagreement over the extent to which the GoS was responsible for the upsurge in violence against humanitarian actors. In a report published in 2007, Human Rights Watch argued that the GoS had overall responsibility for the increase in insecurity after the DPA was signed (HRW, 2007). Numerous aid workers interviewed for this study argued that, although the GoS may not have directly caused the increase in insecurity, it attempted to manipulate the situation to its political and military advantage. Although the GoS is likely to have benefited from divisions between rebel movements, its interests were arguably not served by the behaviour of the *janjaweed* after the DPA. As one senior UN agency official put it, 'the GoS would have had to be Machiavellian to the extreme to plan the chaos ... [the UN] didn't see it as a government plan'.

### 4.3 Assistance amidst chaos

The changed environment following the signing of the DPA affected the humanitarian situation in several respects. The SLA/MM attacked villages loyal to other factions, causing massive displacement (ICG, 2007), and began to engage in carjacking. Divisions between the rebels also made it much more difficult for aid actors to work in refugee and IDP camps, which were generally highly politicised and often highly militarised. According to the UN Secretary-General (UNSG) report to the UN Security Council on Darfur in June 2006, the camps became 'intensely and often violently divided between supporters of signatory and non-signatory groups' (UN, 2006a).

The chain of command within many rebel groups broke down, making communication with commanders and humanitarian coordinators much more difficult. According to one aid worker who was in regular contact with the rebels, 'after the DPA the movements lost control over their commanders. And they lost their political objectives. Violations against civilians increased, including summary executions of civilians, especially west and south of El Fasher, especially by SLA/

MM'. Security guarantees given by field commanders and humanitarian coordinators became less reliable. According to one aid worker who had regular contact with the rebels in 2006, 'All the different groups would let you pass ... Then they would attack you when you were in another group's territory. And then blame the other group. In other areas, rebel groups would attack you in their own area and then blame a different group'. To make matters worse Suleiman Jamous, upon whom many aid agencies had relied, was reportedly no longer a viable intermediary for many groups. An aid worker who worked in Jebel Marra describes one incident in 2006 in which the SLA hijacked an ICRC vehicle and killed the driver. Hijackers spoke Zaghawa in an attempt to implicate a group loyal to Jamous. The incident illustrates how some of the rebel groups tried to take advantage of the fragmentation both to acquire humanitarian property and to frame a rival group.

These difficulties did not mean that operating inside rebel or contested territories was impossible. OCHA maintained good contacts with some rebel movements during this period, and some tried to help OCHA deal with splinter groups. Rebel areas with well-defined borders were amongst the safest places to operate. According to the head of mission for an INGO operating in East Jebel Marra in 2007:

*[East Jebel Marra] was actually quite safe. It was an SLA stronghold. Military intelligence, NISS and HAC allowed us to go in most of the time ... This was probably because we were only doing water projects. We didn't engage politically. We flew in to Deribat [East Jebel Marra] ... Once we had two cars taken but SLA commanders got them back for us. They were protecting us. It was in their humanitarian interest to protect us.*

Those (very few) local NGOs that were permitted to operate in rebel territory also claimed to be able to work easily throughout this period. Dr Mudawi Ibrahim, director of SUDO, one of the few national NGOs accepted by most of the rebel movements, said that his organisation 'was not affected by fragmentation or inter-Arab fighting. We could still work in all territories. The UN and the INGOs did not know who to speak with'. Even so, for most NGOs operating in rebel and contested areas in Darfur was extremely difficult.

Most humanitarian organisations adapted to the insecure environment by either scaling down their operations or beefing up their security measures. According to one aid worker, for example, 'The ICRC started using huge, slow trucks to transport personnel, which were of little use to rebels because they were too big and used too much fuel'. The UN stopped driving to most field locations and started flying, as did most NGOs, including those operating in Jebel Marra, such as MSF. Changes in security protocols appear to have isolated the humanitarian community from the armed

movements. According to one national staff member, ‘Once the humanitarian community started taking helicopters they lost contact with different groups’. In the words of an MSF country director in Darfur at the time:

*After a bad security incident on the road [to Jebel Marra] we stopped taking roads. The UN chopper came and got us. As a result we stopped having contact with [the armed movements]. This led to a cycle of isolation. Cost us contacts and we forgot how to get contacts. [MSF] has the access we deserve.*

In interviews for this study, some national staff working for INGOs commented that expatriates did not properly understand the security situation, and that national staff members were never included in security meetings. Other aid workers said that part of the problem was that some INGOs subscribed to an oversimplified reading of the conflict, which did not allow them to appreciate the intricate dynamics between and within different groups.

Nearly all humanitarian organisations revised their security protocols and many were forced to shut down certain operations. As well as changing their security protocols, many aid agencies also modified their protocols for communication with the rebel movements (OCHA, 2006a). According to an aid worker who coordinated with the rebels in North Darfur in 2006 and 2007:

The few groups who kept trying to work in rebel areas had to change procedures. ICRC started to do redundant security checks [i.e. with multiple rebel commanders]. We could no longer trust the regional coordinators. We needed to speak with the local field commanders directly.

OCHA and UNDSS had to renegotiate access with many commanders. According to an OCHA official, there was ‘a total breakdown in negotiating access with rebels’. OCHA and UNDSS engaged in a field-based approach to build and maintain relationships with the movements, which included attempting to map new commanders and power structures and engaging with them directly. One OCHA official recalled, ‘we spent a lot of time on the ground with the commanders, sitting under trees, building trust, and talking about security arrangements ... we did constant maintenance of these relationships’. According to a UNDSS officer tasked with ensuring that rebel areas in North Darfur were secure for humanitarian organisations, many of the commanders were the same, so it was still possible to use UNDSS contacts to reach them; the main problem was ‘determining who controlled where [and] building relations with these people ... Even at the height of the fragmentation [UNDSS/OCHA] could move from El Fasher to JEM-controlled territory on the border with Chad’.

### **Box 5: WFP in ANSA-held and contested areas, 2003–2008**

WFP had a massive organisational footprint in Darfur throughout the conflict. Its primary role in distributing food to millions of individuals gave it a humanitarian imperative to gain access to all areas that required food aid, which included many rebel and contested territories.

In 2003, WFP had extensive access enabled by the interest of both the government and rebel groups in food deliveries to rebel areas. Nonetheless, a WFP officer who was in Darfur from before the start of the conflict until a few years after the signing of the DPA describes the new problems WFP faced in delivering aid to rebel-held areas:

*If there was fighting then the SLA would say ‘don’t come in for three days’. But it was still logistically very difficult. We did a lot of food drops in rebel territory. We had to helicopter out to the drop zones and coordinate with rebel leaders. We relied on local rebel intelligence for security.*

As the conflict progressed, access became more difficult: ‘Rebels would often demand fuel and food in order for our trucks to pass ... Sometimes we negotiated with rebels through traditional [tribal] leaders. Negotiations with the rebels often demanded food and fuel ... sometimes we gave them food ... sometimes it was taken at gunpoint’. Once the security situation deteriorated in the aftermath of the DPA, numerous WFP convoys were hijacked and their drivers kidnapped. In response, WFP decided to modify its procedures to ensure that food aid continued to flow to rebel areas. It began to negotiate through local intermediaries to pass through ANSA-held territory. A WFP official interviewed for this study explained:

*We started to use local ‘transporters’ who were contracted by local companies ... It was very high risk for them but also a high financial reward. Over 30 transporters were killed. But they always found a way in. They would do their own negotiations and come back to us with the terms. We might have to compromise monetarily. We used Arab or Zaghawa transporters, depending on the area. Local partners were there to receive the food. Sometimes we also gave food to host communities, who were perhaps not in need, so that we could go through.*

In 2007 and 2008 not only did the security situation deteriorate but apparently so did the GoS’s attitude towards food deliveries in rebel areas.

*By 2008 the [GoS] policy of access had changed. They were not permitting [WFP convoys] into rebel areas in South Darfur ... The GoS wanted to starve the population around Al Daein and Nyala [South Darfur], which is where the first oil exploration was taking place ... We finally managed to get through after very intense negotiations with HAC.*



# Chapter 5

## The *janjaweed*, nomads and Arabs

The main armed non-state actors in Darfur who were not originally involved in an anti-government insurgency are commonly referred to as *janjaweed*. The *janjaweed* perpetrated many of the most serious crimes against civilians during the conflict. Members came mainly from nomadic Arab tribes. Members of these tribes believe that their communities were victims of the conflict, and wrongly portrayed as violent aggressors. They are also aggrieved that aid agencies provided them with very little assistance (Young et al., 2009). Humanitarian agencies generally acknowledge that they provided little assistance to these groups and to the communities affiliated with them; however, there is disagreement about why assistance was limited, and there is significant disagreement about whether it was justified to provide such limited assistance given the scale of needs. This chapter outlines the general perspective of the nomad and Arab groups towards the humanitarian community, the views held by the humanitarian community with respect to engagement with nomadic Arabs and examples of engagement with these groups.

### 5.1 Who are the *janjaweed*?

The meaning of the term *janjaweed* is disputed. In Darfur prior to the conflict, *janjaweed* commonly referred to armed bandits. During the conflict, the term came to be used by large portions of the local population and humanitarian actors to describe the various proxy militias that the GoS sent against the rebels and civilians perceived to be supporting them. However, many members of the ethnic groups commonly associated with the *janjaweed* reject the term in this more recent sense. They believe that anyone who fought against the rebels should be considered a soldier as they were following orders from the GoS.<sup>30</sup>

In this report, *janjaweed* is used to describe a category of armed actor distinct from the rebels and (usually) aligned with the GoS, but not formally integrated into the SAF. The term *janjaweed* is often used interchangeably with the terms ‘nomad’ and ‘Arab’ by humanitarian actors and local non-Arab Darfurians (in a survey of Darfurian refugees, respondents were asked an open-ended question about what the word *janjaweed* meant to them. The vast majority of respondents volunteered ‘Arab tribes’ (Loeb et al., 2009b)). This is an inaccurate generalisation. In Darfur, ‘Arab’ is an ethnic and an identity category referring to individuals and groups who identify and are identified by others as Arabs. The boundaries between Arabs and non-Arabs (or ‘Africans’) in Sudan are arguably fluid and have changed over the years. Moreover, there is significant diversity amongst and within Arab groups

with respect to ethnicity, geographic location, livelihoods, access to and control of natural resources and political power, and in terms of relations with the GoS. Riverine Arabs (or Arabised populations) in the centre of Sudan have immense political and economic power; the western Arabs of Darfur and Kordofan are often extremely poor and politically marginalised. According to one researcher who has spent considerable time with nomad and Arab populations in Darfur, ‘the general narrative describing Darfur took far too little account of what the term “Arab” meant in practice. The riverain Arabs of Khartoum and the [National Congress Party] NCP are a world away from those in Darfur, and yet this is poorly grasped’.

In Darfur, nomads have historically depended on their livestock, taking two long journeys each year: north during the rainy season and south during the dry season, always in search of water and pasture. The distinction between ‘nomads’ and those who practice a sedentary lifestyle is not clear-cut: ‘nomadism and agricultural practices are often complementary’. According to one researcher, ‘farmers have livestock ... and the nomads have always cultivated’. Many Arabs identify themselves as nomads, and nearly all nomads, with the exception of the Zaghawa and the Meidob, identify themselves as Arabs.

There is tremendous diversity between and within these groups with respect to their participation in the conflict. In several cases the entire tribe joined en masse; in others only individual members joined. Some Arab tribes have remained officially neutral, and a small number of individual Arabs fought with the rebels (Flint, 2009; Flint, 2010). Some non-Arab tribes have supported *janjaweed* groups, and there are non-Arab, pro-GoS, anti-Zaghawa militias (Gramizzi and Tubiana, 2012). There was often a strong correlation between a tribe’s economic situation and the likelihood of it becoming involved in the conflict: the Abbala *rizeigat* (camel-herding) tribes from North Darfur were largely landless and were more likely to participate; the Baggara *rizeigat* (cattle-herding) tribes from South Darfur had their own land and were more likely to remain neutral.

Equating *janjaweed* with Arabs and nomads suggests a collective responsibility for the atrocities committed by the *janjaweed* that is inconsistent with the realities of the conflict. This misrepresentation has contributed to misunderstanding as to why certain groups and individuals chose to become *janjaweed*; it serves to divide Darfur into two opposing groups and allows the conflict to be comfortably framed in exclusively racial terms, ignoring its ethnic complexity and underlying political, economic and environmental factors. While a small number of early commentators emphasised the

<sup>30</sup> Author interview, member of Nomad Development Council, 30 August 2012.

historical roots of the *janjaweed* (Young et al., 2005; Tanner, 2005), many more described the actions of the *janjaweed* in simplified terms devoid of historical context and grounded in a stark racial division as the primary driver of conflict: *janjaweed* were seen as Arab supremacists persecuting Africans, with the violence often portrayed as an end in itself.

Some local staff long recognised that this narrative was misleading. In reality, decades of systematic marginalisation by governments in Khartoum had caused many nomadic tribes to be displaced from their power and resources. The most vulnerable (i.e. landless) groups were most easily recruited and convinced by the GoS to believe that the rebels were fighting a war against Arabs. Resource scarcity and fear within the context of historical conflict are the primary drivers of the *janjaweed*, not racial hatred (Pantuliano and O’Callaghan, 2006; Young et al., 2009; Flint, 2009; Flint, 2010).

## 5.2 Nomad and Arab perceptions of aid agencies

Nomadic Arabs claim that the humanitarian community has been systematically biased against them. They contend that humanitarian actors accept a false narrative perpetuated by the media and human rights groups that nomadic Arabs were all killers, rapists and Arab supremacists.<sup>31</sup> Although leaders of certain Arab and nomadic groups have reportedly privately admitted that groups under their control committed atrocities, most argue that instances of violence were carried out by specific individuals acting under direct orders from the GoS. Tribal involvement is seen as a response to rebel aggression; the rebels are perceived as enemy tribes, not as political entities opposing the government in Khartoum. Many Arab and nomad groups also maintain that the international community has consistently failed to recognise that they too were victims of the conflict. According to one representative on the Nomads Council, a Khartoum-based organisation that claims to speak on behalf of many nomadic groups:

*the West brought the ‘Arabs stealing land’ narrative because they don’t like the NCP ... [nomads] were also victimised by the conflict ... and they were not the initial cause of the violence. Many of their damras were destroyed by rebels. And many nomads are living as IDPs ... but they are not in IDP camps because they are not accepted and because they have been integrated into other nomadic communities.*

Both the rebels and the humanitarian community generally dismiss claims by Arabs and nomadic groups that they were not actively involved in major violence. The rebels generally agree, however, that Arabs have been marginalised and manipulated by the GoS. They argue that the GoS is a common enemy, and that aligning with the rebels against it would be mutually advantageous. Rebels have made overtures to nomad groups,

<sup>31</sup> Author interview, member of Nomad Development Council, 30 August 2012.

and numerous agreements (with varying degrees of success) have been signed. Some nomadic Arab groups have switched allegiance as they have become disillusioned with the GoS (Tanner and Tubiana, 2010; Gramizzi and Tubiana, 2012).

## 5.3 Humanitarian perceptions

Humanitarian actors generally accept that there was a pervasive bias within the international community against nomads and Arabs. According to one of the very few members of the humanitarian community who travelled with nomads in Darfur, ‘these groups [were] totally overlooked by the humanitarian community’. Many aid workers present in Darfur in 2004 contend that feelings of antipathy toward nomads and Arabs were a product of the actual behaviour of these groups during the conflict, notably a vicious campaign against IDPs. According to a former senior UN agency official present in Sudan during the early stages of the conflict, ‘the [UN] people who had been [in Darfur] during the worst part of the conflict had a visceral negative reaction to engagement with the Arabs. They had seen what they had done’. The association of Arabs and nomads with killers caused many humanitarian staff, especially inexperienced staff, to take sides with the perceived victims.<sup>32</sup> Humanitarian actors worked almost exclusively in IDP camps, and were influenced by the opinions of the displaced. According to a researcher familiar with nomadic communities, ‘the [nomads] became demonised by everyone, became untouchable ... couldn’t engage with the guys “doing the genocide” ... and the NGOs couldn’t differentiate between different [Arab and nomad] groups’. The fact that local staff were mainly recruited from non-Arab groups contributed to the bias against the Arabs (Pantuliano and O’Callaghan, 2006).

The behaviour of Arab and nomad groups towards humanitarian agencies was another factor in the humanitarian community’s incomplete or inaccurate understanding of their role in the conflict. Arab and nomad groups were seen as mistrustful of INGOs and the UN. According to one aid worker who worked with nomadic communities, ‘the Arabs were highly suspicious, they would not let NGOs enter their *damra* or they would just let them meet with the leaders, not the communities’. One OCHA staff member who spent significant time with nomads described them as ‘suspicious and downright aggressive’, and said that he occasionally feared for his security, especially in the period after the signing of the DPA. Nomads’ apprehensions apparently increased after the ICC indictment of Bashir in 2008. According to an ICRC officer, ‘after the ICC it became very difficult to communicate with nomads. They became very suspicious’. Nomadic groups were also extremely difficult to locate. Aid workers who tried to work with nomadic communities often reported that they had no way of locating or communicating with them. According to a UNDSS officer in Darfur in 2004, the UNDSS ‘could not establish relationships with Arab groups’. One aid worker remarked that it was difficult to intervene because there was

<sup>32</sup> Author interview, senior UN official, 27 December 2012.

no one to contact: 'Elites in Khartoum pretended to speak for them'.

The perceived relationship between the GoS and the nomads and Arabs also prevented aid agencies from engaging with them. One aid worker stated that 'we didn't contact the militias initially because they were GoS'. Another aid worker present in Darfur during 2004 stated that 'we treated the *janjaweed* militias as an auxiliary force instead of engaging with them'. According to another, '[h]umanitarians didn't think it was necessary to negotiate security arrangements with militias supposedly acting on orders from [the] GoS'. For its part, the GoS was suspicious of aid agencies' intentions with respect to the nomads. Several aid workers said that the GoS would prevent aid agencies from interacting with the nomads and would state that the GoS 'was taking care of them'. According to one individual with significant experience of working in nomad and Arab communities:

*The closer people get to the nomads in all three states, the greater the realisation of the diversity in voice, and that the government does not speak for them – although, of course, for some it does ... To find equivocation and dissent in what was thought to be a homogenous power bloc represents a weakening of the GoS's rhetoric, and is why meeting with and talking to nomads is discouraged as much as possible ... The GoS resists anything that would weaken the efficacy of the political and military tools that are available to them, and this includes to have anyone speak for the Arabs and nomads (even themselves!) if the line that comes out is not the party line.*

Notwithstanding GoS attempts to prevent aid agencies from contacting nomadic groups, aid agencies generally recognise that they should have engaged more proactively with nomad and Arab groups. That said, most aid workers, especially those present in Darfur during the early stages of the conflict, do not feel that greater engagement would have translated into significantly greater levels of humanitarian assistance for these groups. One senior UN official argued that the nomads 'were not perceived to have lost anything in the conflict and were often perceived to have gained'. The general view within the humanitarian community was that, while the nomadic population was very poor and underdeveloped, their needs were far less severe than those of IDPs. Nomads contend that their losses were real but not easily observed. According to one researcher who spoke with nomadic groups about this issue:

*nomads say that a burnt-down gotiya is evidence of loss for the sedentary non-Arab that can easily be quantified. But for the nomad, who habitually moves around, destroying his possessions leaves little trace – so how can you quantify his loss? 'Committees' come round and make reports, but nomads struggle to prove their losses.*

Some humanitarian actors recognised that serious needs existed, but felt that moral considerations weighed against the provision of assistance. It was morally problematic to engage with many of these communities even when they had serious needs because many of these groups continued to prevent the displaced from returning to their villages.

#### 5.4 Assistance to *janjaweed*-controlled areas

Despite the concerns outlined above, in the early stages of the conflict some groups did work with nomadic and Arab communities. The most pressing needs were destroyed water points, livestock vaccination and the loss of livelihoods as a result of the breakdown in markets formerly run by displaced populations. Meetings to discuss interventions were generally arranged through local staff, contacts in towns, members of the GoS and, in a few cases, rebel humanitarian coordinators. According to an aid worker who organised agricultural and peace-building projects with nomads for Norwegian Church Aid (NCA):

*Local staff made the contacts and did the initial meeting with the nomad sheiks, and explained the project. The sheik then spoke with the rest of the group's tribal leadership ... Then they agreed to meet with NCA international staff on the next market day ... Sometimes we would meet in damras.*

Aid workers who observed some of these early interventions question whether they were all justified. It was often unclear whether humanitarians were assisting in land occupation or vaccinating stolen herds (Tubiana, 2009; Weissman, 2008). One aid worker who was in West Darfur in 2004 remarked that 'some NGOs were blind to the conflict. They worked in *janjaweed* territory without knowing it. Built boreholes on occupied land ... Neutrality legitimised occupation'. Certain groups were (or became) more alert to these considerations. At least two organisations working in west Darfur decided that they would dig or repair boreholes only after the location had been approved by the host and IDP communities.<sup>33</sup> One aid worker recalls doing this in an area in West Darfur controlled by *janjaweed* leader Hamid Dawai: 'We would get a list of pumps from Dawai and then we would get the locations certified by the IDP leaders'.

Increasing hostility towards NGOs among nomad and Arab groups in the post-DPA period prompted increased humanitarian engagement with these groups and provided a justification for humanitarian assistance. According to a UNICEF worker tasked with doing an assessment after the *janjaweed* threatened to attack a WFP convoy, 'we did an assessment, found that the community was war-affected. Their markets had been closed'. Even when serious needs were not found, WFP often engaged for security reasons. According to a WFP staff member, 'we found that needs

<sup>33</sup> Author interview, aid worker, 4 September 2012.

were limited but did “aid for peace”. Another aid worker noted that WFP started providing ‘food for protection’ after nomads accused the agency of partiality towards the rebels. Several INGOs also engaged with nomadic groups for security reasons. According to a staff member in charge of MSF-France programming with the nomads, programming was initiated based on need but also in the hope that it would improve security: ‘It prevented them from attacking the neighbouring displaced population and allowed [MSF-France] to have safe passage through their territory ... [the nomads] were not facing a major health crisis but still had needs’.

The ICRC was one of the few aid agencies to engage seriously with nomads throughout the conflict. One aid worker describes making contact with two *riziegat* groups. In the first instance, ‘it was just opportunistic because we needed to go through their territory around Gereida’. In the second instance, in an area around Malam under the control of *janjaweed* leader Juma’a Dogolo, it wanted access and needed to get security clearance:

*we asked if we could come visit, which took him aback ... we stayed and slept at his place for two nights on several occasions. This developed trust. We started to vaccinate his animals ... He said he didn’t need food and that it would ‘corrupt his people’ ... It was a difficult decision to make to work in the area because it had been a land grab about ten years ago, prior to the current conflict.*

The experiences of NCA, MSF-France and the ICRC, along with the general perceptions of the aid community described above, illustrate many of the issues faced by the humanitarian community as it tried to develop relationships with Arab and nomadic groups. A systematic bias clearly existed, which stemmed both from the behaviour of some members of these groups and from the aid community’s lack of understanding of them. Geographically isolated, politically unsophisticated and deeply suspicious of the aid community, these groups were difficult to contact. This difficulty was compounded by the fact that the GoS actively sought to prevent aid agencies from interacting with these groups. Isolation, GoS obstruction and a general lack of understanding caused many aid organisations to view these groups as auxiliary forces of the GoS, and fail to appreciate the complex relationship these groups had with the GoS specifically, and the conflict in general.

Aid workers are divided over the strategy the humanitarian community should have taken towards Arab and nomadic tribes. At the very least, engagement with Arab and nomadic groups should have started earlier and been much more substantive. There should have been a detailed analysis of the political dynamics of these groups and their relationship to the GoS. Determining whether, and to what extent, each of the different Arab and nomadic tribes participated in, and were affected by, the conflict should have been a priority. The humanitarian needs of each tribe should have been assessed and balanced against moral and political considerations. With a few notable exceptions, aid agencies did not appear to have seriously engaged in such deliberations.

# Chapter 6

## Access and security after the NGO expulsions, 2009–2011

In March 2005, in response to the findings of the Report of the International Commission of Inquiry on Darfur, the UN Security Council referred Darfur to the ICC. In July 2008 the prosecutor for the ICC requested an arrest warrant for President Bashir. The GoS responded by making it increasingly difficult for humanitarian agencies to operate in Darfur.<sup>34</sup> In March 2009, the ICC issued an arrest warrant for Bashir, prompting the GoS to expel 13 international aid agencies and terminate the licenses of three national organisations that it alleged were providing evidence to the ICC. After the expulsions, the security situation for those aid agencies that remained in the country worsened; notably, the first kidnap of an international staff member occurred shortly after the expulsions (UN, 2009). By 2011, there was consensus that the GoS wanted all international aid workers out of Darfur, and all humanitarian organisations out of rebel and contested areas. According to a UN Secretary-General report in late 2011, all attempts by humanitarian organisations to gain access to west Jebel Marra had been blocked by the GoS, leaving ‘an estimated 300,000 vulnerable people’ beyond the reach of the humanitarian community (UN, 2011a).

### 6.1 The humanitarian impact of the expulsions

The 13 expelled NGOs employed 40% of all humanitarian aid personnel in Darfur. They also included nearly every aid organisation engaged in protection activities. Although heroic efforts by the remaining INGOs and UN agencies, particularly WFP, prevented a potential humanitarian disaster, these efforts focused mainly on food and material assistance; agencies still in Sudan were notably silent on protection issues, and the protection capacity of the expelled NGOs was never replaced.<sup>35</sup> Why the humanitarian community was silent (at least publicly) on protection issues is unclear. It may have been because the internationals believed that the GoS would be least amenable to negotiations on this issue, or that discussing protection would hinder efforts to deliver food and other material assistance. One of the few mentions of protection in official UN documents in the aftermath of the expulsions, in a UNSG report to the Security Council in October 2009, stated that a UN mission to assess the humanitarian impact of the expulsions ‘did not discuss the protection situation in Darfur as planned, as the Humanitarian Aid Commission withdrew its presentation on protection’.

The precise impact of the loss of protection capacity is difficult to measure because the expulsions dramatically

<sup>34</sup> Author interview, senior UN official, 21 November 2012.

<sup>35</sup> Author interview, senior OCHA official, 5 August 2012; author interview, senior UN agency official, 1 November 2012.

reduced OCHA’s ability to monitor the humanitarian situation. According to a senior UN official present in Darfur:

*Before [the expulsions] we had lots of protection actors so we understood the needs. Now the picture is incomplete ... Protection and information are the two things that have suffered. Almost no one is in deep field anymore because the GoS denies access and because of self-imposed security issues and lack of rule of law. Interface with [the] movements also diminished significantly.*

The expulsions also saw a dramatic decrease in the INGO presence in rebel territory, especially Jebel Marra. The loss of humanitarian assistance in rebel territories has never been made good. According to an internal USAID report:

*What the expelled agencies have in common is not only that they were from countries supporting the ICC. It is that they were present in the most clearly anti-government locations: the rebel areas and the hard-line displaced camps, areas that government employees can often not even visit. These are the areas that have suffered the most from the expulsions (Tanner and Tubiana, 2010).*

### 6.2 Political response to the expulsions

Many aid workers believe that the political response to the expulsions by INGOs, UN agencies and donors was very weak. The main criticism of the international community was that it focused only on addressing the loss of capacity, rather than standing up for the expelled groups. According to one aid worker present in Darfur at the time, ‘after [the] expulsions the head of the UN went to the GoS to address gaps. Some people thought he should have discussed the expulsions’. Rebels are also generally critical of the international community, although not of the NGOs on the ground. According to Suleiman Jamous:

*After the 2009 expulsions, NGOs were afraid ... MSF-Spain is the only NGO that tried to stay [in rebel territory]... NGOs could not have been stronger because the international community betrayed them when they allowed 13 to go.*

The counter-argument advanced by senior UN officials based in Sudan at the time is that a more aggressive political response could have had further adverse consequences for the humanitarian situation. According to a senior OCHA official:

'The argument in 2009 was that, if the humanitarian community made more noise in response to the expulsions, then they would have expelled the remaining NGOs or wouldn't have let the national staff [from the expelled organisations] change NGOs'. While most aid workers acknowledge that concern about the humanitarian repercussions of an aggressive response merited a less hostile stance from those inside the country, many do not believe that this warranted such a passive response by the international community outside Sudan. A former director of one of the expelled NGOs was 'very surprised by how weak the response was', and felt that 'the international community could have pressured the GoS'. For some, stepping in to fill the gap in services, especially non-essential services, left by the expulsions was in itself a compromise.

Regardless of how they view the response to the expulsions, aid workers agree that, after the indictment, the GoS became increasingly suspicious of aid agencies and less willing to tolerate an international humanitarian presence in Darfur. According to a senior UN official based in Khartoum, 'the GoS used to fear airstrikes; now it's the aid workers who provide information to the ICC ... GoS truly believed that aid workers were giving information to the ICC'. Many humanitarian workers feel that the ability of agencies to secure access on their own terms was greatly diminished. According to an aid worker based in Darfur throughout the conflict, 'GoS profited from [the] apologetic stance post-expulsion. Everyone shifted rhetoric from relief to development'.

### 6.3 Humanitarian access to rebel territory after the expulsions

In the two years following the expulsions, humanitarian operations in rebel territories further decreased. This was due to a combination of factors: increased restrictions by the GoS, increased insecurity for aid workers, renewed fighting between rebel groups, increased aerial bombardment of rebel areas and a politically weakened humanitarian community. According to one aid worker:

*[After the expulsions] hostility against NGOs increased. There was a complete block of access to rebel territory.*

*GoS also started restricting UN agencies by saying that there is no security. Sometimes a commander at a checkpoint will tell you that you can't go. GoS became stronger; OCHA became weaker ... Many managers resigned so new OCHA managers are scared ... the NGOs no longer feel protected by OCHA.*

According to a senior USAID official, 'humanitarian access to rebel areas actually halted in 2010, not in 2009'. Another senior UN official echoed this sentiment, adding that '[the expulsions in] 2009 was a political move; [further access restrictions in] 2010 is a military strategy'. Several aid workers remarked that, in 2010, the GoS seemed newly determined to take control of rebel-held territory in Jebel Marra by military force. The ability of humanitarian agencies to operate in rebel and contested areas was further hindered by intense internecine fighting within the SLA/AW in early 2010. Further, Abdul Wahid felt that much of this fighting arose due to the efforts of the US to undermine his chairmanship of the SLA/AW; Wahid refused to attend peace negotiations in Doha, Qatar, because he felt that the US and others were trying to entice SLA/AW commanders to join the LJM.

Access to rebel-controlled areas in Jebel Marra was practically non-existent in 2010 and 2011, and large portions of the population were cut off from aid. The Danish Refugee Council (DRC), the last INGO operating in western Jebel Marra, evacuated its staff following two attacks on its office in late 2009 and early 2010. The departure of the DRC left UNICEF as one of the only aid organisations still trying to access Jebel Marra. According to one UNICEF staff member:

*The rebels were still calling us but couldn't guarantee security in every sector of their territory. In [late] 2010 SLA came to some internal agreement and we did two missions to Golo, which was GoS-occupied but surrounded by SLA, and Nertiti... [SLA/AW humanitarian coordinator] Siddiq 'Rokero' was coordinating but it became unclear who was in charge.*

Médecins du Monde (MDM), the last NGO operating in east Jebel Marra, was expelled from Sudan in 2011.

# Chapter 7

## UNAMID

In July 2004, 300 AU ceasefire monitors, under the banner of the AU Mission in Sudan (AMIS), entered Darfur. Between 2004 and 2006, AMIS forces were gradually expanded to 7,000 as the ‘observer mission evolved into a complex peacekeeping operation’ (UN, 2007). In early 2006, in response to increased insecurity and financial and logistical difficulties, the AU Peace and Security Council asked for AMIS to be transitioned to a UN operation. Following intense diplomatic pressure, the GoS agreed to a hybrid AU–UN operation, and UNAMID was unanimously authorised by the UN Security Council in July 2007. It was given a mandate under Chapter VII of the UN Charter, which authorises it to use force to restore peace and security. The mission is mandated to ‘facilitate full humanitarian access throughout Darfur ... contribute to the protection of civilian populations ... to verify the implementation of [the Humanitarian Ceasefire Agreement] ... and to assist in the implementation of the DPA’. In February 2008 a Status of Forces Agreement between the GoS and UNAMID stated that UNAMID ‘shall enjoy full and unrestricted freedom of movement without delay throughout Darfur and other areas of Sudan ... in accordance with its mandate’.

### 7.1 UNAMID in rebel territory

At the start of its mission, UNAMID was welcomed by the rebel movements and supported by conflict-affected populations (Loeb et al., 2009). By the end of 2012, however, rebel movements and civilians no longer believed the mission to be impartial; according to an OCHA official, there was a ‘complete loss of faith [in UNAMID] by the population’. According to Abdul Wahid Al Nur, UNAMID troops are no longer welcome in SLA territory. One UNAMID official admits that ‘we are not welcome in most [rebel] areas. Rebel groups don’t want us there. And GoS doesn’t want us to be there’. As a result, with the exception of a small team in Sortony, Central Darfur, UNAMID has no presence in rebel-held areas of Darfur.<sup>36</sup> These include some of the areas where protection needs are greatest.

Local and expatriate NGO, INGO, UN and even UNAMID staff interviewed for this report were virtually unanimous in their belief that UNAMID has failed to provide protection and facilitate humanitarian assistance to rebel areas in Darfur. Some aid workers and UNAMID staff contend that the mission’s failure to operate in rebel areas is symptomatic of the general inability of UN peacekeeping missions to operate effectively in situations where there is no peace to keep, as is the case in Darfur. The lack of trained and equipped troops is also seen as a serious impediment. These concerns are shared by a senior UNAMID military officer, who stated that the international community should be under ‘no illusion’ that the UNAMID

<sup>36</sup> Author interview, senior UNAMID military officer, 4 March 2013.

force as currently constituted is capable of bringing peace to Darfur. Even so, there is a view that UNAMID could be doing much more with the forces it currently has if the mission had the political will to assert itself against the GoS.

GoS control of UNAMID’s movements is widely perceived to be the primary reason for the mission’s inability to operate in rebel areas. Although UNAMID is formally authorised to travel freely throughout Darfur, including rebel and contested areas, in practice this has never been the case. According to a senior humanitarian affairs officer present at the start of the mission:

*The initial expectation shared by UNAMID personnel was that the mission would stand up to the GoS whenever it was necessary to secure humanitarian space or protect civilians. But this never happened ... The GoS began to realise how passive the UN was and how aggressive [the GoS] could be ... Even the GoS was surprised by UNAMID’s passivity.*

There is a widespread belief amongst UNAMID personnel that UNAMID’s senior political leadership and their senior counterparts at the UN in New York are partially (if not wholly) to blame for restrictions on its movements. Nearly all rebels, aid workers and UNAMID staff members interviewed were deeply critical of and dissatisfied with UNAMID’s passivity with respect to the GoS. Even UNAMID’s senior military commanders believe that the political leadership has been too submissive in its dealings with the GoS. One senior military commander stated that, after threatening the use of force, he was on certain occasions able to move his troops through, even though their movement had initially been prohibited by the GoS. The commander also acknowledged, however, that instances of UNAMID officers successfully standing up to GoS officials are exceptionally rare, and have taken place almost exclusively in instances where UNAMID troops are in danger.

As of 2012, UNAMID was asking permission from the GoS for nearly all its troop movements and flights. Permission is reportedly often denied when the request is to travel to areas outside GoS control. The GoS maintains that these refusals are for ‘security’ reasons.<sup>37</sup> This rationale is widely perceived as a way to prevent UNAMID movements when it suits GoS interests. UNAMID patrols are also turned back at SAF checkpoints after GoS permission has been received.<sup>38</sup> According to a senior human rights officer, who had worked with the UN prior to the arrival of UNAMID, the mission’s inability to gain access represents a marked departure from

<sup>37</sup> Author interview, senior UNAMID human rights officer, 11 December 2012.

<sup>38</sup> Author interview, security officer, 4 December 2012.

the past. The human rights officer added that, ‘even when UNAMID is permitted to go, they don’t want to take the risk because it is too dangerous ... but the reason that we are supposed to be there is because it is dangerous!’.

The last major attempt by UNAMID to expand humanitarian space into previously inaccessible rebel and (presumably underserved) GoS areas, Operation Springbasket, took place in 2011. Initially a joint venture between UNAMID and humanitarian actors, its goal was to secure humanitarian access and assistance for vulnerable populations throughout Darfur. A UNSG report from October 2011 appears to describe the operation as a success:

On 17 August, UNAMID and partner agencies concluded the first phase of ‘Operation Springbasket’. During the operation, which began on 1 May, they gained access to 13 remote and isolated areas across the three states of Darfur, and 10 humanitarian assessment and aid delivery missions were conducted. Humanitarian supplies, including non-food items, shelter materials, food, vaccines and other medical supplies were delivered to communities in areas that, in some cases, had been inaccessible for six months (UN, 2011b).

For their part, the vast majority of UNAMID staff and aid workers interviewed consider the operation to have been an abject failure. Massive institutional effort produced almost no tangible results aside from the distribution of a few dozen ‘hippos’ (a device, of debatable efficacy, designed to transport supplies such as wood across desert terrain) and a few boxes of medical supplies, many of which were delivered to GoS-controlled areas. According to one UNAMID official, ‘the whole operation was designed to access Jebel Marra ... Every time UNAMID was supposed to get access to a [rebel] movement area, NISS refused ... no areas in Jebel Marra were reached’. The operation also generated significant hostility between UNAMID, which wanted to deliver aid on the first trip to each area, and aid agencies, which wanted to do assessments prior to the delivery of any assistance. A senior UN agency official familiar with the operation described it as ‘a total farce’.

## 7.2 UNAMID, aid agencies and the peace process

UNAMID’s role in the peace process has arguably made it less willing to confront the GoS over access restrictions. It has also detrimentally affected its relationship with the non-signatory rebel movements and their civilian supporters. UNAMID’s initial mission was to support the implementation of the DPA, which it viewed as an essential part of a long-term solution to the conflict. This reasoning would have been logical had all the major parties to the conflict supported the agreement; however, it was wholly inconsistent with the reality on the ground when the mandate was authorised. In effect, tasking UNAMID with supporting an agreement signed by only one rebel movement was roughly analogous to having it pick a side in the conflict.

In July 2011 UNAMID was tasked with supporting the Doha Document for Peace in Darfur (DDPD), the second agreement to emerge out of the decade-long Darfur peace process (UN, 2012). By this time, the UN’s thinking was even less well reasoned. The DDPD was signed by the LJM and the GoS. The LJM had negligible military strength or popular support. The agreement included no viable mechanisms for addressing any of the primary concerns of the civilian population. Two years into its implementation, the DDPD has done nothing to improve security and, with the exception of the political positions given to individual rebel signatories, none of the main provisions of the agreement has ever been implemented. Nonetheless, the mission has devoted significant resources to promoting the agreement; as one UNAMID humanitarian affairs officer put it: ‘We don’t have anything except the DDPD. The UNSC mandate supports it. We have to work towards it’. Several UNAMID staff members interviewed for this report argue that this has had negative consequences. UNAMID’s role in disseminating the DDPD to the displaced population served primarily to raise expectations, especially with respect to the compensation and economic assistance promised in the agreement.

Unlike the DPA, the DDPD has not caused widespread divisions within the conflict-affected population. According to a senior UN official close to the peace process, ‘the DDPD was stillborn, and not really important enough to generate passionate opposition as did the DPA’. Nevertheless, the fact that it was endorsed by UNAMID and international actors angered non-signatories and their supporters, who perceived it as a way to sideline them and pretend that the conflict was over, thereby making these groups less likely to work with UNAMID, or with aid agencies that they believe support the agreement. As one senior UN official put it, ‘The DDPD is perceived as a way to bypass the [rebel] movements, invest in LJM because all others are spoilers ... UNAMID has a shocking lack of understanding of the political process ... OCHA should stay as far away as possible’.

UNAMID’s position was further compromised with the appointment of the then UNAMID SRSG Ibrahim Gambari as the new chief mediator in the aftermath of the DDPD. Gambari’s quixotic task was to convince non-signatories to join a process under conditions to which they were deeply hostile, further straining relations between the rebel movements and the mission. Members of UNAMID’s senior military leadership recognise that trying to play a mediation role in support of an unpopular peace process further erodes the mission’s ability to fulfil its responsibilities regarding protection and access for aid. As one senior UN agency official put it, ‘UNAMID has a clearly defined role for protection and access for aid. This is diluted when you add in mediation ... which is a conflict of interest, which is why the population is losing faith ... UNAMID should be outspoken about protection; when focused on mediation it is less inclined to do anything about [human rights] violations’. The extent to which UNAMID’s failures stem from its relationship to the peace process should not, however, be overstated; according to another senior UN official:

*UNAMID was widely disliked in Darfur because it failed to achieve anything for the population rather than because of its DPA links ... UNAMID sought the lights of Doha instead of getting into the field and seeking practical ways of reducing violence and enhancing economic possibilities ... This could have involved more intense negotiation with the armed movements about road safety and control of banditry and protection of civilians.*

Given the fact that almost no assistance had been provided in rebel areas for two years prior to the signing of the DDPD, it is difficult to know whether the agreement has affected aid agencies' ability to access and assist vulnerable populations in rebel and contested areas. Interviews with aid workers based in Khartoum several months after the signing of the DDPD indicate that some agencies and INGOs were devoting significant time and resources to altering their programming in light of the DDPD and that certain donors were pressuring agencies in this direction. Perceptions of the agreement among aid agency staff vary considerably. Many appear ill-informed about the weaknesses of the agreement.

Certain aid workers understand that the DDPD is unlikely to produce any results; many of these individuals are looking past the DDPD and designing their programming in the expectation of future conflict. Others argue that, regardless of its content or the strength of the rebel signatory, the document may provide some opportunities for aid agencies to do important development work. According to one senior aid official familiar with the DDPD, 'we could do development on the back of DDPD'. The strategy of this latter group appears to be to recognise that the DDPD is not a peace agreement between two parties with the ability to effect significant positive change in Darfur; rather, it is analogous

to a unilateral act by the GoS that may present some limited opportunities for UN agencies and INGOs to do development work. Such a strategy, however, is not without risk, as it exposes aid agencies to problems related to being associated with an unpopular agreement, as well as the moral dilemmas associated with doing development work in the context of ongoing conflict.

Perversely, despite endorsing the document UN member states and major donors have refused to fund its implementation unless certain provisions (that do not require much funding) are put in place beforehand, such as a human rights commission. Given that UN member states and major donors are aware that these provisions will never be implemented, their endorsement serves only to legitimise an unpopular and powerless group, raise the expectations of the population, send contradictory signals to aid agencies, alienate the non-signatory rebels and ultimately deprive conflict-affected people of any of the benefits that might actually come from financially supporting the agreement. A senior UN official argues:

*It is not the DDPD which created an ugly reality. It is the ugly reality of a failed rebellion which now has to suffer the dictates of the regime they fought in a more fundamentally divided Darfur as a result of the war and its atrocities and abuses. It is the ugly reality of an international community which talked a big game but was in reality very unwilling to provide much in the way of real intervention ... In hindsight the years of [the] peace process were largely an internationally facilitated mechanism by which the GoS bribes and threatens part of the armed resistance into surrender. It is a shame that the international community didn't accept this reality and attempt different strategies early on.*



# Chapter 8

## Access denied, 2012

By 2012 there was less humanitarian access to areas outside of GoS control than at any time since access opened up in May 2004. Throughout 2012, with very few exceptions, INGOs and UN agencies provided no assistance in areas controlled by the rebel movements. Only a very few aid agencies were operating in contested areas and UNAMID was totally unable to assist in this regard.<sup>39</sup> According to a senior UN official, 'There have been very few cross-line movements [in 2012]. And these are only to areas of dubious control'. According to another: 'We don't even have good information about Jebel Marra or Jebel Si [the administrative name for northern Jebel Marra]'. Vaccination campaigns by the Sudanese MoH are possibly the only assistance that residents of some rebel areas in Jebel Marra have received in two years.<sup>40</sup> GoS-imposed restrictions are still the primary obstacle to access (UN, 2012).

Communication with the rebel movements is virtually non-existent. The ICRC appears to be the only aid agency in regular contact with rebels or militias, and these contacts are severely restricted by the GoS and by the ICRC's own internal security protocols. Limited communication between UNAMID and UN agencies and the rebels is through the personal contacts of a few national staff. A UNAMID national staff member based in El Fasher believes that '[he] is the only person in sector north in direct communication with the rebels'. Another UNAMID member, who has worked with the UN in Darfur since 2004, stated that he was the mission's only security officer in touch with the rebel movements: 'National staff cannot go to the field alone ... the only communication [with the rebel movements] is by phone'. According to a UN agency official based in Darfur with responsibility for his agency's communication with rebel groups, humanitarian actors have 'no interaction with the armed groups':

*We have let the GoS intimidate us to the point where we don't contact them. And if we do make contact it is just to find out what has happened and not to secure access or to negotiate access ... Right now we try to work on one side [of the conflict]. We are not engaging on the other side ... Many NGOs work through the GoS. UN agencies are implementing through GoS. Essentially UN agencies are paying the GoS to do its own job.*

The lack of contact with one side of the conflict represents a radical departure from the early years of the fighting, indicative of a humanitarian community that has largely given up trying to communicate with both sides.

<sup>39</sup> Author interviews, senior UN official, 23 August 2012, and senior UNAMID political affairs officer, 8 December 2012.

<sup>40</sup> Author interview, UN civil affairs officer, 5 February 2013.

For their part, the rebels have stopped trying to communicate with aid agencies. According to one researcher familiar with the rebels, the SLA and JEM currently have 'no diplomatic strategy to mobilise NGOs to come to their territory'. The rebels acknowledge this lack of a strategy, although they claim to be developing one. According to former SLA spokesman Nimir Abdel Rahman, there 'used to be much better reporting/coordination with humanitarians [by the SLA] ... now [there is] almost no contact with NGOs'. One UNAMID officer based in Nertiti claimed that the SLA had requested humanitarian assistance through local intermediaries but this is very unusual. UNAMID representatives met SLA members in Kampala, Uganda, in November 2012. According to an individual familiar with the meeting, very little was accomplished. Subsequent attempts by UNAMID officials to discuss humanitarian issues with senior SLA members have been rebuffed. At present none of the major rebel movements in Darfur appears to be seriously engaged in an effort to contact aid agencies.

### 8.1 New strategies for access

An OCHA report entitled 'Sudan UN and Partners Work Plan 2013', published at the very end of 2012, alluded to some success in securing access to deep field locations in Darfur. NGOs, the report explained, were pursuing 'a more flexible approach', and as such were able to 'access some harder to reach locations by deploying national staff, implementing projects through national non-governmental organisations (NNGOs) and by making use of locally rented vehicles' (OCHA, 2013). However, interviews with UN personnel on the ground in Darfur indicated that this related only to areas within GoS-controlled territory. According to one UN official, aid agencies 'have been squeezed by the GoS to the extent that we are undertaking new strategies to deliver aid to areas under GoS control ... but not areas under control of armed movements ... we don't know what is going on in Jebel Marra. We just guess'. One aid worker said that 'most NGOs [are] not even trying to get access to Jebel Marra because they think it will affect their programming in other territories'. Many aid workers do not believe there is any safe or feasible way to get aid to rebel areas.

At the end of 2012, International Aid Services (IAS) still had national staff on standby in east Jebel Marra, but they were not able to operate because they had not been permitted to bring in supplies for several months. An aid worker attributed some of the reasons for IAS's historical success at accessing one of Darfur's most underserved populations to a focus on national staff and local communities, and asserted that humanitarian actors have generally failed to 'establish national contacts or [build] national capacity'.

The Danish Refugee Council is currently the only INGO providing assistance in west Jebel Marra. This assistance is delivered from its base in Nertiti, which is GoS-controlled but adjacent to SLA/AW-controlled areas. The DRC has been distributing food to IDPs in Nertiti since 2006.<sup>41</sup> In 2010, it expanded its operations to include livelihoods and education activities in rebel areas, after community leaders approached DRC staff and requested assistance. DRC national staff are permitted to leave Nertiti and operate inside SLA-controlled territory.<sup>42</sup> One aid worker credits DRC's (limited) access to the way it approaches the rebels, community leaders and the GoS:

*Now we deal directly with community leaders and not with the rebels. We ask the community leaders to deal with the rebel groups. And we always ask the community leaders to inform HAC of their requests. And they do ... We also developed good relationships with GoS people ... And we make a priority of assistance to the most vulnerable. And we listen to [the] HAC. It is very difficult to keep our independence but this is the reality ... We also work with the Arab population around Nertiti, doing agricultural and education support. We work with both sides. We distribute to both sides.*

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<sup>41</sup> Author interview, aid worker, 19 November 2012.

<sup>42</sup> Author interview, aid worker, 19 November 2012.

MSF-Spain – the only other INGO granted any access inside Jebel Marra during 2012 – still has clinics and national staff in Kaguro, Jebel Si, which is in the northern end of Jebel Marra, but is unable to bring in medical supplies and the clinics have apparently been without drugs for months. As a result, a population of approximately 100,000, plus 10,000 seasonal nomads, face a future without essential healthcare (MSF, 2012). By the beginning of 2013, after extensive engagement with the GoS failed to ensure the continuation of its programming, MSF-Spain scaled down its operation to exclusively primary care. The agency is trying to scale up their other operations around Tawila so that local residents will have somewhere they can go to receive medical attention, without fearing for their personal security, which is the case when they have to travel to health clinics in GoS areas around Kebkabiya. Unfortunately Tawila is extremely difficult to reach. According to an MSF official, the health crisis in Jebel Si and Jebel Marra was ‘comparable to South Kordofan in humanitarian terms’.

The operations of MSF-Spain and the DRC inside rebel territory are extremely modest; both organisations readily acknowledge that their programming is being obstructed and that they are currently providing a woefully inadequate response given the scale of need. Both organisations are, at the very least, still trying to secure access. Yet the fact that they represent the most significant institutional efforts to provide cross-line aid is a sad reflection of the state of access to rebel areas in Darfur.

# Chapter 9

## Conclusion and recommendations

In *Humanitarian Negotiations Revealed: The MSF Experience*, Marie-Pierre Allié writes that ‘the political exploitation of aid is not a misuse of its vocation, but its principal condition of existence’. The key task for aid agencies is not to try to eliminate this exploitation; rather, it is to acknowledge this condition and work to negotiate ‘an agreement it can live with’ (Magone et al., 2011). The complex emergency in Darfur demonstrates the truth of this precept. The GoS should allow aid agencies unfettered access to all areas of Darfur, but it never has and likely never will; humanitarian imperatives are perceived by powerful elements in the GoS as anathema to their political interests. The challenge for humanitarian actors is to devise a strategy that recognises this reality and is able to work within it towards humanitarian ends.

During the past ten years the civilian population living outside of GoS-controlled territory in Darfur has witnessed the rise, decline and disappearance of cross-line aid. The policies and behaviours of the parties to the conflict are principally responsible for this unfortunate trajectory. Key international actors are also at fault. The GoS often knowingly and purposefully prevented urgently needed humanitarian assistance from reaching civilians in rebel-controlled and contested areas. Rebel movements rarely prioritised the humanitarian needs of the communities under their control. International interventions not only failed to support meaningful peace, justice and security initiatives, but also made it progressively more difficult for humanitarian actors to access and assist vulnerable populations throughout Darfur, particularly those inside ANSA-controlled areas.

Belligerents and international interventions left aid agencies with limited scope to design and implement the humanitarian response to an enormous crisis. As a result, it is difficult to determine the extent to which the decisions made by aid agencies during the different stages of the conflict contributed to the emergence, deterioration and collapse of cross-line assistance. The humanitarian community should critically examine its decisions in Darfur in the face of this difficulty in order to avoid a similar outcome during other crises. In particular, aid agencies must wrestle with the question of whether the collapse could have been avoided if aid agencies had taken a different approach, or if it was an unavoidable consequence of the geopolitical situation in Darfur.

### 9.1 A look back

From 2004 until 2006 aid agencies successfully delivered assistance to vulnerable populations throughout Darfur. Aid personnel spent significant time in the deep field to develop

relationships with rebel commanders and negotiate mutually acceptable mechanisms for the delivery of assistance into rebel territory. Early efforts benefited from a GoS that was eventually receptive to a large-scale humanitarian presence throughout Darfur, rebel movements that generally perceived humanitarian assistance to be in their interest and *janjaweed* groups that rarely interfered with aid operations.

From 2006 to 2008 Darfur became a much more dangerous place for aid agencies to operate in. *Janjaweed* and rebel interests were both served by attacking aid agency personnel and property. Aid agencies were able to maintain access to vulnerable populations outside of GoS-controlled territory by revising security protocols, establishing contacts with newly formed ANSAs and renegotiating access. Maintaining access came at a cost: renegotiation often involved compromising humanitarian principles and enhanced security protocols distanced aid agencies from the communities they sought to assist, and the ANSAs with which they needed to work.

The seeds of separation between aid agencies and ANSAs were planted by the increased insecurity and resulting enhanced security measures; separation took root during the NGO expulsions in 2009. As the GoS expelled the majority of NGOs working in rebel-controlled territory, UN agencies and those INGOs that remained in the country prioritised restoring lost capacity in the IDP camps in GoS areas. The lost capacity in rebel areas was never replaced. Once most of the assistance in IDP camps had been restored, overstretched INGOs lacked the capacity to pick up where the expelled organisations had left off. Many also lacked the will; they were reluctant to attempt new programmes in rebel areas due to fears that this could jeopardise their programmes in GoS territory. During the aftermath of the expulsions, the rebel movements, particularly the SLA factions that controlled territory in and around Jebel Marra, became weaker and more divided, abandoning all semblance of an organised humanitarian policy.

In 2011, after the separation of South Sudan and the renewal of major violence in South Kordofan and Blue Nile, the GoS became openly opposed to the presence of international aid workers anywhere in Sudan, especially in areas controlled by rebels. The GoS logic is simple: the presence of aid agencies contributed to the secession of South Sudan and the indictment of Bashir, and continues to contribute to the strengthening of rebel movements and the proliferation of permanent IDP camps in Darfur. In contrast, in the absence of aid agencies – as was the case in South Kordofan and Blue Nile in 2012 – all the government faces is an increase in statements of disapproval by Western countries.

By the end of 2012 the consequences of this cruel logic were on display for everyone to see. Virtually no aid agencies were working in rebel-held or contested areas, and there was almost no communication between aid agencies and rebel movements. Nearly all aid agencies have stopped trying to access rebel and contested areas. The few INGOs that are still attempting to secure access feel unsupported by donors and the senior UN political leadership. These INGOs are justified. UNAMID does not provide them with security; the AU, the UN and donor countries no longer prioritise humanitarian access in Darfur; even the United States, historically the most forceful supporter of assistance to rebel areas, has ceased all serious advocacy efforts.<sup>43</sup> Despite the presence of the world's second largest peacekeeping force and thousands of aid workers, hundreds of thousands of civilians with urgent humanitarian needs are completely without help.

## 9.2 A way forward

Those humanitarian actors still concerned with providing assistance to *all* vulnerable populations in Darfur must decide if there is anything that the humanitarian community can do to re-establish access and deliver assistance throughout Darfur. Aid workers interviewed for this report are divided on this question. Many contend that the humanitarian community is capable of expanding access and assistance. Others believe that humanitarian space in Darfur is destined to shrink further, and predict a complete prohibition on international aid workers. What follows is an attempt to piece together some of the lessons of the past ten years of aid delivery in Darfur, drawing on the collective experience of those aid workers who believe that the humanitarian community can do a better job despite the many serious obstacles it faces.

Reopening humanitarian access to rebel and contested areas in Darfur will involve high-level advocacy and diplomacy directed at senior GoS officials inside Sudan. These officials are not likely to be receptive to the appeal. Individual and collective leadership by senior members of the humanitarian community will be essential if GoS officials are to be persuaded to modify their position. The heterogeneity of GoS centres of power demands that political pressure be delivered in a sustained and coordinated manner. The complexity of the humanitarian community makes such coordination difficult. A successful campaign will require the UNAMID SRSG, the UN Resident and Humanitarian Coordinator and senior diplomats on the ground in Khartoum to work in collaboration with their more senior colleagues at UN and AU headquarters and in donor and troop-contributing countries. High-level pressure must be augmented by continual pressure by humanitarian actors directly on lower-level national and local GoS officers, particularly HAC officials, in Khartoum and Darfur.

As political pressure is applied, NGOs and UN agencies present in Darfur must reprioritise working with vulnerable

<sup>43</sup> Author interview, State Department official, 11 January 2013.

populations outside of GoS territory. Their first priority should be a comprehensive assessment of humanitarian needs in ANSA-held and contested areas. Aid agencies should be open with the GoS about their objectives outside GoS territory. Assistance targeted at ANSA and contested areas should be clearly articulated in the annual work plan that INGOs submit to the HAC. Developing personal relationships with local community leaders and local HAC members will be crucial for the success of any project. Humanitarian actors should be united in this regard. The likelihood of any agency gaining access will increase if a wide spectrum of organisations attempts to start cross-line operations. At the same time, if any aid agency, particularly those with extensive experience with cross-line aid, believes that they can access rebel areas more quickly or on better terms by working alone then they should pursue an independent approach.

Areas controlled by rebels and *janjaweed*-affiliated groups should be considered for assistance. Assistance should be based on needs; however, if the provision of assistance to certain populations with less urgent needs is required in order to deliver assistance to another group (i.e. 'aid for peace') then it should be considered on a case-by-case basis and only as a last resort. In no circumstances should the provision of assistance be permitted to exacerbate the conflict; in particular, there should be no assistance that reinforces claims to land that is stolen. In situations where assistance may affect lands or resources which are disputed by different groups, such as digging a borehole in territory where segments of the population have been displaced, the approval of all affected communities should be obtained before assistance is delivered.

The GoS is likely to prohibit international staff from leaving GoS areas even if it does allow assistance to be delivered outside of its territory. As a result, aid agencies should develop plans for entirely locally staffed projects. Projects can be managed remotely by national and international staff in GoS territory in Darfur or in Khartoum. INGOs outside Sudan should form partnerships with local NGOs in Darfur. In these partnerships, INGOs should provide the resources and, where necessary, undertake capacity-building measures and engage in remote management of projects from abroad.

Donors should allot funds specifically for assistance inside ANSA and contested areas. Medical assistance should be a priority. Assistance that supports reconciliation between communities affiliated with rival ANSAs should be pursued, as should activities that enhance the protection capacity of vulnerable communities in ANSA areas. Donors should consider making funding for development projects in GoS areas, which are often desired by GoS officials in Darfur, contingent upon the ability to provide humanitarian aid in all areas.

If the GoS continues to prohibit aid in ANSA-held and contested areas with urgent humanitarian needs, such as Jebel Marra,

donors and INGOs that do not have operations in Sudan should consider working with local partners to facilitate cross-border deliveries of medical supplies from South Sudan into Jebel Marra and surrounding areas. Supplies could be transported from South Sudan across South Darfur and into rebel-controlled areas, where they would need to be distributed through locally run clinics. This will be highly risky, logistically complex and arguably in violation of international law. Only a minority of aid workers believe that such an operation would be possible. However, the health crisis in certain areas of Darfur presents a moral imperative for humanitarian actors that should not be ignored simply because responding to that crisis would be very difficult.

UNAMID could, as its mandate demands, play a significant role in providing protection to, and facilitating assistance in, ANSA-controlled and contested areas. In order for this to occur UNAMID needs to be able to move freely around Darfur. The UNAMID SRSG must be much more assertive in this regard. This should be his first priority. He should also be transparent with the GoS about its intentions in this regard; however, transparency does not imply asking for permission. The SRSG will require the complete political support of UN member states with ties to Sudan in order to withstand pressure from GoS officials on this issue.

UNAMID staff members need to get back out into the deep field. Team sites should be located in rebel and contested areas; populations in these areas need to be able to access UNAMID without travelling through GoS territory. Human rights and civil affair officers should be allowed to travel around all areas in Darfur without military escorts. UNAMID should focus its efforts on local security, road safety for NGO personnel and supporting locally driven peace and reconciliation processes. In general, UNAMID should defer to aid agencies with respect to humanitarian affairs. UNAMID should work with aid agencies to determine the type of support they need. If desired by aid agencies, UNAMID should establish humanitarian corridors through all parts of Darfur.

A security unit should be established within UNAMID that is dedicated exclusively to achieving humanitarian access to rebel-held and contested areas and, if desired by aid agencies, maintaining humanitarian corridors. This unit should consist of international staff as well as national staff with demonstrated abilities to contact members of the rebel movements and government officials. It will need to establish and maintain communication with senior rebel leaders and field commanders throughout Darfur. It must also establish a working relationship with GoS security officers, who should be notified about all missions leaving GoS-held territory. The unit would conduct continuous security assessments while mapping routes and key locations. Members of this unit, along with UNAMID colleagues from other departments, may need to meet with rebels outside Sudan in order to re-establish trust and agree on protocols for entering rebel territory. A mechanism should be

developed whereby rebel humanitarian coordinators can enter selected UNAMID team sites to work with UNAMID to monitor the humanitarian and human rights situation, regardless of whether they are party to a peace agreement.

OCHA should re-establish a network of contacts with rebel and *janjaweed*-affiliated groups. This should include not only political leaders but also local field commanders. Where necessary, OCHA should act as an intermediary between INGOs and ANSAs. OCHA should apply consistent pressure on the GoS to permit it to visit communities in ANSA and contested areas.

Donors should engage with ANSAs with respect to humanitarian issues. Donors can help to facilitate contacts between rebels and INGOs. Donors should facilitate meetings outside of Sudan between ANSAs, aid agencies, community leaders and GoS officials. Meetings should focus on specific areas in Darfur, with the goal of developing a coordinated and mutually acceptable plan for accessing these areas, assessing needs and delivering assistance. Meetings should, where relevant, include rebel humanitarian coordinators, local rebel commanders who are permanently based in areas under discussion, *janjaweed* leaders, community leaders from all groups and representatives from UNAMID, UN agencies, INGOs, local NGOs and the ICRC, as well as local and national HAC officials.

Even a renewed effort by the entire humanitarian community will be ineffective unless ANSAs take significant responsibility for facilitating assistance in areas under their control. *Janjaweed*-affiliated populations must develop a mechanism to communicate their humanitarian concerns directly to aid agencies. Rebel movements that control territory in Darfur must develop a humanitarian strategy aimed at bringing humanitarian organisations back to rebel and contested areas. This will involve re-establishing communication with the humanitarian community. They should not wait for aid agencies to make initial contacts with them. Every rebel movement that controls territory should reappoint a dedicated humanitarian coordinator based inside Sudan, and a counterpart outside Sudan, both of whom should be authorised to discuss humanitarian issues on behalf of all members of the movement. Rebels must ensure that these individuals are familiar with humanitarian affairs and IHL. Regional humanitarian coordinators should be appointed throughout rebel territory. These coordinators must also have an understanding of humanitarian affairs and enjoy the respect of the local population. These coordinators should have a significant degree of autonomy. They should be able to directly communicate with aid agencies and decide how best to facilitate assistance in their territory. Ideally, the rebels should appoint civilian coordinators. Rebels should meet with UNAMID and negotiate protocols for UNAMID patrols and investigations in rebel territory. Rebels should agree to meet GoS officials outside of Sudan to discuss humanitarian issues. Rebels should also acknowledge that the best thing they can do for the population in their areas is often to distance themselves from the aid community

entirely. In such cases, rebels should not interfere with local community-driven efforts to establish their own relationships with humanitarian actors.

The humanitarian crisis in Darfur was caused by violent conflict. It is likely to continue and possibly get worse until the conflict is resolved. Unfortunately, the prospects for a sustainable resolution

are bleak. Neither a viable political solution nor a definitive military victory is a realistic possibility in the short term. The intractability of the conflict does not diminish the humanitarian imperative to assist vulnerable populations everywhere in Darfur. With respect to the civilian populations living outside of GoS-controlled territory, humanitarian actors are failing miserably in this regard. They can do better.

# Annex 1

## Understanding between the United Nations, International Non-Governmental Organizations (INGOs) and SLM concerning humanitarian operations in SLM controlled and contested areas

### A. Principles

1. In order to provide immediate assistance to conflict-affected communities with assessed and confirmed needs which have a right to receive appropriate assistance. All parties and the staff of all UN organisations and INGOs (hereafter humanitarian organisations).
2. Humanitarian organisations have the right to respond to human suffering wherever it is found.
3. Humanitarian organisations have the right to operate independently.
4. Humanitarian organisations will only support persons who need help, based on the need assessed by humanitarian organisations.
5. Humanitarian workers cannot be harassed and detained and vehicles including sub-contracted vehicles detained.
7. Humanitarian vehicles should be visibly marked (stickers and flags). These stickers and flags can only be used by the organisation that they belong to or to vehicles that have been sub-contracted and authorized by humanitarian agencies.
8. Humanitarian organisations will not accept military escorts.
9. Humanitarian organisations will select project and programme staff based on qualifications, which the humanitarian organisations deem necessary for the activities to be carried out. The humanitarian agency has the exclusive right to determine the number of national staff required to carry out their mission in order to ensure quality of service.

### B. Ground Rules

1. The SLM must facilitate humanitarian access to populations under their control and to populations in contested areas of control. The SLM must ensure the safety of humanitarian staff and property in these areas.
2. The SLM must facilitate and allow access to humanitarian actors who are required to transit SLM controlled areas.
3. Humanitarian organisations will provide humanitarian assistance based on the above principles, and within the following rules.
  1. Humanitarian organizations undertake to notify SLM of all proposed movements of personal and goods into areas under their control in accordance with the notification procedures (see: section C).
  2. If a change of itinerary or plans become necessary due to unforeseen circumstances, the humanitarian organizations undertake to inform the SLA area commander, or in their absence local SLA commander, or in their absence the most appropriate SLM or SLA official locally.
  3. Humanitarian vehicles will only carry personnel authorized by the humanitarian organisations.
4. Humanitarian agencies will ensure that all authorized staff will carry agency identification.
5. Humanitarian agencies may provide the name, age, and gender for the SLM to approve access. It is the intention that a pool of agency staff be identified and endorsed by the SLM in advance.
6. No weapons or uniformed personnel are allowed in humanitarian vehicle, or in facilities offering humanitarian assistance.
10. The humanitarian agency has the exclusive right to select and recruit their staff.
11. Humanitarian agencies are committed to identifying local staff should they meet the qualifications required by the humanitarian agency.
12. The humanitarian organisations should nominate one focal point (international staff member) for each mission conducted.
13. Any concern that the SLM has about activities carried out by a humanitarian organisation should be raised by the SLM Humanitarian Coordinator to the appointed focal point.
14. SLM personnel have the duty to warn humanitarian workers of any possible risk of insecurity along the route, and to suggest an alternative route, or place of safety. SLM have an obligation to assist humanitarian aid workers, when they approach for assistance.
15. Humanitarian organisations are free to use any form of communications they choose.
16. Financial reimbursement by agencies to service providers for expenses incurred within humanitarian activities should be done directly to the service providers – to the greatest extent possible – and not through intermediaries or representatives.
17. Rates of pay by agencies for services provided within humanitarian activities should be based, where possible, on rates applicable in the local market and/or on actual costs.
18. Humanitarian agencies have the right to select the service provider according to their policy and procedure guidelines.
19. Humanitarian agencies have the right to use their own or sub-contracted vehicles in SLM areas.

### C. Notification procedures

1. Notification should be within at least 24 hours before movement and include the following information to be provided by the humanitarian organisations.

2. Notifications should include the following information:
  - a. Objective of mission
  - b. Location of departure
  - c. Date of departure
  - d. Number of vehicles in the missions
  - e. Total number of people in the vehicles
  - f. The name and contact details of the focal point (international staff member)
  - g. Itinerary
  - h. Final location at the end of the day.
3. In the case of food and non-food deliveries the details that will be communicated are:
  - a. The total tonnage being transported
  - b. General cargo description
  - c. Location of Departure
  - d. Starting date of departure
  - e. Name and contact details of the focal point
  - f. Final destination
4. The SLM will provide the international focal point(s) with the contact details of the local SLA area commander on the ground in the concerned area. In addition an alternate should be identified and contact details provided.
5. NGOs will carry out their own notification procedures after have been introduced to the SLM by OCHA.

Date: 13 of May 2005

*Signed 14 May 2005 on behalf of the UN by Mike McDonagh*

*Signed 14 May 2005 on behalf of the SLM by Suleiman Jamous*

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