



Australia's Role in the Responsibility to Protect Darfur

A Proposal to the Australian Government from the Darfur Australia Network

29th September 2014

Who we are

The Darfur Australia Network Inc. (DAN) is a not-for-profit community organisation run by members of Australia's emerging Darfuri Sudanese communities and concerned volunteers.

DAN was founded in May 2006 and today, has become Australia's most prominent advocacy organisation speaking out about the conflict in Darfur.

DAN seeks to:

- **Provide a support network** for the Darfuri community in Australia to create positive change in the lives of people facing risk of abuse in Darfur or forced to flee as refugees.
- **Raise awareness** about the crisis in Darfur and support the Darfuri community in Australia to build connections and have a voice.
- **Stimulate thought** on peace and security and international development in Darfur through open dialogue, events and education
- **Campaign and mobilise** Australians and Darfuris to advocate for appropriate Australian Government action on Darfur, in line with Australia's Responsibility to Protect.

Recommendations

- The Darfur Australia Network proposes that the Australian Government utilises its Presidency of the United Nations Security Council to influence strategic action for enduring peace and security in Darfur and wider Sudan. We recommend the following:
 - Ensure the safe access of humanitarian aid for civilians, especially those facing protracted displacement;
 - Strengthen the UNAMID (African Union-United Nations Mission in Darfur) mandate;
 - Demand all stakeholders participate in a holistic peace process;
 - As president of the UNSC, support the successful prosecution of perpetrators by providing funding for the International Criminal Court (ICC) to carry out investigations and investigation missions in Sudan.
 - Target niche areas for immense on-the-ground impact: protect against sexual and gender-based violence, strengthen the efficacy of arms embargos, and build medical support capacities in Darfur.



Overview of violence in Darfur

Since 2003 Darfur has been the site of a protracted conflict, prolonged by ineffective and asymmetrical peace processes, a humanitarian crisis that has spread like a malignant tumour across the Sudan. Hundreds of thousands of displaced people have inundated neighbouring countries in the ten years since crimes against humanity began in genocide proportions. The United Nations Secretary-General has expressed deep concerns about “the escalation of violence and its effect on civilians in Darfur”. He “calls on the Government of Sudan and warring parties to cooperate with UNAMID and humanitarian partners in providing access to conflict areas and ensure the protection of civilians, as well as the provision of assistance to those in need”¹. The former Secretary-General, Kofi Annan, had previously described the international response to the Darfur conflict as ‘slow, hesitant, uncaring’, demonstrating that we had ‘learned nothing from Rwanda’².

Yet, the conflict in Darfur has failed to mobilise the international community for an effective and result orientated humanitarian response. It has been estimated that 2.3 million people have been displaced thus far forcing them to live in scattered squalid camps around Darfur and nearby countries³. Levels of violence had seemed to fall in 2005, however, had once again increased as of 2013. As a direct consequence, approximately 400, 000 people have been displaced in the first half of 2014 alone⁴. Due to the prolonged nature of the conflict, experts such as Eric Reeves argue that, it is “a genocide [which] the world got tired of”. Many other researchers such as Mukesh Kapila similarly argue that the humanitarian crisis in Darfur “is sliding from sight”⁵. However, given the plummeting humanitarian situation in Darfur, it is vital that the international community intervenes in a more effective manner.

The Harsh reality of the Darfur crisis

Daily violence continues to play havoc on the masses; they have no protection from the armed state-sponsored *Janjaweed* forces and become silent victims of tribal and other conflicts.

- **Kidnapping, looting and robbery-** is a daily feature in Darfur. It is reported that government backed gunmen abduct civilians and international humanitarian workers for ransoms. Members of *Janjaweed* have also been involved in robbing ordinary citizens on commercial vehicles⁶, while the military police torture and cause numerous casualties and deaths⁷.
- **Gender based violence-** has been prominent, where women in camps are being raped and there is little organisational support for these rape victims⁸. For instance in the Kalma camp of South Darfur, thirty-nine women and girls were raped within a span of two months. On the pretext of ethnic-cleansing, the militia continue their assaults on women and girls throughout Darfur⁹.
- **Tribal conflicts-** are also on an increase where, it is estimated that on average one hundred people die every day and five thousand people die every month¹⁰.

Obstruction of International Aid

The International Committee of the Red Cross was allowed to provide aid in the region and this was stopped by government officials at the beginning of the year. As a result, the humanitarian crisis spiralled down. The citizens of Darfur face food insecurity, as the aid agencies are unable to assist the most vulnerable populations due to the



restrictions sanctioned by the government. The UN estimates that 40 per cent of the children in Darfur are suffering from Chronic Malnutrition¹¹. Furthermore, with prices of food increasing rapidly where, the price of 100kg millet went from \$44 to \$96, it appears to place no hope that Chronic Malnutrition statistics will decrease¹². There have also been multiple complaints from populations living in camps of South Darfur about the poor economic conditions and the reluctant approach of aid organisations to provide for their adequate needs. For example, the World Food Programme (WFP) is only said to distribute corn to families and does not provide other needs¹³. The South Darfur Minister of Finance has further estimated the volume of food shortage in the state at 228, 000 metric tons, where the food gap in East Darfur has been approximately 175,000 metric tons¹⁴.

Apart from the shortage of food, humanitarian assistance is simultaneously lacking in disaster management. Floods and storms have repeatedly destroyed large number of homes and schools whilst injuring several people every year. The severe weather conditions in the monsoons of 2014 have also displaced 4, 700 families and washed away numerous shelters and crops, contributing to the misery in the region¹⁵.

International Criminal Court

The International Criminal Court (ICC) has issued seven arrest warrants in the Darfur conflict, including two for President Omar Ahmad al-Bashir and high-level Government Ministers.¹⁶ The progress of justice has however been slow, with ICC signatories in the African Union refusing to cooperate, and the Court failing to apprehend key Sudanese Government and militia leaders for crimes against humanity, war crimes and genocide. President Omar Ahmad al-Bashir continues to evade the ICC even though two arrest warrants have been issued against him on 10 counts. The President remains at large despite having made official visits to a number of ICC signatory states, including Kenya and Nigeria¹⁷. ICC Prosecutor Ms Fatou Bensouda reported before the UN Security Council that Malawi and Chad had failed to surrender President al-Bashir at the request of the court¹⁸.

Other Sudan Government Ministers wanted by the ICC include the Minister of State for Humanitarian Affairs, Ahmad Muhammad Harun, who is charged with 42 counts of crimes¹⁹. The ICC has issued an arrest warrant for Abdel Raheem Muhammad Hussein, Minister of National Defence, on 13 charges of war crimes as well.

Recently the Prosecutor of the ICC challenged the Security Council to take immediate action to protect the victims of the ongoing crisis in Darfur. The Prosecutor raised concerns that without concrete steps to detain those who have been accused of crimes against humanity, the efforts to restore peace and provide justice to the victims of Darfur will go down as a “failure”²⁰. The trials were set to begin in May 2014; however, there have been no recent updates on the proceedings since then²¹.

Reconciliation and Peace Efforts

The African Union/United Nations Hybrid operation in Darfur (UNAMID) is one of largest ever UN peacekeeping operations, with a robust mandate to protect civilians. However, UNAMID has not achieved its goal of bringing human security to the region, and experience has shown it is passive and shows little resistance in the face of attack.²²



Tribal conflicts in Darfur further contribute to the inefficacy of the under-resourced UNAMID forces as they are frequent and volatile. Being the root cause of displacement, tribal conflicts need to be resolved for a long term peace in Darfur. Some tribes have recognised this and have made efforts to map out strategies for reconciliation; an example, addressing the commonalities between the tribes in terms of history, kinship and intermarriages. In July, Hamar and Ma'alia tribes have signed an agreement to stop all forms of violence between the tribes, which was welcomed by both the national and international community²³. However, not all tribes perceive the peace process in this way and continue to clash, leaving the civilians in turmoil.

Even the UNAMID has recently lent support to local tribes in their reconciliation efforts. These meetings involve representatives of conflicting tribes attending meetings and addressing the issues between them and diffusing tensions which may exist in the area. This has been part of UNAMID's commitment in assisting Darfuris restore peace and stability in order to promote development in the area²⁴.

Recent protests

Past protests have been largely anti-government in Darfur that aimed to bring down the ruling government. Recent protests however have seen displaced women across the camps in Darfur raise their voices and express their anger against the escalation of rape carried out by the government backed militia.

Women and young girls are usually attacked when they venture out of camps in search of firewood and water which are needed for their everyday cooking and washing. Repeatedly, young girls appear to be the primary targets and perpetrators are rarely caught, even if they are reported to the police officials. During April and May 2014, 39 displaced women and girls from Kalma camp in South Darfur were raped by the *Janjaweed* militiamen²⁵. These protests by women activists and camp dwellers have called for the UN and relevant Human Rights organisations to lobby relevant authorities in putting an end to the systematic rapes which are not only terrorising women across Darfur and leading to social marginalisation, but also preventing women from practising their basic human rights²⁶.

Progress and hopes

For the first time since 2011, the region of Jebel Marra has had access to some humanitarian assistance. It is estimated that around 100,000 people live in the region, which have either been displaced by the conflict or severely affected by it. Humanitarian agencies have had no access due to the continued government restrictions. The Inter-agency humanitarian assessment reported considerable deterioration of public services and healthcare facilities. For instance the town of Guldo had no functioning healthcare services; low school enrolment and inadequate water and sanitation facilities since International Committee of the Red Cross activities were stopped. Furthermore, over 50 per cent of the population in Guldo were reported to have no access to sanitation facilities and garbage collection services²⁷. With aid services resuming activity, there seems to be some hope in revival of these services in the region.



There were numerous allegations against the UN peacekeepers in Darfur for alleged cover-ups of government crimes. The Human Rights Watch called for independent and public enquiry at the UN Security Council. The UN Secretary General responded to this by ordering a review of all inquiries concerning Darfur since mid-2012²⁸. The response has been welcomed by the international community. Further, the UNAMID forces have recently started supporting mediation efforts between formerly warring tribes, which is being seen as a possible peace path to ensure Darfuri people's safety²⁹. The South Darfur authorities have also been conducting security raids to address high levels of criminality in the camps leaving numerous civilians anxious and distressed. The UNAMID peacekeeping forces have been trying to mitigate the impact and are regularly monitoring trials to avoid innocents being apprehended³⁰.

Conclusion

The UN Security Council asserts that the Darfur conflict cannot be resolved militarily, but that a durable peaceful solution can only be obtained through an inclusive political process³¹. In accordance with this assertion, the Darfur Australia Network implores the Australian Government, in its Presidency on the Security Council, to advocate strategies to protect the people of Darfur, to influence a lasting legacy of peace in the region.

Australia's diplomatic position provides a vital opportunity to ensure that the UN Security Council remains engaged in Darfur and wider Sudan. Without vested interest in the region other than the protection of civilians, the Australian Government can take on the role of an Honest Broker, marshalling international support, building political consensus and encouraging parties to engage in peace negotiations.

The Australian Government can utilise its position in pressuring the international community for the arrest of the perpetrators of these crimes and place pressure in addressing the humanitarian crisis particularly the increased concern over food insecurity. Moreover, the Australian Government should encourage the peace building initiatives being taken out by the UNAMID and provide assistance where required. The Australian Government, should also target awareness and promote action in the area of gender-based violence.

Crimes against humanity are an affront to our global conscience and challenge our core morality.³² The Presidency on the UN Security Council is Australia's opportunity to take global leadership in the 'Responsibility to Protect' the people of Darfur for an enduring legacy of peace in Sudan.



Recommendations

The Darfur Australia Network proposes that the Australian Government utilises its Presidency of the United Nations Security Council to influence strategic action for enduring peace and security in Darfur and wider Sudan. We recommend the following action:

- 1. Ensuring the safe access of humanitarian aid for civilians, especially those facing protracted displacement**
 - a. The UNSC must work towards ensuring unhindered access for humanitarian aid organisations to all areas in Sudan.

- 2. Strengthening the UNAMID (African Union-United Nations Mission in Darfur) mandate**
 - a. Push for a UNSC resolution to disarm all paramilitary groups in Darfur, in line with Resolution 2117 of September 2013.
 - b. Enforce implementation of the revised UNAMID (United Nations African Union Mission in Darfur) mandate to prioritise the Protection of Civilians (Resolution 2148 of 2014).
 - c. Ensure UNAMID peacekeeping force is supported with appropriate resources, manpower and training to carry out their mandate.
 - d. Ensure UNAMID peacekeeping force is held accountable for the Protection of Civilians.

- 3. Demanding all stakeholders participate in a holistic peace process.**
 - a. Work with the Government of Sudan to bring all stakeholders, including women, to participate in inclusive peace talks.

- 4. As president of the UNSC, supporting the successful prosecution of perpetrators by providing funding for the International Criminal Court (ICC) to carry out investigations and investigation missions in Sudan.**

- 5. Target niche areas for immense on-the-ground impact which include:** protecting against sexual and gender-based violence, strengthening the efficacy of arms embargos, and building medical support capacities in Darfur.



- ¹ <http://www.un.org/sg/statements/?nid=7517> accessed on 4 Aug. 2014
- ² Bellamy, Professor Alex, 'Sudan, 10 Years After', interview at Castan Centre for Human Rights Law, notes extracted from DAN Briefing Paper, 2013, accessed on 14 July, 2014
- ³ <http://www.trust.org/spotlight/Darfur-conflict/?source=fiSpotlights> accessed on 4 Aug. 2014
- ⁴ <http://www.trust.org/spotlight/Darfur-conflict/?source=fiSpotlights> accessed on 4 Aug. 2014
- ⁵ <http://www.sudantribune.com/spip.php?article51213> accessed on 14 July, 2014
- ⁶ <http://allafrica.com/stories/201406301014.html> accessed on 14 July, 2014
- ⁷ <http://allafrica.com/stories/201407111244.html> accessed on 14 July, 2014
- ⁸ <http://www.unocha.org/agggregator/sources/78?page=3> accessed on 14 July, 2014
- ⁹ <https://www.radiodabanga.org/node/74402> accessed on 30 July, 2014
- ¹⁰ <http://www.unitedhumanrights.org/genocide/genocide-in-sudan.htm> accessed on 14 July, 2014
- ¹¹ <http://www.sudantribune.com/spip.php?article50134> accessed on 14 July, 2014
- ¹² <http://allafrica.com/stories/201407101223.html> accessed on 14 July, 2014
- ¹³ <https://www.radiodabanga.org/node/727400> accessed on 14 July, 2014
- ¹⁴ <https://www.radiodabanga.org/node/65084> accessed on 30 July, 2014
- ¹⁵ <https://www.radiodabanga.org/node/32141> accessed on 30 July, 2014
- ¹⁶ UN Security Council, *op. cit.*, notes extracted from DAN Briefing Paper, 2013, accessed on 14 July, 2014
- ¹⁷ ICC, *Situation in Darfur, Sudan ibid.*, accessed April 3, 2013; BBC, <http://www.bbc.co.uk/news/world-africa-16454493>; The Guardian, <http://www.guardian.co.uk/world/2011/jun/16/china-welcomes-sudanese-president-omar-al-bashir>; Amnesty International, *op. cit.*, notes extracted from DAN Briefing Paper, 2013, accessed on 14 July, 2014
- ¹⁸ ICC, *Situation in Darfur, Sudan, op. cit.*, notes extracted from DAN Briefing Paper, 2013, accessed on 14 July, 2014
- ¹⁹ ICC, *Situation in Darfur, Sudan, ibid.*, notes extracted from DAN Briefing Paper, 2013, accessed on 14 July, 2014
- ²⁰ <http://www.un.org/apps/news/story.asp?NewsID=48071#.U8M5fZSSxUc> accessed on 14 July, 2014
- ²¹ <http://www.iccnw.org/?mod=darfur> accessed on 4 Aug. 2014
- ²² UN Security Council, SC/10991, *Under-Secretary-General for Peacekeeping Hervé Ladsous Briefs; Sudan Notes Report Describes 'Noticeable Progress' in Implementing Doha Document*, notes extracted from DAN Briefing Paper, 2013, accessed on 14 July, 2014
<http://www.un.org/News/Press/docs/2013/sc10991.doc.htm>, notes extracted from DAN Briefing Paper, 2013, accessed on 14 July, 2014
- ²³ http://allafrica.com/stories/201407120046.html?aa_source=slideout accessed on 14 July, 2014
- ²⁴ <http://hopeforafricaonline.com/2014/06/06/unamid-continues-to-support-local-mediation-in-north-darfur-conflict-situations/>
- ²⁵ <https://www.radiodabanga.org/node/74402> accessed on 30 July, 2014
- ²⁶ <https://www.radiodabanga.org/node/28838> accessed on 30 July, 2014
- ²⁷ <http://allafrica.com/stories/201407111244.htm> accessed on 14 July, 2014
- ²⁸ <http://martinplaut.wordpress.com/2014/07/02/un-to-investigate-allegations-of-darfur-cover-up> accessed on 14 July, 2014
- ²⁹ <http://hopeforafricaonline.com/2014/06/06/unamid-continues-to-support-local-mediation-in-north-darfur-conflict-situations/> accessed on 14 July, 2014
- ³⁰ http://www.un.org/apps/news/story.asp?NewsID=48487#.U_qKTsWSwfY accessed on Aug. 25, 2014
- ³¹ [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2091\(2013\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2091(2013)) (link removed) notes extracted from DAN Briefing Paper, 2013, accessed on 14 July, 2014
- ³² Bellamy, Alex, *Darfur: 10 Years On*, GAI/International Peace Institute, presented at the Castan Centre for Human Rights Law, Melbourne, May 30, 2013.