

## **The Darfur Peace Agreement: Part 2 Security For IDPs and Refugees**

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This is the second in a series of articles concerning the Darfur Peace Agreement (DPA), explaining how different parts were negotiated, what the paragraphs mean, and how they should be implemented. This article asks, how is security to be provided for internally displaced persons (IDPs) and refugees? The first article considered the disarmament of the Janjaweed.

The conflict in Darfur has driven millions of people from their homes and left them in camps for IDPs in Darfur and refugee camps in Chad. Apart from the miserable conditions in these camps, and the sadness and distress of being away from their homes, the IDPs have faced serious security problems including violence and harassment. Refugees and IDPs are also fearful that security may not be guaranteed when they return home.

The Movements' negotiators were deeply concerned about the security of the IDP camps and raised this at an early stage of the negotiations in Abuja. The lead security negotiators—Ali Tirayo, Mohamed Adam and Tajudeen Niam—worked in close coordination on these points. Article 26 of the DPA is the outcome of their initiative, with Paragraphs 262-281 painstakingly negotiated over many long weeks. The United Nations and humanitarian NGOs also had a big input into these provisions alongside the African Union. The GoS security delegation led by General Ismat al Zain was tough and professional, and examined every detail. The outcome is a set of provisions that are workable and can provide real security improvements for displaced people, both in their camps and as they return to their homes.

Paragraphs 263-269 of the DPA are concerned with setting up Demilitarized Zones (DMZs) around IDP camps. The reason for this is that many camps—especially the smaller ones away from the major towns—suffer from attacks by armed elements, resulting in people being killed, injured and raped, and property stolen. The Movements' delegates insisted that each camp should be surrounded by a DMZ so that IDPs can move in safety, and the camps themselves are better protected from attack. The GoS agreed. The relevant paragraphs are concerned with a series of questions about how to decide on these DMZs and how to provide security and policing in them.

The actual language in the paragraphs sometimes looks confusing, because different provisions are needed for IDP camps in GoS-controlled areas, and those that are in areas controlled by the Movements.

One basic principle is that AMIS should decide on how big the DMZs should be and where their perimeters should lie. Some restrictions are spelled out. For example, if a camp is next to an urban area, that urban area doesn't become demilitarized—it is still controlled and policed by the GoS in the normal fashion. The secured perimeter is restricted to the boundary between the camp and the town. Or if a camp lies next to the approach to an airport, the GoS can still deploy its airport protection forces to protect aeroplanes as they approach and take off.

Another basic principle is that no armed persons should be allowed in the DMZ. This doesn't include off-duty soldiers, who might live next to an IDP camp—or even in a camp itself. They can go home through a DMZ as long as they don't take their weapons. This doesn't exclude the police either. Policing functions need to be carried out in these zones. During the negotiations, one proposal made was that AMIS civilian police should do all the police work in DMZs. But the African Union soon realized this wouldn't work. AMIS simply doesn't have enough police officers, and its officers also don't have the legal powers to arrest people. Instead, the GoS and Movements agreed that Sudanese police officers would do the police work, under AMIS monitoring. In camps in areas controlled by the Movements, AMIS along with the Movements' police liaison officers will do the policing.

Security inside the IDP camps was another big concern. Each day, the AMIS officer working with the AU Mediation received a situation report from Darfur, and most days it would include a report of violent incidents inside IDP camps. How should IDP camps be policed? The GoS police officers in the talks insisted that, as a matter of law, only Sudanese police should be allowed to undertake policing activities. But they also recognized that their policemen didn't enjoy the trust of the IDPs themselves, and simply couldn't do the job. The Movements' delegates at first demanded that AMIS or UN police should be brought in—but this wasn't practical.

An excellent compromise was agreed between the GoS and the Movements. This is found in Paragraphs 272 and 273. This provides for a "Community Police" force to be established. The Community Police are to be selected from the community itself and will work with community leaders. The training is to be done by AMIS, and the security situation and the policing itself are to be monitored by AMIS. The GoS will grant the Community Police legal authority, and cases for prosecution must be handed over to the regular judicial authorities, where they can be investigated and prosecuted under AMIS monitoring.

The basic concept behind "Community Police" is a transitional arrangement until a properly professional police force is established, respected by all and able to ensure law and order across Darfur. The Community Police drawn from the IDPs can be an important part of that new force. As the IDPs return home, their Community Police will return with them, providing security for the returning IDPs, and bit-by-bit become an integral part of the reformed police force in Darfur.

Establishing and training the Community Police in IDP camps is one of the main responsibilities for the AMIS civilian police officers in the coming weeks and months. The AU has already requested that its civilian police units be strengthened for this purpose. The Community Police

should give immense confidence to the IDPs that their basic security needs will be met. Paragraphs 274-279 specify that all police units in Darfur should pay special attention to the needs of women and children, including women police officers and special counters to deal with reported crimes against women and children.

The new Community Police force will be one assurance that IDPs will have security on their return home. There are other assurances too.

- Paragraph 159 lays down the principle that all IDPs and refugees who have lost their land are entitled to have their land rights restored.
- Paragraphs 163-167 are concerned with the state Land Commission and how it will operate to ensure that rights to land are properly respected. The head of the Land Commission is a person chosen by the Movements.
- Paragraph 366 requires that the Janjaweed are disarmed and removed from any areas of civilian habitation or IDP camps.

Speaking in the final session of the Abuja talks on 5 May, Abdel Wahid al Nour said that the security arrangements provisions were accepted. A few days later, however, he changed his mind and asked for clarification, and wrote to Dr Majzoub al Khalifa on 14 May asking for an assurance that “SLM/A shall contribute in the process of ensuring the safe return of refugees and IDPs to their homes including mounting joint patrols for this purpose.” Dr Majzoub’s reply the same day was: “the request of the Liberation Movement as to be part of the evaluation of the process [of security of return of IDPs], such objective is absolutely, seriously and uncompromisingly agreed upon.”

Dr Majzoub did not respond specifically on the question of “joint patrols”—units comprising both Sudan Armed Forces and Movements—an issue newly raised by Abdel Wahid that week. However, three points can be made regarding this. One, the Community Police will return with the IDPs. Two, in any area that has been recognized by the DPA as controlled by the Movements, the Comprehensive Ceasefire ensures that the Movements remain involved in ensuring security. And third, the DPA provides for the integration of 4,000 Movement combatants into the army into units in which they comprise either one third or one half of the soldiers. The DPA doesn’t specify where these units should be deployed, but there is no reason why they should not be deployed in areas of returning IDPs and refugees.

The text of the DPA has much more detail concerning IDPs than refugees. For example, it doesn’t include any provisions for Community Police for refugees. This is because refugees are outside Darfur—and also because the Movements’ negotiators didn’t raise the issue. But the spirit of the Agreement allows for Community Police to be established among returning refugees as well as IDPs. This will need the GoS and the Movements to agree on details of how to implement the DPA—the sort of additional details that are essential if it is to work.

Any agreement has gaps and details to be worked out as it is implemented and as circumstances change. Good faith between the Parties is essential if this is to work. Good advice, technical inputs, assistance and monitoring from AMIS and the international community is also important. The DPA is a good start: its details on the security of IDPs are a tribute to the good sense, skill and concern of the negotiators on both sides—the GoS and the Movements. It can work.