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Mission incomplete: why civilians remain at risk in eastern Chad

The international community took an important step in deploying the UN and EUFOR mission to volatile and insecure eastern Chad. However, one year on, this mission is not capable of adequately protecting civilians and requires urgent reform. EUFOR has made many civilians feel safer, but as a military force is ill suited to an environment of lawlessness and banditry. A year on the policing elements of the mission are yet to be deployed. Finally, without a comprehensive political solution to the internal crisis in Chad, there will be no hope of long-term security for the civilians who are currently at risk.

Summary

In September 2007 the international community took a stand in eastern Chad. Faced with a situation of spiralling violence affecting 250,000 refugees from the neighbouring region of Darfur in Sudan, together with 180,000 internally displaced persons (IDPs), 700,000 other Chadian civilians, and the aid workers assisting them, the United Nations agreed to help provide security.

The UN devised a three-pronged mission consisting of a UN component, MINURCAT, a Chadian police/gendarme force, the *Detachement Intégré de Sécurité* (DIS), and a military component, EUFOR, aimed at supporting the Chadian government to 'create security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons...by contributing to the protection of refugees, displaced persons and civilians in danger.'

One year on, this mission is incapable of effectively protecting civilians in eastern Chad and should urgently be adapted.

The threats facing civilians—banditry, criminality, and forced recruitment, all exacerbated by an underlying culture of impunity—are threats for which MINURCAT and the DIS were designed. However, their deplorable lack of deployment has meant that civilians are not benefitting from any of this protection. As of August 2008, only around 300 of a planned total of 850 Chadian police/gendarmes had completed training, and none had been sent to the camps or sites. Oxfam believes that it is imperative that MINURCAT and the DIS fully deploy immediately.

The mission's military component, EUFOR, which is present on the ground, has made many civilians feel safer through its activities, such as patrolling, destroying unexploded ordnance, and positioning themselves around camps and sites during rebel and government fighting. However, EUFOR is a military force, and not a police force, which means it is ill suited to deal with banditry and criminality, and not mandated to act within the camps and sites. Nevertheless, Oxfam believes it is important that EUFOR continue with its patrols and other deterrent activities, focusing its efforts on covering all the key refugee and IDP zones in order to ensure the 'wide-area security' necessary both for the MINURCAT and DIS deployment as well as for a smooth handover to a future UN force.

With renewed fighting between the Chadian government and rebels expected at the end of the rainy season in October, EUFOR may have an even greater role to play. In the past, armed militias have used the security vacuum created in the wake of government/rebel fighting to attack communities. In addition, with the roads passable in the dry season, all threats against civilians will increase, making the lack of MINURCAT and DIS deployment even more alarming.

As the mission's mandate comes up for renewal on 25 September, the UN Security Council must make the mission more capable of dealing with the security crisis. Armed UN police known as Formed Police Units should be immediately deployed to increase the mission's capacity to protect civilians in the short term. Immediate planning should begin for a UN force to take

over from EUFOR, whose mandate expires in March 2009. MINURCAT must also be given the mandate to support rule of law efforts across Chad, not just in the east, to better tackle impunity.

Finally, the ongoing hostilities on both sides of the border create the unstable, volatile conditions that allow all the threats against civilians to flourish. Short-term measures, executed effectively, can help create some security for civilians, but long-term civilian protection requires political solutions.

To this end, the UN Security Council must give the UN Special Representative of the Secretary General in Chad a political mandate to promote and develop an inclusive peace process which will result in the kind of dialogue that the UN Secretary-General stated was so necessary in his July 2008 report on Chad.

Only in this way, and not through temporary security provided by EUFOR, MINURCAT, or the DIS, will there be any chance for the sustainable return of IDPs. Oxfam strongly agrees with the Secretary-General's assertion that without this inclusive dialogue, the whole mission risks being a waste of resources, and also believes it will have needlessly risked the lives of the mission's personnel and troops.

Ultimately, the international mission can only do so much to improve the situation for civilians in eastern Chad. The final responsibility for this lies with the Chadian government. It is the Chadian government that needs to help get the DIS deployed, that must show the political will to break the cycle of impunity, and that must commit itself to an inclusive political dialogue which will bring lasting stability and security to eastern Chad.

1 Introduction

The humanitarian crisis in the eastern part of the Sahelian state of Chad has for too long been characterised as an ‘overspill’ from the war in Darfur: the reality is more complex than that. Sudan’s impact on Chad is undeniable – the past few years have seen hundreds of thousands of refugees fleeing from Darfur – but the internal Chadian conflict has also played a large part in creating the insecurity that is currently plaguing the east of the country.

What is even more undeniable is the human impact of the overlapping conflicts. Close to 250,000 refugees who fled one conflict in Darfur have found themselves in the midst of another, in insecure conditions in many of the 12 camps located along the Chad/Sudan border. Inter-communal attacks and raids have left 180,000 internally displaced persons (IDPs) vulnerable, seeking refuge at improvised sites, and nearly 700,000 other Chadian civilians in the east of the country are living under a constant threat of violence. Oxfam knows these communities well; since 2004 it has been carrying out emergency work to respond to the humanitarian crisis in the east. Operating in eight refugee camps, seven IDP sites, as well as in adjoining host communities, Oxfam provides clean water and sanitation services to nearly 250,000 people.

To help the Chadian government address the security crisis, a year ago the UN Security Council established a three-pronged ‘multi-dimensional presence’¹ in the form of a mission in eastern Chad consisting of:

- MINURCAT, the United Nations Mission in the Central African Republic and Chad comprising UN police trainers and civilian staff charged with helping to build up Chad’s justice system and monitor the human rights situation;
- The establishment of a new 850-strong Chadian police and gendarme unit, the *Detachement Intégré de Sécurité* (DIS). DIS personnel would be trained and monitored by the UN police to provide 24-hour security in the refugee camps and IDP sites;
- EUFOR,² a European Union military force of 3,700 soldiers. This was intended to provide the ‘wide-area security’ needed for the deployment of the first two elements of the mission and was also mandated to ‘contribute to protecting civilians in danger, particularly refugees and displaced persons’.

The UN Security Council will reconsider and renew the mission's mandate by the 25th of September 2008. After one year, what has the mission achieved and how well has it responded to protecting civilians in Chad?

2 Violence, impunity, and unresolved conflict

While fighting between rebels and the Chadian government grabs headlines, Chadian rebels have not targeted civilians as such. Instead, the greatest day-to-day threats to civilians (and to the humanitarian workers helping them) are banditry, inter-communal clashes, militarisation of camps and sites, and forced recruitment.

These threats are exacerbated because of a lack of law and order, which creates an underlying culture of impunity. In addition, these threats are enabled by the ongoing hostilities in both Chad and Sudan. Continued fighting creates a volatile and unstable situation up and down the border, placing vulnerable populations at further risk. According to UNHCR, 'the security situation in Chad developed from worrying to lethal in 2006 and has continued at a similar pace in 2007 and 2008'.³ Certain measures can be taken to address the immediate civilian threats as well as the culture of impunity, but none of these threats will recede permanently until longer-term political solutions can be found to the continuing conflicts on both sides of the Chad and Sudan border.

Immediate threat to civilians

Criminality and banditry

On a daily basis, IDPs, refugees, and civilians face rape, physical attack, beatings while working in the fields, robberies in camps and sites, and the theft of livestock. They are afraid to plant their fields or collect firewood, and they lose their means of making a living and their economic independence.

"People come with guns and steal things from our markets in the camp. We tried to protect our shops by sleeping in them at night, but when they come with weapons there is nothing we can do." – Refugee woman in Mile camp

Often incidents go unreported, making it difficult to track trends.⁴ Nevertheless, from incident data, situation updates, and protection reports collected by the UN, it is clear that these threats show no sign of abating since last year and that eastern Chad remains as dangerous as ever for civilians.

The perilous state of security in eastern Chad is especially clear when looking at the incidents affecting humanitarian workers. These are

widely reported and have mushroomed in the past six months. UNHCR reported in May 2008: 'While EUFOR and MINURCAT are deploying in Eastern Chad, reported security incidents involving humanitarians have actually hit successive quarterly highs since the end of 2007 and at the beginning of 2008.'⁵ Perpetrators show no respect for the principle of humanitarian impartiality. Compounds have been looted, vehicles have been carjacked, staff have been beaten, shot at and received death threats; the murder of Save the Children UK Country Director Pascal Marlinge and driver Ramadan Djom during a carjacking in May 2008 was one of the most dramatic and tragic cases. The shooting of an ICRC staff member in Abeche on 26 July further prompted Oxfam and other NGOs to reflect further on the reduction of humanitarian space and the impact that this is having on programming.

It is seldom easy to identify the perpetrators of such attacks, but a large number of cases involve armed men in uniforms.⁶ IDPs also report being attacked while working in the fields or while collecting firewood by 'Arabs' or 'janjaweed'.⁷ Disgruntled or opportunistic former or current staff of humanitarian agencies are also culprits.

Inter-communal clashes

Because of the poverty endemic in much of the region, the lack of investment in development, and the displacement that has changed community dynamics, there is increasingly fierce competition for resources between different tribes and communities – especially between sedentary farmers and nomadic herders who compete for the same land which falls on transhumance corridors.

"The Arab herders killed our donkey as a warning sign – our fields are now too close to their pasture zones." – IDP farmer near Goz Beida

Displacement, conflict, and rivalry with state authorities have weakened the powers of traditional leaders to resolve these conflicts,⁸ which have been increasingly exploited and used for political ends by leaders at all levels.

Clashes between the Dadjo and Arab communities in Chad killed hundreds of people in 2007 and displaced thousands around the Dar Sila region and across the border into Darfur.⁹ In July 2008, longstanding tensions between Moro and Dadjo communities in Kerfi exploded into violence directed at the humanitarian community. This resulted in the death of the Moro *chef du canton* and the fresh displacement of Dadjo IDPs.¹⁰ The attacks have forced Oxfam to work remotely to maintain water supplies for the 9,000 people to whom it provides services.

Further north, the influx of Zaghawa refugees from Darfur over recent years into predominantly Tama areas of Chad, especially around Guereda, has exacerbated longstanding hostilities between the two groups – hostilities that are reflected both locally, in terms of fighting and displacement, and at the highest political and military levels.¹¹ Since April 2008, the tensions between the Zaghawa and Tama communities have become so serious that the *prefet* imposed a ban on refugees moving freely outside the camps around Guereda.¹²

Forced recruitment and the militarisation of refugee camps

Aid agencies have struggled to maintain the ‘civilian and humanitarian character’ of refugee camps, but mostly in vain. While fighting continues on both sides of the porous border, refugees, IDPs, and civilians all remain vulnerable to recruitment by armed groups. Refugees recruited to armed groups reportedly participated both in defending N’Djamena when rebels attacked it in February and in attacking Khartoum in May 2008.¹³

The UN estimates that there are currently between 7,000 and 10,000 children serving with armed groups and in the military in Chad.¹⁴ One of the most dramatic incidents of recruitment occurred in 2006, when Darfurian rebels forcibly recruited 4,700 adults and children from Bredjing and Treguine refugee camps, with apparent Chadian complicity.¹⁵ Over the past few months there have been reports of an upswing of recruitment in northern camps.¹⁶

It is well known that the refugee camps serve as way-stations for both rebels and military forces.

“Armed men come into our camp, I don’t know who they are – either Chadian military or groups from Sudan. They spend the day drinking and harassing people – there’s no control, they can just enter as they like!” – Refugee man in Mile

UNHCR and the Chadian government have unsuccessfully attempted to relocate camps further away from the border. Weapons are reported to circulate widely within camps up and down the border. In 2007, the Dajo *umda* (leader) in Djabal refugee camp was arrested after an enormous cache of weapons was discovered in his compound. Refugees report that weapons are on sale in the markets within their camps, and refugees themselves have been implicated in armed criminal activity.¹⁷

The culture of impunity

A culture of impunity pervades eastern Chad. This impunity, however, is not just a local problem confined to the east: it involves

the security, justice, and corrections system nationally. There is little political will, or outside pressure, to impose a system of rule of law.

The justice system in Chad is practically non-existent. Police and gendarmes are few in number and under-equipped, and large areas of eastern Chad exist in a vacuum as regards security and the rule of law.¹⁸ Where the police are present, there are reports of arbitrary detentions and corruption leading to the early release of detainees.¹⁹ The UNHCR attempted to provide some security to refugees by supporting the *Commission Nationale d'Accueil et Réinsertion des Réfugiés* (CNAR) gendarmes,²⁰ but these gendarmes have been the subject of many accusations including corruption (both from humanitarian workers and civilians), as well as a poor understanding of basic protection principles. They are also few in number (between 250–300), and lack the means to carry out their duties effectively.

“When people came and stole our horses we informed the CNAR, but only as a formality – they have only one car and don’t do anything. We had to go and try find our horses ourselves.” – Refugee man in Kounoungou camp

Prisons and courts in eastern Chad hardly function at all, with judiciary positions unfilled at all levels.²¹ Judges and magistrates often feel that their position puts their lives at risk, and that they cannot count on receiving protection.

The ongoing conflict

As UN Secretary-General Ban Ki-moon stated in his latest report on Chad in July 2008: ‘...the mandates of MINURCAT and EUFOR limit the role of the two missions to addressing only the consequences and not the issues underlying the conflict in Chad. Unless the fundamental issues are addressed, and in the absence of a viable dialogue between the government and all opposition groups, the resources invested by the international community in Chad risk being wasted.’²²

To establish long-term protection for civilians, an environment more propitious to ending the culture of impunity, and a hope for sustainable returns of both refugees and IDPs, political solutions must be found in Darfur, between Chad and Sudan, and internally within Chad. Without this, IDPs, refugees, and other civilians will remain at risk of recruitment by armed groups, opportunistic banditry and criminality will continue, inter-communal tensions will remain unresolved, and Chadian resources will be devoted to fighting rebels, creating further security vacuums. In the past, armed militias have used these security vacuums to attack border villages,

creating a lot of the existing displacement. Ideally, the Chadian government should be using its resources for restoring law and order and facilitating longer-term investments in infrastructure, democratisation, and development.

To date there has been no inclusive political process in Chad that brings together the government, opposition parties, rebel movements, and civil society. There have only been partial attempts which have involved only some of the parties and which do not share a common road-map.

These include on-off negotiations in Sirte, Libya between the Chadian government and various rebel groups, and the EU and French supported '13 August accords' between the government and the political opposition, which only constitute a technical framework for future elections. The limited scope of these initiatives means that they do not address the major underlying causes of the conflict such as governance, oil revenues and security sector reform. These talks have produced neither the outcomes nor the stability that are a precursor for lasting peace in Chad.

Key to a durable peace in Chad is the need to build confidence between all parties, a role to which the UN as a diplomatic intermediary is ideally suited. Oxfam believes that the UN mission must be given a political mandate to work with all parties for peace in Chad.

The conflicts in Chad and in Darfur are inextricably linked, and long-term solutions on one side of the border will not be found unless solutions are also found on the other side. The international community has spent a lot of political capital in promoting a peace process in Darfur, and must now expend the same energy towards advancing peace in Chad, as well as renewing its efforts in Darfur.

3 The international response

Since 2006, Oxfam has been sounding the alarm over Chad's volatile security situation and the Chadian government's growing inability to provide adequate protection for civilians at risk. The humanitarian community's responses - such as the distribution of firewood in the camps, the setting up of secondary schools to provide an alternative to recruitment into armed forces, and the support of dialogue committees consisting of refugee and host community leaders - as well as civilian coping mechanisms - such as travelling in groups to collect wood or to farm - are only short-term solutions.

Leading figures in the international community started to call for outside intervention. In May 2006, for example, Kingsley Aمانing, the UN Humanitarian Coordinator in Chad, stated: 'We have a

seriously deteriorating security situation in Chad and the government's capacity is also diminishing in terms of security response. Therefore, along with the [Chadian] government, we are looking at the possibility of putting in place an expatriate, international force that will support government efforts to provide security in the areas where we are operating.'²³ The Chadian government itself stated on several occasions that it was not capable of guaranteeing the security of Darfurian refugees.²⁴

United Nations Security Council Resolution 1706, passed in August 2006, contained a call for a multi-dimensional presence in Chad and brought some hope for an international response – but it still viewed the problem through a Darfur lens.²⁵ Although subsequent reports from the Secretary-General have also focused on the internal factors causing instability in Chad, statements by the EU show that it has mostly viewed this mission as another way of contributing to the stabilisation of Darfur.²⁶

The final mandate of UNSCR 1778, firmly directed at protecting all civilians at risk in eastern Chad and implicitly grounded in the international community's 'responsibility to protect', puts in place a response for civilian protection.²⁷ It also provides some elements that could tackle the culture of impunity. But when it comes to a political solution, the mandate has little to say.

In addition, by mandating the mission to 'help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons', it helps to create a mindset that views IDP returns as a benchmark of success, without considering a long-term political solution. It is also not clear how a mission focused on Chad will be able to create security conditions that would allow Darfurian refugees to return home to Sudan.

States often promote the return of refugees and IDPs as an indicator of returning normality, a description that is sometimes premature and politically motivated. MINURCAT's renewed mandate must prioritise the right of refugees and IDPs to return to their homes in safety and dignity made possible by all relevant actors first addressing the root causes of the conflict.

EUFOR

Getting on the ground

Despite earlier calls by Chad for a UN intervention, when the time came for planning, the Chadian government refused 'blue helmet' peacekeepers. The compromise was a European force, known as EUFOR – Tchad/RCA, which was envisioned as a 'mobile and well-

equipped' force of 3,700 troops.²⁸ Fourteen countries have contributed troops on the ground, while 18 have representatives in-country and 22 have a presence at the operational headquarters in Mont Valérian, France.

This force, with a mandate of one year, was intended not only to provide the 'wide-area security' necessary for a UN deployment, but it also had a Chapter VII mandate 'to contribute to protecting civilians in danger, particularly refugees and displaced persons' and 'to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations'.

EUFOR declared itself operational in March 2008. Primarily French forces were deployed on a central axis stretching from Farchana to the border with Darfur, while Irish and Dutch forces were sent to the south-east of Chad, around the city of Goz Beida. These areas – Dar Assounga and Dar Sila, respectively – are where most of the IDPs are located.

Polish forces have begun building a camp farther north near Iriba, within reach of three refugee camps. A rotating presence is planned for Bahai, home of the isolated Oure Cassoni camp, which is located right near the Chad and Sudan border in the far north, but for the moment this zone is not covered. Various special forces, including Belgian and Austrian personnel, have been patrolling the area around Guereda and its two refugee camps, but no permanent EUFOR presence has yet been established here. According to a recent report, by August 2008 EUFOR troops had completed 850 reconnaissance missions and 690 patrols from its bases.²⁹

Evaluating EUFOR's impact on immediate civilian protection

In a situation dominated by banditry and inter-ethnic clashes, EUFOR, as a military force and not a police force, is limited in what it can do, a problem commented on by the commander of EUFOR, Brigadier-General Ganascia himself.³⁰ While it can react to situations where civilians are at risk and can carry out patrols to demonstrate its presence and deter criminal activity, it does not have police or judiciary powers or capacities. It cannot conduct police investigations, judge the accused, or punish guilty parties. Nor does EUFOR have jurisdiction over what goes on inside refugee camps and IDP sites: its personnel can only enter camps unarmed (for example, to hold discussions with leaders) or intervene in extreme circumstances.

In one instance where EUFOR tried to assert itself in a policing function, the government refused to co-operate. In May 2008 the

governor of Abeche forbade EUFOR personnel to patrol the town at night (which is what it does in Goz Beida). EUFOR again offered its services after the shooting of an ICRC staff member in July, but again the authorities refused, only allowing it to patrol the outskirts of Abeche.

Nevertheless, Oxfam believes that EUFOR has made many civilians feel safer through its activities, which include patrolling known dangerous routes, destroying unexploded ordnance, making contact with local leaders, and positioning itself defensively around civilians during rebel and government fighting.

This conclusion can be reached by examining the few incidents in which it has acted in response to a threat for which it is suited. For instance, EUFOR responded quickly to the events in Kerfi in July, helping to evacuate a number of NGO staff and remaining on the ground for several days until the main tensions had subsided. There was another incident on 14 June when rebel forces and government forces fought in Goz Beida. EUFOR appeared to remain neutral, to the extent that the government accused it of assisting the rebels. Civilians expressed satisfaction with EUFOR's reaction, particularly the refugees who saw EUFOR troops interpose themselves between their camp and the rebel forces.

This perception of safety contributes to a positive assessment of EUFOR's impact. In interviews conducted by Oxfam with close to 200 IDPs and refugees in Goz Beida, people generally understood EUFOR's mandate: to protect civilians.³¹ In addition, overwhelmingly, IDPs and refugees who were interviewed felt safer since the arrival of EUFOR. They felt reassured by the patrols and other activities of EUFOR and wanted EUFOR troops to patrol more frequently, particularly around their fields.

"If I could tell EUFOR what to do, it would be to accompany me to my fields. We have the courage to go, but we are still afraid. We fear that once the fields are good, the Arabs will come." – IDP woman near Goz Beida.

While IDPs interviewed in Goz Beida had a strong appreciation of EUFOR's capacity to ensure short-term security, their perceptions of its role in assisting with returns were mixed. IDPs would like EUFOR to patrol in the zones of return, particularly when the IDPs visit their villages of origin, but when asked what would be the prerequisites for returning home, the vast majority of people mentioned peace, reconciliation, and justice.³² Concretely, IDPs want to see the return of local authorities, as well as a Chadian security presence in their villages and on the border, underlining the IDPs' expectation that, ultimately, the responsibility lies with the Chadian government.

“My children cry and ask each day, when will we go back home to Modeina? Our chief will make a committee to judge the stability of Modeina, but I can’t see us returning until there is a government force installed there.” – IDP woman in Gouroukoun site

EUFOR, however, perceives itself – and is perceived by the EU – as playing a much more central role with regards to returns.³³ Upon its initial deployment in March 2008, EUFOR was preoccupied with encouraging a maximum number of IDP returns before the start of the rainy season. According to its own analysis, securing the areas of origin would help enable these returns. EUFOR put this objective on hold only after outcry on the part of the humanitarian community, and subsequent discussion between EUFOR and humanitarians as to why this was not possible.

Finally, one of EUFOR’s main responsibilities is to provide the ‘wide-area security’ necessary to roll out the whole mission; this is also a prerequisite for a smooth transition to an eventual UN force in March 2009. This assessment is less positive: while EUFOR has made headway there are still serious gaps in its geographical coverage. EUFOR has a permanent presence in Abeche, Goz Beida, Farchana, and Iriba, but there are also key refugee camps and IDP sites located around Bahai, Koukou, and Guereda that need coverage.

In addition, there are many refugees and IDPs who still do not understand what EUFOR is. While community leaders in areas of deployment have good information, they do not always pass this information down effectively. Refugees in areas where EUFOR’s presence is minimal understand little of the mission, and some civilians in Abeche still confuse EUFOR with the French forces that have been present in Chad for years in support of President Deby.³⁴ EUFOR must immediately launch a wide-ranging information campaign, using local languages and radio; it should also explain the difference between the role of EUFOR and that of the humanitarian community. For example, EUFOR’s use of white vehicles in some towns and two white helicopters in Goz Beida blurs the distinction between humanitarians and military.

Oxfam is also worried about the bilateral civilian assistance projects (BILATS) being undertaken by certain EUFOR contingents with funds earmarked by some of their respective governments. Due to concerns amongst the humanitarian community regarding the blurring of lines between humanitarian and military entities, as well as the pending rainy season, EUFOR Force Headquarters asked all contingents to suspend BILATS temporarily. However, it is likely that these projects will resume after the rainy season. The Polish contingent, in particular, has stated its intention to start a school

rehabilitation project straight away, without sufficient consultation with other stakeholders.

MINURCAT/DIS

Getting on the ground

One year on from the creation of MINURCAT there has been no deployment of the UN police or the *Detachement Intégré de Sécurité* (DIS) on the ground. By the beginning of August 2008, only around 70 DIS commanders and 230 DIS officers, out of a planned 850, had been trained. Given the dangers facing civilians in eastern Chad, and their right to protection, this is a shameful state of affairs. Both the UN and the Chadian government share responsibility for the delays and need to work together to speed deployment.

The mission concept, while laudable in the way it builds national capacity by training Chadian police/gendarmes, is nonetheless an ineffective way of providing immediate protection to civilians – a point which should have been recognised by the UN Security Council. The current mandate makes no provision for the immediate deployment of UN Formed Police Units, armed international police with executive law enforcement capacity. Such a force is urgently needed to fill the security gap in the short-term and provide vital support and monitoring of DIS police when they deploy.

MINURCAT, DIS, and immediate threats to civilians

When deployed, the DIS' mandate includes 'maintaining law and order in refugee camps, sites with concentrations of internally displaced persons and key towns in neighbouring areas and assisting in securing humanitarian areas in eastern Chad'. This covers many of the things that EUFOR currently cannot do, such as patrolling inside camps, making arrests, and tracking down illegal weapons. However, the current concept of operations and numbers does not allow for coverage of many of the outlying IDP sites – only those within a ten km radius of the police post that will be set up at each refugee camp. This could be rectified to some extent through Formed Police Units or by increasing the number of DIS.

There has also been confusion on the ground over MINURCAT's deployment, exacerbated by a lack of information dissemination. Refugees and IDPs interviewed by Oxfam, even leaders, had little or no knowledge of MINURCAT, and some local CNAR officials were not clear on what this would mean for the CNAR gendarmes.³⁵ The DIS will be trained, better equipped, and accompanied on the ground by UN police, but only time will tell if it will be more effective than its CNAR predecessor. It has been difficult to find qualified officers

and while the refugee population consists predominantly of women, there are only four female officers in the first group of DIS trainees.³⁶

There is also concern within the international NGO community over MINURCAT's launch of 'humanitarian' Quick Impact Projects (QIPs), which blur the boundaries between the mission and humanitarian actors.³⁷ Along the same lines, Oxfam is aware that discussions concerning whether or not MINURCAT should be fully 'integrated' are currently ongoing.³⁸ Oxfam strongly believes that the UN's humanitarian coordination should remain separate from the peacekeeping mission. Concretely, this means that the UN Humanitarian Coordinator must remain outside the mission structure, and the UN's office for the coordination of Humanitarian Affairs (OCHA) should maintain its independent presence in Chad. This independence and separation is vital given Chad's uncertain political environment, the ongoing conflict, and the potential politicisation of IDP returns.

Combating the culture of impunity

Like the UN police and DIS deployment, the civilian component of the mission, tasked with supporting the Chadian justice sector and in monitoring human rights – the centrepiece of MINURCAT's efforts to combat the culture of impunity – has also been seriously delayed and staff are still not out in the field. MINURCAT's mandate is also currently restricted to the eastern part of Chad, meaning that any support it can provide for the rule of law, or for gender and human rights issues, is provided in isolation from the rest of the country. The problem of rule of law is a national one, and these efforts will not be effective if they are not implemented on a national level too.³⁹

MINURCAT alone can only go so far in combating impunity. When properly deployed, staffed, and mandated, it can help to improve the infrastructure of justice and the rule of law – building prisons and training police, for instance – but this is only half the battle. Ultimate responsibility lies with the Chadian government to harness the political will and allow for the kinds of long-term reform that will break the cycle of impunity. It is also up to the Chadian government at all levels, with the support of MINURCAT and others where appropriate, to help repair the relations amongst communities torn apart by conflict by launching reconciliation and other types of transitional justice initiatives with local actors.

After the rainy season

The final six months of EUFOR's deployment – from September until March 2009 – coincides with the end of the rainy season. With roads

again passable, the end of the rainy season has historically been the time where fighting between rebels and the government starts again in earnest, increasing instability and insecurity. Considering the lack of any movement on peace processes in both Chad and Sudan, Oxfam believes that this year will not be any different. In addition, just as rebels will move more easily during the dry season, so will criminals and other armed groups. Banditry, inter-communal clashes, camp militarisation and forced recruitment will intensify. In light of this, MINURCAT and DIS' lack of deployment is even more alarming.

Oxfam is also seriously concerned that there will be renewed international and national pressure for IDP returns after the rains end. Clearly, with the likelihood of open hostilities and increased insecurity, sustainable returns will not be possible. Instead, EUFOR in particular may have an even greater role to play, as armed militias have in the past used the security vacuum created in the wake of government and rebel fighting to attack civilians.

The renewal of combat between government forces and rebel groups will be a test for EUFOR in another way. With the overwhelming French involvement in EUFOR, and France's military support to the Chadian government, there have always been serious concerns over whether EUFOR can maintain its neutrality.⁴⁰ These concerns diminished slightly over the past few months - particularly with President Deby's accusations that EUFOR did little to stop the rebel advances of 14 June⁴¹ - but are likely to resurface after the rainy season. If France lends its support to Chadian forces - with French forces constituting the majority of EUFOR - this could put the neutrality of the MINURCAT mission in peril.⁴²

4 Conclusions and recommendations

The MINURCAT/DIS/EUFOR mission, as currently conceived and deployed, cannot effectively deal with the threats facing civilians in Chad. One of the main reasons for this is the disturbing lack of deployment by MINURCAT and the DIS, which is supposed to be providing security for civilians, helping build up the justice system, and improving human rights monitoring. It is imperative that they deploy immediately, particularly as insecurity is likely to increase once the rainy season ends.

Only EUFOR is deployed in any real way, and Oxfam believes that EUFOR's activities have made many civilians feel safer. Nevertheless, EUFOR is a military force, and not a police force, and is ill suited to deal with the majority of threats facing civilians today. The main threats to civilians are not large-scale attacks by rebel groups, but instead day-to-day acts of banditry and criminality, as well as threats inside the camps and sites where EUFOR is not mandated to act.

EUFOR should continue to carry out its 'preventive' patrols and other deterrent activities. In addition, EUFOR should focus primarily on deploying to the key refugee and IDP areas in order to provide the 'wide-area security' necessary for the MINURCAT and DIS deployment and ensure a smooth handover to a UN force. With the upcoming end of the rainy season, and the renewed risks of fighting between rebels and government forces, EUFOR may even have a greater role to play. While rebels have not targeted civilians, in past years the general instability created in the wake of this fighting has left civilians in border villages vulnerable to raids by armed militias.

At the September 2008 Security Council sessions, the UN must give MINURCAT the capacity to respond more effectively to deal with all three aspects of the crisis: immediate civilian protection, tackling the culture of impunity, and finding an inclusive political solution to end the ongoing fighting.

Given the continued delays of the DIS, UN armed police known as Formed Police Units must be deployed in order to deal immediately with civilian protection. Planning must start for the transition of EUFOR to a UN force. If the UN's military follow-on force suffers the same delays as the police component then EUFOR will be left facing a growing security crisis without the mandate to get the job done.

MINURCAT likewise must be given the mandate to support rule of law efforts at a national as well as regional level to deal better with impunity.

Finally, the UN Special Representative of the Secretary General in Chad must have a *political* mandate to promote and develop an

inclusive peace process to create the kind of dialogue that the UN Secretary-General has stated is so necessary. Only in this way will there be any chance for long-term security and sustainable returns of IDPs. Oxfam strongly agrees with the Secretary-General's assertion that without this inclusive dialogue, the whole mission risks being a waste of resources, and also believes it will have needlessly risked the lives of the mission's personnel and troops.

Ultimately, the international mission can only do so much to improve the situation for civilians in eastern Chad. The final responsibility for this lies with the Chadian government. It is the Chadian government that must deploy the DIS, that must show the political will to break the cycle of impunity, and that must commit to an inclusive political dialogue aimed at bringing lasting stability and security to eastern Chad.

Recommendations: towards immediate protection

- UN Formed Police Units should be despatched immediately in sufficient numbers to provide short-term security in the 12 major refugee camps and IDP sites in eastern Chad. There are currently no UN Formed Police Units in Chad
- The 300 Chad DIS police who have completed UN training must be despatched immediately to areas of insecurity in eastern Chad.
- The remaining 550 Chad DIS police must be trained and deployed as a matter of urgency to address the growing security crisis.
- MINURCAT must work to increase DIS numbers if necessary and to recruit as many female officers as possible to the UN police and the DIS, ensuring suitable working conditions for women.
- The government of Chad should do all in its power to ensure the speedy deployment of MINURCAT and the DIS, as well as allow for a transition from EUFOR to a UN military force.
- EUFOR should focus on creating a permanent security presence in all key areas – including Koukou, Bahai, and Guereda – in order to facilitate the deployment of MINURCAT and the DIS around refugee camps and IDP sites. EUFOR should ensure that all civilians in these areas are aware of EUFOR's mandate through co-ordinated communication and information campaigns, using radio and documentation in local languages.

- EUFOR should continue to ensure a deterrent presence and increase its patrols into zones where IDPs and others are cultivating fields and where there are transhumance routes.
- MINURCAT's mandate should be amended to include planning for a smooth transition for a UN takeover of the EUFOR bridging force, and EUFOR should be ready to extend its presence past March 2009 if necessary. The UN should capitalise on gains already made by certain EUFOR contingents with regard to visibility and deterrence by encouraging those contingents to participate in the follow-on force (bearing in mind concerns about neutrality and impartiality linked to a heavy French involvement).
- All actors on the ground must adhere to the *voluntary* right of return of IDPs, in line with the UN Guiding Principles of Internal Displacement,⁴³ and must ensure that efforts to accompany any return are coordinated and take place within a programme of long-term development and reconciliation. Funding and projects that encourage a premature return to areas where security is uncertain or temporary, or where root problems such as inter-communal disputes or the availability of arms have not been addressed, will leave populations at risk, and will potentially lead to further violence and displacement.
- The Humanitarian Coordinator should remain outside the MINURCAT mission, and OCHA should maintain an independent coordinating presence.
- MINURCAT should refrain from initiating humanitarian Quick Impact Projects (QIPs) and should concentrate on the QIPs that correspond more closely with rule of law, security, and other related activities.
- EUFOR must ensure that there is a clear distinction between itself and the humanitarian community; this includes not using white vehicles or helicopters and not embarking on BILATs that blur military and humanitarian mandates (such as through direct assistance).
- UN agencies should work closely with NGOs to ensure the ongoing, coordinated collection of data regarding IDP protection incidents and threats, and ensure that other mandated protection actors (including national and international police and military forces) are briefed on these threats.

Towards ending impunity

- The international community must hold Chadian authorities accountable on their primary responsibilities to promote the rule of law throughout their territory.
- The government of Chad should launch reconciliation and dialogue initiatives amongst local communities in conflict, with the support of MINURCAT, donors, and NGOs specialised in this domain.
- MINURCAT's human rights and rule of law activities must be extended to the whole of Chad, not just the east of the country.
- MINURCAT's rule of law, human rights, and local-level reconciliation components should be strengthened in terms of staffing and budgets, to enable staff to be deployed into all key field locations.
- Humanitarian actors on the ground, including the UN agencies and international NGOs, must start a dialogue with the Chadian government with regards to the impact that criminality and impunity are having on humanitarian space.

Towards a political solution

- The Special Representative of the Secretary-General in Chad must be mandated to support efforts towards a comprehensive, inclusive peace process that includes all actors – the government of Chad, unarmed political opposition groups, armed groups, civil society and traditional leaders. This process must address grievances from all parties, and must also address issues relating to inter-ethnic violence, the mismanagement of natural resources, political representation, and democratic reform.
- France and the EU, as actors with considerable influence in Chad, must work with the Chadian government to find an acceptable formulation for an inclusive process.

Notes

¹ The mission is based primarily in eastern Chad, but a small component covers the north-eastern part of the Central African Republic. While the CAR deployment tangentially influences security in Chad, this briefing paper focuses on the Chadian deployment and the direct impact it has had on civilian protection in Chad.

² The full name of the force is EUFOR – Tchad/RCA, but it has been shortened to EUFOR in this briefing paper.

³ Humanitarian Security Briefing Note of May 2008, UNHCR.

⁴ This is particularly the case for rape, and is linked to issues of sexual stigmatisation, especially if there are no witnesses to the attack. For this reason, it is likely that rapes that happen within the refugee population in camps are more likely to be reported than those happening outside the camps. In addition, work on protection data baselines, particularly for IDPs, has been uneven. Recent data collation by UN agencies and NGO partners, however, confirms a rise in protection incidents against IDPs, although this may be partly explained by increased monitoring.

⁵ Humanitarian Security Briefing Note of May 2008, UNHCR.

⁶ Interviews in June and July 2008, incident reports produced by UNDSS, and other information collection by UN agencies and NGOs. In a recent article ('Aid groups face dilemma over EU protection', IRIN, 16 May 2008), an aid official stated: 'In Abéché, NGOs often see their stolen vehicles being driven around by members of the local security forces.' Another stated: 'Confronting the local security forces about how they got hold of our vehicles is too dangerous... The government has to be pressured to do something.'

⁷ The term 'janjaweed' has been used most extensively in the context of Darfur, to refer to Arab militias allegedly working in concert with the Government of Sudan. While attacks by Sudanese 'janjaweed' have been documented in Chad, many Chadians now use the term 'janjaweed' to mean any attack by Arabs or by other ethnic groups who have created alliances with Arabs, whether Chadian or Sudanese.

⁸ Examples include the deposing of the Sultan of Dar Sila and the arrest of the Sultan of Dar Tama.

⁹ It was reported that Darfurian rebels and Chadian officials had trained Dadjo militias. Human Rights Watch, 'Chad: Arab civilians also targeted by militias', 27 November 2006.

¹⁰ Tribal leaders in Kerfi accused humanitarian agencies of unfair recruitment practices, of renting land from people from outside the area, and of distributing food only to IDPs and not to host populations. Despite the fact that many of these issues were already under discussion, the local population, probably with the support of local leaders, attacked NGO compounds.

¹¹ The predominantly Tama rebel group, the FUC, attacked N'Djamena in 2006. A peace agreement between the FUC and the government was

signed in October 2006. The FUC leader, Mahamat Nour, subsequently became Minister of Defence, before being expelled from the government at the end of 2007.

¹² As the camp borders are undefined and quite porous, this decree has gone unenforced.

¹³ Interviews and reports, July 2008.

¹⁴ 'Conclusions on children and armed conflict in Chad', UN Security Council Working Group on Children and Armed Conflict, S/AC.51/2007/16, 24 September 2007. In May 2007, the Chadian government signed an agreement with UNICEF to begin demobilisation of recruited children; however, UNICEF has had problems in accessing military installations.

¹⁵ A UNHCR official reportedly said of this incident: 'It is a fact that it happened and no one has tried to stop it. The authorities knew it was happening, and... they let them go.' 'Sudanese rebels seize young recruits from camps in Chad', *Daily Telegraph*, 20 May 2006. For more details on child recruitment in Chad, see 'Child Soldiers Global Report 2008', Coalition to Stop the Use of Child Soldiers.

¹⁶ Interviews, July 2008.

¹⁷ Interviews, July 2008.

¹⁸ Interview with senior government official, July 2008. According to a MINURCAT document, only a small percentage of the Chadian gendarme and police forces are devoted to working with the civilian population in the east of the country.

¹⁹ Interviews with IDPs, refugees, NGOs, and officials, July 2008.

²⁰ In 2006, UNHCR signed an MoU with the Chadian government to support gendarmes to work in co-ordination with the CNAR and to provide security in refugee camps. The original concept behind the CNAR gendarmerie was to have one gendarme per 1,000 refugees. The force's mandate was to '1) Ensure that no one enters the camps in possession of arms; 2) to provide security in and around the camps; 3) to ensure law and order and 4) to protect humanitarian actors and assets'. 'Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum', UNHCR, September 2006.

²¹ At the Tribunal de Première Instance de Biltine, for example, there has been no magistrate for nearly two years.

²² Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad, S/2008/444, 8 July 2008, paragraph 52.

²³ Jan Egeland, then UN Emergency Relief Coordinator, also stated, 'It's very clear that Chad has limitations with its present armed forces being small and its police force being even smaller, and that's why ... we are looking at other methods to try to protect the civilian, refugee and displaced populations.' Reuters, 'UN plans Chad protection force', 11 May 2006.

²⁴ In May 2006, President Deby stated: 'So we ask the international community to come and help us because we can't protect the refugee

camps, at the same time protecting our borders from the incursions and the invasion. So I'm telling you today ... that at the end of June we won't be accountable to anything that would happen to the refugee camps, as well as the humanitarian personnel.' Reported on CNN, 19 May 2006.

²⁵ UNSCR 1706 mandates UNMIS in Darfur 'to assist in addressing regional security issues in close liaison with international efforts to improve the security situation in the neighbouring regions along the borders between the Sudan and Chad and between the Sudan and the Central African Republic, including through the establishment of a multi-dimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in Chad, including in internally displaced persons and refugee camps...' (S/RES/1706 (2006) op. 9d). The Resolution also 'requests the Secretary-General to report to the Council on the protection of civilians in refugee and internally displaced persons camps in Chad and on how to improve the security situation on the Chadian side of the border with Sudan' (S/RES/1706 (2006) op 13). While UNSCR 1706 was eventually superceded by UNSCR 1769 in relation to Darfur, reporting and assessments regarding Chad and the CAR were carried out as requested.

²⁶ The Council Joint Action 2007/677/CFSP, of 15 October 2007, states in paragraph 3 that 'The Council further emphasised the regional dimension of the Darfur crisis and the urgent need to address the destabilising impact of the crisis on the humanitarian and security situation in neighbouring countries, and reiterated its support for the deployment of a multidimensional UN presence in Eastern Chad and North-Eastern Central African Republic and indicated its willingness to consider a EU military bridging operation in support of such a multi-dimensional UN presence with a view to improving security in those areas.'

²⁷ In UNSCR 1778, the UN Security Council 'reaffirms its resolution(s)...1674 (2206) on the protection of civilians in armed conflict'. UNSCR 1674 for its part 'reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity' (S/RES/1674 (2006) op. 4). This is less explicit than the case of UNSCR 1706, the first resolution calling for an international force in Darfur, which explicitly invokes Paragraphs 138 and 139.

²⁸ Report of the Secretary-General on Chad and Central African Republic, S/2007/488, 10 August 2007, paragraph 4.

²⁹ 'Troops vigilant after Chad explosion', *The Irish Examiner*, 5 August 2008.

³⁰ He stated that 'Il y a un décalage entre ce qui a contribué à la conception des forces qui sont déployées ici et la réalité. Le contexte a énormément changé. ... Nous devons réadapter au quotidien nos modes d'action pour contrecarrer les coupeurs de route tout en restant dans le cadre qui nous a été fixé. 'Il faut revoir les missions de l'EUFOR au Tchad', *Le Figaro*, 16 June 2008. ['There is a discrepancy between what contributed to the initial set-up of the forces deployed here and the actual reality. The background situation has changed enormously... It is therefore essential that we adapt our methods of action in order to counteract the *coupeurs de route*

(highwaymen) whilst still remaining within the framework we were given.'
We need to review the EUFOR missions in Chad, Le Figaro, 16 June 2008]

³¹ Series of focus group and individual interviews carried out in the Goz Beida area with male and female IDP leaders, together with random households in Koloma, Gouroukoun, Gassire, and Koubigou IDP sites (193 people interviewed in total) and with refugees in Djabal.

³² While there have been reports of some spontaneous returns, it has been only a very small number.

³³ In the EUFOR concept of operations, seen by Oxfam, there are clear instructions regarding the mission's objectives as including 'encouraging IDP returns'.

³⁴ Interviews carried out by Oxfam with refugees in Mile and Kounoungou camp, near Guereda, and with civilians in Abeche, July 2008.

³⁵ Interviews with IDPs, refugees, and CNAR officials in Abeche, Goz Beida and Guereda, July 2008.

³⁶ Under the CNAR gendarme system, there were two female CNAR officers per camp, but most of them eventually left the CNAR service.

³⁷ In May 2008, fourteen NGOs and development associations responded to an invitation to submit projects for QIPs with a letter that expressed their concerns at the potential blurring of roles between the various actors as well as their decision not to be associated with MINURCAT's QIPs, but stated that they remained open to further dialogue.

³⁸ An integrated mission is 'an instrument with which the UN seeks to help countries in the transition from war to lasting peace, or address a similarly complex situation that requires a system-wide UN response, through subsuming various actors and approaches within an overall political-strategic crisis management framework'. E.B. Eide, A.T. Kaspersen, R. Kent, and K. von Hippel (2005) 'Report on Integrated Missions: Practical Perspectives and Recommendations', Independent Study for the Expanded UN ECHA Core Group.

³⁹ It is impossible to separate the 'east' from the rest of the country; for example, the tribunal at Abeche also handles Faya, which is currently outside MINURCAT's area of operations.

⁴⁰ There are 14 countries contributing troops to EUFOR, but the biggest contributor is France.

⁴¹ In a speech following these events, Deby accused EUFOR of co-operating with the rebels and questioned whether EUFOR should stay in Chad, stating: 'Nous sommes en droit de nous interroger sur l'efficacité de cette force et l'utilité de sa présence au Tchad.' *N'Djamena Hebdo*, 19–22 June 2008.

⁴² These fears were crystallised by Markus Meckel, East Germany's last Minister of Foreign Affairs: 'Au prochain soutien de la France au Président Deby Itno contre les rebelles, ce ne sera pas seulement l'Autriche qu'elle aura contre elle...La France ne doit pas avoir deux fers au feu. D'un côté

apporter un soutien militaire et politique au President Deby Itno et de l'autre être présente dans l'EUFOR qui doit être neutre face aux deux belligérants.' 'Un diplomate allemand prône l'implication des rebelles tchadiens dans le processus politique', APA, 28 July 2008. ['The next time France backs President Deby Itno against the rebels, Austria will not be the only country to openly disapprove... France cannot be involved with two conflicting sides: on the one hand, giving military and political support to the President Deby Itno and on the other supporting the EUFOR, which needs to remain neutral when dealing with the two warring parties.' *A German diplomat advocates the involvement of Chadian rebels in the political process*, APA, 28 July 2008]

⁴³ In particular, Principle 28 states: '1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons. 2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement or reintegration.' 'Guiding Principles on Internal Displacement', UN.

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