

# DARFUR: WHAT HOPE HAS UNAMID GOT IN OVERCOMING HISTORICAL IMPEDIMENTS TO PEACE IN THE REGION?



BY  
Stewart Dunne

A THESIS PRESENTED IN PARTIAL COMPLETION OF THE REQUIREMENTS OF  
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# **DARFUR : What hope has UNAMID got in overcoming historical impediments to peace in the Region?**

A Thesis

by

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presented in partial completion of the requirements of

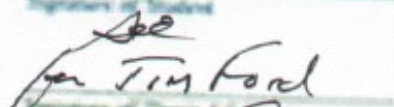
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## **Darfur: What hope has UNAMID got in overcoming historical impediments to peace in the Region?**

*"To mourn a mischief that is past and gone is the next way to draw new mischief on" - Othello  
Act I, Scene III*

When investigating the background to the crisis in Darfur there is the immediate indication that the region has seen persistent violence and conflict in its history. This is emphasized in the titles of many written works on the subject, which highlight the endemic suffering, destruction and dislocation that has been witnessed by peoples of the region. The crisis in Darfur has again featured heavily in the media of late, almost giving the impression that the conflict is a recent event. Sudan and the Darfur region have long been subjected to conflict and war, particularly since independence from British-Egyptian rule on 1 January 1956. The events that have garnered international attention most recently, have not abated despite the auspices of the international community - the United Nations, the African Union, Non-Government organisations and the like – to mediate an end to the crisis.<sup>1</sup> This paper will examine the origins of the crisis in Darfur, rooted in history and influenced by modern pressures and explore the consequences of these influences on the likelihood of a successful mission by UNAMID. The role and contribution of AMIS as a precursor to the hybrid operation will also be considered.

### **Ethnographic Background to Conflict**

Africa's biggest country, Sudan, is divided along lines of religion (70 per cent Muslim, 25 per cent Animist, 5 per cent Christian), ethnicity (African and Arab predominantly), tribal loyalties and economic activity (nomadic and sedentary).<sup>2</sup> The Darfur region dominates

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<sup>1</sup> H.T. Ejibunu, 'Sudan Darfur Region's Crisis: Formula For Ultimate Solution', *EPU Research Papers*, Centre for Peace Studies, European University, , <[http://www.epu.ac.at/research/rp\\_0908.pdf](http://www.epu.ac.at/research/rp_0908.pdf)>, retrieved 04 August 2008, p.3.

<sup>2</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, <[http://www.crisisgroup.org/home/index.cfm?action=conflict\\_search&l=1&t=1&c\\_country=101](http://www.crisisgroup.org/home/index.cfm?action=conflict_search&l=1&t=1&c_country=101)>, retrieved 5 January 2009.

Western Sudan and is populated by 6 million peoples and dozens of different ethnic groups, in the main characterized as being African (black) and Muslim.<sup>3</sup> Northern Darfur State is populated by the nomadic non-Arabic Zaghawa, but also includes a significant number of Arabs, such as the Meidab. Sedentary non-Arabs from the Fur (Darfur means “homeland of the Fur”), The Massalit, Daju and other smaller ethnic groups inhabit Western Darfur State.<sup>4</sup> The Darfur Crisis is inextricably linked to the rest of the country, stemming in part from colonial times when the British annexed the once autonomous sultanate in 1916.<sup>5</sup>

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<sup>3</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan., p.13.

<sup>4</sup> S. Totten and E. Markusen (eds.), *Genocide in Darfur*, Routledge, New York, 2006, p.252.

<sup>5</sup> F. Ibrahim, 'Introduction to the Conflict in Darfur/West Sudan' in *Explaining Darfur*, Centre for Holocaust and Genocide Studies Lecture Series , Amsterdam University Press, Amsterdam, 2006, p.10.



**Diagram 1 – Map of Regions of Sudan<sup>6</sup>**

Since that time, Darfur has suffered neglect and marginalization by successive governments. Britain's main interest in Darfur was keeping the peace and to achieve this, deliberately divided the region and its inhabitants. This was even reflected in the education system, where schooling was restricted to a few, to minimise a challenge to their authority by an educated group.<sup>7</sup> This regional neglect also extended to health, infrastructure and the local economy.

<sup>6</sup> C. Rakisits, 'Sudan's Darfur: Peace or More War on the Horizon?', Australian Strategic Policy Institute Website, <<http://www.aspi.org.au/publications/publicationlist.aspx?pubtype=6>>, retrieved 5 January 2009, p.1.

<sup>7</sup> J. Flint and A. De Waal, *Darfur: A Short History of a Long War*, Zed Books, London, 2005, p.13.

The Darfur peoples slowly became Sudanese with generational change and with this change in mindset came the realisation that within their own country they were not treated as full citizens.<sup>8</sup> Since Independence, military regimes favoring Islamic-oriented governments have dominated national politics. These have been based in the northern capital, Khartoum, which has dominated every aspect of Sudanese life, generally to the betterment of those living within the region adjacent to the capital. The peripheries are poor and are subject to exploitation and subjugation. Crises in Sudan have often been linked to these demographic differences, attributed to the central elite's greed and hold on power.<sup>9</sup>

Traditionally, Sudanese conflict has been characterized along a north-south divide, with the north being "Arab" and the south being "African". Sudan was embroiled in two prolonged civil wars during most of the 20th century. These conflicts were rooted in northern economic, political and social domination of largely non-Muslim, non-Arab southern Sudan.<sup>10</sup> For more than two decades, the government and the Sudan People's Liberation Army (SPLA), the main rebel movement in the south, fought over resources, power, the role of religion in the state and self determination.<sup>11</sup> The nation has been in near constant war since independence in 1956, with the most significant conflict along the North/South divide during the period from 1956-1972 and 1983-2005. The rise of the crisis in Darfur has challenged the premise of a traditional Sudanese conflict.

In February 2003, two armed groups, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equity Movement (JEM) rose up in Darfur against the Arab dominated government, citing enduring discrimination against black Africans. The Rebels claimed years of political, economic and social marginalisation of the region and in particular discrimination

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<sup>8</sup> Ibid., p. 14.

<sup>9</sup> A. De Waal (ed.), *War in Darfur and the Search for Peace*, Global Equity Initiative, Harvard University, 2007, p.4.

<sup>10</sup> Central Intelligence Agency Website, CIA Worldfact book link,  
<<https://www.cia.gov/library/publications/the-world-factbook/print/su.html>>, retrieved 4 August 2008.

<sup>11</sup> United Nations Website, Department of Peacekeeping Operations link,  
<<http://www.un.org/Depts/dpko/missions/unmis/background.html>>, retrieved 4 August 2008.

against African sedentary tribes, such as the Fur, Zaghawa and Massaleit.<sup>12</sup> Ejibunu supports this, stating, “there is a lack of political will of the Sudanese government to effectively implement policies of accommodation and national integration in a country of such an ethnically, racially, religiously and economically diverse population”.<sup>13</sup>

While power and privilege is centralized, there is an inability of any elite faction to dominate Sudanese politics. This has led to inherent political instability. While not curtailing the central government's hold on the country's political and economic institutions and the Northern socio-cultural and economic dominance, it has undermined the development of a coalition strong enough to support peace and development.<sup>14</sup> This again disenfranchises the peripheral regions.

After a string of military victories in spring 2003 by rebel forces, the Sudanese government allowed pro-government Arab militias – collectively called Janjaweed - to clear civilian population bases of African tribes throughout the Darfur region thought to be supporting the rebellion. While the war in the south was historically fought against black Christians and groups following traditional tribal religious practices, the Darfur conflict is being fought against black Muslims.<sup>15</sup> Although overwhelmingly Muslim, Darfur is not predominantly Arab. The government policy to Arabise the Darfur people has threatened their collective identity and ethnicity and while brought to a head in the current conflict, hostilities were growing throughout the 1980s and 90s. Up to 300 000 people are thought to have died and at least two and a half million displaced from their homes in Darfur since fighting broke out in 2003 between the Government of Sudan and its allied militia, and other armed rebel groups.

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<sup>12</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>13</sup> Ejibunu, op. cit., p.11.

<sup>14</sup> De Waal, *War in Darfur and the Search for Peace*, p.5.

<sup>15</sup> Ejibunu, op. cit., p.14.



Well documented, widespread atrocities, such as the murder of civilians and the rape of women and girls, have been committed from the start of the conflict and continue.<sup>16</sup>

The nature of the deaths during this period caused Secretary of State Colin Powell, in evidence before the US Senate Foreign Relations Committee in September 2004, to conclude that genocide had been committed under the framework of the UN Genocide Convention.<sup>17</sup> He cited numerous cases of murder, rape and other physical acts of violence committed against members of non-Arabic groups but also the systematic destruction of foodstuffs or other means of survival of the targeted groups and the deliberate obstruction by the Sudanese government of humanitarian aid for the affected region.

The appointment of an International Commission of Inquiry, by the United Nations Secretary General, and its subsequent report found that there was overwhelming evidence of serious violations of international humanitarian and human rights law. Although it concluded that the government and its allies bore primary responsibility for massive violence against civilians that had a pronounced ethnic dimension, it was found that there was no case for genocide based on an absence of the required proof of “intent to destroy”.<sup>18</sup> It is not within the scope of this paper to further investigate the case for genocide due to the enormity of the subject, but sufficed to say the evidence of atrocity has left an indelible mark on the inhabitants of the Darfur region and is inextricably linked to the success of any reconciliation and future peacekeeping operation.

There have been historical ethnic tensions between farmers (Blacks) and herdsman (Arabs), which have been mediated by traditional conferences between the provincial leaders, whose rulings were honored.<sup>19</sup> Drought and the desertification of areas in northern Darfur

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<sup>16</sup> United Nations Website, Department of Peacekeeping Operations link, <<http://www.un.org/Depts/dpko/missions/unamid/>>, retrieved 4 August 2008.

<sup>17</sup> Totten, op. cit., p.130.

<sup>18</sup> Ibid, p.133.

<sup>19</sup> Totten, op. cit., p.6.



have exacerbated competition for land, pasture and water and inevitably led to hostilities. Professor Makau Mutua, Director of the Human Rights Centre at the University of New York, has stated in support of this notion that, “In the case of Darfur, the Arab militias are clearly interested in the more productive land that is occupied by black Africans. As a consequence, they are conducting this campaign of ethnic cleansing with a view of ridding the region of black Africans so that the land can now be occupied by Arabs”.<sup>20</sup> The drive for access to water, grazing pastures and prized agricultural land due to the encroaching desert has led herders further south, out of their traditional homelands.<sup>21</sup>

In 1994, Darfur was divided into three federal states within Sudan: Northern (Shamal), Southern (Janub), and Western (Gharb) Darfur, with their respective capitals of El-Fashir, Nyala and El-Geneina. This policy was one of divide and conquer, whereby the dominant tribe, the Fur, could not form a majority in any state, allowing Islamist candidates to be elected.<sup>22</sup> The majority of the town populace are poor, mostly Africans of rural origin, escaping war and drought while the social elite comprise influential Arabs of the Nile Valley and rich Darfurian Arabs.<sup>23</sup> There is a significant economic divide within the region, characterized along ethnic lines.

The government has been guilty of forced Arabisation, with De Waal going further charging that Sudan’s conflicts often exhibit, “extreme ethnically-targeted violence conducted by a combination of regular army units and tribally-mobilised paramilitaries, often in pursuit of economic goals”.<sup>24</sup> In the 1990s, Darfur’s communities found their Islamic credentials devalued by the centralist government, who instead favored groups that emphasized their “Arabness” over their African roots.<sup>25</sup> This grew into the atrocities seen after 2002 when Arab

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<sup>20</sup> Ejibunu, op. cit., p.19.

<sup>21</sup> Totten, op. cit., p.252.

<sup>22</sup> Ibrahim, op. cit., p.13.

<sup>23</sup> Ibid., p.14.

<sup>24</sup> De Waal, *War in Darfur and the Search for Peace*, p.5.

<sup>25</sup> R: Iyob and G. Khadiagala, *Sudan: The Elusive Quest for Peace*, Lynne Rienner Publishers, Boulder, 2006, p.136.

militia were encouraged to more extreme violence within the region by the government, which characterized a systemic ethnic cleansing, with harrowing accounts of whole villages being wiped out.<sup>26</sup>

Darfur has always been a culturally and historically independent part of Sudan. Darfur's geographical remoteness contributed to its victimization in terms of regional disparities, marginalization, and social and economic injustice. When this inequality was exacerbated by racial targeted violence, the long simmering tensions within the region manifested in 2003 and contributed to the causes and crisis in Darfur. Africa's conflicts are diverse, however, there tends to be a common feature where the populace has limited scope to be able to call their leaders to account and this strengthens the militaristic authoritarian regimes that tend to characterize the region.<sup>27</sup> Often, conflict and ethnic violence are intrinsically linked, which leads to a spiral of grievances and hostility and of course reprisal. There has also been a propensity for these conflicts to spill across borders involving other countries or whole regions in war and sometimes genocide.<sup>28</sup>

Interestingly, it is important to note that often political or religious extremism tends to develop during war rather as a precursor.<sup>29</sup> In addition, nationalism and ethnic exclusivism, generally in existence beforehand, grows during conflict. Appeal to ethnic sentiment is often the simplest and most effective means of mobilising and motivating an army.<sup>30</sup> This was epitomised during the Rwandan conflict where this sentiment was cultivated into a genocidal force. Like all conflicts in Africa (and elsewhere), the Darfur issue must be seen in its own specific historical context and roots causes identified to allow any chance of a solution to be

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<sup>26</sup> M. Daly, *Darfur's Sorrow: A History of Destruction and Genocide*, Cambridge University Press, New York, 2007, p. 284.

<sup>27</sup> A. De Waal (ed.), *Who Fights? Who Cares?: War and Humanitarian Action in Africa*, Africa World Press, Trenton, New Jersey, 2000, p. xv.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid, p.12.

<sup>30</sup> De Waal, *Who Fights? Who Cares?: War and Humanitarian Action in Africa*, p. 13.

identified and enacted. The conflict in Darfur is identified by a progressive growth in marginalization and oppression by successive governments in Khartoum, which have denied economic and political parity given to other parts of the country and stifled any autonomy that may have existed in the region. These historical realities, strongly believed by Darfurians, have fed the ongoing dispute and are deeply rooted in any future reconciliation.

A second feature of these cyclic African conflicts is that they usually result in humanitarian crises, distinguished by mass displacement, famine, poverty and the resultant loss of large numbers of innocent persons trying to avoid the fighting. These aspects can be found within the Darfur conflict. It is often at this level that international concern and intervention has been witnessed in response to the humanitarian dimension and is the entry point for international intercession, be it in the form of aid or military action. This problem has traditionally cemented Africa's position in the international order and has contributed to continent remaining relatively marginal and powerless.<sup>31</sup> The need for African states to become involved in regional issues and conflicts is overwhelming and in all probability offers the best chance of a solution.

### **The Making of the Sudanese Polity or The Road to Conflict**

As indicated previously, political malevolence and violence has affected Sudan (and simmered away in Darfur) since the 1980s. The period saw the declaration of Arabic as the official language and the introduction of Islamic Sharia law which replaced Sudanese law. Southern grievances crystallized around the Sudan People's Liberation Movement/Army (SPLM/A) led by John Garang.<sup>32</sup> In 1986, Prime Minister Sadiq al-Mahdi armed the ethnic-Arab tribes (Janjaweed) to fight the SPLM/A. This southern based group fought the Sudanese government for almost twenty years.<sup>33</sup> After the National Islamic Front (known as the National Congress Party after 1998), led by General Omar al-Bashir, seized power in 1989, the new

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<sup>31</sup> Ibid, p.12.

<sup>32</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>33</sup> Rakisits, op. cit., p.4.

government moved to disarm non-Arab ethnic groups, but allowed politically loyal Arab allies to keep their weapons. The government foiled embryonic steps towards peace, revoked the Constitution, banned opposition parties, moved to further Islamise the judicial system, stepped up the North-South war and proclaimed jihad against the non-Muslim south.<sup>34</sup>

The new, emboldened theocratic state with its accompanying ideology did not stop the state sponsored, as well as societal, violence against Muslims. (As an aside, President Al – Bashir has a long history of anti-Western sentiment, particularly against the United States and Israel, and he and his government have regularly stated that the US is providing support to forces opposed to the current regime.<sup>35</sup>) After helping government forces beat back a SPLM/A offensive in Darfur in 1991, one of the Arab tribes sought to resolve ancient disputes over land and water rights by attacking the Fur, Zaghawa and Massaleit groups. Arab groups launched a bloody campaign in Southern Darfur State that resulted in the destruction of approximately six hundred villages and the deaths of some three hundred people.<sup>36</sup> The Sudanese government encouraged the formation of an “Arab Alliance” in Darfur to keep non-Arab ethnic groups in check. The Arab militias owe their allegiance to the sectarian ruler Sheik Musa Hilal, who had UN sanctions imposed on him in April 2006.<sup>37</sup> Weapons flowed into Darfur and the conflict spread.

In February 2003, rebels calling themselves the Darfur Liberation Front (DLF) attacked police and military installations in a provincial capital which signified the start of the formal regional resistance movement in Darfur.<sup>38</sup> In the main, the DLF complained of economic marginalization and demanded power sharing arrangements with the government. After a series of military victories, government supported Arab Janjaweed militia began ethnically

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<sup>34</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>35</sup> D. Petterson, *Inside Sudan*, Westview Press, Boulder, Colorado, 2003, p.197.

<sup>36</sup> Totten, op. cit., p.252.

<sup>37</sup> Rakisits, op. cit., p.4.

<sup>38</sup> J.M. Burr and R.O. Collins, *Darfur: The Long Road to Disaster*, Markus Weiner Publishers, Princeton, 2006, p.289.

cleansing African tribes.<sup>39</sup> In March 2003, the DLF changed its name to the Sudan Liberation Movement and Sudan Liberation Army (SLM and SLA), intensified its military operations, unveiled a political program for a united democratic Sudan and bolstered its strength to four thousand rebel troops.

Minni Arkou Minnawi, the Secretary General of the SLM (the political arm of the movement) in 2003, in publishing the group's political declaration on the formation of the new political and military movement, identified a history of peaceful coexistence between the different ethnic groups that was a source of regional stability, prosperity and strength.<sup>40</sup> He further elucidates that the brutal oppression and ethnic cleansing policies of the regime in Khartoum have led to the popular use of force and resistance as a means of survival. The document clearly espouses the role and place of the Arab tribes in the drive for regional unity and urges their support in the fight against the central government in Khartoum.<sup>41</sup>

The Justice and Equality Movement (JEM), with fewer than a thousand members, was established in 2002 and is the smallest and least powerful of the rebel groups fighting in Darfur. This hardline Islamist movement draws its main support from a small Zaghawa ethnic group<sup>42</sup>, and has often been more of a rival than an ally in the struggle against the Sudanese government. Originally members of the group were in the main Khartoum based Darfurians affiliated with the Islamist revolution and the National Islamic Front. Embittered by the ongoing marginalisation of the Darfur region, this affiliation soured with a growing emphasis on the need for reform from within the government and NIF to effect change. This again morphed into the viewed need for an external solution via an armed insurrection, due largely to the publication of *The Black Book* in May 2000.<sup>43</sup>

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39 International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

40 M.A. Minnawi, '*The Sudan Liberation Movement and Sudan Liberation Army (SLM/SLA) Political Declaration*', <<http://www.sudan.net/news/press/postedr/214.shtml>>, retrieved 5 January 2009.

41 Ibid.

42 Rakisits, op. cit., p.4.

43 Burr, op. cit., p.290.

This book documented a long list of political and economic injustices perpetrated by the Sudanese government on the Darfur peoples. Unlike the SLA/M, who demanded a separation of church and state, the JEM's Islamist roots remained, favoring the continuance of Sharia law, however, making it non binding to non-Muslims. The JEM has suffered the same ethnic divisions as the SLA/M and been subjected to continued attacks of its credibility and factionalism by the government.<sup>44</sup> Despite differences, and sometimes animosity between the two groups, the JEM amalgamated with the SLA/M on occasion to fight in campaigns from 2004.

### **The International Community Struggles to Respond**

Just as Sudan's southern civil war seemed to be coming to an end, the northwestern Darfur region increased in volatility. By allowing the pro-government Janjaweed to carry out massacres against black villagers and rebel groups in the region, between 200000 and 300000 civilians were killed and more than one million were displaced. While the war in the south was fought against black Christians and animists, the Darfur conflict is being fought against black Muslims. The fighting continued despite attempts at ceasefire and consumed the region throughout 2004 and 2005 despite intermittent peace talks and the presence of African Union protection force from August 2004.<sup>45</sup> Humanitarian aid was disrupted and slowed to a trickle due to the security situation.

The resulting human misery was expected, however, the scale of the number of persons affected and the scope of death and destruction was not immediately appreciated by the wider international community. James Morris, the Executive Director of the World Food Program, observed in May 2004, "In all my travels as the head of the World Food Program, I have never seen people who are as frightened as those displaced in Darfur".<sup>46</sup> The systematic devastation in the region of the Darfurian African tribes suggested a pattern of destruction was evident in which males were killed and often mutilated, females of all ages were raped

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<sup>44</sup> Ibid, p.291.

<sup>45</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>46</sup> Burr, op. cit., p.293.

and children often abducted. The village was then systematically destroyed - buildings and crop fields were burnt, live stock was taken and infrastructure, such as wells, irrigation and the like, were demolished. This was a methodical effort to drive the African population off the land to allow Arab tribes to take it over.<sup>47</sup>

During this process the Government of Sudan continued to provide support to Arab militia attacking non-Arab civilians. Refugee accounts, corroborated by US and other independent sources, suggest that Khartoum continued to provide direct support for advancing Janjaweed elements. Aerial bombardments and attacks on civilians have reportedly occurred throughout the region, carried out by helicopter gunships and Antonov "bombers".<sup>48</sup> The extent in which insurgent bases have been collocated with local villages remains unknown, nor is the exact number of killed able to be determined but the action has led to a large number of displaced persons. Reports have suggested that the Sudanese government have given Arab militia recruits salaries, communications equipment, arms and identity cards.<sup>49</sup>

The UN Security Council on 30 July 2004 imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating in Darfur with the adoption of Resolution 1556. In this move, the Security Council demanded that Khartoum fulfill its commitments to disarm the Arab militias and apprehend and bring to justice Janjaweed leaders and their associates who had incited and carried out human rights and international humanitarian law violations and other atrocities. The Sudanese government not only ignored the UN demands, but has been incorporating the militias into its armed forces.<sup>50</sup>

The sanctions regime was strengthened with the adoption of Resolution 1591 (2005) , which expanded the scope of the arms embargo and imposed additional measures, including

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<sup>47</sup> Ibid.

<sup>48</sup> lyob, op. cit., p.134.

<sup>49</sup> Totten, op. cit., p.252.

<sup>50</sup> Rakisits, op. cit., p.2.



a travel ban and an assets freeze on two rebel leaders, a former Sudanese Air Force chief and the leader of a pro-Government militia.<sup>51</sup> The Resolution highlighted the growing litany of unanswered demands, stating specifically, “Recalling the demands, in resolutions 1556 (2004), 1564 (2004), and 1574 (2004), that all parties to the conflict in Darfur refrain from any violence against civilians and cooperate fully with the African Union Mission in Darfur”. In an attempt to further pressure the Khartoum government, the Security Council imposed sanctions (financial and travel restrictions) on other Janjaweed leaders and Ahmed Haroun, the former Deputy Interior Minister, in February 2007.<sup>52</sup>

In March 2005, the UN Security Council referred the situation in Darfur to the International Criminal Court (ICC) Prosecutor for investigation, which was strenuously opposed by the Sudanese Government. The government continues to oppose ICC involvement, even more so now with the ICC prosecutor accusing President al-Bashir of genocide and requesting in mid 2008 the issue of an international warrant for his arrest.<sup>53</sup>

Like any organisation, it is only as strong as its membership. The leadership role of the United Nations and African Union, supported by the important work of Special Envoys Jan Eliasson and Dr. Salim Ahmed Salim, is critical to the progress towards a peaceful resolution. The UN and the AU can play a critical role in keeping the attention of the international community focused on a negotiated settlement and can help channel disparate initiatives into a coordinated peace process.<sup>54</sup> Without clear, demonstrated commitment from the international community, regional initiatives, particularly in Africa are incredibly problematic and arguably doomed to failure.

<sup>51</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet, <[http://www.un.org/Depts/dpko/missions/unamid/Darfur\\_SGvisit.pdf](http://www.un.org/Depts/dpko/missions/unamid/Darfur_SGvisit.pdf)>, retrieved 8 January 2009.

<sup>52</sup> F. Aboagye, 'The AU/UN Hybrid Operation in Darfur: Challenges, Lessons and Implications for Regional Peacekeeping Training', SADC Workshop Paper, The Institute For Security Studies Website, <[http://www.issafrica.org/dynamic/administration/file\\_manager/file\\_links/DARFURFESTUS.PDF?link\\_id=3&slink\\_id=5398&link\\_type=12&slink\\_type=13&tmpl\\_id=3](http://www.issafrica.org/dynamic/administration/file_manager/file_links/DARFURFESTUS.PDF?link_id=3&slink_id=5398&link_type=12&slink_type=13&tmpl_id=3)>, retrieved 5 January 2009, p.6.

<sup>53</sup> L. Polgreen and J. Gettleman, 'Sudan Rallies Behind Reviled Leader', New York Times Website, <<http://www.nytimes.com/2008/07/28/world/africa/28sudan.html>>, retrieved 21 November 2008.

<sup>54</sup> A.S. Natsios, 'Darfur: A Plan B to Stop Genocide', United States Department of State Website, <http://www.state.gov/p/af/rls/rm/82941.html>, viewed 21 November 2008.

## **Regional Response: The Role and Viability of AMIS**

In conjunction with UN diplomacy, regional diplomacy under the auspices of the African Union (AU), was taking place in an effort to resolve the Darfur crisis. The AU had helped Chad negotiate the April 2004 N'djamena Humanitarian Ceasefire Agreement (HCFA) between the Government of Sudan and the Drafurian Rebel groups (the Sudan Liberation Movement/Army and the Justice and Equality Movement) , but it was broken by all sides almost immediately.<sup>55</sup> In mid 2004, the Sudanese Government agreed to allow the AU Mission in Sudan (AMIS) to monitor the implementation of the agreement. AMIS was enacted by the Peace and Security Council of the AU to implement the decisions made in response to the situation in Darfur. It was the Addis Ababa Agreement of 28 May 2004 that paved the way for the African Union to play a specific role in Darfur.

The initial commitment saw Military Observers (MILOBS) deploy to monitor the Ceasefire Agreement, accompanied and supported by a small Protection Force. Violations of the HCFA were reported to a Ceasefire Monitoring Commission comprising representatives of the stakeholder parties and international support staff and observers. The first contingents of AMIS arrived in the region at the beginning of June 2004 and by October, what became known as AMIS I, comprised 465 personnel from ten African countries. Under the HCFA, AMIS was authorised to provide a secure environment for the delivery of humanitarian relief and facilitate the return of internally displaced persons (IDPs), to monitor and observe the compliance of the parties of the Ceasefire Agreement and to assist in the process of confidence building. With a very limited mandate that seemed to suit all armed parties, it did little for the innocent civilian population.<sup>56</sup> AMIS was not authorized to intervene in fighting or disarm warring factions and had little scope to protect civilians.

The Peace and Security Council (PSC) is the decision making body within the AU with responsibility for security matters. Presiding in Addis Ababa at the Headquarters of the AU, its

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<sup>55</sup> Rakisits, op. cit., p.2.

<sup>56</sup> Rakisits, op. cit., p.2.

decisions are binding on member states. The PSC produced the mandate for AMIS under the auspices of its sub body, the Military Staff Committee. The mandate drives the different components in identifying roles, defining a concept of operations and then deploys the requisite forces made available to the Mission. Generally, troops are contributed on a voluntary basis, for which they are reimbursed from African Union funds or through bilateral arrangements with donor countries but, like the UN, AMIS was dependent on the resources made available to it. Protection Force soldiers in the field are deployed in national battalions and companies, although military observers and specific support units, Staff Officers, engineering, logistical, mine clearing and EOD units often work as integrated teams.<sup>57</sup>

The Mission's original mandate under the HCFA was effectively to monitor, verify and observe compliance with the Agreement. Many of the mandate terms were ambivalent. The proviso to, 'protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the Government of Sudan', arguably presents a blurred demarcation with respect to the protection of non combatants.<sup>58</sup> It would be envisaged that issued Rules of Engagement would be clearer and more directive.

The mandate via the Rules of Engagement allows AMIS troops to fire in self defense, but it is not to aggressively intervene between the parties for the protection of civilians. In addition, neither AMIS military members nor CIVPOL may arrest or detain a Sudanese national unless they are directly threatening AMIS personnel or property controlled by AMIS, in which case they may be detained until such time as they are handed over to Government of Sudan law enforcement agencies.<sup>59</sup> The main challenge faced by the Mission was that the force was far too small to carry out the required tasks effectively over such a large area of operation, particularly in light of the deteriorating situation in Darfur. Force numbers were

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<sup>57</sup> AMIS Website, <<http://www.amis-sudan.org/amismandate.html>>, retrieved 5 January 2009.

<sup>58</sup> Ibid.

<sup>59</sup> AMIS Website, <<http://www.amis-sudan.org>>, retrieved 5 January 2009.

increased periodically, including the introduction Civilian Police to be deployed across Darfur to monitor and assist the Government Police.

With the signing of the Darfur Peace Agreement (DPA) in May 2006, a second mandate expanded the role of AMIS. The focus of the AU was primarily to support and implement the DPA, which encompassed the economic, structural and security arrangements for Darfur. In addition to its tasks under the HCFA, the AMIS military component was tasked to:

- Develop and implement plans to ensure that the Janjaweed do not violate the ceasefire or threaten civilians
- Secure national frontiers against cross-border attacks and arms flows
- Assist with the deportation and disarmament of Chadian forces
- Verify the location of all armed forces, regular and irregular
- Verify that the *Janjaweed* pose no civilian threat
- Verify compliance with the DPA timetable and publicize ceasefire violations

The mandate under the DPA was similar to the HCFA, in that it offered limited protection to the civilian population, with the following as examples, “Be prepared to protect civilians under imminent threat in the immediate vicinity, within means and capabilities in accordance with ROE” and “Monitor and verify hostile militia activities against the population”.<sup>60</sup> The AMIS mandate, even in its enhanced form, did not offer any hope of being achieved due to the disparity between the mandate itself and what was the reality of the operational environment. This was further hamstrung by the insufficient means at its (AMIS) disposal to meet the mission tasks and objectives. The mission tasks focused more on ‘soft’ security tasks, such as liaison, monitoring, verification and protection, which raises the question whether mission presence alone was seen as a sufficient deterrence to those transgressing domestic and international law<sup>61</sup>

From the outset AMIS, poorly resourced and with a weak (and weakly interpreted) mandate, was unable to protect civilians or really monitor the different warring parties. Despite

<sup>60</sup> AMIS Website, <<http://www.amis-sudan.org/amismandate.html>>, retrieved 5 January 2009.

<sup>61</sup> F. Aboagye, ‘*The Hybrid Operation for Darfur: A Critical Review of the Concept of the Mechanism*’, Paper 149 August 2007, The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=3&slink\\_id=5025&link\\_type=12&slink\\_type=12&tmpl\\_id=3](http://www.issafrica.org/index.php?link_id=3&slink_id=5025&link_type=12&slink_type=12&tmpl_id=3)>, retrieved 5 January 2009, p.12.

a long history of African involvement in peacekeeping operations and more recently regional peace support operations, it was evident that there were serious gaps in the capacity of African military personnel to undertake effective operations.<sup>62</sup> When the Mission began in June 2004, sixty MILOBS, supported by 300 Protection Force and support staff, deployed. The primary task of the AMIS Protection Force at this point was to protect the MILOBS in their role as observers and monitors of the Ceasefire Agreement.

It soon became clear that the monitors, troops and [humanitarian components](#) on the ground were facing a worsening situation and on 20 October 2004 the African Union Peace and Security Council agreed to expand the AMIS force to 3320 including a [Civilian Police component](#) of 815. This larger element became known as AMIS II and force numbers were further expanded during its deployment. As of June 2007, AMIS had deployed 620 Military Observers with 5179 Protection Force personnel from Nigeria, Rwanda, South Africa, Senegal, Gambia and Kenya and 1342 civilian police contributed by most African countries, a significant increase on the original commitment.<sup>63</sup>

The role of the military component of AMIS was to support a secure environment to facilitate the process of political settlement necessary for peace and security in Darfur, despite, as argued before, a limiting mandate and poor resources. AMIS divided Darfur into eight sectors each with a Headquarters directing and supporting 29 Group Sites and two Team Sites from which MILOBS carried out their mission of monitoring the HCFA and the DPA. The MILOBS were protected and supported by the AMIS Protection Force, and coordinated closely with AMIS Civilian Police (CIVPOL), AMIS Humanitarian and Human Rights Officers.

The Sudanese government and some rebel movements made AMIS's all-but-impossible job even harder. The government caused severe delays in the deployment of

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<sup>62</sup> F. Olonisakin, 'African Peacekeeping At The Crossroads: An Assessment of the Continent's Evolving Peace and Security Architecture', United Nations Website, Department of Peacekeeping Operations, <<http://www.peacekeepingbestpractices.unlb.org/PBPS/Pages/Public/Download.aspx?docid=547>>, retrieved 21 November 2008, p.13.

<sup>63</sup> AMIS Website, <<http://www.amis-sudan.org>>, retrieved 5 January 2009.

vitality needed equipment and resources for the African Union mission. In 2005, it prevented the delivery of 105 Armoured Personnel Carriers (APCs) for three months, allowing them in only after an attack on AMIS, reportedly by government allied militia, left four troops dead. In 2007, Sudan refused to allow entry of six AMIS helicopters for five months until it received assurances that they would not be used for “offensive” purposes. At differing times, the government had also imposed curfews on AMIS, restrictions on patrolling and a ban on night flights.

Government officials had also prevented AMIS police from visiting people in detention facilities. Rebels and former rebels have also played their part, attacking and killing AMIS troops, and preventing them from entering their areas of control.<sup>64</sup> Despite the presence and best intentions of AMIS, attacks on the civilian population, with the resultant loss of life and destruction of property, continued and Khartoum failed to rein in the militias. Insecurity grew, compounded by inter-rebel fighting and the proxy war between Sudan and Chad.<sup>65</sup>

There were significant challenges faced by AMIS since the DPA was signed, which had/have important connotations for what was to become the future UNAMID. In the aftermath of the DPA, the fractured region became even more complex and the operational environment more unpredictable. There were non-signatories to the agreement still operating to their own agendas and fragmentation of parties on all sides, which only contributed to the deteriorating security situation. This presented different challenges throughout Darfur with incidences of predominately tribal conflict in South Darfur, factional fighting and shifting alliances in North Darfur, insecurity related to border issues in West Darfur and a general increase in criminality throughout all areas.<sup>66</sup> As AMIS responsibilities grew with the DPA, the group faced an increase in monitoring and security demands at the same time as access to the required areas was becoming more problematic.

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<sup>64</sup> Physicians for Human Rights Website, Joint NGO Report, '*UNAMID Deployment on the Brink*', <<http://physiciansforhumanrights.org/library/documents/reports/unamid-deployment-on-the-brink.pdf>>, retrieved 6 January 2009, p.5.

<sup>65</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>66</sup> AMIS Website, <<http://www.amis-sudan.org>>, retrieved 5 January 2009.

In terms of security, the AMIS Protection Force faced increasingly difficult to identify, disruptive elements spread over huge and isolated areas in inhospitable terrain. This situation made it ideal for ambushes and the movement of local belligerents, but it added to the difficulty in moving troops and supplies to affected areas. As the AMIS forces were dealing with their own decline in security there was a simultaneous increase in security threats to the IDP population and to humanitarian agencies. This led to a refocusing of strength to these areas and the resultant demands for protection of humanitarian convoys. This proved difficult with the limiting caveat that the consent of the signatory parties was needed for AMIS forces to continue operating and to gain access on the ground to carry out its duties. Although the Sudanese Government, the SLA and JEM have signed the HCFA, not all parties have signed the DPA, as a result the monitoring work of the MILOBS and other parties to the CFC has in practice been limited to areas controlled by signatories of the DPA.<sup>67</sup>

Continued ceasefire violations had a devastating impact on the civilian population, which have ultimately led to increased displacement and reduced humanitarian access. While the situation has improved slightly in Darfur states, it has deteriorated significantly in others, due to the delay in the implementation of the DPA, the fragmentation of the different stakeholder groups and the fight for control and supremacy of respective (and prospective) spheres of influence.<sup>68</sup> The period from the DPA signing saw increased insecurity and the militarization of some IDP camps and a steady reduction in humanitarian access.

In Northern Darfur, major fighting between DPA signatories and non-signatories, including aerial bombardment of villages by government forces, has led to civilian casualties and contributed to a general feel of insecurity. The Sudanese Armed Forces have repeatedly bombarded the planned locations of the SLA meetings, thwarting the efforts of SLA commanders to consolidate their groups and maintain control. In concert with these hostilities,

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<sup>67</sup> AMIS Website, <<http://www.amis-sudan.org>>, retrieved 5 January 2009.

<sup>68</sup> African Union Website, Department of Peace and Security Report, '*Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur*', <[http://www.africanunion.org/root/au/AUC/Departments/PSC/79TH/English\\_Report.pdf](http://www.africanunion.org/root/au/AUC/Departments/PSC/79TH/English_Report.pdf)>, retrieved 4 January 2009, p.4.



attacks by the Janjaweed against areas under rebel control have continued, with severe repercussions for the civilian population.

The Janjaweed armed militias are commonly armed with Kalashnikov rifles but also rocket propelled grenades and doshkas (machine guns mounted on vehicles). These militias have laid waste to vast areas of western Sudan and their influence has spread across neighbouring borders. The presence of proxy militias and the Government's inability to contain them continues to destabilize the region. There is also an increase in inter- and intra-tribal fighting in Southern Darfur, in the Kass region south of Jebel Marra. In February 2007 alone, violent clashes between the Rizeigat and Tarjem tribes led to 250 fatalities in Southern Darfur.

As mentioned in the opening paragraphs, conflict in Sudan does not happen in isolation and it is important to add a country wide context to the AMIS deployment. The mission was carried out concurrently with the final stage of peace negotiations between the Sudanese government and the Sudan People's Liberation Movement/Army (SPLM/A). Ending twenty years of bloody civil war, the Comprehensive Peace Agreement (CPA) was signed between the two parties on 9 January 2005.<sup>69</sup> The CPA has widely been called the Naivasha Agreement, after the small Kenyan town where much of it was negotiated.<sup>70</sup> The peace agreement saw some elements of the SPLM/A incorporated into the newly formed Government of National Unity (GNU). The implementation of the CPA was slow, largely due to an absence of political will within the ruling National Congress Party (NCP), but a new constitution was ratified and new government sworn in by October 2006.<sup>71</sup> As milestone CPA implementation deadlines passed by unmet, the SPLM/A left the GNU in October 2007 in protest over delays, only to return in December 2007 and assume cabinet and foreign minister positions.<sup>72</sup>

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<sup>69</sup> Rakitsits, op. cit., p.2.

<sup>70</sup> De Waal, *War in Darfur and the Search for Peace*, p.199.

<sup>71</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>72</sup> International Crisis Group Website, '*Sudan's Comprehensive Peace Agreement: Beyond the Crisis*', Africa Briefing Paper Number 50,

Tensions between Arab militia and the SPLM/A in the oil-rich Abyei region on North-South border, granted special administrative status by the agreement, increased dramatically from March 2008. Some 100 000 civilians were displaced by June amid fears of return to full-scale civil war. This pressure led to the NCP and SPLM/A agreeing to measures to defuse the conflict, including the deployment of a joint force to oversee the peace and submitting the Abyei border dispute to Hague-based Permanent Court for Arbitration.<sup>73</sup> The success or failure of the CPA is important for two reasons: the upcoming elections and referendum scheduled for 2009 rely to a large degree on its success and secondly with a peaceful, non-troubling south, the Sudanese Armed Forces (SAF) and government attention can be focused on the Darfur conflict. Importantly, the elections may provide for the “new Sudan” vision of John Garang and lead to the long held control of the country being wrested from the control of the NCP.<sup>74</sup> Conversely, the referendum among the southern Sudanese to determine whether they will remain part of Sudan or secede will obviously divide the country with flow on effects to other regions.

If the CPA fails and hostilities are renewed in the south, the fear is that international guarantors of the CPA and the UN will shift focus to this ongoing distraction to the detriment of Darfur. If the SPLM in the south strive for control of government through the election process, this will see a greater interaction with groups in the North and the Darfur region to build a large enough block to defeat the NCP. Whoever controls the south, arguably has the potential to control the country with the Abyei region responsible for forty per cent of the GDP of Sudan and provides eighty per cent of government revenue.<sup>75</sup> In some ways the crisis in Darfur and each crisis within the country is effectively boxed in isolation, with policy remaining

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<<http://www.crisisgroup.org/home/index.cfm?id=5329&CFID=61856077&CFTOKEN=93863679>>, retrieved 5 January 2009, p.1.

<sup>73</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>74</sup> International Crisis Group Website, ‘*Sudan’s Comprehensive Peace Agreement: Beyond the Crisis*’, p.7.

<sup>75</sup> B. Bowker, ‘*Sudan and Darfur: Latest Developments*’, Australian Institute of International Affairs Website, <<http://www.aiia.asn.au/displaycommon.cfm?an=1&subarticlenbr=43>>, retrieved 5 January 2009.

disconnected internationally and even domestically. This was in part for fear of damaging the Darfur peace process and the support of the tenuous, hard fought co-operation of the NCP, initially for the deployment of AMIS forces and then the AU/UN mission.<sup>76</sup>

While the CPA signaled an end to hostilities in the south of the country it did not alleviate the suffering in Darfur and arguably freed up government resources and personnel to concentrate on the simmering problems in the west. The CPA also failed to address many demands of eastern groups that fought in North/South conflict. A separate treaty, the Eastern Sudan Peace Agreement reached a conclusion between the government and Eastern Front rebel groups in Eritrea in October 2006, but confidence in government's commitment to uphold the document was low.<sup>77</sup> Progress finally made in May 2007 when al-Bashir appointed three Eastern Front officials to new government positions, but the risk of war is always possible.<sup>78</sup>

Many commentators agree that unless there is progress on the two pivotal goals of ensuring the implementation of the CPA and supporting the democratic transformation of Sudan through free and fair elections in 2009, there is little chance that a lasting solution to the crisis in Darfur will be found. The CPA has created a fragile peace between the north and the south after two decades of conflict during which more than two million people died and four million were displaced. The southern economy is finally growing, but north-south boundary disputes, including the lack of implementation of the Abyei Border Commission's decision, and a lack of transparency in oil contracts keep the south from getting its full share of oil revenues.<sup>79</sup> Efforts by the global community and the Intergovernmental Authority on

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<sup>76</sup> International Crisis Group Website, '*Sudan's Comprehensive Peace Agreement: Beyond the Crisis*', p. 14.

<sup>77</sup> M: Assal and S. Ali, '*Eastern Sudan: Challenges Facing the Implementation of the Peace Agreement in Gedaref State*', Situation Report 20 November 2007, The Institute For Security Studies Website, <[http://www.issafrica.org/dynamic/administration/file\\_manager/file\\_links/DARFURFESTUS.PDF?link\\_id=3&slink\\_id=5398&link\\_type=12&slink\\_type=13&tmpl\\_id=3](http://www.issafrica.org/dynamic/administration/file_manager/file_links/DARFURFESTUS.PDF?link_id=3&slink_id=5398&link_type=12&slink_type=13&tmpl_id=3)>, retrieved 5 January 2009, p.1.

<sup>78</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>79</sup> A.S. Natsios, '*Darfur: A Plan B to Stop Genocide*', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

Development (IGAD) to facilitate the consensus for the CPA were aimed in the main at ending the ongoing conflict but also providing the foundation for good governance for the whole of Sudan.<sup>80</sup>

Regionalisation and hybridisation have forced the African Union to deal with capabilities that are not readily available or are currently non-existence.<sup>81</sup> Faced with grave threats to their security and aware of the Security Council's reluctance to take the lead in conflicts on their continent, the 1990s saw African states strive to respond to conflict and humanitarian emergencies in their region. It has now become accepted that the AU can and should become more responsible for happenings on the African continent, deploying in advance of any UN commitment. To this end, they have shown a greater willingness to undertake diplomatic and military actions jointly with the UN. In addition, African regional organisations have restructured their mandates to allow for collective security mechanisms. This has led the AU to develop the African Standby Force (ASF) controlled at the strategic level by the Peace and Security Council (PSC) that mandates ASF peace support missions within the framework of the United Nations Charter.<sup>82</sup> However, in the face of the scale of the conflicts (geographically and in terms of human lives and misery), their capacities remain limited.

The original intent of the ASF will be to deploy rapidly to provide a quick response capability before the slow moving UN peacekeeping system reacts operationally to a crisis. Following past convention, the AU is bound to seek the support of the UN Security Council for all ASF missions, particularly as this is a requirement to access funding through the AU and other international donor organisations, such as the EU African Peace Facility.<sup>83</sup> In what is a

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<sup>80</sup> De Waal, *War in Darfur and the Search for Peace*, p.200.

<sup>81</sup> F. Aboagye, 'Mandates and Operational Lacunas in Darfur', The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=5&slink\\_id=5594&link\\_type=12&slink\\_type=12&tmpl\\_id=3](http://www.issafrica.org/index.php?link_id=5&slink_id=5594&link_type=12&slink_type=12&tmpl_id=3)>, retrieved 5 January 2009.

<sup>82</sup> J. Cilliers, 'The African Standby Force: An Update on Progress', *Occasional Paper 160 March 2008*, The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=3&slink\\_id=5907&link\\_type=12&slink\\_type=12&tmpl\\_id=3](http://www.issafrica.org/index.php?link_id=3&slink_id=5907&link_type=12&slink_type=12&tmpl_id=3)>, retrieved 5 January 2009, p.1.

<sup>83</sup> Ibid, p.7.

partnership rather than a delegation of functions, it is generally intended that the AU will deploy first, providing an option for a UN peace support operation if needed.<sup>84</sup> Monica Kathina Juma, in *Dealing With Conflict In Africa: The United Nations and Regional Organizations*, alludes to a more one sided arrangement when she counters, “At a time of growing challenges to African peace and security, the UN is either conspicuously absent from the region, or if present, has had its role substantially marginalised. The emerging division of labor between the UN and regional organisations emphasizes the former’s reliance on the latter to deal with security. This is troubling for Africa where the demand for peacekeepers is arguably the greatest, yet indigenous capacity faces the greatest obstacles”.<sup>85</sup>

To build this capacity and strengthen preventive initiatives, the UN has deepened its collaboration with African regional and sub-regional organizations. African regional organizations have to deal with serious personnel, administrative, technical and financial challenges. Policy and staffing support has been provided to encourage post conflict reconstruction and development and the establishment of the AU Peacekeeping Support Team is designed to ensure efficient and sustained assistance in the preparation and deployment of an African Standby Force and the management of multidimensional peacekeeping operations.<sup>86</sup> While the conflict prevention organization has not yet reached maturation, the AU’s lack of resources and experience is offset to some degree by its ability to deal with crises and the legitimacy such action receives in Africa.<sup>87</sup>

Under difficult current conditions with little international support, the AMIS force was called upon to protect 100 IDP camps, 32 Group Sites and AMIS bases throughout Darfur. It also regularly protected convoys and unarmed CIVPOL Officers in the fulfillment of their

<sup>84</sup> United Nations Website, Office of the Special Adviser on Africa Background Briefing Paper, ‘*The Emerging Role of the AU and ECOWAS in Conflict Prevention and Peacebuilding*’, <<http://www.un.org/africa/osaa/reports.html>>, retrieved 21 November 2008.

<sup>85</sup> Bouden, J (ed.), *Dealing With Conflict In Africa: The United Nations and Regional Organizations*, Palgrave Macmillan, New York, 2003.

<sup>86</sup> United Nations Website, General Assembly Progress Report, ‘Implementation of the Recommendations Contained in the Report of the Secretary-General on the Causes of Conflict and Promotion of Durable Peace and Sustainable Development in Africa’, <[http://www.un.org/ga/search/view\\_doc.asp?symbol=A%2F63%2F212&Submit=Search&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A%2F63%2F212&Submit=Search&Lang=E)>, retrieved 5 January 2009.

<sup>87</sup> United Nations Website, Office of the Special Adviser on Africa Background Briefing Paper, ‘*The Emerging Role of the AU and ECOWAS in Conflict Prevention and Peacebuilding*’, <<http://www.un.org/africa/osaa/reports.html>>, retrieved 21 November 2008.

duties, as well as its primary duty of providing protection for ceasefire monitoring and investigation. Despite the limitations of the political environment, its mandate and resources, AMIS pro-actively met its obligations and responsibilities within these constraints. Its units regularly deployed to deter incidents and at a local level engaged with the communities well, such as, carrying out humanitarian activities like the evacuation and treatment of the wounded, supplying of school and sports material, as well as liaising with aid agencies to provide information and assistance.<sup>88</sup>

### **The Darfur Peace Agreement - The Stimulus for Lasting Peace?**

In parallel to AMIS, the AU hosted negotiations between stakeholders and after a slow process the Darfur Peace Agreement (DPA) was signed on 5 May 2006, interestingly fifty years after the country gained independence. The DPA is a flawed document, but under growing international pressure stakeholders were beholden to sign.<sup>89</sup> What it has provided is a document identifying the root causes of the conflict and means to address their rationale. Its also creates space for the delivery of humanitarian aid, and gives international forces a robust impetus to protect civilians and humanitarian workers. Importantly, it does not preclude negotiations among non-signatories and the Government, and through the ability to add amendments, annexes, or clarifications to the agreement allows a level of inclusion.<sup>90</sup>

Since its signing in Abuja, application of the DPA has run into considerable difficulties.<sup>91</sup> Acknowledged problems with the Peace agreement include the lack of progress with disarming the Arab militias, uneven wealth and power sharing provisions within the document framework and arguably the most important factor remains the lack of signatories from the rebel forces, which have factionalised further with the advent of the Agreement.

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<sup>88</sup> AMIS Website, <http://www.amis-sudan.org>, retrieved 5 January 2009.

<sup>89</sup> Rakisits, op. cit., p.3.

<sup>90</sup> A.S. Natsios, '*Darfur: A Plan B to Stop Genocide*', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

<sup>91</sup> African Union Website, '*Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur*', p.3.

The implementation of the DPA has been slow and this has made rebel groups reluctant to join the political process. The Government of Sudan has repeatedly been called upon to disarm the Arab militias, specifically as the Agreement states that the Janjaweed are to be completely disarmed and contained in specific restricted areas and that the government must take action against those who violate the ceasefire. While making promises to adhere to this process little results have been seen as yet. Ideally, disarmament of the Janjaweed initially is required before the disarmament and demobilization of the rebel groups.<sup>92</sup>

Access to regional wealth and inclusion in the political process at all levels has been a key feature of Darfurian complaint throughout the conflict. Although Darfurians make up fifteen percent of the population, they will only be given three percent representation in the National Assembly. The rebel groups lack a majority to realistically influence policies, the opposite which it seen in Southern Sudan where the SPLM dominates regional and local politics.<sup>93</sup> This is evidenced in the level of poverty in the region, indicating no significant progress has been made in the implementation of the wealth sharing provisions of the Darfur Peace Agreement and compensation provisions remain outstanding. While a wealth sharing initiative has been devised within the Agreement, through the establishment of a Darfur Reconstruction and Development Fund, the government allocation is relatively small (US\$300 million in 2006, and US\$200 million in subsequent years), no mention is made of the revenues garnered from the exploitation of resources, particularly oil. Similarly, empowerment of the Transitional Darfur Regional Authority, established under Article 6 of the DPA, is seen as a critical symbol of goodwill.

With regard to the power-sharing protocol, even though Minni Arko Minawi was appointed Senior Assistant to the President and Chairman of the Transitional Darfur Regional Authority in October 2006 the Authority spent many months in limbo. This significantly affected all other aspects of the implementation of the DPA since its signing and slowed the

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<sup>92</sup> Rakisits, op. cit., p.3.

<sup>93</sup> Sudan Tribune Website, "*Sudan Warns Darfur Peacekeepers of Popular Anger*", article dated 29 January 2009, <<http://www.sudantribune.com/spip.php>>, retrieved 30 January 2009.



momentum of the process. At the same time, the relationship between the Regional Authority and existing Government structures in the three Darfur states needs to be fully clarified, and adequate infrastructure and logistics provided for the consolidation and effective functioning of the body.<sup>94</sup>

A number of ministerial, regional and legislative posts have been filled by representatives of SLA-Minawi and those movements that have signed the Declaration of Commitment to the Darfur Peace Agreement. While these signatories have access to the implemented power-sharing components of the Agreement there will therefore be a critical need to refocusing the political process and broadening the support base of the Agreement in order to provide fresh and concrete incentives for the non-signatory groups to join the peace process.<sup>95</sup> Some evidence exists that constructive steps have been undertaken to involve all parties, such as the recently signed Declaration of Goodwill signed between the Sudanese Government and the Darfur JEM.<sup>96</sup> This of course is only a first step in a long road that may lead to concerted negotiations.

The Authority and its head, Minni Minawi, the sole rebel signatory to the DPA, have been marginalized by the government on key decisions related to Darfur and the package of reintegration assistance promised to his troops under the DPA has materialized very slowly, if at all. Repeated violent and deadly attacks by the SAF troops SLM/MM members in Khartoum and in Darfur, raises questions about the seriousness of the Government commitment to peace agreement. Above all, if the GOS continues to brutalize parties to the agreement the message sent to non-signatory factions to the Darfur Peace Agreement clearly shows that there is no benefit and possibly serious ground to be lost.<sup>97</sup>

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<sup>94</sup> African Union Website, 'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur', p.3.

<sup>95</sup> Ibid., p.4.

<sup>96</sup> Sudan Tribune Website, "World Lauds Doha Agreement Between Sudan and Darfur JEM", article dated 18 February 2009, <<http://www.sudantribune.com/spip.php>>, retrieved 22 February 2009.

<sup>97</sup> A.S. Natsios, 'Darfur: A Plan B to Stop Genocide', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

As mentioned, the DPA does not enjoy representative support of all rebel forces. Divisions between and within the two rebel groups exacerbate conflict and hindered negotiations and continue to undermine the ceasefire. Only two of the four parties that negotiated the Agreement signed it in the end. Those that refused to sign objected to certain provisions of the power-sharing, wealth-sharing and final security arrangements protocols of the Agreement, including the provisions on senior Darfurian representation in the national Government, the creation of a Darfur region, the amount allocated for compensation of victims of the conflict and the disarmament of the Janjaweed. The most significant military rebel group is the Minni faction of the Sudan Liberation Army (SLA). Minni Minnawai, Secretary General and de facto commander of the SLA is from the small Zaghawa ethnic group.<sup>98</sup> He is also the only rebel leader to sign the DPA, a significant action noting the history of mistrust and antagonism seen between the various factions.

The other two Darfuran rebel groups – the al-Nur faction of the SLA and the JEM – haven't signed the Agreement and have amalgamated to form the National Redemption Front to oppose the DPA and the perceived inequalities. Under growing pressure from representatives from the AU, US and EU some members of the Front have signed a Declaration of Commitment, recognizing the obligations required of the ceasefire and the need to deal with other stakeholders in future negotiations. This falls short of full compliance to the DPA, however, it at least provides an avenue for further negotiation and fuller inclusion. Arguably, facilitating government strategy somewhat, the DPA has divided the rebel groups with attacks on each others refugee camps and villages and further complicated by Arab-Arab tension and a broad 'land-grab' by all parties.<sup>99</sup>

The Khartoum Government continues to use the same strategies against Darfur that Sadiq al-Mahdi first developed and used against the south in the 1980s.<sup>100</sup> By manipulating

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<sup>98</sup> Rakisits, op. cit., p.3.

<sup>99</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

<sup>100</sup> A.S. Natsios, '*Darfur: A Plan B to Stop Genocide*', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

pre-existing tribal divisions, creating militias drawn from the youngest and most disenfranchised members of Arab tribes, forcing people from their homes and separating them from their traditional leaders, the government has created a lawless environment where banditry and violence are on the increase as rebel groups and tribal structures fragment and begin to fight amongst themselves. The Minni faction has even been reported as having received assistance by the Sudanese armed forces in attacks against some non-signatories to the DPA. Attacks on civilians and aid workers increased dramatically from late 2006. Reports indicate that IDP camps continue to militarise and generate their own political demands, this adds to the tensions as well with the prospect of newly emerging organisations taking extreme positions.

Various constraints, related largely to logistics and funding, as well as the lack of an all-inclusive political process, are hindering meaningful progress in the implementation of the DPA provisions relating to the comprehensive ceasefire and formal security arrangements. Although steps by both the Sudanese Government and the Ceasefire Commission are being undertaken towards finalising the "Plan for the Disarmament of the Janjaweed Armed Militias", this actual disarmament process is yet to start, with all the consequential repercussion for security in Darfur.<sup>101</sup>

In a seemingly never ending cycle of reprisal, attacks accelerated and intensified from early 2008, when the Sudanese government launched major aerial and ground attacks in west and north Darfur. JEM's attempted assault on Khartoum in early May 2008 prompted a government crackdown, but also showed that the capital and the government were vulnerable. Three hundred suspected JEM members were arrested in the capital. The action drastically complicated the political situation in Darfur with the Government announcing that it would not negotiate with JEM or with the al-Nur SLA faction.<sup>102</sup>

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<sup>101</sup> African Union Website, Department of Peace and Security Report, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.4.

<sup>102</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

It is only in the later months of 2008 and early 2009 that the Agreement has had impetus to achieve its objectives of bringing peace and security to the people of Darfur and paving the way for a just, peaceful and lasting political solution to the conflict in Darfur. Significant efforts are being made by the African Union, the Darfur Peace Agreement partners, including the United Nations and signatories of the Agreement and the Declaration of Commitment in establishing implementation structures, such as the Darfur Assessment and Evaluation Commission, and bringing to fruition some provisions of the Agreement.

The most important aspect of the DPA is that it meets the AU's condition for the transition of AMIS to a UN operation. The DPA needs to be widely supported and obviously a commitment to the ceasefire conditions met before handing over control to the UN.<sup>103</sup> The 2000 Report of the Panel on United Nations Peace Operations (The Brahimi Report) emphasized the importance that before the Security Council agreeing to a ceasefire or peace agreement it must assure itself that the agreement meets threshold conditions. The Agreement is important as it is seen as the base on which regional peace can be built and also because it features significantly in the mandates of AMIS and UNAMID.

Andrew Natsios, the US President's Special Envoy to Sudan, in testimony before the Senate Foreign Relations Committee reiterates how essential the DPA is to the likelihood of peace. In the mid 2007 testimony, he offers that, "the only way to achieve long term progress in Darfur is to promote a political settlement among all the parties to the conflict within the framework of the Darfur Peace Agreement", and, "It remains to be seen whether the GOS will make good on these statements, but there appears to be a growing consensus among key members of the ruling coalition that a peace agreement with non-signatory rebel groups may be the only way out of the current crisis".<sup>104</sup>

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<sup>103</sup> Rakisits, op. cit., p.3.

<sup>104</sup> A.S. Natsios, '*Darfur: A Plan B to Stop Genocide*', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

In October 2008, the Sudan People's Forum (SPF) was launched by President Al-Bashir. In a move that some saw as a means to placate growing international pressure on the President, the initiative still represented an important step in the effort to find a political solution to the Darfur crisis. It was attended by senior leaders from the majority of Sudan's main political parties and included numerous representatives from Darfur, though significantly not from the Darfur armed movements. A wide range of issues were discussed, including security, power-sharing and wealth-sharing, in a move somewhat similar to that undertaken with rebel movements from Southern Sudan in that region's mediation for peace.<sup>105</sup>

In line with recent moves to encourage peace and integration, President Al-Bashir issued a decree directing the incorporation of the Darfur Peace Agreement into the interim constitution, which is currently being examined by the National Constitutional Commission, to be finalized and sent for adoption during the next session of the National Assembly. The SPF concluded in November 2008, with President Al-Bashir announcing an immediate unilateral ceasefire, the setting up of a program for disarming militia groups and a community police service for camps of internally displaced persons. The President also agreed, in principle, to individual and collective compensation for the victims of the conflict. The issues of a single Darfur region and a Vice-President for Darfur were deferred.

Some groups, including the JEM, have publicly rejected the conclusions of SPF, including the declaration of a unilateral ceasefire. In somewhat of a turnaround, on 17 February 2009 the JEM signed a Declaration of Goodwill with the Government of Sudan, which is seen as an instrument for starting full negotiations. Quite rightly, the US Ambassador to the UN, Susan Rice, has identified the move as a modest first step but warns that it does not amount to a ceasefire agreement or a cessation of hostilities.<sup>106</sup> This was sadly reaffirmed when 17 rebels and 11 SAF soldiers were killed in clashes just two days after the signing of

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<sup>105</sup> United Nations Website, Security Council Report 781 12 December 2008, '*Report of the Secretary-General on the Deployment of the African Union-United Nations Hybrid Operation in Darfur*', <<http://www.un.org/Docs/sc/sgrep08.htm>>, retrieved 5 January 2009.

<sup>106</sup> Sudan Tribune Website, "*World Lauds Doha Agreement Between Sudan and Darfur JEM*", article dated 18 February 2009, <<http://www.sudantribune.com/spip.php>>, retrieved 22 February 2009.

the declaration in Doha. The very document that committed each side to creating a conducive environment for peace talks and a cessation of hostilities.<sup>107</sup>

### **International Response: The Role and Viability of UNAMID**

After the signing of the N'Djamena Humanitarian Ceasefire Agreement (HCFA) between the Government of the Sudan, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) in April 2004 and the follow up agreement of 28 May 2004, the African Union deployed AMIS and gradually expanded it to its current strength. The Security Council, in Resolution 1679 (2006), called for a joint AU-UN Technical Assessment Mission to the Sudan/Darfur to assess the requirements for strengthening AMIS and the possibility of transitioning the body to a UN peace operation. On the basis of the recommendations of the joint Mission, Resolution 1706 (2006) was announced, authorising the expansion of the UN Mission in the Sudan (UNMIS) into Darfur and requested concurrence from the Sudanese Government for the deployment of a multidimensional UN peace operation in Darfur. However, approval was not forthcoming.<sup>108</sup>

The AU Peace and Security Council (PSC) acknowledged the Government of the Sudan's decision not to consent to the deployment of the UN peacekeeping operation in Darfur and hosted a high powered meeting. Driven in part by the ineffectiveness of the AMIS mandate in the declining security environment, the meeting convened in Addis Ababa, saw attendance by the Security Council permanent members, members of the AU PSC and delegates from the Government of Sudan, the EU and the League of Arab States. This overwhelming attempt to address the issue allowed the attending stakeholders to identify three requirements vital to the peace effort as being: the need to revitalise the political process, establishing a strengthened ceasefire and defining the way forward for peacekeeping in Darfur. Developed by the UN Department of Peacekeeping Operations

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<sup>107</sup> Sudan Tribune Website, "Sudan Says 17 JEM Rebels Killed During Clashes in Darfur", article dated 21 February 2009, <<http://www.sudantribune.com/spip.php>>, retrieved 22 February 2009.

<sup>108</sup> African Union Website, 'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur', p.2.

(DPKO), the plan specifically entailed a three-phase approach of UN support to augment AMIS and deploy UNAMID.<sup>109</sup>

Importantly, the AU PSC during its 66<sup>th</sup> Meeting held in Abuja, stipulated the make up of the hybrid mission, deciding essentially that the command and control arrangements would be provided by the UN and that the Force Commander should be African and appointed, as would the Special Representative, after joint AU/UN consultation. . The Government of the Sudan subsequently endorsed the Addis Ababa conclusions and the later Abuja communiqué of the PSC on 3 December 2006.<sup>110</sup> This was in turn supported by the UN Security Council, which called on all parties to implement the conclusions of previous agreements and the deployment of support packages and troops. In an overture seen as a hopeful step towards peace, President Omer Al-Bashir confirmed in a letter to the UN Secretary General that the Addis Ababa conclusions and the Abuja communiqué, "constitute a viable framework for peaceful settlement of the conflict in Darfur" and reaffirmed the readiness of the Government of the Sudan to participate in the process.<sup>111</sup>

As a first step towards the three phased deployment of the hybrid force in Darfur, elements of the light support package for AMIS were jointly agreed upon by the two organizations and endorsed by the Government of the Sudan. The package was designed to assist AMIS in the establishment of an integrated command and control structure and to increase the effectiveness and coordination of its operations. The package comprised items to support AMIS in the areas of logistical and material support, military staff support, advisory support for civilian police and civilian administration. Initial problems with the creation of the emerging Mission included receipt of promised contributions from UN Member States and the ongoing lack of security and inadequate infrastructure in Darfur and AMIS camps.<sup>112</sup>

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<sup>109</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet, <[http://www.un.org/Depts/dpko/missions/unamid/Darfur\\_SGvisit.pdf](http://www.un.org/Depts/dpko/missions/unamid/Darfur_SGvisit.pdf)>, retrieved 8 January 2009.

<sup>110</sup> African Union Website, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.1.

<sup>111</sup> Ibid., p.3.

<sup>112</sup> African Union Website, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.9.



Despite an emphatic indication of concurrence by the Government of Sudan, transition of the African Union Mission in Sudan to the sanctioned hybrid AU/UN peacekeeping operation was problematic. Problems associated with the UNAMID deployment have been highlighted later, however, a letter from March 2007 typifies the level of interference. The letter was sent from President Al-Bashir to UN Secretary General Ban Ki-Moon, essentially rejecting phase two of the Mission's development, the deployment of the UN Heavy Support Package, which would effectively also scuttle the third phase, the generation of the hybrid force. Furthermore, he directly challenged the UN lead in the operation when he stated, "Command and control after provision of the support packages is the responsibility of the African Union, with the necessary support from the United Nations." UN command and control of the hybrid operation was agreed to by all parties in Addis, including Sudan, as an essential component of any force.<sup>113</sup>

Khartoum finally accepted the AU/UN hybrid force for Darfur (UNAMID) in June 2007, in face of increasing international sanctions. Subsequently, the joint operation in Darfur was authorized by Security Council Resolution 1769 of 31 July 2007. Intensive private and public diplomacy by Secretary-General Ban Ki-moon and several actors in the international community resulted in Sudan's acceptance of this force. Each phase has required its own set of agreements and understandings among the UN, the AU and the Government of Sudan. In order to reach these, the UN has undertaken a complex round of negotiations, stipulating the level and type of support, issues of command and control and the legal framework governing the effort. UNAMID represents a unique model of partnership for peacekeeping between the UN and a regional organization.<sup>114</sup>

The Council, acting under Chapter VII of the United Nations Charter, authorised UNAMID to take all necessary action to support the implementation of the Darfur Peace

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<sup>113</sup> A.S. Natsios, '*Darfur: A Plan B to Stop Genocide*', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

<sup>114</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet.

Agreement, as well as to protect its personnel and civilians, without “prejudice to the responsibility of the Government of Sudan”. In his statement to the Security Council following the adoption of the resolution, the Secretary-General stated that in establishing UNAMID it was, “sending a clear and powerful signal of your commitment to improve the lives of the people of the region, and close this tragic chapter in Sudan’s history”. He called the decision “historic and unprecedented” but warned that it is “only through a political process that we can achieve a sustainable solution to the conflict”.<sup>115</sup> UNAMID formally began operations on 31 December 2007 but continued resistance from Khartoum slowed deployment.<sup>116</sup>

The agreed operational framework of the hybrid mission saw elements of its mandate drawn from the DPA, the AMIS mandate, recommendations from the Secretary General's report on Darfur (S/2006/59I) and relevant communiqués of the AU Peace and Security Council and resolutions of the UN Security Council.<sup>117</sup> In the main, it was determined by the poor security situation in Darfur as suffered by AMIS during their sole deployment. The continuation and sustainability of AMIS operations was deemed critical during the implementation of the three-phased peacekeeping plan agreed by the AU and the UN.<sup>118</sup> The continued funding of the AMIS mission was considered a great risk during the transition period as its provision, or lack of, could have jeopardized the continuation of AMIS operations or lead to delays in the implementation between the different phases of the plan, thus undermining the effectiveness of UN support to AMIS. The plan for deploying UNAMID was based on the assumption that the UN light and heavy support packages, transferred to AMIS, would be implemented successfully and provide significant improvement to the AMIS capability.<sup>119</sup>

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<sup>115</sup> Ibid.

<sup>116</sup> United Nations Website, Department of Peacekeeping Operations link, <<http://www.un.org/Depts/dpko/missions/unamid/>>, retrieved 19 November 2008.

<sup>117</sup> African Union Website, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.12.

<sup>118</sup> Ibid., p.27.

<sup>119</sup> African Union Website, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.28.

Rodolphe Adada of the Republic of the Congo was appointed Joint AU-UN Special Representative (JSR) for Darfur to lead UNAMID, reporting to both the UN Secretary-General and the AU Commission Chairperson. The JSR is assisted by a jointly appointed Deputy Special Representative, Henry Anyidoho of Ghana. To further underline the “jointness” of the mission the AU Peace and Security Commissioner and the UN Under-Secretary-General for Peacekeeping Operations collectively issue directives to the JSR. The concept of operations, in accordance with agreements made in Addis Ababa and Abuja in 2006 and as specified in later edicts, sees command and control structures for the mission provided by the UN. General Martin Luther Agwai of Nigeria was appointed Force Commander of UNAMID by the AU, in consultation with the UN, and acts under the direction of the JSR. To ensure a level of effectiveness and communication of the hybrid operation a Joint Support Coordination Mechanism (JSCM) has been established in Addis Ababa. Consisting of liaison officers and modern communications equipment the JSCM is designed to ensure effective consultation through the AU and the UN strategic headquarters and other stakeholders.<sup>120</sup>

The UNAMID mandate was extended on 31 July 2008 with the adoption of Security Council resolution 1828 for a further 12 months until 31 July 2009. The mission's headquarters is in El Fasher, the capital of North Darfur. It has further sector headquarters in El Fasher, El Geneina and Nyala, and will have up to fifty five deployment locations throughout the three Darfur states.<sup>121</sup> The force was planned to oversee 20000 troops, more than 6000 police and a significant civilian component, making it one of the largest UN peacekeeping operations in history. Its budget of US\$1.7 billion for the financial year 2008-2009 is the largest of any previous UN peacekeeping operation, signifying a significant investment in a solution to the ongoing problems in Darfur.

Despite a substantial budget allocation, there have been problems with Mission Support. The establishment of the multidimensional operation in the Darfur region of the

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<sup>120</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet.

<sup>121</sup> Ibid.

Sudan has seen formidable logistical challenges. Darfur is a remote and arid region, with harsh environmental conditions, poor communications, underdeveloped, poor infrastructure and suffers extremely long land transport and supply lines from Port Sudan.<sup>122</sup> The scarcity of water presents a particularly difficult challenge, which must be addressed at both the political and logistics level, between all parties. Successful operations will require significant efforts to upgrade and develop the infrastructure of the region, particularly in the pre-deployment phase of the operation.

UNAMID has the protection of civilians as its core mandate, but is also tasked with contributing to security for humanitarian assistance, monitoring and verifying implementation of agreements, assisting an inclusive political process, contributing to the promotion of human rights and the rule of law, and monitoring and reporting on the situation along the borders with Chad and the Central African Republic (CAR). In order to achieve these broad goals, the operation's tasks would include the following<sup>123</sup>:

- a. Support for the peace process and good offices,
- b. Security,
- c. Rule of law, governance, and human rights, and
- d. Humanitarian assistance.

With respect to the Darfur conflict and the AU commitment, the UN's role has predominantly been the endorsement of the intervention through a number of Security Council Resolutions and actions. Of note are<sup>124</sup>:

1. SCR 1556 (2004) and 1591 (2005) imposing sanctions over Darfur and increasing diplomatic pressure,

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<sup>122</sup>African Union Website, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.25.

<sup>123</sup> United Nations Website, Department of Peacekeeping Operations link, <<http://www.un.org/Depts/dpko/missions/unamid/>>, retrieved 19 November 2008.

<sup>124</sup> Aboagye, *'The AU/UN Hybrid Operation in Darfur: Challenges, Lessons and Implications for Regional Peacekeeping Training'*, p.6.

2. SCR 1593 (2004) establishing the international commission of enquiry and terms of reference of the ICC for the investigation and bringing to trial of persons accused of war crimes in Darfur,
3. SCR 1590 (2005) establishing UNMIS,
4. SCR 1706 (2006) giving UNMIS a mandate in Darfur and authorizing its troop strength (a move that was rejected by the Government of Sudan and derailing the AMIS handover to the UN Mission in December 2006),
5. SCR 1755 (2007) extending the mandate of UNMIS until Oct 2007,
6. SCR 1769 (2007) establishing UNAMID, and
7. SCR 1828 (2008) extending the mandate of UNAMID until 31 July 2009

To better appreciate the African Union/United Nations Hybrid operation in Darfur, extracts from the establishing Security Council Resolution are included<sup>125</sup>:

Acting under Chapter VII of the Charter of the United Nations, the Security Council, by its [Resolution 1769](#) of 31 July 2007 decided that UNAMID is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to:

- (i) protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers;
- (ii) support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without prejudice to the responsibility of the Government of Sudan.

The Council also decided that the mandate of UNAMID shall be as set out in paragraphs 54 and 55 of the report of the Secretary-General and the Chairperson of the African Union Commission of 5 June 2007 (document [S/2007/307/Rev.1](#)), namely as follows:

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<sup>125</sup> United Nations Website, Department of Peacekeeping Operations link, <<http://www.un.org/Depts/dpko/missions/unamid/>>, retrieved 19 November 2008.

- (a) To contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur;
- (b) To contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan;
- (c) To monitor, observe compliance with and verify the implementation of various ceasefire agreements signed since 2004, as well as assist with the implementation of the Darfur Peace Agreement and any subsequent agreements;
- (d) To assist the political process in order to ensure that it is inclusive, and to support the African Union-United Nations joint mediation in its efforts to broaden and deepen commitment to the peace process;
- (e) To contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees to their homes;
- (f) To contribute to the promotion of respect for and protection of human rights and fundamental freedoms in Darfur;
- (g) To assist in the promotion of the rule of law in Darfur, including through support for strengthening an independent judiciary and the prison system, and assistance in the development and consolidation of the legal framework, in consultation with relevant Sudanese authorities;
- (h) To monitor and report on the security situation at the Sudan's borders with Chad and the Central African Republic.

While a great deal of emphasis has been placed on command and control issues, less attention seems to have been devoted to the critically central mandate of the hybrid force. Aboagye, in a 2007 Institute of Security Studies paper, argues that the dire circumstances that face Darfur, through parlous ceasefire and peace agreements and the extent of the humanitarian crisis, make the question of what the Mission would be doing more important

than who would be doing it.<sup>126</sup> This is particularly relevant noting that since concerted international attention from 2003, the United Nations has passed nineteen Resolutions pertaining to Darfur with little effect.

While AMIS did not have a rule of law function or a judicial or prisons advisory capability, this activity was deemed essential to the multidimensional peacekeeping strategy envisaged for the UNAMID operation.<sup>127</sup> This capacity was seen as assisting all stakeholders in promoting the rule of law and visibly supporting an independent judiciary and a professional corrections system. The rule of law component will also provide capacity to address property and land disputes and compensation related to the DPA, a fundamental and oft cited source of discontent with Dafurans. Legal reform will also encompass the strengthening of customary law to ensure compliance with international standards.

UNAMID's full deployment and operational ability continues to be hampered by a lack of cooperation from the Government of Sudan, delays in the readiness of troop and police contributors to deploy, the prohibitive environment and the immense logistical challenges inherent to Darfur. The force on the ground as of late 2008 included units from Bangladesh, China, Egypt, Ethiopia, Gambia, Kenya, Nigeria, Rwanda, Senegal and South Africa. There has been a concerted effort by the DPKO to ensure the hybrid operation will consist of a predominantly African force. UNAMID's composition respects concerns expressed by the Government of Sudan about maintaining a predominantly African character, while ensuring that the force is capable of fulfilling its Security Council mandate.

A contributing factor to past unsuccessful operations in Africa, in all reality, probably derives from the operational and organizational culture of the forces.<sup>128</sup> Traditionally, the

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<sup>126</sup> Aboagye, 'The Hybrid Operation for Darfur: A Critical Review of the Concept of the Mechanism', p.12.

<sup>127</sup> African Union Website, 'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur', p.22.

<sup>128</sup> D. Francis, M. Faal, J. Kabia and A. Ramsbotham, *Dangers of Co-deployment: UN Co-operative Peacekeeping in Africa*, Ashgate Publishing, Aldershot, England, 2005, p.95.

driving need to find contributing countries has often overridden the role of culture. This not only results in mixes of contingents with different training, equipment and nationalities but also a force that is culturally different to the country in which the mission is deployed.

Throughout 2008, UNAMID continued to face shortfalls in troops and critical transport and aviation assets (i.e. utility and 'light tactical' helicopters). The Secretary-General has led appeals to the international community to provide the mission with the capabilities it needs, especially helicopters, so that it can fulfil its mandate and live up to the expectations of the people of Darfur and the international community. From the outset, the competition between the vastness of the mission versus force structure would exist. Experience garnered from the AMIS deployment confirmed that the magnitude of the protection task and the need to ensure compliance with the DPA would require a large, mobile and robust military force. The key operational drivers have been identified as realistic troop numbers to provide high enough density to afford wide area coverage, equipped mobility to move forces rapidly in response to developing crises and a meaningful military capacity to deter violence, including a pre-emptive capability.<sup>129</sup>

The primary roles of the military component of the operation are to assist in establishing a stable and secure environment in Darfur, monitor and verify ceasefire violations, protect civilians at risk and support the implementation of the DPA and any subsequent agreements.<sup>130</sup> Initially, the focus of these security operations will be on contributing to the protection of civilians and the provision of security for vulnerable populations. *Protection Force* - While all force elements have a role to play in protection, the core of the protection element is a framework of mobile infantry battalions. Priorities will be to provide security to IDP camps, area and route security, demilitarization and patrolling of humanitarian supply routes and nomadic migration routes and, where necessary, escort for humanitarian convoys, as per established guidelines. The force will also need to protect UN

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<sup>129</sup> African Union Website, 'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur', p.19.

<sup>130</sup> Ibid, p.17.



and AU personnel, installations and property, including logistics locations and supplies in transit. Another priority is to gradually extend wider area security to create conditions conducive to a return to normal community life.

In the meantime, UNAMID with limited resources continues to strive to provide protection to civilians in Darfur, facilitate the humanitarian aid operation, and help provide an environment in which peace can take root. UNAMID's work is complemented by joint efforts on the political front. On 30 June 2008, UN Secretary-General Ban Ki-moon and AU Commission Chairperson Jean Ping appointed Djibril Yipene Bassole, the Foreign Minister of Burkina Faso, as the new joint AU-UN Chief Mediator for Darfur. Mr. Bassole will conduct mediation efforts on a full-time basis from El Fasher.<sup>131</sup>

It is almost a cliché now to say that the UN is vastly overburdened with a variety of responsibilities in the post Cold War period and that UN peacekeeping cannot police and manage the myriad of assorted conflicts around the world, a fact particularly salient in Africa.<sup>132</sup> The range of international commitments has led to a strategic overstretch, addressed by assorted high level introspective documents, such as the Brahimi Report. This has been highlighted by highly visible, sometimes humiliating, examples such as Somalia, Rwanda and Sierra Leone. While there have been failures, Africa has offered chance to develop peacekeeping practices on a continent presenting violent civil wars, state collapse and disintegrating societies. It has also generated a local attempt to police its own backyard as regional organisations, in particular the African Union (AU), have moved to improve conflict management, peacekeeping and the maintenance of continental peace and security, modeled on the UN and with the support and encouragement from the international community. The support is partly to help alleviate the growing use of the UN as a conflict manager, particularly as the UN downsized its operations in the 1990s.<sup>133</sup>

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<sup>131</sup> United Nations Website, Department of Peacekeeping Operations link, <<http://www.un.org/Depts/dpko/missions/unamid/>>, retrieved 19 November 2008.

<sup>132</sup> D.J. Francis, M. Faal, J. Kabia and A. Ramsbotham, *Dangers of Co-deployment: UN Co-operative Peacekeeping in Africa*, Ashgate Publishing, Aldershot, England, 2005., p.1.

<sup>133</sup> Francis, op. cit., p.5.

Regionalisation of peacekeeping is however problematic, above all in underdeveloped Africa. The Brahimi Report warns that, 'military resources and capability are unevenly distributed around the world, and troops in the most crisis prone areas are often less prepared for the demands of modern peacekeeping'.<sup>134</sup> Co-deployment as an alternative to traditional peacekeeping was first experimented with in Liberia. In 1993, the partnership between UNOMIL and ECOMOG became the first peacekeeping mission undertaken in co-operation with a peacekeeping mission already established by another organisation.

The hybrid mission, UNAMID, takes this to the next iteration, but certainly the concept of co-deployment is mutually beneficial to both parties and in particular in Africa has lent a level of expertise and even legitimacy to the mission objectives. The insightful text, *Dangers of Co-Deployment*, while recognizing the inherent problems with a joint operation also adds that, 'co-deployment with regional organisations is not only about translating the provisions of the UN Charter into practical terms, it is, importantly, about burden sharing, sharing of responsibilities, decentralization, division of labour and harnessing comparative advantages for the maintenance of international peace and security'.<sup>135</sup> This is particularly pertinent when dealing with the UN coined term Complex Political Emergency (CPE), which describes in the main intra-states conflict that are multi causal and generally requiring a multidimensional approach to solve. CPE are often characterized by large scale human suffering and civilian casualties, fed by political and socio-economic grievances and often natural disasters, such as, famine and drought. Darfur fits this template.

The peace process still faces many ongoing challenges and the deployment of the operation in the absence of an all-inclusive DPA remains a significant risk. Despite public comments, contrary actions have suggested that all parties still challenge the legitimacy of the UN force as an arbitrator in the conflict. Furthermore, the JEM and the National Redemption Front reject the Agreement as a basis for negotiations.<sup>136</sup> Another key challenge remains the

<sup>134</sup> United Nations Website, *The Report of the Panel on United Nations Peace Operations*, retrieved 8 January 2009, <[http://www.un.org/peace/reports/peace\\_operations](http://www.un.org/peace/reports/peace_operations)>, para 54.

<sup>135</sup> Francis, op. cit., p.56.

<sup>136</sup> African Union Website, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.28.

fragmentation of the non-signatory groups. The reunification of their leadership or, at the very least, the harmonization of their positions in anticipation of the political talks on the DPA is necessary not only for the successful outcome of the efforts of the mediation process, but also for the attainment of a sustainable and self enforced ceasefire.

A peaceful resolution of the conflict lies in the interdependent political process, the ceasefire and the peacekeeping effort being allowed to develop into an inclusive process. Alleviating the ongoing humanitarian suffering in Darfur requires progress on these three fronts in the context of a comprehensive international strategy, which would also address rehabilitation and economic development.<sup>137</sup> It is imperative that the deployed peacekeeping force is strong, impartial and proactive to lend weight to the implementation of these processes and monitor outcomes. An inclusive political process is at the crux of UNAMID's ability to restore security in Darfur and would assist with the region's integration with the rest of the country by supporting reconciliation, political representation, participation in public administration and increased economic opportunity.

Historically, many peacekeeping missions have become self defeating, in that their objectives have been broadened and the mandate is far beyond the capacity of the forces on the ground. With limited resources, capabilities are stretched. The strategy for peacekeepers presently is to create peace communities within conflict zones using their presence as an impetus for warring factions to come to the negotiating table. The danger ironically lies in the potential of the UN presence to legitimize all parties, ensuring their involvement in the peace process, irrespective of their support base.<sup>138</sup> Without a doubt, effective peacekeeping is an integral part of the solution to the conflict in Darfur, without which the humanitarian and security situation will continue to deteriorate and instability in Darfur could spread to the entire region. While the conflict in Darfur has devastating security implications and humanitarian

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<sup>137</sup> Ibid, p.17.

<sup>138</sup> Francis, op. cit., p.95.

consequences, it is essentially a political problem, which can only be resolved through a political solution.<sup>139</sup>

### **A Host of Problems to be Faced** ***An Uncooperative Sudanese Government***

From the onset of the crisis the Sudanese Government's preferred solution was to destroy or intimidate the resistance and then buy off the Darfurian elites one by one. Its approach to external sponsors of the rebellion, Chad, Eritrea and the SPLM, was an expansion of this tactic, whereby they were manoeuvred into a position of dependence on Khartoum.<sup>140</sup> Military action against the groups who did not sign the DPA precipitated, with Khartoum declaring the non-signatories outlaws and insisted that they be excluded from further negotiations, essentially remaining voiceless and marginalised in the peace process. Conversely, no action was taken to control or disarm any militia. Units from SLM - Minni were further manipulated, being brought in to serve as the vanguard of attacks.<sup>141</sup>

The fact that AMIS complied with the expulsion of the non-signatories from the CFC, failed to take any measures against the Janjawid and provided assistance to evacuate wounded members of SLA - Minni, arguably compromised the organisations neutrality and bolstered the Governments position vis a vis other stakeholders. AMIS was facing two distinct and contradictory mandates: it was supposed to be neutral in order to monitor the ceasefire and liaise with the non-signatory groups in order to encourage them to join the DPA and it was also supposed to be a partner in implementing an agreement not accepted by most Darfurans. Failures were evident in both regards as was the continued manipulation by the Government.<sup>142</sup>

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<sup>139</sup> African Union Website, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.28.

<sup>140</sup> De Waal, *War in Darfur and the Search for Peace*, p.382.

<sup>141</sup> De Waal, *War in Darfur and the Search for Peace*, p.383.

<sup>142</sup> Ibid.

The Sudanese Government's documented obstruction of UNAMID is consistent with its response to Resolution 1706 and its hindrance of AMIS. It appears to have no commitment to the deployment and operation of an effective peacekeeping force. Yet the international reaction to this has been muted and inadequate.<sup>143</sup> In a Secretary-General's Report to the Security Council dated 12 December 2008, a litany of obstructive incidents were listed that not only hampered operations but continue to subtly undermine and challenge UNAMID legitimacy.

The following incident is indicative of the level of interference proffered by the Government and its officials, cited in the Report: On 20 October, a UNAMID force escorting a Canadian delegation was denied access by the Government of the Sudan to Abu Shouk camp of internally displaced persons, Northern Darfur. On the same day, the Government banned a Mine Action Service team in Kutum from using GPS and digital cameras and from undertaking a casualty evacuation exercise mandatory for demining operations. The Government insisted on monitoring Mine Action Service operations as a precondition for its GPS use, a practice discouraged by the mine action safety procedure. The Mine Action Service continued efforts until 15 November to resolve the problem, however, it was eventually forced to give up demining activities in Kutum and relocated its staff to Tawila.<sup>144</sup>

To further elucidate the level of interference, another case was raised in the same Report: On 24 October, a joint Government of the Sudan military/police patrol stopped a UNAMID patrol in El Geneina, Western Darfur, and subsequently ordered UNAMID to stop conducting night patrols in the town. Previously, at a meeting on 22 October between UNAMID and Government officials (including representatives of the Sudanese Armed Forces (SAF), the National Intelligence and Security Services (NISS) and the Police), the Government had stated that patrols in towns were its responsibility and UNAMID should limit its patrols to camps of internally displaced persons exclusively. On the same day, a UNAMID

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<sup>143</sup> Physicians for Human Rights Website, Joint NGO Report, '*UNAMID Deployment on the Brink*', <<http://physiciansforhumanrights.org/library/documents/reports/unamid-deployment-on-the-brink.pdf>>, retrieved 6 January 2009, p.4.

<sup>144</sup> United Nations Website, Security Council Report 781, p.5.

patrol returning to Kutum was diverted to Um Baru because of clashes between the Government of the Sudan and the Sudan Liberation Army/Abdul Wahid (SLA/AW) in the area. There were also reports of Government aerial bombardments of villages in Kutum that day.

There have been a myriad of cases of visas being denied or duration of stay changed and also restrictions on travel and activity. Perhaps the most worrying of incidents are the often open and brazen attacks by SAF on villages in the region. Military forces of the Government of Sudan on 8 February 2008 attacked the towns of Abu Surouj, Sirba and Suleia, forcing an estimated 200 000 from their homes, with at least 12 000 of whom have fled into eastern Chad. This was one of the biggest aerial and ground attacks witnessed for some time and again raised serious questions as to the Government's commitment to the peace process. The response of UNAMID Joint Special Representative for Darfur, Rodolphe Adada, again opened the debate about the mandate of the mission and how it is implemented.

Adada issued a strongly worded statement, warning that, "attacks on villages by Government forces have resulted in deaths and significant population displacement. This must stop immediately."<sup>145</sup> He also cautioned that UNAMID stands ready to intervene to stop similar attacks reiterating that, "Protecting civilians and promoting peace are central elements of the mandate of UNAMID. There will be no standing idly by in the face of loss of life."<sup>146</sup> According to its mandate UNAMID is authorized to take the necessary action to contribute to the protection of civilian populations under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan. This action by the Government so soon after UNAMID assumed control must have been a test of the strength of the hybrid Mission's mandate and the resolve of the international community. The situation continued to deteriorate throughout 2008, punctuated by the tragic loss when an attack on a UNAMID

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<sup>145</sup> H. Boshoff, 'The Impact of Delayed Peace Missions in the Darfur, Chad and Central African Republic', The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=5&slink\\_id=5520&link\\_type=12&slink\\_type=12&tmpl\\_id=3](http://www.issafrica.org/index.php?link_id=5&slink_id=5520&link_type=12&slink_type=12&tmpl_id=3)>, retrieved 5 January 2009.

<sup>146</sup> Ibid.

patrol resulted in the deaths of seven peacekeepers and injuries to more than twenty others.<sup>147</sup>

The Sudanese Government has made various remarks regarding the mandate of UNAMID and have tried to sow seeds of confusion. For example, General Rahamah, the officer in charge of international relations at the Defence Ministry of the Government of Sudan, is reported to have said that the military personnel in the UN/AU hybrid operation do not have the right to protect civilians, and can only use force in self-defence.<sup>148</sup> Directly after the early February aggression, a Sudanese Foreign Ministry statement hinted at the Government's mindset, "The Sudanese Government and its army are committed to the mandate of protecting the territory, borders and its citizens from all dangers and within the framework of our sovereign rights". This filibustering must be seen as a serious challenge to UNAMID in implementing its mandate. Particularly, as the UN-AU Mission is not yet completely operational and under strength.

A Joint NGO Report, entitled *UNAMID Deployment on the Brink* and published in December 2007, highlighted five ways in which the Government of Sudan obstructed the initial deployment of UNAMID<sup>149</sup>:

1. The government has failed to formally approve the list of UNAMID troop contributions for more than two months.
2. The government has rejected troop units from Nepal, Thailand and Nordic countries, insisting that they will only accept African contributions. Each of the proposed units is critical to the force, and there are no alternatives that are ready to deploy.
3. The government has taken many months to allocate land for bases in Darfur, and as of 13 December had yet to allocate sites for the Zalingei area.

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<sup>147</sup> United Nations Website, General Assembly Progress Report, 'Implementation of the Recommendations Contained in the Report of the Secretary-General on the Causes of Conflict and Promotion of Durable Peace and Sustainable Development in Africa', <[http://www.un.org/ga/search/view\\_doc.asp?symbol=A%2F63%2F212&Submit=Search&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A%2F63%2F212&Submit=Search&Lang=E)>, retrieved 5 January 2009.

<sup>148</sup> H. Boshoff, 'The Impact of Delayed Peace Missions in the Darfur, Chad and Central African Republic', The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=5&mlink\\_id=5520&link\\_type=12&mlink\\_type=12&tmpl\\_id=3](http://www.issafrica.org/index.php?link_id=5&mlink_id=5520&link_type=12&mlink_type=12&tmpl_id=3)>, retrieved 5 January 2009.

<sup>149</sup> Physicians for Human Rights Website, 'UNAMID Deployment on the Brink', p.1.

4. The government has attempted to insert provisions into the Status of Forces Agreement that would allow it to temporarily disable UNAMID's communications network when the government undertook "security operations", and that would require UNAMID to give Sudanese authorities prior notification of all movements of troops and equipment.

5. The government has refused to grant permission for UNAMID forces to fly at night and continues to impose curfews on peacekeepers in certain areas.

The Government's commitment to the DPA is also questionable, particularly when there have been many instances when the government has been seen to be taking advantage of any turmoil rather than taking a leadership position. To further shore up their own standing, it has played a major role in splintering opposition movements into factions and has attempted to buy off one group at a time rather than pursuing a broader peace through transparent negotiation.<sup>150</sup> This has resulted in a myriad of rebel groups now operating in Darfur adding more complication to the process of negotiated settlement.

Even within the framework of the DPA, the tactic of divide and conquer has created inequality, dissatisfaction and mistrust among rebel factions. This friction has delayed, or is even preventing, the creation of a unified political position, such as the SPLM has developed in Southern Sudan to their benefit and allows little impetus for non-signatories to join the Agreement. There is now a resultant confusing array of rebel factions that often appear more focused on their own ambitions than on the well being of people in Darfur.<sup>151</sup> If the Government is adverse to the development of a strong unified Darfur, it seems to have learnt the lesson that no peace agreement would have been possible in Southern Sudan had there been multiple rebel factions each with a different political agenda

There is a distinct lack of political will on the part of the Sudanese Government to effectively implement policies of accommodation and national integration in a country of such

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<sup>150</sup> A.S. Natsios, '*Darfur: A Plan B to Stop Genocide*', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008

<sup>151</sup> Ibid.



an ethnically, racially, religiously and economically diverse population.<sup>152</sup> This is in part a result of the historical legacy bequeathed to the country by colonial rule, but also decades of poor leadership and deplorable governance have been a primary cause of endemic conflict and human suffering not only in the Darfur region but all of Sudan. Just like previous governments before it, the administration of El-Bashir has concluded eighteen conferences and peace meetings, but has failed to implement these Agreements resolutely, dashing the expectations of the Sudanese peoples and prolonging the numerous conflicts.<sup>153</sup>

As seemingly unpopular as the government is in some quarters, in concert with the major concerns regarding its commitment to the host of Agreements it has entered into in Darfur, its stability to a degree is helping the peace process.<sup>154</sup> This can be seen in the Comprehensive Peace Agreement and the Eastern Sudan Peace Agreement, where to a certain degree the Government's long awaited commitment to the peace process underpins the agreements. The crux of a lasting peace lies within a stable, universally popular and democratically elected government. History has proved however that there are many threats to government and governance in Sudan. Internal conflict, often in the form of civil war, has been discussed as a constant threat to government and certainly the civil war in the South of the country was the longest running in Africa's history.<sup>155</sup> Arguably the best chances for lasting peace were first evidenced in 2005, when the various rebel groups provided a co-ordinated front and AMIS was still in its infancy with its abilities untested, and in 2006 when the DPA was first developing.

Azzain Mohamed, in *War in Darfur and the Search for Peace*, has identified three distinct, but interrelated, threats to stable government in Sudan as being: the persistence of "big government" in Khartoum, its flow on effect of uneven regional development and the

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<sup>152</sup> Ejibunu, op. cit., p.11.

<sup>153</sup> Ejibunu, op. cit., p.11.

<sup>154</sup> De Waal, *War in Darfur and the Search for Peace*, p.200.

<sup>155</sup> Ibid.

growing agitation of urban dissident groups that are closely intertwined with previous two elements.<sup>156</sup> In Sudan, participation in political decision making is a largely unknown by the general population due to the centralist policies and practices of the Government in Khartoum. As a result, local communities have had little input into their affairs. When power has been divested to the regional level, security has been increased and financial support non-existent, dooming the initiative to failure, which has invariably led to a stronger hold on power by the central government.<sup>157</sup>

Along with limited political voice, unilateral regional development is a major complaint of rebel groups in Darfur and threatens to cause problems throughout the country. All economic indicators affirm the flow of wealth and resources from the periphery to the centre.<sup>158</sup> The CPA is the first instrument that attempts to address the imbalance, however, the level of resource/wealth sharing seen in Southern Sudan is not demonstrated in Darfur. This one way flow has often been followed by a slow migration of people to the urban areas, often fleeing war and famine. In bringing their families to the cities, the memory of unfair and discriminatory government policies has also been brought.

This disaffected group, like many of the world's poor, ring Sudanese cities and can easily be mobilised to disrupt the economic and political activity of the city. The presence of this group presents a potent, volatile and entrenched opposition, able to pose a credible security or political threat to the political elite. Ironically, there exists an ever present threat that the government of the day may be brought down by its own political and economic policies. While UNAMID's deployment lends significant support to the reaching of a political solution to the conflict, the Government of the Sudan continues to bear the responsibility to protect the population and give all citizens a share in the future of the country.

### ***A Weak and Belated UN Peacekeeping Force in a Deteriorating Security Environment ?***

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<sup>156</sup> Ibid.

<sup>157</sup> De Waal, *War in Darfur and the Search for Peace*, p.200

<sup>158</sup> Ibid., p.202.

Secretary-General Ban Ki-moon has declared that finding a lasting solution to the crisis in Darfur is top on his list of priorities.<sup>159</sup> His intensive private and public diplomacy has already resulted in important progress, beginning with Sudan's acceptance of the deployment of UNAMID and the formal establishment through Security Council Resolution 1769 of the Mission. The principal objectives of his visit to Darfur on 5 September 2007 were to consolidate these gains and to pursue further advances on the issues of:

1. Getting peacekeepers on the ground in Darfur speedily and effectively and a timely deployment of the Heavy Support Package (HSP)
2. Pushing for progress in the peace process between the Government of Sudan and opposition leaders and other non-signatories
3. Ensuring increased humanitarian access to affected communities and focusing on sustained economic development as a key element of the solution to Darfur's troubles.

Nearly eighteen months after the Secretary-General's visit, internal and external problems all deepen concerns over the UN's slow progress on force generation. It may be argued that force generation in many missions has traditionally taken some time, but the added urgency of the humanitarian crisis in Darfur makes timely and effective operations critical. The lack of substantial numbers of personnel is worrying in the first instance, but it is grave when the lack of vital assets, in particular helicopters, is severely hampering the mission.<sup>160</sup>

This item in particular gave the Secretary General cause to write to the President of the Security Council in December 2007 to express his grave concerns with regard to the shortage of critical assets required for the successful deployment of the UNAMID and singled out the lack of 24 committed helicopters (18 transport and 6 light tactical), as being critical to mobility

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<sup>159</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet.

<sup>160</sup> F. Aboagye, 'Mandates and Operational Lacunas in Darfur', The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=5&mlink\\_id=5594&link\\_type=12&mlink\\_type=12&tmpl\\_id=3](http://www.issafrica.org/index.php?link_id=5&mlink_id=5594&link_type=12&mlink_type=12&tmpl_id=3)>, retrieved 5 January 2009.

and re-supply, and therefore the mission. This concern is especially relevant noting the vastness of Darfur's terrain and the poor infrastructure in the area of UNAMID's responsibility. In early 2008, Ethiopia and Bangladesh were the first two countries to commit themselves to supplying a limited number of the helicopters that are so urgently needed by the troops in Darfur. This will not be enough and this situation leaves UNAMID without its most important enabler.<sup>161</sup>

In some ways this is indicative of the unrealistic expectations placed on this hybrid operation by the international community.<sup>162</sup> This is better highlighted when assessing the mandated timeline and what has been achieved. UNAMID was authorised on 31 July 2007 with the proviso to start implementing mandated tasks no later than 31 December 2007, when UNAMID was to assume authority from AMIS. Key elements of the Heavy Support Package were to be deployed in September 2007 with full deployment being realized in early 2008.<sup>163</sup> The deployment had an authorised strength of 19555 military personnel and 6432 police, 5105 civilians with a total disposition of 31042.

The strength as of 30 October 2008 was 10461 uniformed personnel (including 8935 troops, 138 military observers, 2342 police officers) supported 721 international civilian personnel, 1393 local civilian staff and 246 United Nations volunteers, clearly well below the authorized numbers.<sup>164</sup> It is estimated that by the end of December 2008, the total number of uniformed personnel deployed to UNAMID will reach approximately 60 per cent of the authorized strength. There was a belief that the developed world would provide the hardware, that is the equipment through the UN's Heavy Support Package, and Africa would provide the

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<sup>161</sup> Boshoff, H, 'The Impact of Delayed Peace Missions in the Darfur, Chad and Central African Republic', The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=5&slink\\_id=5520&link\\_type=12&slink\\_type=12&tpl\\_id=3](http://www.issafrica.org/index.php?link_id=5&slink_id=5520&link_type=12&slink_type=12&tpl_id=3)>, retrieved 5 January 2009.

<sup>162</sup> F. Aboagye, 'Mandates and Operational Lacunas in Darfur', The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=5&slink\\_id=5594&link\\_type=12&slink\\_type=12&tpl\\_id=3](http://www.issafrica.org/index.php?link_id=5&slink_id=5594&link_type=12&slink_type=12&tpl_id=3)>, retrieved 5 January 2009.

<sup>163</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet.

<sup>164</sup> United Nations Website, Department of Peacekeeping Operations link, <<http://www.un.org/Depts/dpko/missions/unamid/>>, retrieved 19 November 2008.

leadership and personnel to man the operation. Well into 2008 there were still moves by the UN to ensure that former AMIS battalions deploy with the requisite equipment provided by donors, including armoured personnel carriers. It is expected that contingent owned equipment will arrive in Darfur in the first half of 2009, allowing these battalions to operate as self-sustained units.<sup>165</sup>

Serious concerns were further warranted throughout 2008 as the number of violent incidents against the civilian population, deployed forces and NGO personnel rose. In his December report to the Security Council, the Secretary General raised the issue of the difficulty of attracting and retaining staff due to the security situation and harsh living and working environment.<sup>166</sup> The security level in Darfur remains tenuous with the continuous threat characterized by high levels of banditry, carjacking, military engagements and deadly attacks on UNAMID forces. On 29 October, a peacekeeper was killed and another was injured after being attacked while guarding a water-point near the Kassab camp for internally displaced persons in Kutum, Northern Darfur.

Government forces feature prominently in much of the conflict, for instance, ongoing aerial bombardments and clashes between SAF and the armed rebel movements. In October, forces of the Government of the Sudan, supported by militia, engaged in military operations focused on reinforcing their positions and driving the Sudan Liberation Army (SLA)/Unity from their areas of control. These military activities have led UNAMID to identify “no go areas” for United Nations personnel for reasons of safety, particularly east of Jebel Marra (Northern Darfur). Despite the unilateral declaration of a cessation of hostilities by the Government on 12 November, aerial bombings are still being reported in late 2008.<sup>167</sup>

On 9 November, during an ambush of a UNAMID convoy travelling between the UNAMID supercamp and El Geneina road, one peacekeeper was injured and a vehicle was

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<sup>165</sup> United Nations Website, Security Council Report 781, p.6.

<sup>166</sup> Ibid.

<sup>167</sup> Security Council Report 781 12 December 2008, p.6.

taken. During the reporting period, a total of 33 vehicles (17 belonging to the United Nations) and 11 trucks contracted by the World Food Programme (WFP) were hijacked.<sup>168</sup> In addition, there are now more examples of Arab on Arab violence in Darfur, localized tribal conflicts, and looting, extortion and hijacking by rebel groups. These regional political agendas are being played out in Darfur and violence and refugees are spilling across borders into Chad and the Central African Republic.<sup>169</sup>

To provide more comprehensive security and better address the ongoing deterioration, UNAMID is implementing a Security Enhancement Plan. The Plan is designed to lessen risks to staff by augmenting key security-related issues<sup>170</sup>:

- (a) protecting military camps and team sites against small arms fire and intrusion,
- (b) reducing vehicle hijacking,
- (c) relocating vulnerable compounds as well as providing temporary emergency accommodation to staff members in housing non-compliant with Minimum Operating Residential Security Standards (MORSS),
- (d) enhancing medical treatment and evacuation capacity,
- (e) enhancing command and control related to the implementation of security measures,
- (f) enhancing military mobility, and
- (g) validating and updating evacuation plans.

### ***A Deteriorating Humanitarian Situation***

The ongoing humanitarian operations in Darfur are distinct from the UNAMID operation and continue to be coordinated by the UNMIS Humanitarian Deputy Special Representative of the Secretary-General, with the support of the Office for the Coordination of Humanitarian Affairs. This arrangement respects the need to maintain a distinction

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<sup>168</sup> Ibid.

<sup>169</sup> A.S. Natsios, 'Darfur: A Plan B to Stop Genocide', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

<sup>170</sup> Security Council Report 781 12 December 2008, p.7.

between humanitarian operations and the political, military and security presence in Darfur.<sup>171</sup> The humanitarian situation remains precarious. During the conflict millions of people have been displaced in Sudan, in addition to those that have crossed various borders into neighboring countries, particularly Chad. Like many long term conflicts around the world, this conflict only serves to subject generations of future Darfurans to violence, hatred and the resultant destruction.

Like the deployment of UNAMID troops and equipment, relief efforts are also being slowed by bureaucratic obstacles and continual harassment by the Government of Sudan. The most recent example of this was when Sudan ordered the expulsion of thirteen International Aid Agencies it accused of helping the ICC indict the Sudanese president for war crimes and crimes against humanity. The lives of an estimated 2.7 million displaced persons are now put in an even more precarious position.<sup>172</sup> In addition, visas and travel permits are routinely delayed or denied and humanitarian goods languish in customs for months, seriously undermining the ability of aid workers to deliver needed supplies and services to civilians in the camps.<sup>173</sup> The Sudanese Government is consistently pressed on this point, stressing that they should facilitate, rather than hinder, the delivery of humanitarian relief.

Regardless of repeated Government assurances, humanitarian access continues to be a pawn in the conflict, readily abused. The UN has persistently pressed the authorities in Khartoum for improved humanitarian access and security for aid workers, as stipulated in the joint communiqué signed in March 2007 by the Government of Sudan and the UN to effectively ensure and facilitate humanitarian activities in Darfur. UN humanitarian agencies are leading the largest current relief effort in the world aimed at assisting the approximately four million conflict affected people in the Darfur crisis. An estimated 2.7 million are internally

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<sup>171</sup> African Union Website, *'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur'*, p.16.

<sup>172</sup> The Australian Website, "UN Begs Sudan to Let Aid Groups Stay", article dated 6 March 2009, <<http://www.theaustralian.news.com.au/story/>>, retrieved 7 March 2009.

<sup>173</sup> A.S. Natsios, *'Darfur: A Plan B to Stop Genocide'*, United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

displaced, and a large number are refugees in eastern Chad.<sup>174</sup> More than US \$1 billion in aid has been committed to Darfur and more than 12000 humanitarian workers, from UN agencies and Non-Government Organisations (NGO) are deployed in the region.

Despite entreaties on behalf of the civilian population of Darfur, they continue to be displaced as a result of the ongoing conflict and non-adherence to the myriad of ceasefire and peace agreements that litter the political landscape. In previous years there was an estimated 250000 newly displaced persons contributing to the problem every year, in 2008 the number was estimated at 310000.<sup>175</sup> With populations growing, many IDP camps can no longer absorb new arrivals, as a result tensions are rising, resources are stretched and there are growing reports of a substantial increase in malnutrition. While this displacement or re-displacement is often only temporary, the destruction of communities, including humanitarian infrastructure, and the consequent delays in relief assistance exacerbates the suffering of the people of Darfur.

The critical humanitarian challenges continue to be those of access and protection of civilians. The UN estimates that more than 500000 people across Darfur are currently cut off from humanitarian assistance. While this number is slowly decreasing, it is at the expense of much needed resources and finance rather than an improved security situation. The security situation is the other pressing concern for humanitarian workers. The humanitarian operation and its staff continue to be targeted by violence, including carjackings, abductions, convoys being attacked or looted and humanitarian vehicles had been hijacked. Humanitarian organizations have been forced to relocate on 22 occasions, citing violence against aid workers.<sup>176</sup> Indicative of this trend was an incident on 14 October 2008, where an office of the United Nations High Commissioner for Refugees (UNHCR) in Mukhjar (Western Darfur) was attacked by Chadian refugees, who assaulted staff and damaged vehicles and property, forcing humanitarian personnel to relocate.

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<sup>174</sup> :United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet.

<sup>175</sup> Security Council Report 781 12 December 2008, p.7.

<sup>176</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet.



The consequences for the people of Darfur are tragic in the extreme if the current situation does not show some sign of improvement. It is an environment where IDP's are congregated in a series of camps and whose futures are far from certain. While providing a degree of security in a time of hostilities they are becoming progressively more militarized and increasingly unsafe as a result of conflict between rival factions. The overwhelming majority of those living in the camps are women and children, existing in a completely negative environment with little foreseeable hope for the future. Increasingly, a Somalia-like future for Darfur is a distinct possibility.

### ***Human Rights Situation***

Across the entire country there has been an appalling record of human rights abuse. These have been perpetrated by all sides in the numerous conflicts and have led to accusations of genocide perpetrated against non-Muslim minorities, the use of torture, the use of rape as a weapon of defilement, the forced recruitment of child soldiers and the imposition of Islamic law on non-Muslim elements of the population.<sup>177</sup> The lack of security continues to contribute to an absence of the rule of law, health, justice and food.

The Government of Sudan agreed in July 2004 to allow the deployment of UN human rights monitors to Darfur as part of the United Nations Mission in Sudan (UNMIS) monitoring the North-South peace agreement. They have reported regularly on human rights violations and subsequently recommended corrective actions to the authorities in Khartoum.<sup>178</sup> On 7 October 2004, the Secretary-General announced the establishment of a Commission of Inquiry to determine whether acts of genocide had occurred in Darfur. In its final report, the Commission concluded that while the Government of Sudan had not pursued a policy of genocide, its forces and allied militia had "conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of

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<sup>177</sup> B. Bowker, '*Sudan and Darfur: Latest Developments*', Australian Institute of International Affairs Website, <<http://www.aiia.asn.au/displaycommon.cfm?an=1&subarticlenbr=43>>, retrieved 5 January 2009.

<sup>178</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet.

sexual violence, pillaging and forced displacement.”<sup>179</sup> The panel concluded that “international offences such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide”.<sup>180</sup> It urged the Security Council to “act not only against the perpetrators but also on behalf of the victims”. The Secretary-General has repeatedly drawn the attention of the Security Council to the continuing violence in Darfur and has condemned the targeting of civilians, including aerial attacks on villages.

UNAMID continues to monitor human rights violations and abuses throughout Darfur, in particular, violations of the right to life and security of the person and sexual and gender-based violence. UNAMID forces regularly document excessive use of force by the Government, namely the Sudan security forces, in camps for the displaced. Often the use of force is indiscriminate, injuring or killing many bystanders. Just as often it is targeted. The mission continues to receive reports of the use of torture and ill-treatment against detainees in custody. The frequency of the cases, combined with the consistency of victims’ accounts, points to the regular practice of torture or ill treatment during interrogation of persons suspected of involvement with non-signatory movements often after arbitrary arrest and detention.<sup>181</sup>

Sexual and gender-based violence continues to occur, fuelled in the main by a lack of action from law enforcement authorities. Internally displaced women and girls conducting livelihood activities, such as gathering firewood or fetching water, remain most vulnerable. Of those, almost all of the victims were internally displaced persons, the majority from Fur communities, with other victims from Erenga, Massalit and Zaghawa tribes.<sup>182</sup> In most cases, perpetrators have been identified as SAF or police force members or suspected militia.

### ***Major Outside Interests***

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<sup>179</sup> United Nations Website, ‘*International Commission of Inquiry on Darfur Report to the Secretary-General*’, <[http://www.un.org/news/dh/sudan/com\\_inq\\_darfur.pdf](http://www.un.org/news/dh/sudan/com_inq_darfur.pdf)>, retrieved 5 January 2009, p.3.

<sup>180</sup> Ibid, p.4.

<sup>181</sup> Security Council Report 781 12 December 2008, p.7.

<sup>182</sup> Security Council Report 781 12 December 2008, p.7.

There has been extensive involvement of external parties in the Darfur conflict, as surrounding countries have exacerbated divisions by providing support for rebel groups in pursuit of their own geopolitical agendas. This grew from the 1980s when Sadiq al-Mahdi's government launched a policy of supporting Chadian rebels fighting against their sedentary rivals.<sup>183</sup> Neighbouring wars, in Chad and Southern Sudan, spilled into Darfur eventually giving rise to the Darfur Liberation Front, the precursor of the SLM/A and JEM. Assistance was provided to these fledgling organisations by the SPLM/A and the Chadian government.

The regional dimension of the conflict in Darfur, in particular as it relates to the border crisis between the Sudan and Chad, is such that Darfur cannot be treated in isolation from its neighbours. Normalization of the bilateral relationship between Chad and the Sudan is not only essential to the success of the peace process in Darfur, but also for the internal stability of Chad. The situation when hostilities on both sides of the Chad border caused the temporary influx of 12000 Chadian refugees into Western Darfur in February 2007 is typical of how unsettling the conflict is. There is a need to guarantee territorial sovereignty and to enact existing non-aggression agreements. Bowker states, "It is inevitable there will be strategic interests arising in Sudan to which other countries cannot remain uninvolved when Sudan has extensive geographic contiguity with Egypt, Uganda, Ethiopia and others. There are tribal overlaps: the Zaghawa tribe in Chad, for example, is a minority tribe in Darfur. And then you have the Nile running through Sudan, providing the lifeline of Egypt".<sup>184</sup> Special Envoys, acting under the auspices of the UN and AU, have consulted with regional actors, including Eritrea, Chad, the Libyan Arab Jamahiriya and Egypt, to ensure that the broader regional dimensions are fully embraced and to give a level of support and co-ordination to the various peace initiatives currently under way.

There are, however, repeated allegations that Chad and Eritrea, neighbouring countries on the western and eastern sides of Sudan, are supporting some of the rebel

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<sup>183</sup> Lyob, op. cit., p.147.

<sup>184</sup> B. Bowker, 'Sudan and Darfur: Latest Developments', Australian Institute of International Affairs Website, <<http://www.aiia.asn.au/displaycommon.cfm?an=1&subarticlenbr=43>>, retrieved 5 January 2009.

movements in terms of logistics and finances. The National Movement for Reform and Development (NMRD) led by Jibril Abdel Karim Bari is said to have Chadian backing, as the leader once served as a military officer with the rank of Colonel in the Chadian Presidential Republican Guard. The National Redemptional Front (NRF) was founded in 2006 with Eritrean backing.<sup>185</sup> The Janjaweed militias have also exerted their influence across borders, often attacking targeted ethnic groups in east Chad such as the Dajo and Masalit tribes.<sup>186</sup>

Cross-border attacks and the presence of Chadian rebels in Western Darfur and that of Sudanese rebels in eastern Chad are seen as the main reasons for the acute deterioration of the security situation in the border area and the deterioration of bilateral relations between the two countries.<sup>187</sup> Although various initiatives continue to seek a solution to the Chad-Sudan situation, insecurity continues to endanger the lives of civilians on both sides of the common border. In addition, the inability or unwillingness to protect IDP camps and the displaced persons they house has left a security vacuum in many of the camps leading to increased militarization as communities arm and form self protection militias.

Apart from neighbouring countries, some notable and powerful nations are supporting the government in Khartoum because of economic interests, such as oil and arms sales. China, through trade and international support, has become a substantial player in Sudanese and regional affairs, allowing it a position of influence and power. Approximately six per cent of China's oil imports come from Sudan and certainly the majority of Sudan's oil exports go to China. China also exports arms which account for eight per cent of Sudan's total arms imports. The Chinese have moved in a positive and constructive direction in regard to their role in Sudan over the past three years.<sup>188</sup> They have, for example, not opposed Security

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<sup>185</sup> Ejibunu, op. cit., p.18.

<sup>186</sup> Amnesty International, 'Sudan: Arms Continuing to Fuel Serious Human Rights Violations in Darfur', <<http://www.amnesty.org/en/library/info/AFR54/019/2007>>, retrieved 5 March 2009, p.20.

<sup>187</sup> African Union Website, 'Report of the Chairperson of the Commission and the Secretary-General of the United Nations on the Hybrid Operation in Darfur', p.9.

<sup>188</sup> Ejibunu, op. cit., p.18.

Council resolutions in regard to Darfur, rather abstaining from the vote. Recently, Chinese diplomatic efforts in Sudan have made it quite clear that they expect to see political progress made and that co-operation should be shown to the UNAMID force.

Russia and France have repeatedly blocked moves to impose further sanctions on Sudan and both have exported arms to the country. All mentioned above are Permanent Members of the UN Security Council and should be aware of the published and unpublished reports of the UN panel of Experts to the UN Sanctions Committee on Sudan that imported arms are being directly used by the Sudanese Armed Forces and militia for attacks on civilians.<sup>189</sup> Worryingly, while vast numbers of small arms have been imported, fighter jets, attack helicopters and heavier arms have also been purchased and are now based in Darfur.

### ***The Role of the International Criminal Court***

International Criminal Court (ICC) Prosecutor Luis Moreno-Ocampo in July 2008 applied for arrest warrant for President Al-Bashir for genocide, crimes against humanity and war crimes. The Application, while brought to address serious charges, increases pressure on Khartoum's ruling elite to implement genuine measures to resolve the Darfur crisis, and at the same time poses major risks for Sudan's fragile peace. The ruling NCP, clearly shaken by the development, is busily seeking to broaden domestic support on Darfur, in conjunction with international backing, especially from African Union and Arab League states. Both organisations have condemned Moreno-Ocampo's application.<sup>190</sup>

Following a recommendation by the Commission of Inquiry, in March 2005, the Security Council, in Resolution 1593, referred the situation in Darfur to the ICC and ordered Sudan to cooperate with the Court's investigations. On 2 May 2007, the ICC issued arrest warrants for crimes against humanity and war crimes against former Minister of State for the Interior of the Government of Sudan and current Minister of State for Humanitarian Affairs,

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<sup>189</sup> Amnesty International Website, 'Sudan: Arms Continuing to Fuel Serious Human Rights Violations in Darfur', p.7.

<sup>190</sup> International Crisis Group Website, Crisis Group Reports and Briefings on Sudan, p.13.

Ahmad Harun, and Janjaweed commander Ali Muhammad Ali Abd-Al-Rahman.<sup>191</sup> On 14 July 2008, the ICC Prosecutor, Luis Moreno-Ocampo, applied for a warrant of arrest against the Sudanese President Omar al-Bashir and on 20 November 2008 the Prosecutor also requested the issuance of a warrant of arrest for three rebel commanders for war crimes against African Union peacekeepers in Haskanita, Darfur in September 2007.<sup>192</sup> Arguably, the request for the arrest of the President is the most contentious and has had the strange result of unifying divergent groups in their opposition to the action.

With the announcement of the Prosecutor's intent, the President used the nationalistic pride and fear of the consequences of his removal to shore up his position.<sup>193</sup> To understand the reaction of the Sudanese to the charges better, Professor Bob Bowker, Adjunct Professor for the Centre for Arab and Islamic Studies at the Australian national University, offers the following description of the Sudanese peoples, "The Sudanese are charming and gracious. They are also determined and absolutely committed to preserving their dignity as a nation and as a people. When it comes to political matters, the Sudanese government is highly sensitive to any suggestion of criticism. And its concern to be in control of its own destiny outweighs all other priorities".<sup>194</sup>

The Sudanese Government's initial reaction was maneuvering politically to be seen to make some concession. The idea of arresting wanted nationals, for example, Ahmad Harun, the former Interior Minister, accused of orchestrating the campaign of destruction, was mooted. The accused was to be tried in Sudan with the hope that the Security Council might be persuaded to exercise its right under Article 16 – *Deferral of Investigation or Prosecution* – of the Rome Statute to defer the case against the President. If the accused were tried fairly

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<sup>191</sup> United Nations Website, The Secretary-General's Visit to Darfur Fact Sheet.

<sup>192</sup> International Criminal Court Website, Press Release 10 December 2008, 'Pre-Trial Chamber I Requests Additional Information in Relation to the Application for a Warrant of Arrest for the Three Rebels Commanders in Darfur', <<http://www.icc-cpi.int/press/pressreleases/455.html>>, retrieved 8 January 2009.

<sup>193</sup> L. Polgreen and J. Gettleman, 'Sudan Rallies Behind Reviled Leader', New York Times Website, <<http://www.nytimes.com/2008/07/28/world/africa/28sudan.html>>, retrieved 21 November 2008.

<sup>194</sup> B. Bowker, 'Sudan and Darfur: Latest Developments', Australian Institute of International Affairs Website, <<http://www.aiaa.asn.au/displaycommon.cfm?an=1&subarticlenbr=43>>, retrieved 5 January 2009.

and correctly in law, this may be of worth, noting the debatably almost divergent relationship between justice and any future chance for peace. The concern being that with the arrest of Al-Bashir, who is a signatory to the CPA (and other national peace treatise), hardliners within the government may take the opportunity to nullify past agreements, which would plunge the country into a state wide civil war fought by interests from literally all poles of the compass.<sup>195</sup>

It is hard to know the true motivation for the timing of the arrest warrant. It could be that the ICC Pre Trial Chamber may withhold the warrant or the Security Council defer it to bring pressure on the Sudanese with the implied threat. Conversely, if gross violations of human rights committed during armed conflict go unpunished the cycle of violence may be perpetuated if the former victims find themselves in the position of power.<sup>196</sup>

But what of the lowly victim, with no voice or power base. The ICC Prosecutor in a briefing to the UN Security Council in December 2008 on the situation in Darfur stated that, "Massive crimes are being committed in Darfur now; they are taking place because President Bashir wills them to take place". He further pressed the Council asking, "What can UNAMID do when those controlling its deployment are the same people ordering the crimes? How long are we going to just tally the casualties, the displacements and the rapes? ".<sup>197</sup> On 5 March 2009, the International Criminal Court issued the first ever arrest warrant against a sitting head of state when it sought the arrest of President al-Bashir to face five counts of crimes against humanity and two counts of war crimes, for acts committed in Darfur.<sup>198</sup>

### ***What Hope For UNAMID? - Observations***

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<sup>195</sup> L. Polgreen and J. Gettleman, 'Sudan Rallies Behind Reviled Leader', New York Times Website, <<http://www.nytimes.com/2008/07/28/world/africa/28sudan.html>>, retrieved 21 November 2008.

<sup>196</sup> I. Square, 'Sudan: What Implications for President Al-Bashir's Indictment by the ICC?', Situation Report 25 September 2008, The Institute For Security Studies Website, <[http://www.issafrica.org/dynamic/administration/file\\_manager/file\\_links/SUDANSITREP26SEP08.PDF?link\\_id=3&slink\\_id=6615&link\\_type=12&slink\\_type=13&tmpl\\_id=3](http://www.issafrica.org/dynamic/administration/file_manager/file_links/SUDANSITREP26SEP08.PDF?link_id=3&slink_id=6615&link_type=12&slink_type=13&tmpl_id=3)>, retrieved 5 January 2009, p.1.

<sup>197</sup> International Criminal Court Website, Press Release 03 December 2008, 'ICC Prosecutor: States Must Gear Up For Arrests', <<http://www.icc-pi.int/press/pressreleases/453.html>>, retrieved 8 January 2009.

<sup>198</sup> The Australian Website, "Warrant Issued for Sudanese Leader", article dated 5 March 2009, <<http://www.theaustralian.news.com.au/story/>>, retrieved 7 March 2009.

This is the third war in Darfur in just over twenty years, but it is by far the most destructive in terms of lives lost and people displaced and arguably the most pessimistic in terms of solution. The current war is not a 'simple' conflict between Arab and African tribes, but a much more complex dispute fuelled by drought and desertification, disputes over land rights, competition between nomadic herders and farmers, and longstanding marginalization of Darfur by the Government in Khartoum. The Sudanese Government's disastrous decision to arm, direct and pay Northern Arab Janjaweed tribes as their proxies in the war against Darfur's rebels, has led to genocide and resulted in the deaths of hundreds of thousands of innocent civilians and the destruction of their villages and livelihoods.<sup>199</sup>

Almost two years after the agreement to transfer authority from AMIS to UNAMID, the AU-United Nations Mission continues to face enormous challenges. Violence and displacement continue, humanitarian operations are at risk, clashes between the parties occur with regrettable regularity and a fully inclusive negotiated peace agreement has still not been signed. In this environment, UNAMID has focused on the protection of civilians and the deployment of the remainder of the military and police components.<sup>200</sup> The mission objectives have been hamstrung by the amount of mission critical capabilities still outstanding.

Similarly, efforts have also been hampered by a distinct lack of meaningful Government support and cooperation that is critical to the deployment and the ability of UNAMID to carry out its mandated tasks. Tentative, crucial consultations have taken place in the Darfur States, but the Government must follow through on the pledges it has made with respect to compensation, development aid and collaboration with the rebel groups. Declarations marking the cessation of hostilities, have been shown to have little substance, with military activity by the Government continuing.

A genuine cessation of hostilities, unconditional by all participants, is an essential precondition for the peaceful dialogue that will be necessary for peace talks to succeed and demonstrate

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<sup>199</sup> A.S. Natsios, '*Darfur: A Plan B to Stop Genocide*', United States Department of State Website, <<http://www.state.gov/p/af/rls/rm/82941.html>>, retrieved 21 November 2008.

<sup>200</sup> Security Council Report 781 12 December 2008, p.10.



their seriousness with respect to a political settlement. The best chance for a negotiated peace was, and remains, the DPA. Once the initial opportunity had been missed Sudanese politics reverted to its usual state and the ruling elite allowed Darfur to remain divided, unstable and violent.<sup>201</sup>

A number of general principles to guide the strengthening of the Darfur political process have previously been identified, including the need to resolve the Darfur conflict through an all inclusive political solution and to uphold the DPA as the basis for that process. A number of concerns regarding the implementation of the DPA were also raised. Firstly, the conclusions noted that the Agreement is not sufficiently inclusive and that this has led to insecurity, a deterioration of the humanitarian situation and limited humanitarian access. Secondly, the Agreement has not been sufficiently promulgated and explained in Darfur and is thus opposed by many Darfurians, often out of ignorance. In addition to the concerns mentioned, the proliferation of peace initiatives between and amongst all parties, the fragmentation of the non-signatories into splinter groups and the regional dimension of the conflict have all complicated the search for a solution and slowed the implementation of the Agreement.

So where do the solutions lie? The solution is essentially a political one addressing the causes of the conflict. In this context UNAMID can fulfill the role of its mandate. Some suggestions include:

- a. Addressing the land issue – many of the issues regarding access to arable land have been fundamental to the crisis in Darfur. Drought in Northern Darfur and Western Chad saw the migration of large numbers into the more successful central farming belt.<sup>202</sup> The resulting conflict is being addressed through the DPA mechanism, the Darfur Land Commission, to revise how land is used and to arbitrate land disputes. Repatriating populations from other areas or at least allowing inclusive, regulated access to what arable land remains is an important factor in reconciling the conflict.

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<sup>201</sup> De Waal, *War in Darfur and the Search for Peace*, p.388.

<sup>202</sup> Ejibunu, op. cit., p.34.

- b. Long term conflict prevention – The Darfur conflict has not remained within its own borders and threatens not only the internal peace of Sudan but also regional stability. This includes the involvement of outside spoilers in the conflict but also the migration of displaced persons within the region. War in neighboring countries has also spilled over into Darfur, bringing a level of autonomy to ethnic minorities that hasn't been provided by the Government of Sudan. It is imperative that the international community demand firm commitment from Sudan's neighbours to refrain from entering and fuelling the conflict on either side. Arms are readily available in this belligerent conflict, and the fear of recurring clashes and a post-conflict reoccurrence of violence due to failed DDR is ever present.<sup>203</sup> Bringing these regional actors together to promote peace is crucial.
- c. Disarmament and demobilisation – The Janjaweed and other government supported militias remain the most pressing threat to security in Darfur.<sup>204</sup> Although ordered to disarm them by numerous Security Council resolutions, the Sudanese Government has done little to facilitate this and has even been reported to have recruited militia members into the SAF. It has been recognized in many UN reports that to promote long lasting and sustainable peace, security must be restored allowing the safe return of internally displaced persons and refugees, the reemergence of human rights and the redevelopment of the economy. As stated in the Secretary-General's 2000 Millennium Report, "every step taken towards reducing poverty and achieving broad-based economic growth is a step toward conflict prevention".
- d. Sharing of power and wealth - Long-term preventive strategies must be devised to promote human rights, to protect minority rights and to institute political arrangements in which all groups are represented. The challenge lies in making every group convinced through tangible efforts that the state belongs to all. At every critical stage it has been reiterated by the rebel forces and the people of Darfur that the conflict and its longevity can be attributed to the central elite's greed and hold on power and its unwillingness to share the regions resources equitably.

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203 De Waal, *Who Fights? Who Cares?: War and Humanitarian Action in Africa*, p.18.

204 Ejibunu, op. cit., p.38.

## Conclusion

The Sudan does not lend itself readily to peacekeeping operations noting the diversity of factors (cultural, socio-economic, geographical and political) and stakeholders contributing to the ongoing conflict. There is also an extremely complex relationship between all parties - the government of Sudan in Khartoum, the Arab tribes and the rebel groups, some of whom have submitted to the peace process and some that haven't. The crisis in the Darfur region contains these and historical challenges very pertinent to the contemporary peacekeeper. Noting the enormous challenges in the region, the question whether international and regional efforts at resolving the crisis are doomed to fail is quite reasonable.

There has been a lot of discussion about the role of the UN in Darfur, but without a doubt the creation of UNAMID to augment/replace AMIS was a positive development. While UNAMID's success to date is not easily seen, it is clear that if the international community do not respond more urgently and with more support, the situation in Darfur will deteriorate further.<sup>205</sup> Arguably, the future of East Africa (and by association the rest of the continent) will be shaped in the large part by the future of Sudan. The regional impact of the collapse of Sudan would be keenly felt by numerous surrounding nations.<sup>206</sup>

UNAMID has a daunting task enticing disparate groups of people into the peace process. The solution is essentially a political one underpinned by the success of the ceasefire and peace agreements. The Mission's success depends critically on whether the Government of the Sudan will recognise the hybrid operation, including the United Nations role, as part of the long-term solution to the conflict in Darfur. Long term conflict, particularly of the bloody kind witnessed in Darfur, demands a long term solution. Essentially, there is a need to reconstruct a viable society, with an inclusive vision for the future that can move beyond historical tragedy. Ultimately, peace cannot be imposed. Both the Government of the

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205 H. Boshoff, '*The Impact of Delayed Peace Missions in the Darfur, Chad and Central African Republic*', The Institute For Security Studies Website, <[http://www.issafrica.org/index.php?link\\_id=5&mlink\\_id=5520&link\\_type=12&mlink\\_type=12&tml\\_id=3](http://www.issafrica.org/index.php?link_id=5&mlink_id=5520&link_type=12&mlink_type=12&tml_id=3)>, retrieved 5 January 2009.

206 B. Bowker, '*Sudan and Darfur: Latest Developments*', Australian Institute of International Affairs Website, <<http://www.aiia.asn.au/displaycommon.cfm?an=1&subarticlenbr=43>>, retrieved 5 January 2009.

Sudan and the armed rebel movements must come to the realization that violence will not achieve the objectives they seek and that the crisis in Darfur can only be resolved through political negotiations and a comprehensive and inclusive peace agreement. In support of this, UNAMID will make a beginning and go forward, in a very complex, extraordinarily challenging environment.

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