

# Protection of civilians in African peace missions

## The case of the African Union Mission in Sudan, Darfur

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### Introduction

The war that broke out in the Western Sudan region of Darfur in February 2003 has thrown into the international spotlight the challenges of protecting Darfur's 4 million people now trapped in the complex emergency. Four years on, a mix of attacks by government forces, state-sponsored militias, Darfur rebels, diseases and malnutrition have killed an estimated 200 000 to 400 000 people, while 2.5 million others have been forced to flee their homes, either as internally displaced persons (IDPs) in camps strewn across Darfur or as refugees in Chad. The neighbouring Chad and the Central African Republic have also become sucked into the depths of this regionalised conflict, which has metamorphosed into one of Africa's deadliest humanitarian crisis. The ongoing challenge of protecting civilians in Darfur has also refocused attention on the role of the 7 000-plus African Union Mission in Sudan (AMIS) – and, indeed, the very future of Africa's embryonic peace and security architecture, designed to protect non-combatants caught in the continent's festering conflicts.

Invoking the global 'responsibility to protect' civilians, the United Nations (UN) Security Council adopted Resolution 1706, authorising a strong international protection force to replace the beleaguered African troops. However, unable to compel Sudan to accept the mission, the UN initiative has hit a brick wall. Although Sudan has capitulated to regional and international pressure to accept a phased African Union (AU)–UN hybrid protection force, its insistence that the proposed hybrid force must be based on the AU mission has fundamentally challenged the extant UN-based peacekeeping orthodoxy. Equally unable to deploy in Darfur, the UN has been exploring prospects of dispatching a mission to Chad and the Central African Republic to protect some 232 000 Sudanese refugees and 120 000 Chadians uprooted

by war. The legitimacy and viability of the proposed mission will largely depend on a comprehensive peace agreement between Chad and the rebels fighting the Deby government, as well as a tacit approval of the deployment by the governments of Chad and the Central African Republic, and probably political buy-in by the AU. With 18 missions across the globe, excluding the proposed Darfur mission, analysts are pointing to a serious problem of over-stretch confronting the UN. Some member states are now calling on the UN to consider seriously deepening peacekeeping partnerships with regional organisations such as the AU by availing resources to enable them to carry out the responsibility to protect civilians in their region.

### The challenge of protecting civilians in Darfur has refocused attention on AMIS and Africa's peace and security architecture

In the meantime, insecurity in Darfur is getting out of hand; forcing humanitarian agencies to scale back their activities drastically. Consensus on the way out of the mire seems to be coalescing around three main issues: (1) diplomatic pressure on Khartoum to rein in the militias, halt its proxy war against its neighbours and cease aerial bombardment of civilians in villages, IDP camps within Darfur and refugee camps in Chad; (2) the removal of existing diplomatic and resource-related barriers to the deployment of a stronger AU–UN hybrid force to protect civilians; and (3) sustained dialogue within and between the various parties to the Darfur conflict as the best solution. Africa and its external partners – including the European Union (EU), NATO member states, the Arab League and China – have a major role to play in stabilising Darfur.

This paper examines the problems of civilian protection created by the war in Darfur, focusing on the role of AMIS and the challenges it has encountered in protecting civilians in Darfur. It examines the challenges that have faced the proposed UN force, and the prospects of a hybrid force involving the AU and UN. Finally, it explores the role of external players such as the European Union (EU), North Atlantic Treaty Organisation (NATO), the Arab League and China in



resolving the Darfur crisis. The paper argues for the strengthening of the AU force in the context of the UN support and the fast-tracking of the peace process within Darfur between Khartoum and the Darfur rebels. It also draws attention to the need for dialogue between Khartoum and its neighbours to ensure that the region does not become another haven of extremism and terrorism.

## The Challenge of Protection in Darfur

The protection of civilians in Darfur has become the biggest challenge for both the AU and its international partners since the conflict erupted in February 2003. The conflict has left some 200 000 to 400 000<sup>1</sup> of Darfur's 4 million people dead and driven 2.5 million from their homes, including 232 000 refugees into refugee camps in neighbouring Chad. These are victims of decades of low-intensity conflict in the broader eastern Sahelian region, which imploded in 2003. Darfur is the epicentre of a whirlpool of a highly regionalised and complex war that has sucked into its depths the governments of Chad, the Central Africa Republic, dozens of heavily armed rebel groups and militias and elements linked to Islamic fundamentalism and transnational terrorism. Khartoum's Islamist regime is the spider sitting at the centre of this web of a dangerous regional war. If it recognises the solemn responsibility – and takes decisive action – to protect its citizens, Sudan can de-escalate, if not end, the killings in Darfur.

### *Khartoum's 'dirty war'*

The war in Darfur has created multiple fault-lines in the region's conflict. The crisis is feeding into long drawn-out, low-level conflicts within the non-Arab ethnic groups, particularly the Fur and Zaghawa, over water, land and grazing fields in this semi-arid and resource-scarce region. The war is also fuelled by protracted racial tensions, pitting the region's intensely politicised, militarised and ideological 'Arab' and 'African' identities against each other (De Waal 2005:181–205). Darfur's nomadic Arab groups are resolute in defending their supremacist ideology. In turn, the region's black African peasant communities have invoked the discourse of democracy to reclaim racial equality and social justice. Widening racial and ideological cleavage, signified by the 'Arab-versus-African' polarity, has eclipsed the common Islamic identity of most Darfurians.

More ominously, the crisis in Darfur is squarely a state-sponsored 'dirty war' – part of the Government of Sudan's counter-insurgency strategy. Since the early 1990s, Khartoum has adopted a nationwide strategy of actively recruiting client tribal militias to terrorise and

plunder rebellious civilian populations, stifle political opposition and to curtail pro-democracy struggles (see Mohamed Salih 1989:168–174). Sudan's dangerous surrogates in Darfur are the mainly Arab militia groups collectively known as the Janjaweed. These marauding government sponsored militia have attacked non-Arab Fur, Zaghawa, Masalit, Berti, Bargu, Bergid, Tama and Tunjur groups, which Khartoum accuses of harbouring anti-government rebels (Mans 2004:291–294).

Discernibly, a state–militia nexus has put a deadly accent on the challenge of civilian protection in Darfur. Government forces, Janjaweed militias and Khartoum-sponsored rebels from the neighbouring Chad and the Central African Republic have worked together in a war machine that has undermined the livelihood of Darfur's civilian population. The aim of this scorched-earth strategy is to blunt the military edge of two main anti-government groupings in the Greater Darfur region – the Justice and Equality Movement (JEM) and the Sudanese Liberation Movement/Army (SLM/A). Saliently, the cynical deployment of militias in Darfur reflects the inability of the regime's weak and overstretched army to contain the rebels.<sup>2</sup> It is also Khartoum's shield against being held directly responsible for egregious human rights abuses and atrocity crimes in Darfur by human rights watchdogs.

## The protection of civilians in Darfur has become a challenge for both the AU and its international partners

Also intensifying the dilemma of civilian protection in Darfur is the rivalry and infighting between SLM/A and JEM forces, and splinter groups within them. Factionalism within Darfur's opposition movement has also made achieving comprehensive peace settlement an extremely difficult task. On 27 December 2006, members from the three non-signatory parties (the SLM/Abdel Wahid, the SLM/Ahmed Abdelshafi and G19)

to the Darfur Peace Agreement (DPA) announced their merger into one movement known as the SLM. They also announced a 'cessation of hostilities unless attacked' (United Nations Security Council 2007), and reiterated their commitment to the N'djamena ceasefire agreement. Keeping the coalition together might increase their effectiveness and reduce civilian carnage, but this remains a major challenge.

Over and above Sudan's north–south divide, the Darfur war thrusts into centre stage the long-neglected east–west axis in the Sudanese national identity crisis. In a sense, Darfur's historical place in the vortex of identity formation, competition and conflict in the broader Sahelian belt largely accounts for the furious ripples that the conflict and the resultant civilian protection crisis have at the regional level. Khartoum has exploited this volatile local security environment to pursue its narrow political agenda in Darfur in ways that have profoundly undermined regional stability.

## ***A regionalised war***

Bordered by Libya in the north, Chad in the west and the Central African Republic in the south-west, Darfur has for a long time been involved in the regional conflict involving Sudan's neighbour, who has now been drawn into the recent war. As a civil society analyst told these authors: 'What we are witnessing in Darfur is a regionalised war against civilians. Both the Sudanese and Chadian governments are actively supporting competing militia groups on their sides of the border' (see also Power and Interest News Report 2006).

The region's Arab population was closely involved in the 'ideologically Arabist enterprise' of Libya's Colonel Muammar Gaddafi in the 1970s and 1980s. Sudanese militias sponsored by Libya in its war with Chad were also active in this region (De Waal 2003–04). This ideological drift bequeathed Darfur's Arab population with a radical supremacist ideology whose undercurrents are evident in the raging war.

The Darfur conflict has spilt over into Chad, threatening the security of 232 000 Darfurian refugees sheltered there. In the turbulent 1980s, Darfur served as a base for dissidents in successive Chadian wars. The move of the Chadian civil war across the border into western Darfur, combined with drought and the near-famine conditions, has left behind a legacy of devastation that has afflicted the region since 1984, creating fertile conditions for the on-going conflict. As Ulrich Mans indicates, the Janjaweed militias are largely of Chadian origins – the persevering culture of banditry and legacy of the country's civil war. Sections of the Fur, Masalit and Zaghawa ethnic groups have been recruited into the Janjaweed militia group, with many Masalit and Zaghawa having relatives across the Chad–Sudan border. The fact that the ethnic groups straddle the border and are thus Chadian nationals in their own right has complicated the conflict. In addition to sustaining themselves through plunder and pillage, the bulk of these militias have been co-opted into Khartoum's war machine, which now covertly supports and finances them (Mans 2004:291).

Chad's president, Idriss Déby, a Zaghawa, ironically came to power in N'djamena in 1990 with the support of Darfurian Zaghawa and the Sudanese government. In the current crisis, Déby finds himself at odds with the Chadian Zaghawa in the army who have thrown their weight behind their Darfurian kinsmen waging insurgency war against Khartoum. Following Déby's failed attempt to broker a political settlement in the Darfur conflict, Khartoum has since backed anti-Déby

forces operating in Darfur. After the abortive coup in N'djamena in May 2004, Khartoum has hosted and provided support to Déby's Zaghawa enemies in camps in Darfur where they have plotted to overthrow his government. Some 3 000 Chadian rebels under the leadership of Adlef Alsimah Gibriel are said to be operating near Zalingei with the support of the Sudanese Government. Chad has accused President Omar Hassan el-Barshir of supporting Chadian Arab militias with the intent of toppling his regime (International Crisis Group 2004).

Since Déby changed the constitution in June 2005 in order to run for a third term,<sup>3</sup> two Chadian rebel groups have organised from Darfur to overthrow his regime. One is the Rassemblement pour la Démocratie et la Liberté (Rally for Democracy and Freedom (RDL)), led by Mahamat Nour Abdelkerim, a member of the small Tama ethnic group and part of the masterminds of the campaign that swept Déby to power. As the only Chadian rebel in whom 'Khartoum has total confidence', Abdelkerim has worked closely with the Sudanese government and Janjaweed leader, Musa Hilal, to recruit Tama fighters to cleanse the Zaghawa in Darfur (Massey & May 2006:444). In December 2005, Nour united his 3 000-strong RDL with seven other, smaller rebels groups to form a stronger coalition, Front uni pour la changement (FUC).

The second rebel group is the Rassemblement des forces démocratiques (RAFD), which brings together military officials including members of the presidential guard, and Déby's twin nephews, Tom and Timan Erdimi (Massey & May 2006:444). The RADF comprises three groups: (1) Socle pour le changement, l'Unité et la Démocratie (Platform for Change, Unity and Democracy (SCUD)) led by Dillo Djerou; (2) a group led by a former army commander, Séby Aguid; and (3) another led by Ramadan Bokhit. As expected, N'djamena has pursued some of these groups across the border into Darfur, with its military forces observed to be operating in Darfur (see UN Security Council 2005:30). Déby's government has, in turn, recruited fighters from among the Darfur rebels as part of its proxy war against rebels aligned to FUC and RADF. As a result, in 2005, the UN Panel of Experts censured Déby's military for providing assistance to the Sudanese militia (see UN Security Council 2005:30–31).

In February 2006, Chad and Sudan signed the Tripoli Agreement, promising to cease support for each other's respective rebel groups and invited the AU to monitor the agreement. Even then, both parties continued to support the rebels (see UN Security Council 2005:30–31). In April 2006, Chadian rebels based in

## **What we are witnessing in Darfur is a regionalised war against civilians**

Darfur traversed the Central African Republic *en route* to attacking Chad's capital, N'djamena. There were reports of a cargo plane carrying arms and dozens of unidentified combatants who left Sudan and landed in the Central African Republic town of Tiringoulou. Some diplomats and senior UN officials in the Central African Republic have suggested this as the origin of the rebellion in the northeast of the country. By May 2006, Chadian government backing for Sudanese rebel movements was increasingly overt, as the SLA and JEM established bases in eastern Chad and recruited militia from the Sudanese refugee camps. Khartoum has retaliated by stepping up aerial bombings in northwestern Darfur and Chad, often targeting civilians and refugees (see Human Rights Watch 2007).

The war in Darfur has compounded the security situation in the fragile Central African Republic, which has struggled for more than a year to contain a homegrown low-intensity rebellion in the northwest. A new insurgency linked to Sudan's proxy war has emerged in the northeast near Sudan's Darfur region. 'The security situation was always deplorable, but it's gotten worse with Darfur,' said Franck Francis Gazi (in Reeves 2007), the regional Governor of Vakaga. 'The conflict in Sudan has consequences for us. There is a cause and effect,' he added.

Specifically, Sudan has been accused of backing a loose coalition of rebels aligned to Abdoulaye Miskinein's Democratic Front (DF), which has been fighting to oust President Francois Bozize since October 2005. Two reasons have been suggested for Sudan's military push into the Central African Republic. According to the UN special envoy to Bangui, Lamine Cisse, Sudan was supporting the rebellion in the Central African Republic 'to discourage peacekeepers from deploying here.' Khartoum's strategy is 'no troops in Darfur' (Reeves 2007) or close to the boundary with Darfur. Encumbered by the question of sovereignty to intervene and force the Central African Republic not to accept foreign troops into its territory, Sudan has resorted to making trouble on the ground (Reeves 2007). It is generally suspected that Sudan is supporting rebels in the Central African Republic to undermine its government. President Bozize is closely allied with Chad and Chadian soldiers form a crucial part of Bozize's presidential guard. The Central African Republic has signed a security pact that allows Chad's military to cross freely into its territory. These proxy wars have displaced thousands of civilians in the northeast.

### **International dimensions**

The dilemma of civilian protection in Darfur has now become one of the greatest challenges facing

the international community. The French and the Americans have strongly backed Déby as a counterforce to the oil-thirsty Chinese backing Sudan and the Chadian rebels, especially the FUC. Since 1986, when it deployed *Opération Épervier* in Chad to contain Libyan expansionism, Paris has maintained 1 100 troops with airlift capacity and a squadron of mirage fighters. As noted by Massey and May (2006:444) 'the French military remains at the heart of Chad's political entanglements, and its artillery, armour and, especially air power have saved Déby three times in the last six months'. The French regard Déby's regime in Chad as the bulwark against Chad's implosion à la Somalia, with a possible knock-on effect of allied regimes such as that of Francois Bozize in the Central African Republic losing power to hostile rebels.

America has also been drawn into the Chad–Sudan conflict. Two factors have enhanced Chad's strategic significance in the eyes of Washington: (1) the security imperatives of the global war on terrorism and (2) Chad's entry into the club of oil-producing countries in 2003. Training of units of the Chadian army as part of the United States (US) Trans-Saharan Counter-terrorism Initiative (TSCTI) has equipped Déby's army with superior skills and training, partly contributing to its success against the rebels in Darfur. France and the US have backed Déby fully, concerned that a victory by Nour/FUC (a Khartoum/China protégé) would spell doom for Sudanese refugees in camps in eastern Chad and expose Darfurians to attack from N'djamena and Khartoum. In view of this, a comprehensive solution to the crisis in Darfur must take into account these local, regional and international dimensions, which have complicated the challenge of civilian protection.

## **The complexity of war in Darfur with its regional linkages has complicated the role of the AU protection force**

The complexity of the war in Darfur with its regional linkages has complicated the role of the AU's protection force since 2004, and continues to stand in the way of the proposed AU–UN hybrid protection force. The following section explores the attempt by AMIS to protect civilians caught in the war between Khartoum and its nemesis.

### **The African Union's Intervention in Darfur**

Darfur exploded on the face of Africa, as the continent embarked on frenetically laying the foundation for a civilian protection regime. The AU could not ignore the international outcry that followed the carnage in Darfur, which carried eerie echoes of the 1994 Rwandan genocide. Cognisant of the heavy cost of inaction to its predecessor, the Organisation of African Unity (OAU), which stood by and watched with the rest of the world as 'Rwanda happened' (United



Nations Security Council 2000) an ill-prepared AU intervened in Darfur. 'The AU was being asked to provide shelter when its house had no roof,' said the AU's Peace and Security Commissioner, Said Djinnit (pers. comm. 3 January 2005). Darfur became at once the crucible of Africa's new peace and security architecture and its drawback (Kagwanja 2004). This is partly the genesis of the African mission's intractable difficulties in protecting civilians in Darfur.

### ***Africa's protection agenda and architecture***

At the turn of the new millennium, an extraordinary convergence of the continental ambitions and interests of Africa's relatively wealthier states (i.e., Nigeria, South Africa, Libya and Egypt) resulted in a kind of 'concert of Africa', designed to make war between African states unlikely (Kagwanja 2006:159–184; Tiekou 2004:249–267). The immediate offshoot of this new political dispensation was the inauguration in July 2002 of the AU with an emerging peace and security architecture and the normative commitment to a protection agenda as its central supports.<sup>4</sup> A conscious pan-African response to the debate sparked by the ICISS report on *The responsibility to protect* (2001), Africa's new normative thinking on civilian protection echoed elements in the protection system envisioned by the report (Evans & Sahnoun 2001).

The AU's foundational documents assigned high priority to the sovereignty and territorial integrity of member states. It, however, also put strict curbs on sovereignty, basing it on the willingness and capacity of a member state to protect its citizens (PSC Protocol, Articles 3(b) and 4(f)). The Constitutive Act stressed the responsibility of member states to protect their citizens. However, it bestowed upon the AU the right to intervene, including through multilateral military force, in 'respect of grave circumstances: namely war crimes, genocide and crimes against humanity' or situations that pose serious threat to legitimate order 'to restore peace and security in a Member State' (Constitutive Act, Articles 4 (h) and (j)). Instructively, the AU underlined military intervention as the last resort, stressing non-military measures such as dialogue and peaceful resolution of conflicts as the best solution to conflict. Paradoxically, Darfur's overarching impact on Africa's security system has been a trend of giving much weight to the military capabilities to the utter neglect of the capacity for non-military options (Klingebiel 2005).

The AU managed to craft a comprehensive security architecture to drive a continental peace agenda, something that the OAU was unable to do for over 30 years (pers. comm. Ambassador Sam Ibok July 2004).

However, the AU based its security agenda on the Mechanism for Conflict Prevention, Management and Resolution established in 1993,<sup>5</sup> replacing its Central Organ with a 15-member<sup>6</sup> Peace and Security Council (PSC). The PSC, which came into force in December 2003, was envisioned as a 'collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa'. It includes a Continental Early Warning System (CEWS); a Panel of the Wise (PoW) composed of 5 prominent Africans; an African Standby Force to be composed of regional brigades; and a Peace Fund. The Chairperson of the AU Commission exercises an oversight, with the Peace and Security Directorate and Commissioner running the day-to-day operations of this architecture (PSC Protocol, article 21). This system is designed to work closely with Africa's civil society and other pan-African organisations, including the sub-regional economic communities and the Pan-African Parliament, launched in March 2004.

The AU had earlier on embarked on its first peacekeeping mission when it deployed a 3,335-strong African Mission to Burundi (AMIB) in April 2003; which later became a UN Mission in April 2004. Despite this experience, the AU intervention in Darfur was bound to be complex and fraught with political obstacles. This was largely because of the peculiar dynamics of the Darfur conflict where the state was not just failing to protect its citizens, but was culpably active in fuelling the war.

A fundamental re-configuration of power in the AU in the first half of 2004 cleared the way for Africa's intervention in Darfur. In March 2004, South Africa and Nigeria, the two principle prompters of the new-look AU, were elected to the PSC on a three-year term.<sup>8</sup> When the PSC was launched in May 2005, South Africa's Foreign Minister, Dlamini Zuma, was elected its Chairperson. The African leaders' summit in July 2004 also elected President Olusegun Obasanjo as Chair of the AU. With Africa's two most powerful nations at the helm of its power, the AU was emboldened to take a larger role in Darfur.

### ***The Africa Mission in Sudan (AMIS)***

The AU assisted Chad in organising the initial round of negotiations to resolve the Darfur conflict, resulting in the 8 April 2004 N'djamena Ceasefire Agreement signed by the Sudanese government, the SLA and JEM. The ceasefire pact provided for the establishment of the Ceasefire Commission (CFC) to monitor its implementation. By and large, the CFC was a delicate balancing act of local and regional alignments of power, with the international community as the moderating force. Article 3 of the agreement listed as

The PSC is envisioned as a collective security and early warning arrangement

parties '2 high ranking officers from the Parties, the Tchadian mediation and the international community in accordance *with the sovereignty of the Sudan*' (HCFA 2004, article 3, emphasis added).

A further agreement on implementation modalities was signed in Addis Ababa on 28 May 2004, vesting real power in the AU. The Addis Ababa addendum acknowledged the AU as the lead international body in Darfur and as the operational arm of the N'djamena agreement with the right to appoint the Chairperson of the CFC. The AU was also endorsed internationally as the obvious choice to lead peacekeeping in Darfur. During 7–13 May 2004, the Chairperson of the AU Commission, former Malian President, Alpha Omar Konare, dispatched an Assessment Mission to examine the security situation in Darfur and advise him on how to proceed in establishing the CFC. In line with the mission's findings and recommendations, in May 2004, African Heads of State and Governments authorised the deployment of AMIS to monitor, verify, investigate and report on violations of the ceasefire (HCFA 2004, article 4).

The question of Sudan's sovereignty *vis-à-vis* the AU and troop contributing countries, however, remained a sticking issue – which was later to haunt the proposed United Nations Mission in Sudan (UNMIS) to replace AMIS. Two agreements signed between the AU and Khartoum helped clarify the issue of sovereignty: (1) the agreement on the modalities for the establishment of the CFC and the deployment of observers in Darfur signed on 28 May 2004 and (2) the agreement on the Status of Mission Agreement signed on 4 June 2004. The two pacts cleared the path for the smooth deployment of AMIS.

The first of the 60 AU Military Observers (MILOBS) arrived in El Fashir, the state capital of North Darfur, on 4 June 2004. This marked the start of AMIS – the second of its kind after AMIB. The AU later expanded its mission by sending in a 300-strong protection force to provide security and to safeguard the unarmed observers. The deployment of AMIS signified a historic step in Africa's effort to fulfil the 'responsibility to protect', elevating the humanitarian needs of citizens over the state-centric security imperatives of non-interference and sovereignty. Ironically, AMIS I provided for the protection of observers and not of civilians facing plunder, rapes, killings and other crimes of atrocity.

From the outset, AMIS was beset with serious logistical and capacity constraints and delays, with the mission neither preceded by a pre-deployment assessment or training, nor by deployment of civilian support systems.

As the then AU military advisor, Commander Seth Appiah-Mensah, observed, 'The first three AU MILOBS [arrived] in El Fashir on 4 June 2004, characteristically with only one [handheld] Thuraya satellite phone to link them with Addis Ababa. They had nothing else, not even a vehicle, which was crucial to conduct patrols and show AU presence' (Appiah-Mensah 2005:7–21). The actual deployment in Darfur only started at the end of July 2004, creating security gaps that combatants exploited to attack civilians.

Government forces, militias and rebels continued to violate the N'djamena Ceasefire Agreement with impunity, despite the presence of AMIS forces. It quickly became apparent that a combination of a significantly expanded AU mission and intensified international pressure was needed to stem Khartoum's ethnic-cleansing campaign against sections of Darfurians. The UN Security Council passed Resolution 1591 (29 March 2005), which extended an arms embargo to the government, demanded a halt to offensive military flights over Darfur, and established a device for targeted sanctions against individuals posing a threat to stability in Darfur and the region. It also adopted Resolution 1593 (31 March 2005) referring cases of atrocity crimes in Darfur to the International Criminal Court (ICC) (UN Secretary-General 2005, S/2005/305). But these measures did not deter the Sudanese government from perpetrating atrocities.

On 27 July 2004, against the backdrop of escalating displacement and deaths of civilians, the PSC called on the Chairperson of the AU Commission to prepare a plan to guide the conversion of AMIS to a fully-fledged peacekeeping mission with a larger force and stronger mandate. Such a robust force was needed to ensure the implementation of the N'djamena agreement, protect civilians, disarm and neutralise the Janjaweed militias, facilitate the delivery of humanitarian assistance, and calm mounting international disquiet regarding Darfur (AU PSC 2004a).

Predictably, Khartoum fervently resisted both a larger force and a stronger mandate. In its bid to shoot down the idea of reinforcements, Sudan actively solicited and received the political backing of sympathetic Arab AU member states such as Egypt and Libya. It also rallied behind its course the union's weaker states, intensely wary of the growing hegemonic power of Nigeria and South Africa within the PSC. Realising the need for a modicum of Khartoum's co-operation in order to deploy successfully in the country, the PSC backed away from its campaign for a strong mandate. It instead settled for a smaller force with no civilian protection capacity. A triumphant regime in Khartoum, welcomed a feebler AMIS II.

### AMIS has been beset with serious logistical and capacity constraints



## **AMIS II: too powerless to protect**

On 20 October 2004, the PSC approved the expansion of its mission to 3 320 soldiers and police. AMIS II was tethered to a short lease that only allowed it to monitor compliance with the April 2004 N'djamena agreement, contribute to confidence building efforts, and securing the environment for the delivery of humanitarian relief and eventual return of IDPs and refugees to their homes. The mission's civilian protection mandate was also whittled down to 'protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability' (AU PSC 2004b).

Similarly, AMIS II's deployment was bedevilled by chronic logistical problems, capacity difficulties and delays. AMIS II's 450 military observers, 815 civilian police, 2 341 soldiers and international observers and civilian staff arrived in April 2005, six months after the scheduled date. Setbacks in logistical planning and securing and preparing the troops may have contributed to the delay, but a power wrangle between troop-contributing countries, especially Nigeria and Rwanda, also played a major part (pers. comm. analyst of an international NGO, Nairobi Kenya, 8 February 2007). Encumbered by a small force, weak mandate and a belligerent host, AMIS II was unsurprisingly unable to provide the necessary protection to civilians and humanitarian organisations in Darfur.

In the face of growing international concern over the security of civilians and humanitarian agencies in Darfur, in March 2005 the AU sent in a Joint Assessment Mission (JAM), which also involved the EU, US and UN experts. Despite its effusiveness about AMIS's role in deterring major attacks on civilians in the IDP camps and major urban centres in Darfur where its presence was felt, the report was splendidly self-critical. Regretting that the African force was too thinly spread across this vast territory – the size of France or Texas – to offer effective protection, the report concluded rather candidly that 'AMIS, though near its authorised ceiling, is not fully effective and needs to give greater priority to creating a secure environment' (see AU 2005).

On 28 April 2005, Konare, the Chairperson of the AU Commission, issued a report recommending the increase of AMIS to some 12 300 members by mid-2006, arguing that this would 'contribute to the secure environment throughout Darfur in order to enable full return of displaced persons' (AU 2005, PSC/PR/2 (XXXVIII)). The same day, the PSC approved a further extension of AMIS II personnel to 7 731 to be deployed by the end of September. By 20 October 2005, 6 773 peacekeepers were deployed, including

4 847 soldiers in the protection force, 700 military observers, 1 188 civilian police and 38 international staff of various kinds. Despite this, the force operated below the authorised capacity and remained too small, ill-equipped and without the requisite strong mandate to protect Darfurians effectively.

As the new round of the Darfur peace process got under way in Abuja, Nigeria, in October 2005, violent attacks on civilians, humanitarian agencies and AMIS forces by both the Janjaweed militias and rebel forces escalated. According to one interviewee, the escalation reflected attempts by the various parties around the negotiation table 'to demonstrate their respective strength and capacity for disruption' (pers. com. Abuja-based analyst covering the peace talks, Nairobi, 3 November 2005). Abuja signified what has been dubbed as the 'hidden cost of liberal peace', especially on civilians, which creates incentives for combatants to take part in the negotiation process, ending in a fragile 'peace' and power-sharing deals (Tull & Mehler 2005:375–398). Unsurprisingly, the impasse generated by the Abuja talks heightened the levels of insecurity and attacks on civilians and humanitarian organisations, the most egregious of which have been amply documented.<sup>10</sup>

## **The AU's AMIS protection force has itself suffered attacks from state-backed militia and rebels**

In an ironic twist, the AU's protection force itself needed protection as it came under increasing attacks from the state-backed militias and rebels alike. On 19 September, Janjaweed militias attacked an AMIS CFC patrol deployed to investigate attacks on the Harafa area where 10 civilians were killed and 7 000 others displaced. Around the same time, two Rwandese soldiers serving in AMIS were shot during the incidence. On 8 October 2005, five Nigeria soldiers and two AMIS support civilian contractors

were killed and three more peacekeepers wounded in an attack near the Kourabishi in South Darfur. The attack was blamed on the SLA rebel fighters. On 9 October 2005, an entire 18-strong AMIS patrol team, including the American Monitor team advisor, and a rescue team of 20 were abducted by a JEM splinter group in west Darfur. Of these people, 36 were later released, but AMIS's difficulties in even protecting its own peacekeepers reveal the depth of the war and the challenge of civilian protection in Darfur.

As a tragic pointer to the negative impact of the conflict-ridden Abuja peace talks on the AU protection force, the AU had come to be viewed by protagonists in Darfur as a partisan player. 'The AU have become part of the conflict,' claimed Mohamed Saleh, the leader of the abductors. 'We want the AU to leave, and we have warned them not to travel to our areas,' he added (McDoom & Nebehey 2005). With the May 2006 Abuja Peace Agreement itself in pieces, insecurity

in Darfur escalated to unsustainable levels as the warring parties stepped up violent attacks on civilians, humanitarian agencies and AMIS protection force. In south and west Darfur, cases of rape and abduction of civilians fetching firewood became rampant. Attacks on civilians and displaced population have continued into 2007. In early February 2007, three armed men attacked displaced women from Hassa Hissa camp in west Darfur, sexually assaulted them and abducted one of them (IRIN 2007).

With the impasse over the future of peacekeeping in Darfur, AMIS's forces have increasingly become more vulnerable to attacks than ever before. As recently as 1 February 2007, an AMIS police officer was reportedly killed in Kutum (Reuters News Service 2007). As war escalates into the uncertain future, the need by militias and rebels for arms to replenish their own armouries and vehicles to enhance mobility has triggered increasing attacks on AMIS to secure its weapons, especially vehicles mounted with heavy machine guns. Insurgents have also targeted vehicles of humanitarian non-governmental organisations (NGOs) for hijacking over and above abducting aid workers and drivers as well as violent break-ins into NGO compounds and detention of staff (Reuters News Service, 12 February 2007). In early February, militias broke into the office of an NGO at Kass in south Darfur. In an orgy of looting, gangs set alight an IDP camp in El Sereif, near the provincial capital of Nyala. Spiralling insecurity has provoked a scaling back of humanitarian activities, leaving civilians and displaced persons without help.

In response to the surge in attacks against humanitarian workers, AMIS troops and the displaced population, the Joint Commission established to oversee the May 2006 Darfur Peace Agreement (DPA) issued a communiqué on 7 February 2007, condemning the violence. On 8 February 2007, a joint UN team also travelled from al-Fasher through Tawila in south Darfur to assess the security situation. The AU sources indicated that since the humanitarian agencies left Tawila due to lack of personal safety, about 75 children and ten pregnant women had died due to lack of medicine (Reeves).

As a result, tension between the AU and Khartoum has become public and palpable. The AU has publicly accused the Sudanese Government of intensifying air bombings of two localities in north Darfur near the Chadian border, warning that its blatant violation of the ceasefire is creating obstacles to durable peace. On 11 February 2007, the AU noted in a statement: 'The AMIS Ceasefire Commission (CFC) notes with concern the bombardment by GoS Forces of Kariari and Bahai, 2 villages in North Darfur close to Chad

– Sudan border on 11 February 2007, at about 1200 hours' (*Sudan Tribune* 2007b). It warned that '[t]he AU CFC considers these acts unwarranted especially as efforts are on to ensure that the ceasefire to which all Parties expressed commitment holds in order to seek an enduring political solution to the Crisis.' The AU stressed the 'need for all parties to denounce violence and embrace dialogue as the best approach to resolving the Darfur Crisis' (*Sudan Tribune* 2007b).

### ***On the brink***

The fervour and goodwill that greeted the entry of the AU protection force in Darfur has come to a disappointing end. This has given way to a vicious campaign of vilification designed to push out the AU mission and replace it with a probably larger and well-funded international mission with a stronger mandate and technological capacity.<sup>11</sup> Now on the brink, the AU mission is severely cash-strapped with external financiers less generous and withholding their contributions.

## **Tension between the AU and Khartoum has become palpable**

Khartoum's bids for AU chairmanship in 2006 and 2007 also cast a dark shadow over the future of the AU and its mission in Darfur. Concern over Khartoum's role in the Darfur violence has led the AU to defer Sudan's chairmanship twice, first in 2005 and again in January 2006. Sudan's chairmanship loomed again ahead of the 23–24 January 2007 AU Summit in Addis Ababa, which many feared would not only reward a regime accused of sponsoring militias and of committing crimes against humanity in Darfur, but also irreparably discredit the AU. The AU faced international pressure at two levels: (1) to ensure

that President Omar el-Bashir did not ascend to the highest AU seat and (2) to prevail on him to accept the immediate deployment of a strong international protection force to Darfur.

The prospects of Sudan's chairmanship spelt disaster for the AU's mediation efforts and peacekeeping mission in Darfur. Like the OAU before it – which allowed murderous regimes such as those of Uganda's dictator Idi Amin to ascend to its helm of power – the AU risked being accused of disregard for human rights. Even before the vote, Sudan's challengers in Darfur made clear their verdict and action if Sudan were to assume power. Darfur rebel groups threatened to attack AU peacekeepers if Bashir took over the union's presidency. 'If Sudan becomes head of the African Union then the AU mission working in Darfur will become party to the conflict on the side of the government,' said Esam el-Din al-Hajj, leader of one of the SLA factions (Indybay). In the same vein, the



leader of the rebel JEM, Khalil Ibrahim, said peace talks would be out of the question with Bashir heading the AU (Indybay). Chad also vowed to pull out from the AU. There was a sigh of relief when Sudan was bypassed, and Congo-Brazzaville's president, Denis Sassou Nguesso, and Ghana's president, John Kufor, were respectively picked to chair the AU in January 2006 and in January 2007.

AMIS faces a real challenge of funding, with a high probability of its collapse by June 2007 if fresh resources do not flow in. The AU needs US\$40 million a month to sustain its mission in Darfur. The departure of the force would almost certainly compel the remaining humanitarian organisations, already under pressure to back out, to pack up and leave four million Darfurians at the mercy of government troops and militias (Lauria).

With the AU mission in a precarious position, African leaders are strongly opposed to the UN traditional position that it cannot pay for regional peacekeeping missions that it is not leading. Leading the protest is Alpha Konare, the Chairperson of the AU Commission, who has called on the UN to pay for the upkeep of the AU troops on the ground before money runs out in June. Similarly, on 23 February 2007, South Africa's UN mission vowed to use its new position as a non-permanent member of the UN Security Council to push for the world body to fund AU peacekeeping missions, including AMIS, as part of its overall responsibility for global peace (South African government official, 24 February 2007; SABC-Africa 2007).

Power rivalry within the AU has also undermined the effectiveness of AMIS. The convergence of interests that led to the creation of the AU and its security architecture after 2002 has gradually been replaced with under-currents of rivalry and competition, especially between Africa's key powers, Nigeria, South Africa, Libya, Egypt, Ethiopia, Senegal and Kenya. This rivalry became public over the question of the UN permanent seats, with Nigeria, South Africa, Egypt, Libya and Senegal pitching for the two spaces targeted for the continent.<sup>12</sup> South Africa has not responded with the same alacrity and fervour to the demand for troops in Darfur as it has in the Great Lakes region (i.e., Burundi and Congo). While its economic diplomacy, especially the need not to antagonise Sudan where its companies are trying to make inroads have played a role, Pretoria's low-key involvement in Darfur is most probably a response to the overwhelming role of Nigeria in both mediation and troop contribution. Unsurprisingly, a persistent problem that has hit AMIS is the low rate of troop contribution.

## *Darfur peace in pieces*

Consensus is building that diplomacy still offers the best chance for a durable solution to the crisis. Despite this, the plight of the African protection force in Darfur has been deepened by the warring parties' failure to clinch a genuinely comprehensive peace agreement acceptable to, and honoured by, all. As noted earlier, ripples of violent attacks on civilians in Darfur followed shifting fortunes and frictions around the negotiation table in Abuja. The absence of a comprehensive peace deal has complicated the dilemmas of planning and funding the African mission and also fostered a climate of uncertainty around its future.

In late 2003, with the backing of the AU President, Idriss Deby of Chad brokered two peace agreements between Khartoum and its nemesis, the SLA/M and JEM. The first was the CFA signed in Abeche, Chad, in September 2003; the second is the more comprehensive Humanitarian Ceasefire Agreement (HCFA) was signed in N'djamena on 8 April 2004. Despite this, the HCFA failed to seal the ethnic cleavages that underpin Darfur's conflict. For instance, although the government of Sudan, JEM and SLA/M signed the N'djamena pact, a splintered group from the JEM, the National Movement for Reform and Development (NMRD) neither participated in the talks nor signed the agreement. Even the parties that signed the CFA have continued to violate it with utter impunity.

Intense international pressure during the October 2005 phase of the Abuja negotiations managed to entice individual leaders from the SLA and JEM factions to sign a declaration of support for the DPA. The declaration committed Abdel Abbakar, Ibrahim Madebo and Commander Adam Salih Abbakar of the SLA as well as the Secretary-General of JEM in south Darfur, Adam Abu Risha, and their followers, to accept the DPA in letter and spirit, and implement obligations under the Comprehensive Ceasefire Agreement and related security arrangements. However, other parties failed to sign, intensifying tensions within and between the rebel groups.

In the aftermath of the DPA, Khartoum has declared those who did not accept the DPA as 'terrorists', and surprisingly persuaded the AU to remove them from the CFC and Joint Commission (JC). This has further alienated the non-signatories and reinforced their suspicion that the AU is not an honest broker. These DPA non-signatories need to be reinstated to the CFC and the JC. This will enable the CFC to effectively investigate violations while non-signatories will probably cease to perceive AMIS as a force aligned with Khartoum.

## Diplomacy still offers the best chance for a durable solution to the crisis

At the start of 2007, the AU took some positive steps to launch the Darfur–Darfur Dialogue and Consultation (DDD-C), envisioned as the second phase of the peace process that would facilitate broader buy-in of the DPA by its critics. The downside of these processes is that they are increasingly being viewed as an attempt to get the government to endorse the proposed UN mission rather than an attempt to win the hearts and minds of dissenting parties and bring them into the fold.

On 12 February 2007, UN envoy, Jan Eliasson, and the AU envoy, Salim Ahmed Salim, arrived in Khartoum to try to revive the May 2006 peace deal. Following a meeting of the Commission for the DPA in north Darfur, a communiqué was signed by representatives of the UN, the AU, the EU, the US as members, and Canada, France, the League of Arab States, the Netherlands, Egypt and the United Kingdom (UK) as observers. Members of the joined Commission for the DPA, including the UN, the AU, the EU and the US need to intensify efforts to find a diplomatic solution to the Darfur crisis to create a secure environment for effective protection of civilians in villages, refugee and IDP camps.

### Political Impasse over United Nations Forces in Darfur

On 31 August 2006 the Security Council approved Resolution 1706 authorising a UN mission consisting of at least 17 300 military personnel, 3 300 civilian police and up to 16 Formed Police Units with a Chapter VII mandate allowing the use of force to protect civilians at risk, UN personnel, humanitarian workers and the DPA.<sup>13</sup> However, the UN required tacit approval from the government of Sudan to deploy in Darfur.

Sudan rejected the deployment of UN troops as a ‘colonialist’ attempt to subjugate the country, invoking sovereignty and security concerns to deflect international pressure to accept 22 000 UN peacekeepers to replace an AU force. President al-Bashir insisted that the deployment of a UN force ‘practically puts Sudan under trusteeship and gives these forces a mandate similar to that of the coalition forces in Iraq. ‘We cannot accept that Sudan is put under trusteeship,’ said al Bashir. Addressing the visiting UN special rapporteur for human rights, the Justice Minister argued that ‘international forces to Darfur would pave the way for infiltration of elements in Sudan across the borders with neighbouring countries, a matter which will complicate the protection and safety of the international forces’ (AP 2006).

Sudan threatened war and bloodshed if the UN force deployed to Darfur without its consent. President Bashir declared that his government would turn Sudan

and Darfur into ‘a graveyard for any foreign troops venturing to enter’ (AFP 2006). Likening the prospect of a UN peacekeeping force in Darfur to coalition troops in Iraq, el-Bashir warned that ‘we do not want Sudan to turn into another Iraq’ (Kuwait News Agency 2006). In the heat of the argument, Sudan’s Islamist regime unfurled the presence of a little-known terrorist group, the Darfur Jihad Organisation, thus introducing the spectre of international terrorism into the debate. The new *jihadist* group was reportedly designed to fight foreign intervention in the region ‘through all legitimate religious means’, including ‘by raising the banner of jihad and coordinating with all *jihadist* organisations active on the Islamic arena’ (*Al-Intibaha* 2006).

Sudan also had an axe to grind with fellow African leaders over their decision to hand over AMIS to the UN. According to Jamal Ibrahim, the Sudanese foreign ministry spokesperson, ‘they have no right to transfer this assignment to the United Nations or any other party. This right rests with the government of Sudan’ (AFP 2006). On 5 September 2006 Sudan asked the AU force in Darfur to leave the region by the end of the month.

However, Darfur rebels welcomed the idea of a UN force in Darfur. The Chair of the Regional Interim Authority of Darfur, Minni Minnawi, broke ranks with the Sudanese Government, arguing that he did not object to the new UN peacekeeping force. Sudan’s opposition led by Sadiq al-Mahdi supports the deployment of UN peacekeepers in Darfur and war crimes trials currently before the ICC.

Sudan’s resolute resistance to a UN force in Darfur succeeded in dividing the international community on this issue, forcing the UN to delay its plans to deploy in Darfur. Exploiting the ensuing impasse, President Omar al-Bashir called for the expansion of AMIS with the UN backing. ‘With regard to United Nations forces in Darfur,’ al-Bashir said, ‘we have already said ‘no’ and that would be valid also for the frontiers. But we accept the presence of African forces to control the borders with Chad and Central African Republic’ (*Sudan Vision Daily* 2007a).

With this, the hope of a quick deployment of UN forces in Darfur dimmed. In July 2006, Jan Pronk, the Secretary-General’s Special Representative (SGSR) in Sudan, urged the international community to push for the AU’s mission to be prolonged and reinforced (UN 2006, S/2006/591). This meant that Darfurians will continue to depend on AMIS for protection; despite it being under-resourced and ill equipped to handle the security challenges and political responsibilities in Darfur.

### Sudan’s resistance to a UN force has divided the international community

## ***The idea of a hybrid force***

To resolve the dilemma of Sudan's refusal to allow the UN to deploy in Darfur, the then UN Secretary-General, Kofi Annan, entered into consultation with leading members of the UN Security Council and the leadership of the AU to find an alternative strategy. The result was the idea of a hybrid UN-AU peacekeeping mission, which Khartoum accepted, albeit with caveats. For Darfur, said al-Bashir, 'we have accepted a hybrid operation,' but the 'the base of this force would be African forces' (*Sudan Vision Daily* 2007a). Al-Bashir added that 'with a strong logistical, human, technical and other support so that the African Union can maintain peace' (*Sudan Vision Daily* 2007a).

Despite this, Sudan's demand for assurances that the hybrid force would be African-based created another deadlock for the international protection force in Darfur. During the AU summit in Addis Ababa in January 2007, African leaders tried in vain to convince President al-Bashir to accept a hybrid international peacekeeping force in Darfur. On 24 January 2007, the new UN Secretary-General, Ban Ki-Moon, who also attended the AU summit, sent a letter to President Bashir, highlighting the importance of more support for the AU mission and also the need for the rapid deployment of the hybrid UN-AU force. But Sudan has not replied to the letter, keeping the deployment in endless limbo.

## ***The Proposed United Nations deployment in Chad and the Central African Republic***

Unable to deploy in Darfur, the UN is turning attention to civilian protection in Chad and the Central Africa Republic. In February 2007, the UN Security Council dispatched two technical assessment missions to Sudan's two neighbours to evaluate the feasibility of dispatching a UN protection mission to eastern Chad. But the UN must consider the implications of deployment without a comprehensive peace agreement between the Chadian and the Central African Republic governments and their respective rebel groups. This poses the questions of overall legitimacy of such a force and its capacity to provide protection. The security vacuum in eastern Chad and the pressing civilian protection needs, however, present the UN with a moral dilemma. Such a deployment must be guided by the overriding responsibility to protect civilians from attack (Human Rights Watch 2007).

Nonetheless, the UN deployment in eastern Chad has the potential of enhancing the protection of some 230 000 Sudanese refugees living in camps along its border with Sudan. Civilian protection will require a protection

force to be equipped with a strong mandate, adequate resources and state-of-the art weapons to protect civilians, secure humanitarian access, patrol the Chad-Sudan border, monitor the movement of weapons and armed groups, and deter cross-border raids.

On 20 February, the UN Secretary-General, Ban Ki-moon, recommended peacekeeping operations of up to 11 000 personnel for Chad and the Central African Republic to stanch the spill over from the Darfur conflict in Sudan. Eastern Chad is marked by 'uncertainty, vulnerability and victimisation of the local communities' with 232 000 Sudanese refugees and 120 000 Chadians uprooted from their homes.

The UN Secretary-General proposed two peacekeeping options: The first would number 6 000 troops backed by aircraft and engineering units. The second option would number about 10 900 troops and include aircraft. Ban favours the latter as a better option effectively to protect civilians. However, this has the probable effect of severely taxing the already overburdened UN peacekeeping department. The

report also suggests the deployment of 260 UN police in 12 refugee camps in eastern Chad, which will go a long way in protecting refugees. The proposed mission confronts the obstacle of finding international police officers with appropriate language skills for deployment in eastern Chad. The Secretary-General, therefore, proposes that 800 local police be seconded to the UN and placed under its operational command.

In the Central Africa Republic, Secretary-General Ki-moon suggested a 'security presence' of about 500 personnel as well as 20 UN police and political officers. Even though

security has improved somewhat, he noted that more than 70 000 people were still displaced and are living 'under threat of indiscriminate violence'. The UN has been divided on the issue. In December, the peacekeeping department and then Secretary-General, Kofi Annan, had recommended against deployment in Chad, arguing that it was too risky. Internally, there are growing concerns over what is seen as a peacekeeping overstretch, with the UN recruiting more troops in addition to the 18 existing peacekeeping operations around the globe with about 100 000 personnel. The 22 000-strong planned Darfur mission is not included in this figure. Even as he has asked African leaders to use the same unity of purpose and partnership with the UN that brought peace to Burundi and Sierra Leone in tackling the Darfur issue, Secretary-General Ki-moon must realise that the clock is ticking in Darfur, and faster and bolder steps are needed to secure a larger and better-equipped force to protect Darfurians.

Civilian protection requires a force equipped with a strong mandate, adequate resources and state of the art weapons

## **The International Criminal Court**

A positive movement has begun to take place in the ICC. In March 2005, the UN Security Council passed Resolution 1593, referring violations of international law in Darfur to the ICC. After a 20-month inquiry into atrocity crimes in Darfur, on 27 February 2007, the court named Ahmed Haroun, now Sudan's Minister of State for Humanitarian Affairs, and Ali Kosheib, a top commander of pro-government Janjaweed militias as the first war-crimes suspects. No arrest warrants have been issued, but the naming of the two has paved the way for the pre-trials to review the evidence submitted and decide how to proceed.<sup>14</sup>

Khartoum has dismissed the ICC findings, as well as its authority. In the past the ICC has increased tensions on the ground in Darfur and posed threats to humanitarian workers. There is widespread fear that its recent action has exacerbated tensions and persecutions in Darfur, with ubiquitous reports of humanitarian organisations preparing to leave (Brudenell 2006). In the light of these developments, Sudan is also likely to intensify its resistance to the deployment of UN force. Former Sudanese Prime Minister, Sadiq al-Mahdi, argues that the government in Khartoum is refusing to allow UN peacekeepers in Darfur fearing that these troops would help hunt down war crimes suspects for the ICC (*International Herald Tribune* 2007). But the ICC also needs to draw attention to eastern Chad and northeastern Central African Republic who are also affected by crimes against humanity, and hosting refugees and civilians displaced by fighting.

## **The Role of Africa's External Partners**

External support for the African mission has declined drastically since June 2006. The EU, NATO and their member states contributed towards AMIS, but now most of their support has either been scaled down or is being reviewed. This is fostering a climate of uncertainty around the future of civilian protection in Darfur.

## **The European Union's role**

The EU has so far given 242 million euros (US\$313 million) to the AU's Darfur peace mission and 360 million euros for humanitarian aid (Alertnet). The AU is still dependent on the EU funding for its mission in Darfur. Following EU–AU discussions during the Maputo summit in July 2003, the EU created an African Peace Facility (APF)<sup>15</sup> in March 2004 to support AU peace activities on the continent. The facility was funded to the extent of 250 million euros,

with an initial provision that this could be increased by 20 per cent. In addition to the facility, the EU Commission has used its Rapid Reaction Mechanism (RRM) support regional economic communities. For instance, in 2004 the RRM gave 1.5 million euros to support the IGAD peace process in southern Sudan. Similarly, the European Development Fund (EDF), the main tool for providing development assistance to the African Caribbean and Pacific countries, also allocated 12 million euros to the AU peace and security capacity building. AMIS has consumed much of the funding from the EU, depleting resource for the AU capacity building for conflict prevention. The EU needs to consider increasing its budget for Africa's conflict resolution efforts, including its mission in Darfur. Resolving Darfur's humanitarian crisis will go a long way towards freeing EU funds to support AU capacity building.

Besides funding, the EU has also provided police advisers for AMIS's leadership and all police commanders. A French general sits in the CFC as its Vice-Chair. The EU and member states have also been involved in

supporting the Darfur peace process and search for peace in the wider region. On the sidelines of the 24th Conference of Heads of State of Africa and France held in Cannes, France, on 15 February 2007, Presidents Omar Hassan al-Bashir (Sudan), Idriss Déby (Chad) and Francois Bozize (Central African Republic) signed a peace agreement. The three neighbours promised to cease hostilities and 'respect sovereignties and to not support armed movements' (Murphy and Pineau, 2007). If the three countries abide by the agreement, this would reduce civilian suffering in the region. During the summit, French President, Jacques Chirac, called on the Sudanese

government and the rebels to accept the deployment of an international peacekeeping force in Darfur to 'cease the attacks, protect the civilian population and humanitarian workers' (Government of France, 2007). France affirmed its continued support for Chad and the Central African Republic, 'which are threatened by the dangers arising from Darfur' (Government of France, 2007).

The EU has raised the flag against increasing insecurity in Darfur. In February 2007, the EU Commission called on all parties to the conflict in the troubled region to refrain from violence against civilians and aid organisations. It specifically denounced the bombing of areas in northern Darfur by the Sudanese Air Force, which disrupted the preparations for a meeting of Sudan Liberation Movement commanders despite the fact that the Sudanese government had earlier declared its consent to the meeting (*Reuters News Service* 2007).

## **Support for the African mission has declined**

## **NATO and member states**

With Darfur civilians currently only having AMIS as the force protecting them, NATO and member states, especially the US, must ensure that the African force is strong and in a position to pursue its protection role. Nato's role in Darfur so far has been only supportive. The organisation has provided training in various aspects of peace support operations in the field and has also supported AMIS with strategic airlifts. In addition to the UN, some experts see NATO playing the role of reinforcing AU forces in Darfur (Political Committee, NATO Parliamentary Assembly). Some are advocating for a more hawkish role, calling upon NATO to prepare contingency plans in case the government-sponsored Janjaweed militias start massacring the hundreds of thousands of Darfuris in refugee camps (*The Register Guardian* 2007). But its real role lies in supporting the AU with logical requirements, including the capacity to monitor a possible no-fly zone over Darfur to protect civilians.

The US is a key player in NATO. Although it has become increasingly frustrated by the escalation of civilian killings in Darfur, its pundits still consider dialogue as the best solution. On 8 February, President George W. Bush's Special Envoy to Sudan, Andrew Natsios, testifying before the House Foreign Affairs Committee on the crisis in Darfur, said that the US was 'appalled by the atrocities of the war, particularly those against civilians' (*Sudan Tribune* 2007a).

Civil society voices in the US have clamoured for direct US military intervention in Darfur, including monitoring a no-fly zone over Darfur or a blockade of Sudan's coast and more sanctions against the Khartoum regime. These suggestions largely reflect the depth of frustration with both rebels and the government, arising from the level of carnage and worsening humanitarian crisis.

However, there is increased support for negotiations. Natsios seems to argue for dialogue as the best way out of the Darfur crisis: 'The United States has made solving conflict in this region a priority [and] our view remains that a negotiated way out of the crisis in Darfur ... is the most desirable alternative and the option most likely to yield success' (U.S. Department of State, 2007).

US officials have rightly blamed Khartoum for putting barriers in the way of diplomacy. On 5 January, State Department spokesperson, Sean McCormack, who condemned the bombing by Sudanese Armed Forces of a town in which representatives of the AU had just met with Darfur rebel commanders to urge them

to abide by a ceasefire. McCormack lamented that this act 'violates the Sudanese government's pledge made in Addis Ababa on November 16, 2006, to facilitate the work of the African Union to achieve a strengthened ceasefire' in Darfur (U.S. Department of State, 2007).

The military option is still on the table. The US is, however, keeping the military option open. Natsios assured the lawmakers at the Sudan hearing that 'if we find the Sudanese government is obstructing progress' on a peaceful solution to Darfur and on implementation of the CPA, 'the United States government will change its policy of negotiation and will pursue more coercive measures' (Bureau of International Information Programs, 2007).

## **The Arab League**

The Arab League has been pursuing a mediated solution to the Darfur crisis. On 18 February 2007, the Secretary-General of the Arab League, Amar Moussa, stressed the need for a meeting in Khartoum to discuss the humanitarian situation and seek stability in Darfur. The Arab League has also provided financial support to the AU in support of its mission in Sudan. During the AU summit in January 2007, the League's chief promised to hand over US\$15 million for the AU peacekeeping mission in Sudan's Darfur region.

The March 2006 Arab League's Summit in Khartoum committed itself to supporting AMIS by providing resources. The League's Ministerial Committee meeting held on 19 February 2007 in Khartoum urged the Arab countries to honour their financial commitments towards supporting the AU troops in line with the recent summit's resolution to allocate US\$150 million, of which US\$15 million has so far been voted. It also called on the Arab private sector and the Arab funds to participate in the providing the humanitarian needs in Darfur and in supporting AMIS in the region, also urging the league to support the negotiations between the government and the rebel groups in Darfur (*Sudan Vision Daily* 2007b). The meeting also announced the Arab League conference to support and resolve the humanitarian situation in Darfur scheduled to take place in March 2007. The March meeting should call on Khartoum to allow a hybrid AU-UN force to stabilise Darfur and protect citizens in the region.

## **The Chinese factor**

China's evidently strong alliance with Sudan is driven by its oil interests, with Chinese oil companies operating in the country since the departure of Western oil majors in the mid-1990s (Jiang 2007:6). But China

## **The military option is still on the table**

must reconcile its economic interests and the need to protect civilians in Darfur. As Mark Curtus and Clare Hickson (2006:38) have rightly noted, China has sold gunship, transport helicopter and military trucks to Sudan, which have been used in recent attacks on civilians in Darfur.

China has used its veto-wielding status at the Security Council to prevent harsh measures against Sudan over the Darfur conflict, including sanctions. China has faithfully backed Sudan on the question of UN deployment in Darfur, arguing that deploying a UN peacekeeping operation in Darfur would require the agreement and cooperation of the Sudanese Government. According to China's officials, 'China's primary stances are that all issues should be solved through peaceful means and that China does not support forcing countries to accept any conditions' (*Sudan Tribune* 2006).

China's support for the government has alienated the rebels in Darfur. The Chair of the SLM, Abdelwahid al-Nur, has accused China of underwriting Khartoum's killings in Darfur. 'So, our request to Mr. Hu Jintao [Chinese President] is that it is better not to help the Khartoum regime to commit genocide against its own civilian populations ... [this] would just really create a very dangerous situation for the China's investment in Sudan and all over Africa in the longer run' (*Sudan Tribune* 2007c)

China has, however, tried to counter this negative image by extending financial support to the AU and its mission in Darfur. On 15 June 2006, the Chinese government granted AMIS a total of US\$3.5 million in budgetary support and humanitarian emergency aid (IRIN News 2006). Of that amount, US\$2.5 million will be allocated to assisting refugees and US\$1m will be for budgetary support of the AU's PSC.

Thus, China is positioning itself as a neutral and benevolent force in the Sudanese conflict, although its biases towards Khartoum are patently clear. In the February 2007 visit by President Hu Jintao, China pressurised the Khartoum government to address the Darfur conflict. China is even promising to make funding available to UN–AU hybrid peacekeeping force in Sudan.

## Conclusions

When the AU sent its forces to protect Darfur's civilians, it was acclaimed for its leadership role and engagement in one of Africa's complex and dangerous conflict. By taking bold steps to stop fighting and stem the humanitarian crisis in Darfur, the AU not

only raised its profile, but the crisis has also since presented the first real test for its viability as a credible force in peacekeeping. Darfur has not only become the crucible for Africa's emerging civilian protection agenda and architecture, but also its main challenge.

However, the international consensus that favoured the entry of the AU force in Darfur began to wane as the humanitarian crisis in Darfur deepened. This led to calls for increased troop levels, including expansion of the size of its monitoring force and a clear mandate for its troops to protect civilians. Although the force was rapidly expanded, it required a corresponding increase in its peacekeeping capacity through provision of equipment, logistical, financial, material, and other resources. These have not been forthcoming either from poor African countries or from the international community, whose traditional pre-disposition is not to respond generously to African emergencies is yet to change. The call for a UNMIS to replace AMIS had the negative effect of vilifying the great work that AMIS has undertaken. It also ignored the intractable obstacles that AMIS faced in getting an intransigent Khartoum government to allow it to monitor the ceasefire agreement and to protect civilians. The Darfur crisis has brought home this diplomatic challenge relating to the notion of sovereignty, which has posed difficulties to the deployment of the UN force.

## The quest for civilian protection demands action on various fronts

The proposed AU–UN hybrid force offers the best chance for larger, well-financed and equipped mission with a stronger mandate and diplomatic muscle to protect civilians and pave way for a durable peaceful solution. But its implementation challenges the UN peacekeeping orthodoxy, which has no framework of engagement in joint peace mission or funding a regional security mechanism where it is not taking a lead. There is also the challenge of peacekeeping in a war that is truly regional, calling into the debate the role of Chad and the Central Africa Republic in the entire peacekeeping. This also brings in the need for a comprehensive peace agreement that incorporates Sudan's neighbours. Forging forward in the quest for civilian protection in Darfur demands action on six interrelated fronts: *avoiding a civilian protection gap*: As the only protection force now in Darfur, and until such time as Khartoum will allow for a hybrid force to be in place, it is absolutely critical that AMIS is supported to continue offering protection to Darfur's IDPs and civilians in villages. A protection gap can only expose them to more plunder, rapes and killings by militias, rebels and government forces. Nato and its member states such as the US should continue to provide logistical support to AMIS, including various aspects of training in peace support operations and



strategic airlifting capacity where this is needed. Africa's other partners, particularly the EU and its member states, should continue to provide financial support to AMIS to sustain its operations in Darfur. Western civil society groups should desist from unhelpful vilification of AMIS, acknowledging that the AU protection capacity is still work in progress. A useful approach would be to focus on how the AU can improve its capacity and what kinds of framework of engagement should develop between it and the UN to ensure effective protection in Africa beyond Darfur.

### ***Increasing pressure for the AU–UN hybrid force***

The next challenge is to mount pressure on the government of Sudan to permit the deployment of a larger AU–UN peacekeeping force with a stronger mandate for civilian protection. The AU's PSC needs to pass a resolution calling on Khartoum to respond comprehensively to the letter of the UN Secretary-General of 24 January regarding the deployment of a hybrid force. It should also urge Khartoum to accept the force immediately while adequately addressing Sudan's concern for its own safety. China and the Arab League should use their special relation with Sudan to prevail on Khartoum to accept a stronger AU–UN force. The G8 member states, including the US, Canada, France, Japan, Italy, the UK, Germany and Russia should speak with one voice to assure Sudan of the best of guarantees for its national sovereignty and integrity, while remaining resolute in their demand for the immediate deployment of a international protection force in Darfur with a larger force, strong mandate and capacity. This might require basing the force on the AU, but hammering in a framework of engagement that ensures UN ultimate leadership of the process, it being the final guarantor of global peace and protection.

### ***Improved delivery of humanitarian assistance***

Restoration of security is key to ensuring effective delivery of humanitarian assistance to stem the alarming cases of deaths relating to lack of food, medicine and shelter due to the increasing roll-back of relief activities as humanitarian organisations leave Darfur due to lack of security. It is also critical that the flow of support to Darfurians in stress should continue. Various UN bodies and goodwill ambassadors are doing a remarkable job in keeping the plight of Darfur's displaced on the radar-screen, but more needs to be done. Specific countries such as the US and China, as well as organisations such as the EU and Arab League need to step up their financial support for Darfur's displaced population.

### ***Protection against atrocity crimes***

Integral to the process of ending and punishing crimes against humanity in Darfur is the urgent need to arrest and try those responsible for such atrocities. However, arresting and trying these individuals remain a daunting challenge to the AU and the international community. It also has the potential of escalating the conflict in Darfur. The ICC is yet to issue arrest warrants against those named in such crimes, but an even more major challenge is that its own power is being challenged by governments, with Sudan questioning its authority in Darfur. The AU's PSC must strongly invoke its own protocol on civilian protection and crimes against humanity to ensure that those responsible for crimes against Darfur's civilians are brought to book. While pushing on with its own investigations on perpetrators of violence in Darfur, the ICC needs to cast its net wider to cover eastern Chad and the north-eastern region of the Central African Republic also affected by crimes against refugees in camps and displaced population. The proposed AU–UN force must build capacity to hunt down those identified by the ICC as perpetrators of war.

### ***Increasing the search for a peaceful solution***

The Comprehensive Darfur Agreement is, no doubt, completely derailed. It needs to be urgently brought back on track. Members of the joint commission for the DPA, including the UN, the AU, the EU and the US should intensify efforts to find a diplomatic solution to Darfur. Specifically, the AU and international community should continue their ongoing effort to re-engage with all the parties to the Abuja negotiations, to establish a new political forum. The forum

## **The ICC needs to cast its net wider**

will review implementation problems and provide a platform for the non-signatories and previously excluded stakeholders to discuss their objections to the DPA and seek to resolve them. To build broad support for a revised agreement, a renewed peace process will require extensive, ongoing consultation with and dissemination of information to the general population. This is necessary to create a secure environment for effective protection of civilians in villages, refugee and IDP camps.

Khartoum's main international allies (i.e., the Arab League and China) should support the peace process, by urging Sudan to seek a genuine comprehensive peace with rebels and neighbours and by increasing financial support for the peace process. On its part, although the military option should still remain on the table, the US needs also to step up its diplomatic search for peace as the most desirable solution to the Darfur crisis. France should also increase follow-up

diplomatic efforts to ensure that the February 2007 Peace Agreement signed by Presidents Omar Hassan al-Bashir (Sudan), Idriss Déby (Chad) and Francois Bozize (Central African Republic) in Cannes, France, to cease hostilities and 'respect sovereignties and to not support armed movements' holds. This may ensure the end of cross-border incursions and conflict between the three countries, ending miseries for refugees and IDPs.

### ***Redefining the engagement of the United Nations and regional security mechanisms***

Over and above the obstacles Khartoum has put in its way, the problem confronting AMIS is squarely one of funding. This demands an urgent re-examination of the UN's role in supporting peace in regions where a regional organisation is taking a lead for obvious political/diplomatic advantages. Insistence on only paying for missions where it is taking a lead role is beginning to prove an expensive risk to civilians, thus calling for a thorough-going re-evaluation of the of the extant framework of engagement to facilitate funding for missions such as AMIS to ensure their capacity to protect civilians. The proposed hybrid force between AMIS and the UN offers this chance, which must not be lost.

### **Notes**

- 1 The real figure of deaths in Darfur is a source of controversy and polemics. In 2004, the US declared the killings in Darfur as genocide. While acknowledging the crimes against humanity taking place in the region, Africans and other global players have refrained from invoking the 'G' word. Pointing out that more deadly conflicts such as the deaths of nearly 4 million people in the Congolese civil war (1998–2003) have not been termed *genocide*, some African policy-makers have reasonably argued that the use of the label merely complicates the diplomatic task of resolving the conflict. The 400 000 deaths ceiling is suggested by the humanitarian agency, Refugee International in its report, 'No power to protect: the African Union Mission in Sudan, 11 September 2005, p.1.
- 2 With the army deployed both to the south, where the long-running Sudanese Civil War was drawing to an end, and the east, where rebels sponsored by Eritrea were threatening the newly constructed pipeline from the central oilfields to Port Sudan, President Omar al-Bashir was unable to make good his threat to unleash the army to fight Darfur's rebels, whose tactic of hit-and-run raids using Toyota Land Cruisers to speed across the semi-desert region proved almost impossible for the army, largely untrained in desert operations, to counter (see Flint and de Waal 2006:99).
- 3 He was re-elected for a third term in May 2006
- 4 The normative principles that underpin the 'concert of Africa' are encapsulated in two foundational documents: the Constitutive Act of the African Union (Addis Ababa,

- 2001, articles 3a, b, e and f), and the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, adopted in July 2002 and ratified by members in December 2003 (see Field 2004).
- 5 The mechanism committed the OAU to anticipating and preventing potential conflict, undertaking peacemaking and peace-building efforts; and carrying out peace consolidation activities in the post-conflict situations.
- 6 Ten members are elected to serve a two-year term while five serve for three years.
- 7 These regional organisations include: the Intergovernmental Authority on Development (IGAD) for Eastern Africa; the Economic Community of West African States (ECOWAS), the Southern Africa Development Community (SADC), the Arab Maghreb Union (AMU) and the Economic Community for Central African States (ECCAS).
- 8 AMIB troops came mainly from South Africa, Ethiopia and Mozambique, with additional military observers from Burkina Faso, Gabon, Mali, Togo and Tunisia.
- 9 Other members elected to the PSC included, Lesotho and Mozambique (Southern Africa), Ethiopia, Kenya and Sudan (East Africa), Cameroon, Republic of Congo and Gabon (Central Africa), Ghana, Senegal and Togo (West Africa) and Algeria and Libya (North Africa). Algeria, Ethiopia and Gabon were elected on three years the others for two years.
- 10 See, for example, the report by the Refugee International, 'No power to protect: the African Union Mission in Sudan', *RI Report*, 11 September 2005:2–4.
- 11 In the past UN Missions in Africa have neither been well-funded nor large enough to contain conflicts, reflecting a general international trend to give low priority funding and poor response to the continent's humanitarian emergencies compared. International Crisis Group, *Getting the UN into Darfur*, Africa Briefing No.43 12 October 2006.
- 12 Eventually, Africa was instrumental in the collapse of the consensus on the sharing out of the UN permanent seats during the September 2005 UN General Assembly.
- 13 China, Russia and Qatar abstained.
- 14 In line with article 58 of the Rome Statute that created the ICC, during this phase of the trial evidence of large-scale crimes against humanity will now be submitted to the Pre-Trial Chamber (a form of international 'grand jury').
- 15 Although originally set up for the EU's development agenda under the EU-ACP (African, Caribbean and Pacific) mechanism following the 2000 Cotonou Agreement, the Darfur crisis has subsumed the initial objective.

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## About this paper

This paper discusses various aspects of the African Mission in Darfur (AMIS), and how these affect civilian protection in the embattled region of the Sudan. It spotlights the politics involved in its deployment and functioning, as well as specific operational dynamics on the ground. By examining these and other elements, the paper concludes that AMIS, as currently constituted and mandated, is severely handicapped and thus largely unable to protect civilians in the face of continuing atrocities in the embattled region. The paper further examines the challenges to the proposed UN force, and the prospects of a hybrid force involving the AU and UN.

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