

Civilian (in)security in the Darfur region of Sudan

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Introduction

Since the end of the Cold War, intra-state wars and conflicts in Africa have created unprecedented humanitarian crises within the continent. Continued intra-state conflicts and their ramifications for the security of the civilian population, especially in the Darfur region of Sudan, have been a cause of concern among various actors (political, conflict resolution and civil society), both within and outside the continent. In some academic circles, the magnitude of the Sudan-Darfur conflict has served to qualify the theory that views violence and war as socially acceptable conflict resolution mechanisms.¹ This perspective overlooks the vicious cycle associated with the use of violence to resolve disputes between and within groups.

As noted by the United Nations (UN) in its Millennium Development Goals report, conflicts and disasters serve as sources of human insecurity and further engender poverty and hunger.² Pertinently, by 2003, large-scale conflicts had caused an estimated 13 million deaths worldwide, 12 million of which occurred in Africa. In addition, conflicts exacerbated refugee crises and mass displacement of innocent and vulnerable civilians.³ The UN and the international community are thus compelled to broaden their focus to include the eradication of poverty and hunger, as well as the causes of conflicts and natural calamities, in order to address the nexus between socio-economic and human security factors.

For this reason, the international community, led by the UN, called for collective action to eradicate sources of human insecurity, especially conflicts. Among others, such efforts at the normative level include global consensus on “embracing and operationalising the key principles relating to the ‘responsibility to protect’, as the framework for collective action against genocide, ethnic cleansing and crimes against humanity”.⁴ As

part of the discourse around the ‘responsibility to protect’, it has been strongly argued that sovereign states have a primary responsibility to provide secure and peaceful living conditions for their citizens. It has been argued further that failure by a sovereign state to protect its citizens should compel collective action led by the UN, and including the use of military force, to restore civilian peace and security.

In this regard, the conflict in Darfur has raised fundamental strategic and operational level challenges in the translation of the emerging notions of global action against states that fail to assume primary responsibility for the protection of civilian populations. Particularly in the Darfur region, the government of Sudan (GoS) is alleged to be complicit in serious human rights abuses, war crimes and crimes against humanity in a conflict that has claimed (and continues to claim) thousands of lives and left several million others as internally displaced persons (IDPs) and refugees. The scale of the humanitarian catastrophe in the Darfur conflict and the alleged complicity of GoS thus compelled the UN to galvanise international consensus that the Khartoum administration was failing in its responsibility to protect its citizens in Darfur.

In the wake of coercive action taken against regimes in Afghanistan and Iraq, and despite the urgency of the case of Darfur, sufficiently broad consensus on action has proved difficult to attain. The task of speedily resolving the Darfur crisis consequently fell to the African Union (AU), which quickly responded by deploying the African Union Mission in Sudan (AMIS) to address the human suffering in the region. However, given the same political dynamics, the mandate of AMIS, focusing largely on monitoring and observation of the humanitarian ceasefire agreements, has not been able to effect the desired change on the ground: a cessation of hostilities and atrocities against the civilian population. As a result, and coupled with other factors discussed later, at the time of writing this

Intra-state wars and conflicts in Africa have created unprecedented humanitarian crises within the continent

paper, there were serious discussions within the UN system and the international community about the urgent need for the UN to take over the peace mission in Darfur.

This paper aims to examine the extent of the protection of civilians in the Darfur region of Sudan. Furthermore, it explores efforts by the AU and the international community to resolve the conflict. To this end, the paper will interrogate the following issues:

- The impact of historical, ethnic, religious and colonial legacies on the human insecurity in Darfur and their influence on the region's post-colonial political landscape;
- The dynamics of the conflict in Sudan and how they impinge on the implementation of the principles relating to the responsibility to protect civilians in Darfur; and
- Lessons to be learned from the Darfur conflict and efforts towards its resolution.

Definitions

This paper seeks to examine some working definitions of the key concepts that are central to the understanding of the international relations landscape, as it relates to the notions of "The Responsibility to Protect" espoused in the Report of the International Commission on Intervention and State Sovereignty (ICISS). Such concepts include: intervention, security, peace and sovereignty.

Intervention: As a concept, intervention is widely used in military studies, political science and international relations. In its simplest form it refers to the act, especially by a third party, of getting involved in intra- and/or international discourses and events. It entails, among other things, third parties employing physical, political, diplomatic, cultural and economic measures in support of the other party or parties. It is often conducted in support of a third party's ally in the affected area, pursuant to relevant mutual arrangements that may be bilateral and/or multilateral. Diplomacy, military action, sanctions and peacekeeping are some of the key forms of intervention in contemporary conflicts and humanitarian crises.

Security: Traditionally, the concept of security has been understood to mean the absence of war or a state where civilians feel protected from internal and external threats to their wellbeing. In the context of this definition, the provision of security and protection of civilians is viewed as the responsibility of the (national) authorities, thus making ordinary civilians passive recipients. Matheba, for instance, notes that:

Traditional conceptions of security were parochial and often aligned with the state and military. Accordingly, peace was synonymous with an absence of war. [The definition] ... focused primarily on war and war machines rather than on non-military threats to security.⁵

During the bipolar rivalry of the Cold War, the concept of security was mainly used in the context of ideological contests between the Western and Eastern blocs, and from a state-centric perspective. In the post-Cold War era, the concept of security has been redefined to recognised changes and trends in the international order, including globalisation. In a globalised world order, security has been defined and interpreted from a collective perspective (that views the world as a community of nations) rather than the individualistic and national perspective. Based on this redefinition, various scholarly works now tend to view security as meaning more than the absence of war or harm, and argue that its provision should involve a myriad of stakeholders. The new arguments emphasise a definition from an integrated rather than state-centric perspective. In the shift of emphasis, the discourse is now centred more on civilian and human security as opposed to the narrow definition of state security.

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Human security thus entails a wide range of issues that affect human dignity, quality of life, and livelihoods, and can be seen as vital components in development. In quoting the Commission on Human Security, Mahlako expands the discourse around security as follows:

Human security also reinforces human dignity. People's horizons extend far beyond survival to matters of love, culture and faith. Protecting a core of activities and abilities is essential for human security, but that alone is not enough. Human security must also aim at developing the capabilities of individuals and communities to make informed choices and to act on behalf of causes and interests in many spheres of life. That is why human security starts from the recognition that people are the most active participants in determining their wellbeing. It builds on people's efforts; strengthens what they do for themselves.⁶

In support of Mahlako's definition, the ICISS report also views human security as having "created additional demands and expectations in relation to the issue of how states treat their own people,"⁷ and how the presence or absence of security became the responsibility of the global village.

In a nutshell, human security and its application to the protection of civilians should be informed by the following factors:

- Transparency and accessibility within government structures, i.e. the legislature's protection of the community in terms of the laws that it puts in place;
- Access to and the nature of education;
- A justice system that treats civilians equally;
- Access to healthcare services, sanitation, etc.

The AU's Common African Defence and Security Policy defines human security as "encompassing both the traditional state-centric notion of survival of the state and its protection by the military from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflict".⁸

Human security should, therefore, look beyond safety measures in terms of armed conflicts, to safety measures that ensure provision of the basic needs of ordinary civilians, taking into account their human dignity and acknowledging their human rights.⁹

In this context, the international community, led by the AU, could apply both diplomatic and coercive measures to restore peace and human security. Surprisingly, as will be shown later, little has been done by international players to use coercive force to restore peace and human safety in Darfur. The GoS, on the other hand, has pursued policies focusing on state-centric notions of security to defend its authority and existence.

Peace: The Encarta World English dictionary definition of peace includes freedom from war; or the period when war or conflict ends; a state of mental calm and serenity, with no anxiety, freedom from conflict or disagreement among people, group of people, states or groups of states. Whether the state of peace is achieved at individual, community, national or international level, what is appealing about the definition is that it entails the creation of positive attitudes about life and sharing of serenity among people. This concept is closely related to the concept of security, and the two are often used interchangeably.

Major international actors, including statesmen, national governments, multilateral institutions and national and international civil society organisations have been engaged in efforts to protect vulnerable groups in times of conflict. These efforts to resolve human insecurity are often conducted within

integrated frameworks such as international contact groups, peace initiatives and facilitations.

Since the establishment of the UN system, traditional peacekeeping deployments involving large military observers and forces were employed to restore peace, especially during inter-state wars and conflicts. After the end of the Cold War, however, the UN and the international community have had to contend with complex emergencies, employing multidimensional and multidisciplinary peace mission deployments, not only to keep the peace, but to establish foundations for post-conflict peace building and reconstruction. Mlotha, in his module offered at the Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO), on the Generic UN Course, explains the paradigm of complex multidimensional peace missions as,

"...addressing a wide range of social, humanitarian, political and legal challenges in order to achieve a comprehensive settlement of disputes".¹⁰

Unlike the militarist and state-centric Cold War approach to security, contemporary peace missions are conducted with the involvement and consent of various layers of stakeholders who are interested in finding durable and sustainable peace and ending human suffering.¹¹

In the final analysis, these definitions shed some light on the theoretical understanding of peace and security. They provide entry points into the discussion about how conflicts remain central to the undermining of peace and security. In fact, the understanding of these concepts could serve as a positive

step toward the actualisation of the international community's responsibility to protect citizens. The ICISS report also notes that human security should be viewed as a priority in the maintenance of international peace and security. In cases where civilian protection deteriorates, the international community, led by the UN, should be given the mandate to use maximum force to restore peace and security.

The background history and dynamics of the Darfur conflict

It is important to reflect on the history of the Sudanese conflict so as to develop a basic understanding of the persistent conflict in the Darfur region, and why it requires intervention by the international community. In spite of resolution efforts, Sudan remains one of the most war-affected countries in Africa. Darfur has become the most war-affected region in Sudan. To a large extent, the conflicts are rooted in historical,

In spite of resolution efforts, Sudan remains one of most war-affected countries in Africa

cultural and religious disputes and issues, as well as in the ideological divide between the north and the south. In the historical context, it is worth mentioning that by the end of the Second World War, north and central Sudan were still administered as part of the British colonies while the southern part, which was predominantly Nilotic, remained politically dislocated from central and northern Sudan. The policy of dislocation formed part of the British colonial strategy that, according to Esterhuysen, was meant to “prepare southern Sudan for eventual integration with British East Africa.”¹² The British colonial ambitions, however, were challenged by Sudanese nationalist movements that fought for and demanded self-determination and reunification with the south.

It is also important to note that the Sudanese nationalist struggle in the south was fragmented in terms of philosophy, outlook and projection about the envisaged independent Sudan. These divisions were further exacerbated by physical, and especially racial, differences between the light-skinned northerners and the dark-skinned southerners. The central and northern parts (being mostly Arabic in culture and Islamic in religion) cherished the creation of a unified Sudan. To the contrary, the south, with its rich oil deposits and, being mostly Nilotic in culture and secularist in religion, mainly favoured the separation of the south from the northern and central parts.¹³

The politics of pigmentation led to racial divisions between the north and the south, and resulted in what Professor Ali Mazrui has referred to as “sub-Saharan pan-Africanism” which, in the context of the on-going “troubles in Sudan informs the argument that the conflict is between Arabs and Blacks.”¹⁴ These divisions have persisted throughout Sudan’s history and significantly underscore the incidence of its contemporary conflicts.

When independence was ultimately gained in January 1956, the south felt marginalised because the north now dominated the newly created government and other national institutions. The dominant rebel group in the south, the Anya Nya, therefore, undertook a campaign of political destabilisation, including an armed struggle, to demand autonomy of the south from the north. The Anya Nya transformed itself into an organised political movement and military wing, the Sudanese Peoples Liberation Movement (SPLM) and the Sudanese Peoples Liberation Army (SPLA) and engaged the Khartoum government in fierce military offensives. Later, the SPLM engaged the Khartoum administration in negotiations that resulted in the creation of the government of national unity in July 2005. The establishment of the government of national

unity was a major step toward operationalising the agreements on wealth sharing, southern regional autonomy and power sharing as agreed during the Comprehensive Peace Agreement (CPA) signed on 9 January 2005.¹⁵ The successful anti-GoS offensive by SPLM motivated the rise of militant nationalist sentiments in Darfur.

How did the CPA influence the Darfur crisis or contribute to sustainable resolution of the region’s conflict? The CPA identified and recognised the north and south as major regions in Sudan, and the national political agenda became crafted in that context. That process marginalised the Darfur region despite its long and rich history of being an autonomous political entity. It could be argued that the Sudanese peace process, especially related to developments that led to the signing of the CPA in 2005, could have taken into consideration the possibility of granting regional autonomy and a vice-presidency to the Darfur region. That might have afforded the people of Darfur an opportunity to decide their future and draw on the resources of the GoS to advance their socio-economic development. It might also have served as a motivating factor for regional dialogue and could have paved the way for the creation of a diverse and democratic Darfur.

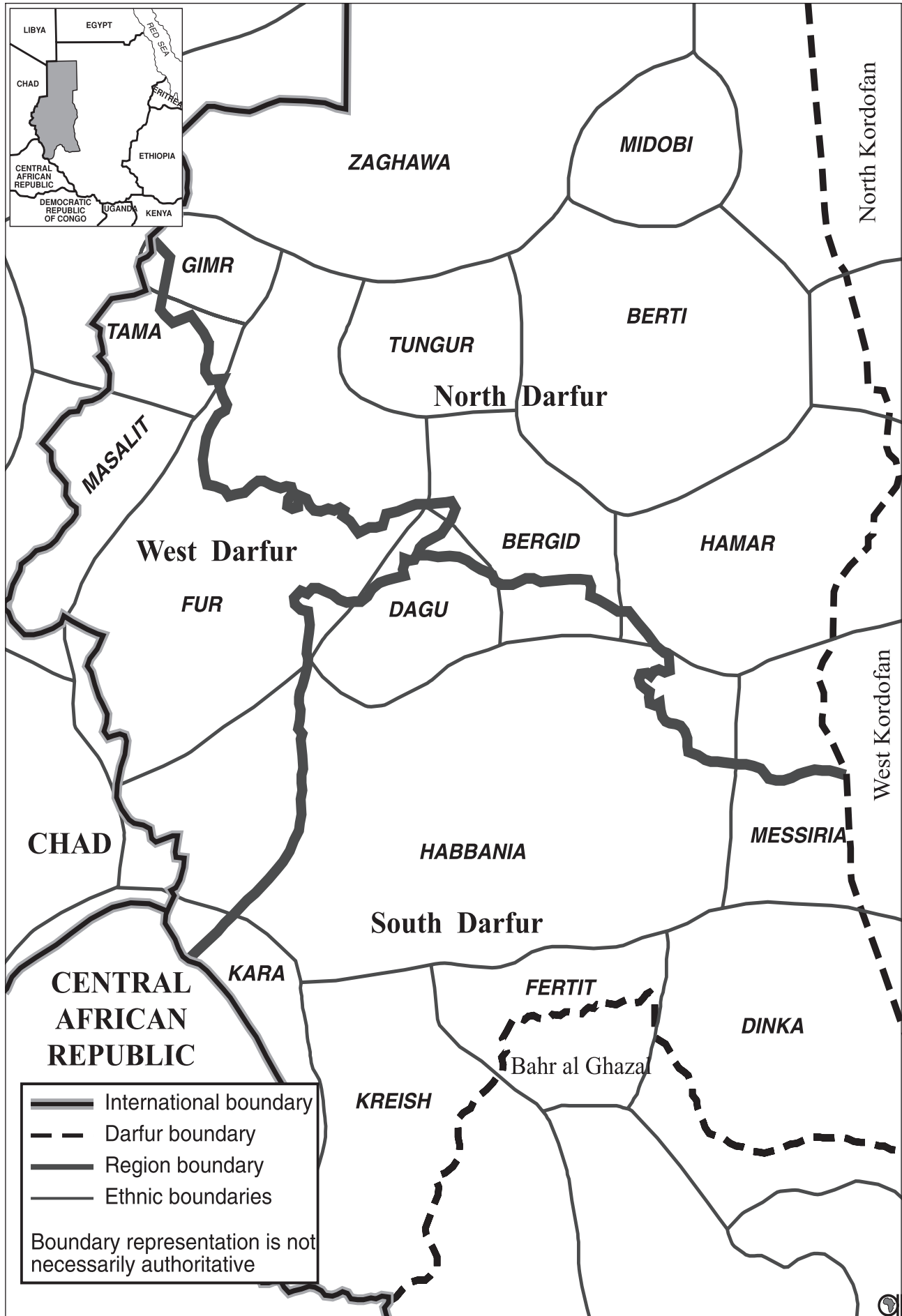
The CPA failed to grant Darfur regional autonomy

While progress was made towards national reconciliation between the north and south, conflict continued to ravage the Darfur region. The persistent conflict was waged as a result of the dynamics of race, ethnicity, politics and economics (see figure 1). The conflict was exacerbated by the GoS’s skewed provision of services that favoured the minority Arab ethnic groups. This led to dissatisfaction among the non-Arab ethnic groups, who then rallied around the Sudanese Liberation Army (SLA) and the Justice and Equality Movement (JEM) and from February 2003, they took up arms in an anti-Arab and anti-GoS offensive that resulted in the loss of lives and the destruction of properties. The Arab groups in Darfur also waged counter offensives through systematic attacks by the armed militia and the *Janjaweed*.

The *Janjaweed* allegedly received support from the Khartoum government. Both the *janjaweed* and the opposing forces often burned villages and looted property during the ensuing confrontations. In some cases, sexual harassment was used as a weapon of war as women and young girls became rape victims. That often affected the victims’ health status because they became vulnerable to the contraction of HIV/AIDs and other sexually transmittable diseases. Again, the rapes often led to unplanned pregnancies and single parenting, all of which served to traumatise the



Figure 1: Distribution of ethnic groups in Darfur⁶



victims and members of their families. The resultant increase in civilian casualties was met with much disapproval by the international community, and the GoS was blamed for waging war against its subjects.

The emergence of the Darfur conflict showed that it is simplistic and a little erroneous to view the conflict in Sudan in a religious context only. In western Darfur, for instance, the predominantly Islamic population have lived together as Arab and non-Arab ethnic groups, with the Fur, Masalit and Zaghawa as the dominant groups. Indeed, it is a pertinent that the name 'Darfur' meaning 'the land of the Fur people', derives from the ethnic name of the Fur. As mentioned earlier, as the Darfur conflict raged on, most of the non-Arab ethnic groups in the region rallied behind the JEM and the SLA/M. They thus waged military offensives in protest against the GoS's marginalisation of the non-Arab ethnic groups in the Darfur region.

As mentioned earlier, the failure by the GoS to entertain the idea of regional autonomy for Darfur as part of the 2005 CPA had a trigger effect on the militarised politics in Darfur. It should be noted, however, that both SLA and JEM have listed the regional autonomy of Darfur and representation in the GoS among their prerequisites before they sign the peace deal.

The humanitarian crisis in Darfur and its impact

As is the case in many conflict scenarios, women, children, the disabled and the elderly have inevitably been among the victims of the military confrontations between the GoS, the JEM and the SLA/M. The socio-economic fabric of society was seriously affected during the destruction of villages, and the looting of property and livestock during raids by the warring factions.

While the GoS's planes are alleged to be supporting the *Janjaweed* in the bombardment of villages viewed to be sympathetic towards the rebels, the Khartoum government denies such support or association with the *Janjaweed*, even though this is contradicted by accounts from local civilians, humanitarian agencies and AMIS.

The persistent attacks on villages led to the displacement of an estimated 1.9 million IDPs, and another 200,000 refugees, mostly into Chad. Even at the IDP and refugee camps, women and young girls continue to be exposed to high levels of human insecurity, as a result of sexual abuse and exploitation (SEA) abduction and family violence, by a few of their male counterparts. In addition, the *Janjaweed* and other marauding militia groups sexually harass women and young girls

when they move out of the camps to search for food, water and firewood. In addition to this threat, the civilian populations in the IDP and refugee camps lack adequate clean water, which has led to diseases and deaths, especially among children. According to a Khartoum-based newspaper, *The Juba Post*, diarrhoea, fever and pneumonia account for an estimated 10,000 deaths every month,¹⁷ even though the Khartoum regime remains in denial about the humanitarian crisis and refuses to "respect the dignity and basic rights of all the people within the state."¹⁸

Further to these large-scale attacks, many civilians have been arrested and detained by the GoS security forces, while several others have been held incommunicado for prolonged periods and tortured. The vast majority of the victims of these rights violations are from the Fur, Zaghawa, Massalit, Jebel, Aranga and other so-called 'African' tribes.¹⁹

The deterioration of human security among women, girls and children generally has been attested to by *Medicins Sans Frontieres* (MSF), which has reported as follows:

In contrast to past conflicts in Africa, the active involvement of children in combat in the Darfur conflict has been minimal

The humanitarian situation in Darfur has recently been described as at an "equilibrium" point – but if you ask the people living in one of the crowded, unsanitary, and unsafe displaced camps in Darfur whether they feel they are experiencing an equilibrium, I have no doubt they will more likely tell you that their lives are dangling by the thin thread that is humanitarian aid. Simply because mortality rates in Darfur are now just below the emergency threshold level, in certain locations, doesn't mean that the living conditions for

the displaced in Darfur are in any way humane, safe, adequate, or acceptable. There is no such thing as reaching equilibrium when people's lives are still hanging in the balance.²⁰

The MSF report on the state of human security in Darfur captures the magnitude of sexual violence as follows:

"Since early 2003, the people of Darfur have endured a vicious campaign of violence, which has forced almost 2 million people to flee from their destroyed villages in search of safety. Rape against women children and men has sadly been a constant factor in this violence throughout this campaign of terror. More tragically, it continues to this day even long after people have fled from their villages. The stories of rape survivors give a horrific illustration of the daily reality of people in Darfur and especially of women and



young girls, the primary victims of this form of violence."²¹

It is important to note that in contrast to past conflicts in Africa, the active involvement of children in combat in the Darfur conflict has been minimal. This confirms the assertion that in the context of the Darfur conflict there is "a complete disconnect between the child and the struggle".²² This serves to illustrate that there is no "one size fits all" template for the direct involvement of children in armed conflicts in Africa, as argued by McIntyre: "African children and youth have been absorbed into liberation struggles, political campaigns and insurgencies as surely they constitute the majority of the African citizens".²³

International efforts to resolve the Sudan-Darfur conflict: the AU, UN and international community

The conflicts in most African countries and the consequent insecurity have provided fertile ground for academic research and discourse by opposing sides: Afro-pessimists and Afro-optimists. According to the Afro-pessimists, "in the consciousness of the world, Africa is synonymous with brutal dictatorships, military coups, stoned child soldiers, warlords, blood diamonds, corrupt officials, rigged elections, inefficient governments, street children, filth, crime, drought, famine, floods and pestilence".²⁴ The Afro-optimists, on the other hand, refer to positive African efforts and commitments to take responsibility for the socio-economic, cultural, political and moral development of the continent. Such positive efforts mainly aim to change conditions from "begging-bowl-dependence to that of growth, development, good governance, democratic principles and civil liberties."²⁵

As mentioned earlier, the scale of the (in)security landscape in Sudan-Darfur prompted the international community to engage the conflicting parties in peaceful dialogue so as to de-escalate the conflict and create an environment conducive to sustainable peace, post-conflict reconstruction, and development. The desire to create a stable and peaceful Darfur is predicated on the commitment and efforts to restore peace and security in Africa in accordance with the notion of finding 'African solutions to African problems'.

The UN, the AU and the international community have devoted considerable political, human, financial and material resources toward the resolution of the conflict. The commitment of these institutions towards the peaceful resolution of the conflict supports Field's assertion that:

Preventing war and maintaining peace remain among the most vital, and most elusive, goals of international relations. Indeed, the acid test for international and regional organisations is variably their efficacy in the area of peace and security nexus.²⁶

In light of the humanitarian crisis in Darfur, the UN and the AU were compelled to intervene to improve the plight of women, children, the aged, the disabled and the sick. The humanitarian response of these institutions, focusing on vulnerable groups, accords with ongoing discourse around the principles relating to 'the Responsibility to Protect' as espoused in the ICISS report that proposed the following precautionary principles for military interventions:

- Application of right and moral intention for intervention;
- The use of military intervention as the last resort;
- The use of minimal military intervention that poses no threat to civilian security; and
- Availability of reasonable chance of success in halting and averting human sufferings.²⁷

Given the difficulties surrounding an international entry point for the deployment of a peace mission, the AU led the international efforts to restore peace and security in Darfur, through the deployment of AMIS in July 2004.²⁸

The Darfur conflict in the context of the discourse on the 'Responsibility to Protect'

The deployment of AMIS was part of the AU's efforts to eliminate mass human suffering. As mentioned above, AMIS formed a critical component of international efforts to restore human dignity and peace in Sudan and dovetailed with the ICISS report because it emphasised the "right of humanitarian intervention". However, unlike some other mandates, AMIS' mandate did not allow the use of coercive measures to deal with atrocities against the vulnerable population. That weakness in the mandate was further exacerbated by the insufficiency of its forces.

The ICISS report emphasised the right of intervention during severe humanitarian crises, and is the intention to implement constructive and, where necessary, coercive intervention. According to the ICISS report, coercion would be applicable if a sovereign state was unable to protect its civilians from avoidable disasters, as is the case in Darfur. In such cases, the international community (of states and other actors) should be given the responsibility to intervene and restore the human dignity and socio-economic wellbeing of the affected civilians through the application of coercive measures,

Creating a peaceful Darfur is predicated on the commitment and efforts to restore peace and security in Africa

including the international trials of perpetrators (for atrocities committed against the civilians) and the use of force to deter civilian insecurity.

Against that background, this paper argues that civilian insecurity in African peace missions, (such as AMIS in Darfur) illustrates the reluctance of the international community to effectively apply coercive measures that would provide civilian safety, as suggested by the ICISS report.

Regional interventions: the Inter-Sudanese Peace talks on Darfur

The dire humanitarian situation in Darfur compelled the negotiators at the Inter-Sudanese Peace Talks to be seized with the urgent need to find solutions.. The parties at the talks adopted a common position on the Declaration of Principles (DoP), to guide their path towards ending the hostilities in Sudan, with an emphasis on the Darfur region. As the Darfur Relief and Documentation Centre (DRDC) has emphasised, the talks:

“would be the basis for a meaningful political process to address the root causes of the conflict in the region and help generate a just and lasting solution to end the ongoing human tragedy.”²⁹

This notwithstanding, the Darfur peace talks have not yet achieved a political settlement of the dispute, even after the seven rounds of talks held between 2004 and early 2006. As noted by the DRDC, the parties are distrustful of one another.³⁰ So far, the DoP has contributed precious little to ending armed hostilities between the opposing sides, especially by the government forces. This is in line with the report of the International Commission on Darfur, which noted that atrocities:

“... were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity.”³¹

The GoS, whose international image has been tarnished by its handling of the Darfur crisis, has instead blamed the rebel groups for the atrocities,³² while the human security landscape continues to deteriorate, in spite of the presence of AU peacekeepers and the holding of the Sudan-Darfur peace talks.

During the series of peace talks mentioned above, negotiating parties promised to respect the activities of AMIS, which they requested be strengthened in order to facilitate its efficiency in monitoring the state of civilian security. The establishment of an AMIS-led

Joint Humanitarian Facilitation and Monitoring Unit (JHFMU) centred on mission headquarters at El Fasher boosted the attainment of that objective.

On the security issues, it was agreed during the Sudan-Darfur talks to enhance the security of civilians in Darfur, and negotiating parties were encouraged to comply with the first ceasefire agreement signed in Abeche in September 2003 and the N'Djamena Humanitarian Ceasefire Agreement (HCFA) on 8 April 2004. It was envisaged that the signatory parties' adherence to the HCFA would lead to a decline in attacks against civilian targets and improved security in Darfur. To this end, the parties agreed to the following:

- Commitment to respect the ceasefire agreement;
- Release of prisoners detained during confrontations in Darfur; and
- Strengthen the AU presence on the ground.

Agreeing to these aspects served to move the Sudan-Darfur peace process forward and illustrated the commitment of the parties to find lasting solutions to the broader Sudan conflict. However, the parties reached a stalemate on the establishment of a Ceasefire Commission, involving the disarmament of the *Janjaweed* and measures for the implementation of the agreement reached through the two Protocols.³³

The parties subsequently undermined the progress (made during the earlier rounds of talks) once they left Abuja by resuming the attacks on innocent civilians. In one such attack on 3 September 2005, a group of armed men attacked and robbed a humanitarian convoy in western Sudan of items

including money, phones and radios. In addition, members of the convoy were severely beaten.

Challenges to enforcement action

State complicity and lack of commitment

The Darfur conflict has provided sufficient opportunity for a more serious and pragmatic assessment of the practicality of the principles of state sovereignty and intervention. On the one hand, while the international community, the UN, the AU and IGAD have engaged with the parties to the conflict, the security situation on the ground in Darfur has changed very little and, indeed, took a turn for the worse in early 2005. In its weekly and other reports, the Darfur Integrated Task Force (DITF), for instance, has observed that;

troop movements, the illegal occupation of new positions, kidnapping, acts of banditry,

The Darfur conflict serves to gauge the practicality of the principles of state sovereignty and intervention



including car jacking, armed robbery, theft of livestock, rapes of women by armed militias increased.³⁴

DITF further “noticed a host of violations from armed militia, particularly banditry, armed robbery, inter-militia attacks, fights and communal violence resulting in fatalities.”³⁵ In the final analysis, the DITF reports point to the fact that the holding of the peace talks and the deployment of AMIS troops did little to improve the humanitarian situation in Darfur. That raises the question of whether the magnitude of the human insecurity warranted military intervention (as articulated in the ICISS report) and because of the complexity of the GoS or its inability or unwillingness to protect populations within its territorial borders.

In spite of the persistent violence and civilian insecurity, the GoS has not shown substantive commitment towards the prosecution of the perpetrators. To the contrary, it has even failed to conduct investigations or effect arrests of alleged perpetrators, even where such perpetrators were known and there was sufficient and credible evidence to bring perpetrators to trial. The unwillingness of the GoS to bring perpetrators to book was emphasised by Human Rights Watch when it noted:

Khartoum has feigned lame efforts to hold those responsible to account. The climate of impunity is nothing new for Sudan. Impunity for massive abuses of human rights committed by the army and ethnic militias in the separate twenty-one year civil war in southern Sudan undoubtedly contributed to the use of similar tactics in Darfur.³⁶

As already mentioned, AMIS’ ability to resolve the Darfur crisis was constrained by the nature of its mandate – hence, parties continued to violate the agreements and AMIS remained powerless to enforce them. As AMIS resources dwindled, the AU Peace and Security Council began (in January 2006) to consider handing the mission to the UN. That led to the extension of the AU mandate until March 2006, after which the mission will be converted into a UN mission. The conversion of the mission provided sound ground for the application of coercive measures as outlined in Chapter VII of the UN.

While the humanitarian situation in Darfur continued to decline, Sudan hosted the AU’s Annual Assembly of the Heads of State. Traditionally, the host country serves as the new chair of the Union until the next assembly. The GoS’s record of human rights violation, especially its role in the Darfur crisis, compromised its chances of taking over the AU chair. This vacancy

was filled by Congo-Brazzaville Consensus among African Heads of State not to hand the AU chair to Sudan served to confirm their opposition to the GoS’s repressive activities. They felt that allowing the GoS to lead the AU could damage the AU’s credibility, especially its commitment to respect human rights, democracy and good governance.

The Darfur conflict and its implications for regional peace

It is important to take into account the role that Sudan’s neighbours, especially Ethiopia, Eritrea and Chad, are playing in the conflict. Thus, this paper also examines their contribution to the resolution of the Darfur conflict and, consequently, the security of civilian populations in Darfur.

The bilateral relations between Sudan and Ethiopia and Eritrea have not been good. The main reason for bad relations between these neighbouring states was their individual involvement and relations with the Sudanese rebel movements. Both Ethiopia and Eritrea supported Sudanese rebel movements in their struggle against the Khartoum regime. The Khartoum administration responded by closing its borders with the two countries in 2002. They remained closed until late 2005 when the Government of National Unity (GNU) was established in Sudan, thus creating some political space for the return of peace and democracy, and contributions toward political stability in the region. In addition, both countries, and other members of the Intergovernmental Authority on Development (IGAD) (Kenya, Uganda, Somalia and Djibouti) made constructive diplomatic interventions that paved the way for the peace agreement on power sharing, wealth sharing and security arrangements in the conflict in south Sudan. This model could be replicated as a best practice for resolving political tensions and the inequitable distribution of resources in the Darfur region.

The aftermath of the Darfur conflict had a direct impact on Chad. Close to 200,000 refugees from Darfur settled in Chad’s territory along the border with Darfur. The presence of the refugees thus posed a human security threat to Chad. Concerned with the potential spill over of conflict into its territory, Chad assumed a key role in mediating the conflict in Darfur that culminated in the Abeche and N’djamena ceasefire agreements, as mentioned earlier.

Unfortunately, Chad’s role as an honest and impartial peace broker in the Darfur conflict was affected when its army’s deserters took sought refuge in parts of western Darfur and, in conjunction with

AMIS’ ability to resolve the Darfur crisis was constrained by the nature of its mandate



other Chadian rebels, launched cross-border attacks aimed at overthrowing Chadian President, Idris Deby. As reported by the BBC and other media, Chad openly “accused Sudanese militia of making daily incursions, stealing cattle, killing innocent people and burning villages on the Chadian border”.³⁷ The Chad government’s blaming of the Khartoum administration for supporting the rebels led to tension between the two states and compromised Chad’s role in the Darfur conflict, which nevertheless, had pertinent implications for its own national and human security. Unless contained, the deteriorating relations between Chad and Sudan have the potential to regionalise the conflict. If this happens, the implications will be dire, as was the case Mano River Union area and the Great Lakes region.

Lack of inclusive negotiations: the exclusion of civil society groups from the Darfur peace talks

The continued deterioration of human security in Darfur has been blamed on the lack of involvement of civil society groups in the talks, as well as the increased incidence of famine and disease. Non-participation by the vulnerable local communities means their inputs were absent from the final agreement. A possible reason for this is that some of the leadership of the negotiating parties might not adequately represent the affected communities. Nevertheless, the involvement of such communities could help to address pertinent issues on the ground and thereby gain grassroots acceptability.

Intra-SLA tension and the Darfur peace process

The success of peace processes has on several occasions been affected by the spoiling tactics of the leaders of some of the parties to particular conflicts. Examples of such spoilers included Charles Taylor (Liberia), Foday Sankoh (Sierra Leone), and Agathon Rwasa (Burundi), to name but a few. Before delving into the examination of this feature, it is arguable that in the case of the Darfur conflict, there is sufficient reason to believe that the negotiating positions and stances of some of the parties are calculated to spoil the peace process. For instance, when the hard-line faction of the SLA in Darfur called for the party’s Unity Congress in November 2005 to discuss transformation within the movement, the timing of the congress had the potential to stall the peace talks.³⁸ The division between the two factions posed a serious threat to the successful holding of the Seventh Round of Talks scheduled for Abuja, Nigeria, on 21 November 2005. Certainly, the feud also posed a serious challenge to the AU, especially regarding the recognition or

non-recognition of the new chair of the movement, Minni Arko Minawi and the question of legitimate representation of the SLA/M at the talks. In this vein, the *Sudan Tribune* cautioned that:

“The in-fighting threatened to increase the level of insecurity in the region and hamper efforts to find peaceful settlement to Darfur conflict that has been raging for the past 32 months.”³⁹

Given the incidence of the spoilers and their spoiling tactics in conflict resolution processes, it is important to derive lessons and best practices to deal with such situations, in order to maintain the momentum of peace processes and ensure a quick return to normalcy. In this respect, the SLA congress was expected to be beneficial to the peace process because it served to achieve political unity (after the feuding between the factions of Abdewahed Mohameb al-Nur and Minni Arko Minawi) through the election of a new leadership and agreement on new strategies for finding a solution to the humanitarian crisis in the Darfur.

The deteriorating relations between Chad and Sudan have the potential to regionalise the conflict

The infighting would definitely have weakened the SLA’s negotiating position had the guarantors of the humanitarian ceasefire not stepped into the fray to aid a beleaguered, but nonetheless major player, in the conflict. The political weakness of the SLA would also, in all probability, have been exploited and exacerbated by the GoS, a view expressed by the Brussels-based think-tank, the International Crisis Group (ICG).⁴⁰

Resumption and escalation of fighting

Besides the destabilising effect of the intra-faction splits and feuds, the Darfur peace process was also affected by the resumption of hostilities between the forces of the GoS and the SLA. Since the resumption of hostilities in September 2005 at Sheng al-Tobei village, about 65 km (40 miles) south of El-Fasher, capital of North Darfur state, the conflict has engulfed several other parts of Darfur.⁴¹

One of the reasons for the continued hostilities between the warring parties was the perception of the rebel movements that the GoS was not demonstrating sufficient faith and commitment towards compliance with the ceasefire agreement and the peace process. The GoS was perceived as being too lenient with the pro-government elements.

Civil society groups and organisations held similar views. It is pertinent to note the argument of the international community that the intentions and effect of the ceasefire agreement and the International

Criminal Court (ICC) process have not yielded the expected outcomes. Among other things, this has led to the continued use of armed force against civilians by the warring parties, thus contributing to the continued insecurity of the civilian population. The situation has also had implications for the integrity of the peace process because the JEM, for instance, threatened at a certain point to withdraw from the talks, blaming the GoS for its dubious role in the peace process.

The weakness of these interventions has arguably contributed to and encouraged the warring parties to attack even AMIS peacekeepers. After a number of such attacks without credible counter-attack by the peacekeeping mission, AMIS eventually suffered its first fatalities on 8 October 2005: two Nigerian peacekeepers were killed.

Civilian protection through military intervention

The role of the UN: engaging with international normative instruments

The magnitude of the humanitarian crisis in Darfur seized the attention of the international community after the visit in June 2004 by the UN Secretary-General, Kofi Annan, and the US Secretary of State, Colin Powell. During their visit, both Annan and Powell blamed the GoS for arming and backing the *Janjaweed*, and called for its immediate disarmament. Tragically, the international community could not achieve sufficient consensus on the gravity of the conflict and whether violations of human rights by the warring parties sufficiently qualified the conflict as genocide. While the United States argued strongly in favour of calling it genocide, the European Union asked for more time for closer scrutiny of the situation in order to definitively determine the incidence of genocide. For its part, the AU was as forthright as the United States, but did not agree that the situation in Darfur amounted to genocide.

What informed the varying positions of the key players within the international community? While it may be difficult to give definitive explanations, the fact remains that the lack of consensus played into the hands of the GoS and warring parties who had no inhibitions about the methods and means they employed to prosecute the conflict. In the end, the civilian population bore the brunt of the maelstrom of the conflict, amidst the ambivalence of the international community and its preoccupation with the precepts of the international political system.

In terms of the Darfur conflict, it would be fair to argue that the first substantive intervention by the UN happened in October 2004. As part of this effort, the UN asked the UN Commission for Human Rights to look into the situation and to:

- Investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties;
- Determine whether or not acts of genocide have occurred;
- Identify the perpetrators of violations of international humanitarian law and human rights law in Darfur; and
- Suggest means of ensuring that those responsible for such violations are held accountable.

After an intense fact-finding mission that received the cooperation of all parties to the conflict, the Commission concluded that:

- The GoS and the *Janjaweed* conducted atrocities that contravened international human rights and international humanitarian laws.
- Attacks on the villagers in Darfur were planned and were intended to dispossess victims of their belongings, including land and livestock;
- The perpetrators of atrocities were identifiable; and
- The GoS's justice system was incapable of dealing with the violation of human rights in Darfur.

In a nutshell, the Commission's findings and conclusions confirmed the need for international intervention in Darfur. It portrayed the GoS as among the principal actors in the conflict. In such situations, the responsibility to protect vulnerable groups and other victims of militarised political disputes and conflicts remains in the hands of the international community.

In light of the lack of international community consensus on the scale of the humanitarian crisis, the international community chose to establish a Commission of Enquiry to investigate reports of violations committed in Darfur, to determine whether or not acts of genocide had taken place, and identify the perpetrators of the violations against civilians in Darfur. In addition, Resolution 1564 (2004) called for political intervention in the Darfur humanitarian crisis by increasing diplomatic pressure on the Government of Sudan, to whom it reiterated its call to end the climate of impunity in Darfur. The GoS was asked to identify and bring to justice all those responsible (including members of the popular defence forces and *janjaweed* militias) for the widespread human rights abuses and violations of international humanitarian law.

To add to the efforts of the AU, the resolution welcomed the AU's intention to increase its monitoring presence in Darfur and urged UN member states to provide all the necessary support to the AU's humanitarian efforts.⁴² Subsequently, the Security Council adopted Resolution 1593 (2005) by which it referred the issue to the International Criminal Court.⁴³ Indeed, the tabling of the human atrocities at the UN Security

Council emphasised the international communities' commitment to end human suffering in Darfur. Even though the actions of the UN Security Council showed its political determination in that regard, its action fell far short of the Chapter VII measures that could have made a material difference to the situation in Sudan. By deciding to only "consider taking additional measures, such as actions to affect Sudan's petroleum sector, should the Government of Sudan not comply fully with resolutions" the implementation of the principles of the "responsibility to protect" were compromised. It thus became obvious that, given the ambivalence of the Security Council and the complexity of its politics, the UN chose the softer approach of outsourcing intervention in the Darfur conflict to the AU, and merely called on members of the international community to extend support to the AU's efforts.

The role of the ICC: Enforcing the international normative instruments

The UN Security Council, through its Resolution 1593 (2005)⁴⁴ referred the findings of the commission to the International Criminal Court on 31 March 2005. The referral of cases of mass violations of human rights to the ICC was viewed as a huge step (at the normative level) toward bringing to account those responsible for atrocities and the deterioration of human security.

To live up to its obligations to international normative instruments, but also as a response to the political and diplomatic pressure that was being applied by the UN, the GoS established a Special Court to deal with the violations of human rights in Sudan. The GoS also acknowledged the need to reform its justice system, in order to ensure accountability. However, pressure on the GoS continues: leading GoS officials, including President Omar El Bashir and the leaders of the militia groups, have probably been included in a list of fifty-one perpetrators bearing the greatest responsibility for the crimes against humanity.⁴⁵ These measures and responses have, however, proved to be cosmetic in nature and effect, even though the application and involvement of the ICC has served to bring the force of the international legal system to bear on the situation in Darfur. In this regard, it should be emphasised that the full weight of the ICC's involvement may, only in the long-term, bringing those to justice who bear the greatest responsibility for war crimes and crimes against humanity. The cases of former presidents Augusto Pinochet (Chile), Charles Taylor (Liberia), etc, underscore the reality that, in the long run, the long arm of the international legal system will catch up with the perpetrators of crimes in Darfur. In the interim, it

behoves the international community to maintain the right political, diplomatic and legal pressure to ensure that the issue of impunity in the post-Cold War world is not put on the back burner.

Even so, it is pertinent to emphasise the paramount importance of consensus among key international community and regional organisations and stakeholders (including AMIS) in making this a reality.

The AU and the establishment of AMIS

The international community found it difficult to define an entry point into the Darfur conflict but, given the upsurge in the conflict in 2003 and the deteriorating human security situation, the AU was seized with efforts toward the resolution and management of the Darfur conflict. Materially, though, the AU effort was undertaken pursuant to its security commitments and obligations within the framework of the Constitutive Act, the Protocol Establishing the Peace and Security Council (PSC) and the Common African Defence and Security Policy, all of which policy instruments emphasised human security, over and above state security, as the *sine qua non* for peace and socio-economic development.

AU intervention in Darfur was undertaken pursuant to its security commitments and obligations as stipulated in the Constitutive Act

The AU was quick to follow up on the establishment of the HCFA (April 2004) to mandate the deployment of a peacekeeping mission. On the basis of a fact-finding mission by the PSC (7-13 May 2004), the AU established AMIS under its auspices to monitor and observe compliance with the HCFA. The end state of AMIS devolved on the restoration of security throughout Darfur, underpinned by a political settlement that would allow a safe environment for the return

of IDPs and refugees. However, the AU was faced with the political hurdle relating to Sudan's apprehensions about the presence of foreign forces on its sovereign territory. This hurdle was surmounted through the establishment of the Modalities for Establishment of Ceasefire Commission (CFC, 4 Jun 2004), followed by the signature of the Status of Mission Agreement (SOMA) on 20 October 2004.

Having considered Sudan's political sensitivities at the time, the AU deployed AMIS I (July 2004 – March 2005) and AMIS II (April 2005 to date). In total, the enhanced AMIS (II) focuses on two tasks:

- Deterrence, involving AMIS's physical presence,
- Soft protective security, involving liaison, monitoring and verification,

The latter mission task focused on the softer tasks of monitoring and verifying the ceasefire, and promoting



reconciliation and human rights. In technical terms, these tasks were in line with Chapter VI of the UN, and were informed by the principle of consent on the part of the warring parties, and demanded less robust action by the peacekeeping mission. The nature of the mandate often left members of AMIS vulnerable to attacks by armed militia groups. (See Figures 2 and 3)

Figure 2: AMIS fatalities, October 2005⁴⁶

- 8 October: AMIS patrol from Khor Abeche to Nyala ambushed by unidentified gunmen 40 kilometres from Menawashi (Sector 2); 2 AMIS personnel killed, 4 injured and 1 missing. SLA stronghold.
- 13 October: Bodies of dead AMIS personnel found in decomposed state. Weapons of AMIS taken away.

Figure 3: AMIS operational situation and incidents, October 2005⁴⁷

Offences/Incident	Total
Shooting	18
Murder	9
Violation of HCFA	4
Assault	1
Kidnapping	5
Arson	1
Rape	1
Attempted rape	4

The AU has come a long way from the days of limited (military) observer missions under the OAU, particularly within the framework of the Cairo Declaration (1993). But the AU is still constrained by a shortage of human expertise, as well as by the financial and logistical capacity needed for the complex multidimensional peace missions required by Chapter VII UN peace-enforcement. It is no coincidence, therefore, that the combination of political and institutional factors combined to inform the AU's decision to mandate a monitoring and verification mission as opposed to a mission for peace-enforcement in Darfur.

As with other action under the UN system, the establishment of AMIS made it vulnerable to the tendency toward 'incremental peacekeeping'. The international community often underestimates (or blatantly ignores) the need for more credible peace missions right at the beginning of a mission. Contrary to what is needed, missions (often with troops from developing states) are given insufficient forces or insufficient resources (or both) until the operational situation dictates and compels larger, better-resourced forces. This incremental approach to peacekeeping missions, whether by the UN or the AU, tends to allow the creation of armed groups, compromises force protection, and prolongs the mission, adding to the costs.

Thus, AMIS lacked a sufficient mandate and force strength to make an effective contribution toward civilian protection in Darfur. To start with, the mission scenario in Darfur involved the dynamics of a complex emergency short of genocide, but involving serious crimes against humanity and a considerable amount of war crimes. In the context of the policy framework of the ASF, such a scenario required the equivalent of a UN Chapter VII mandate. Instead, AMIS was mandated to protect civilians under imminent threat in the immediate vicinity and within the capabilities of the mission (or any of its components and elements). By including these conditions, the mandating authority gave AMIS a mandate with ambiguities at the operational and tactical levels, with regard to the protection of civilians. Appiah-Mensah, for instance, noted that:

A restrictive mandate, inadequate troops to cover Darfur, serious operational, logistical and capacity pitfalls have combined in an inextricable way to present the AU's mission to some observers as spineless and ineffective.⁴⁸

The assignment of such a mandate, however, has serious implications for the speed and effectiveness with which security can be restored and maintained in Darfur. It is argued that because of its lack of focus on hard protective security, AMIS faced challenges in implementing its mandate, namely:

- Peace and security,
- Disarmament and demobilisation,
- Rehabilitation and reintegration of ex-combatants,
- Establishment of safeguards for human rights,
- Restoration of state authority,
- Provision of factual information through public media campaigns and,
- Coordination of UN agencies for humanitarian assistance.

The other dilemma facing the mission relates to its authorised strength that was initially composed of some 80 military observers and a protection force of about 300. This was obviously inadequate for the following reasons:

- 1) The intensity of the conflict and its humanitarian impact;
- 2) The expanse of the territory of Darfur—the size of France;
- 3) Coupled with the poor road infrastructure and its implications for operational mobility; and
- 4) Poor logistics of the mission at that early stage.

The combination of the dynamics of the conflict and the other factors therefore compelled the AU (in the form of the PSC) to revise its plans and authorise the enhancement of AMIS (I) in October 2005. This enhancement strengthened AMIS by increasing its size to about 6,000 military observers and protection



force. More pertinently, the enhancement also made provision for the deployment of AU (civilian) police, a force of up to 815 personnel. This deployment was historic because it was the first time in the history of peace support interventions by the continental organisation AU that a police component was deployed in a regional peace mission.

On the one hand, the civilian police deployment was in line with the ASF policy framework that provides for the inclusion of a police component. On the other hand, it was also significant that the deployment sought to address one of AMIS's operational challenges: the shortage of technical police expertise and a legal mandate to deploy its military forces to operate within IDP camps. In accordance with international humanitarian law, the military is precluded from operating within such safe havens. The police deployment therefore plugged the operational gap by providing AMIS with the operational capacity and legal mandate to cover IDP camps in Darfur that were (and still are) notorious for the perpetration of war crimes and crimes against humanity.

In reality, the enhancement of AMIS was only made possible through huge financial and logistical support from the AU's external partners and from the international community, particularly the United States and the European Union. These partners funded the AMIS budget, estimated at about US\$252 million. Such support included the provision of both military and civilian police assistance. The military support included the following:

- Provision of equipment and assets;
- Provision of planning and technical assistance to all levels of the AMIS command;
- Provision of military advisers;
- Funding of pre-mission and induction training for military observers, troops and police;
- Provision of strategic and tactical transportation; and
- Aerial observation.

Assistance to the civilian police, on the other hand, entailed the following:

- Support to AMIS's CIVPOL chain of command (senior police advisors in Addis Ababa, the office of the Head of Mission in Khartoum, the office of the Police Commissioner in El Fasher, and police commanders in each sector);
- Assistance with pre-mission and induction training for civilian police personnel; and
- Assistance to the AU in developing its longer-term capacity to plan and conduct police operations by providing support for the establishment of a police

unit within the Peace and Security Department at the AU Commission.

Other major contributions to AMIS came from the governments of Canada and the Netherlands, which between them provided the mission with much needed logistical support, including the helmets, fragmentation jackets and helicopters. In accepting supplies, the AU noted with appreciation that the assistance would go a long way towards ensuring force protection and operational effectiveness during the protection of civilians in the Darfur conflict.

The AU also acknowledged Canada's contribution:

It needs to be recalled that Canada has in the past within the framework of the existing partnership donated, *inter alia*, over twenty helicopters to the African Union Mission in the Sudan which have greatly enhanced the Operation's activities especially in the areas of deployment of troops to various sectors across Darfur, delivery of food supplies, in theatre movement of officers and other African Union personnel.⁴⁹

The enhancement of AMIS was only made possible through support from the AU's external partners and the international community

Conclusion

The Darfur conflict and the resulting humanitarian crisis in Darfur have served to highlight the major dynamics and challenges that are involved when the international community focuses on human and not state security, by holding states responsible for the protection of civilians within their territories.

In the first place, the Darfur conflict confirmed the fact that inequity in the creation and distribution of scarce national resources, coupled with ethnically motivated repression, serves as a source of violent armed conflict that can compromise national unity and nation building. In the case of Darfur, the marginalised non-Arab groups rallied behind the SLA and JEM to protest against the inequitable distribution of national resources and services by the Khartoum administration.

Second, the dynamics of the conflict in Sudan impinge on the implementation of principles relating to the GoS's responsibility to protect civilians. This assertion is based on the fact that the humanitarian insecurity in Darfur continued to escalate despite the existence of international mechanisms that could have helped deter human suffering.

Third, the continuation of conflict was mainly sustained by the selfish interests of the political elite, concerned more about access to power than restoration of peace and post-conflict reconstruction. That selfishness was manifest in the continued violations of peace

agreements and intra-party tensions that often fuelling the conflict. In the final analysis, the conflict in Darfur continues to claim lives and contribute towards human insecurity in Africa.

Lastly, the Darfur conflict serves to highlight, on the one hand, the AU's political will to find African solutions to African problems through timely political and operational interventions. On the other hand, however, it also underscores the AU's lack of human, financial and material resources, and institutional expertise. Some members of the international community provided support, which enabled the AU to contemplate intervention.

While the international community pursues efforts at the normative level to gain consensus for a more credible intervention in Darfur, the AU has some work to do to speed up the establishment of the ASF. Ideally, the ASF should provide a readily deployable response force for intervention in devastating regional conflicts. The AU also needs to work to improve the existing African security architecture, to ensure that the mandates assigned to peace missions correspond to the realities of conflicts.

The dynamics of the conflict in Darfur show beyond doubt that more needs to be done by and within the international community to deter and prevent, rather than react to internal conflicts. But because prevention measures will not always ensure de-escalation of the conflict, more concrete efforts are needed to answer the crucial question: How should the AU gain sufficient and broad consensus for concerted intervention as part of efforts to operationalise the principles relating to the protection of civilians in violent conflicts?

In conclusion, the AU, the UN and the broader international community should be seized with efforts to ensure the security of vulnerable civilians. Failure to achieve this will add to the dire consequences seen in the Balkans, the Mano River region and the Great Lakes region, and will make deterrence more difficult and unpredictable. This conclusion is premised on the fact that, other than for rapid response, peace missions such as AMIS, that are deployed by the AU, should have the requisite mandate and resources to make a profound contribution to reducing human suffering and creating conditions that ease the deployment of a UN mission, when necessary. Unless the former condition is the case, the inability of the AU to project coercive measures to restore peace and human security will make it difficult for AU missions to prevail upon conflicting parties to comply with peace agreements.

Recommendations

Based on discussions and analysis of the local, regional and international dynamics of the Darfur conflict, this

paper makes the following broad recommendations about the resolution of the Darfur crisis:

- There should be more international pressure to discourage the GoS from involvement in undermining the security of its citizens. Instead, the GoS should be barred from holding leading roles in some multilateral structures, as the AU did when it refused the Khartoum regime its chairpersonship. Such status could only be regained when progress has been made towards the restoration of peace, human dignity and good governance.
- The marginalised groups should consider the use of violence as the last resort to oust repressive regimes. The use of violence by marginalised groups is often met with an organised and well-resourced counter-offensive by the oppressive regime, thus exacerbating continued human suffering.
- The provision of security should not be based on power-centred or state-centric perspectives. It should rather take into consideration complex emerging factors that are critical to the creation of stable and peaceful living conditions in a given geographical area.
- The Darfur peace process should be conducted in the context of the broader Sudanese peace process as outlined in the CPA for the South, focusing on provisions for wealth and power-sharing.
- The process should also accord Darfur regional status similar to that accorded to south Sudan, to put Darfur in a better position to participate constructively in national politics and the equitable distribution of national resources and services. This might entail the appointment of a vice-president from the Darfur region within a unified national government.
- Regional unity and inter-ethnic cooperation in Darfur should be fast-tracked by promoting comprehensive dialogue among key stakeholders, including civil society groups, traditional leaders, youth and women's movements, political parties and religious movements, on the state of human security and how that affects the region's post-conflict reconstruction. This dialogue will create the platform and framework for each stakeholder to outline its positive contribution towards peace-building in the region.
- In a stage-by-stage approach, the agenda for the Darfur peace talks should also include a reconciliation process between the victims and perpetrators of crimes, especially those localised cases that will not merit attention by the ICC. Adopting reconciliation best practice learned from other conflicts will help to heal the psychological scars of the conflict.
- However, in order to achieve an equitable balance between the competing needs for justice and reconciliation, the GoS should be prevailed upon to make good its promise to bring to trial within local

courts those responsible for human rights abuses, crimes against humanity and war crimes.

- Additionally, the capacity of the historically marginalised groups, including women and the youth, should be enhanced in the fields of science, technology and administration, to assist in creating equitable representation and local ownership and expertise needed for post-conflict reconstruction and development.
- At the operational level, the process for the deployment of a UN peace mission should be expedited and the mission provided with a mandate that enables it to react forcefully to the incidence of human rights abuses, crimes against humanity and war crimes.

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About this paper

This paper argues for the use of existing institutional frameworks to include women in peace negotiations, peace-building and post conflict reconstruction efforts. Instruments developed by, for example, the UN and AU acknowledge that women have a right not only to representation on structures concerned with peace, but also to equality with men in other spheres. These instruments need to be domesticated and popularised at the local level for they do provide opportunities for innovative reconstitution of the societies.

About the author

A historian by profession, PATRICK RANKHUMISE is currently a Senior Researcher in the Peace Missions Programme at the Institute for Security Studies (ISS). Before joining the ISS he served the Africa Institute of South Africa (AISA) as a Research Specialist in the Peace and Governance Programme (2002-2005). His other previous employment includes a lectureship in history and peace studies at the University of North West. He holds BA (ed), BA Hons (history) and MA (History) degrees from the University of North West.

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