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PEACE SUPPORT OPERATIONS IN DARFUR: THE INTERNATIONAL COMMUNITIES FAILURE TO PROTECT

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By Major Jordan D. Schaub

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"*…And what is really needed to accomplish that is for the Janjaweed militias to cease and desist their murderous raids against these people -- and for the government in Khartoum to stop being complicit in such raids....as I have said, the evidence leads us to the conclusion, the United States to the conclusion; that genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy "a group in whole or in part, " the words of the Convention. This intent may be inferred from their deliberate conduct. We believe other elements of the convention have been met as well*."

> Secretary Colin L. Powell,Testimony Before the Senate Foreign Relations Committee. "Crisis in Darfur". Washington, DC. Sept 9, 2004

INTRODUCTION

Over the past thirty years, Darfur has suffered significant levels of civil conflict and has experienced a state of humanitarian emergency since 2003. This has caused the United Nations (UN), the North Atlantic Treaty Organization (NATO), the European Union (EU), the United States of America (USA) and the African Union (AU) to seek resolutions aimed at stopping the atrocities, calming the region and supporting regional leadership.[1] Today, approximately 11 years after the conflict commenced, there still remains a reported 2.7 million internally displaced persons (IDPs), while another 4.7 million people are in dire need of humanitarian aid.[2] The ability of the international community to achieve humanitarian support goals, to provide reconciliation and reintegration of the populace in Darfur, and ultimately stop the atrocities will depend on African governance capacity and Darfur's desire to change.

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[1] Tim Murithi. "The African Union's Foray into Peacekeeping: Lessons from the Hybrid Mission in Darfur." Journal of Peace, Conflict and Development, Issue 14 (July 2009), 78.
[2] The United Human Rights Council, Website. "Genocide in Darfur." http://www.unitedhumanrights.org/genocide/genocide-in-sudan.htm. Last Accessed on 6 May, 2014.

Darfur lies within the western part of the Republic of Sudan, is bordered by Chad and Central Africa, and covers approximately 508, 000 square kilometers.[3] Darfur has climate zones ranging from hot arid desert to woodland savannah, with several diverse ethnic districts dispersed throughout. Bisecting Darfur is an area known as the Jebel Marra massif, a wet region that is a large settlement of the Fur sedentary people; this is where the region gets its name "Darfur," or "realm of the fur."[4] Darfur is diverse and is made up of approximately 80 to 100 different ethnic groups. However, the predominant cleavages lie between the minority Arab leadership and the majority African laborers.[5]

The difficulties facing the UN in Darfur are reminiscent of the typical issues that arise when operating within failed or failing states,[6] namely a reduced ability to effectively generate economic stability, good governance and effective security.[7] UN missions in Darfur will continue to lose validity, and the confidence and trust of the war-affected populations if they are unable to stop the continued demoralization of the civilian populace. The UN mandates within Darfur, similar to those in other states in Africa, are too broad and tend to overstretch peacekeeping efforts beyond their operational capacities. A growing concern that the international community has is that the UN mandate in Darfur dilutes and diminishes the basic role of peacekeeping, undermining the primary objective of providing physical protection to the

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[3] Agnes van Ardenne, Mohamed Salih, Nick Grono and Juan Mendez. "Explaining Darfur: Four lectures on the Ongoing Genocide." Amsterdam University Press. (Amsterdam: Center of Holocaust and Genocide Studies, 2006), 10.

[4] Samuel Totten and Eric Markusen. "Genocide in Darfur: Investigating the Atrocities in the Sudan." (New York: Routledge, Taylor and Francis Group, 2006), 3.

[5] Agnes van Ardenne, Mohamed Salih, Nick Grono and Juan Mendez, 12.

[6] The Oxford English Dictionary (OED) describes a state whose political or economic system has become so weak that the government is no longer in control. Online Oxford English Dictionary. http://www.oxforddictionaries.com/definition/english/failed-state. Last Accessed on 2 May, 2014.

[7] Tim Murithi. "The African Union's Foray into Peacekeeping: Lessons from the Hybrid Mission in Darfur." Journal of Peace, Conflict and Development. (July, 2009), 9.

civilian victims of violence and military action.[8] In addition to its broad mandate, the UN faces a

myriad of operational, logistical and administrative difficulties which severely hinder its efforts

and render it ineffective.

The purpose of this paper is to illustrate how and why the UN has yet to achieve its

mandate within Darfur, which is to: "support early and effective implementation of the Darfur

Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect

civilians, without prejudice to the responsibility of the Government of Sudan."[9] The *Report of*

the Panel of United Nations Peace Operations (known as the "Brahimi Report"), along with the

Responsibility to Protect, will serve as the basis of analysis in illustrating the successes and

failures of the UN in Darfur.[10],[11] Darfur remains a dismantled state that will not progress until

the international community, the UN and the AU are able to achieve and develop robust levels of

security, political stability and economic prosperity

More specifically, this paper will examine the historical reasons behind the conflict in

Darfur, discuss the transition from the African Mission in Sudan-Darfur (AMIS) to United

Nations African Mission in Darfur (UNAMID), elaborate five key recommendations from the

Brahimi Report as minimum criteria for effective peacekeeping operations, and finally scrutinize

the UN's ability to achieve success in Darfur in accordance with the Brahimi criteria. Although

Darfur has experienced periods of peace, it has become a melting pot for human insecurity and

instability. Unless the Sudanese government is held accountable for their violations to UN

Security Resolutions, it will be increasingly difficult to keep the peace in Darfur.

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[8] Tim Murithi, 15.

[9] The United Nations Missions in Darfur (UNAMID), Website. "UNAMID mandate: Afican Union/ United Nations Hybrid Mission Darfur". http://www.un.org/en/peacekeeping/missions/unamid/mandate.shtml. Last Accessed on 12 April, 2014.

[10] Lakhdar Brahimi. "Comprehensive review of the whole question of peacekeeping operations in all their aspects" United Nations, General Assembly, Security Council. (21 August, 2000).

[11] The International Community for the Responsibility to Protect (ICRtoP), Website. http://www responsibilitytoprotect.org/. Last Accessed on 9 May, 2014.

ORIGINS AND HISTORY: DARFUR and SUDAN

The conflict in Darfur and the Sudan region is extremely complex and dates back to the 17th century. The conflict can be explained on three plains. Firstly, it is a war between the Sudanese government and pro-government militia against two rebel groups: the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM).[12] Secondly, the war involves inhumane slaughter and mass atrocities committed against civilians by the Sudanese government-funded Jajaweed militia.[13] Thirdly, it is an economic and democratic struggle of the Darfur communities, who are attempting to develop and provide safe and secure environment for native Darfurs. [14]

Darfur was once one of the most powerful kingdoms in the Sahara Desert, and was independent for over three hundred years. Arab influence in Darfur began in the fourteenth century, spreading the Muslim religion throughout the region. Native Darfurs married Arabs and took on Muslim religion, as those who claimed Arab-Muslim descent were protected against slavery.[15] Over the 18th and 19th centuries, Darfur remained under royal "Fur" rule. However, in the early 1900s, Darfur was absorbed into the British Empire and placed under Anglo-Egyptian administration, known locally as the time of "turmoil and bloodshed."[16]

The British continued to develop and foster the division between native Africans and Arab Darfurs by creating tribal caste systems wherein Arabs were the superior race, a type of ethnic division that has been correlated to several genocides throughout history. British rule

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[12] Tim Murithi, 9.
[13] *Ibid.*, 11.
[14] Gabrielle Chaizy. "African Union/ United Nations: Hybrid Operation in Darfur." Peace Operations Training Institute. (2011), 34.
[15] *Ibid.*, 33.
[16] Julie Flint and Alex De Waal. "Darfur: A New History of a Long War." International African Institute. (London: Zed books, 2008), 9-10.

perpetuated this system by ensuring minimal economic development and creating a restricted educational system. Overall, the education system favored the Arabs while forbidding native Darfurs from attending school, thereby ensuring the latter group would not become educated or independent.[17] The intent was to ensure that the less educated Darfurs would not revolt against the more educated Arabian governing party, relegated to the roles of slaves and workers.[18]

In 1956, Sudan signed its independence. Darfur, however, remained under Sudanese rule. Political instability continued due to conflicts in several bordering states, predominantly Libya and Chad.[19] The Sudanese government maintained control over Darfur, and prohibited its people from governing themselves. The government continued to demoralize and disperse the populace of the native Darfurs, which contributed to exacerbate human rights violations.

For more than twenty years preceding the signing of Sudan's independence, the government of Sudan and the SPLA waged civil war in an attempt to gain regional power, control over religious beliefs, and command over resource development. During this time, Darfur was ruled by an administration that ignored the needs of the people. Darfur was authorized to have governing party representation, yet the majority were appointed and of Arab descent. In order to continue and expand the division within Darfur and weaken its ability to develop, the area was divided even further into North, South and Western Darfur. From 1980 into the mid 90s, Darfur experienced low-level conflicts, which later expanded to genocidal proportions, causing the UN to investigate several allegations.[20] On February 26, 2003 rebel forces attempted to overthrow the Khartoum government.[21] The AU and UN deployed to Darfur in an attempt to

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[17] Julie Flint and Alex De Waal, 11.
[18] Robert O. Collins. "A History of Modern Sudan." Library of Congress. (New York: Cambridge University Press, 2008), 277.
[19] Julie Flint and Alex de Waal, 12-14.
[20] *Ibid.*, 162.
[21] Samuel Totten and Eric Markusen. "Genocide in Darfur: Investigating the Atrocities in the Sudan." (New York: Routledge, Taylor and Francis Group, 2006), 11.

demonstrate the effectiveness, efficiency and support of their objectives to "promote peace,

security, and stability on the continent." [22] The initial mandate of this joint deployment was

to monitor a humanitarian ceasefire and peace agreements reached in the region. [23]

BRAHIMI REPORT CRITERIA OF PEACEKEEPING

In the early 1990s, new peacekeeping operations responsibilities expanded significantly;

however, many were inadequately augmented and funded. The lack of soldier support and

adequate mandates were experienced by Major General (MGen) Lewis Mackenzie, who

commanded the UNPROFOR[24] peacekeeping forces in Sector Sarajevo in 1992, and Lieutenant

General Romeo Dallaire, who commanded the UNAMIR[25] peacekeeping forces in Rwanda in

1993. The UN experienced an inability to plan, prepare and deploy for concurrent, high-tempo

peace support operations (PSOs), and a "commitment-capability gap" ensued. [26] As a direct result

of this gap, UN forces were deployed into situations that were seen as non-traditional problems

for which they were not adequately trained to resolve. The UN had experienced both successes

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[23] Alex de Waal. "War in Darfur: And the Search for Peace." Global Equity Initiative. (Harvard University: 2007), 214-215.

[24] The United Nations, Website. The United Nations Protection Force (UNPROFOR) was the first UN peacekeeping force in Croatia and in Bosnia and Herzegovina during the Yugoslav wars. It existed between the beginning of UN involvement in Feb 92, and to Mar 95. Initially, established in Croatia as an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis. UNPROFOR's mandate was to ensure that the three "United Nations Protected Areas" (UNPAs) in Croatia were demilitarized and that all persons residing in them were protected from fear of armed attack. The United Nations Department of Public Information. http://www.un.org/en/peacekeeping/missions/past/unprofor htm. Last Accessed on 8 May, 2014.

[25] The United Nations, Website. In October 1993, the Security Council, by its resolution 872 (1993), established another international force, the United Nations Assistance Mission for Rwanda (UNAMIR), to help the parties implement the agreement, monitor its implementation and support the transitional Government. UNAMIR's demilitarized zone sector headquarters was established upon the arrival of the advance party and became operational on 1 November 1993, when the NMOG II elements were absorbed into UNAMIR. Deployment of the UNAMIR battalion in Kigali, composed of contingents from Belgium and Bangladesh, was completed in the first part of December 1993, and the Kigali weapons-secure area was established on 24 December. http://www.un.org/en/peacekeeping/missions/past/unamirS htm. Last Accessed on 8 May, 2014.

[26] Duane Bratt and Erin Gionet. "Evaluating the Brahimi Report." The Canadian Institute of Strategic Studies. (May 2001), 1.

and failures throughout their 18 concurrent missions that were ongoing in the early to mid-90s;

however, the lessons learned from failures are typically the ones most remembered."[27] The

tipping point was signified by the failure of two critical missions, both of which resulted in

significant loss of life: in Rwanda (UN Assistance Mission Rwanda - UNAMIR) and in Bosnia

(UN Mission in Bosnia and Herzegovina - UNMIBH). As a result, Secretary-General Kofi

Annan directed Lakhdar Brahimi to chair a *Report of the Panel of United Nations Peace*

Operations, in order to rectify these problems and make recommendations "designed to remedy a

serious problem in strategic direction, decision-making, rapid deployment, operational planning

and support, and the use of modern information technology."[28] The Brahimi Report made

significant recommendations on changes to the planning and execution of peacekeeping and

peace building activities in UN PSOs. The report highlighted significant shortcomings and made

recommendations for institutional changes within the UN. Specifically, it was stated that

"Without renewed commitment on the part of Member States, significant institutional change

and increased financial support, the United Nations will not be capable of executing the critical

peacekeeping and peace building tasks."[29]

Although the Brahimi Report identified significant institutional changes to UN PSOs, the

following five recommendations will serve as a measuring scale with regards to the conflict in

Darfur. Firstly, that the international community has the obligation to confirm that peacekeeping

is a suitable option. Secondly, that there is, in fact, peace in the area to keep. Thirdly, that the

relevant state and non-state actors involved agree to UN contributions in the conflict resolution.

Fourthly, that the peacekeeping operation must take into account the strategic realities of

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[27] William J. Durch, Victoria K. Holt, Caroline R. Earle, Moira K. Shanahan. "The Brahimi Report and the Future of UN Peace Operations." The Henry L. Stimpson Center. (Washington, 2003), 3.
[28] *Ibid.,* 2.
[29] Lakhdar Brahimi. "Comprehensive Review of the Whole Question of Peacekeeping Operations in all their Aspects." United Nations General Assembly, Security Council. (New York: 21 August, 2000), Executive Summary.

political, economic, developmental and humanitarian assistance factors. Finally, that the mandate identified by the UN Security Council must have an achievable end state.[30]

All of the abovementioned preconditions for an effective peace support operation were not met by the UN forces deployed in Darfur, and thus the Brahimi criteria were not met. Specifically, there was, and is, no peace to keep in the region. As a region that has been in constant conflict for a significant period of its history, PSOs cannot be seen as the panacea for conflict in the region. In order for PSOs to be effective, all parties in the region should want to seek a resolution; this does not necessarily seem to be the case in Darfur. From 2004 to 2006, four major concerns were identified with respect to the presence of international military units in the region, which adversely affect criteria found within the Brahimi report.

Regarding the first criterion, when the transition occurred from AMIS to UNAMID, it was unclear which organization would take over full command; the UN or the AU. The second point, regarding viable peace to keep, was an issue that relates to several UN missions. The total force package required to complete all the tasks in Darfur was not adequate to achieve its mandate. Third, soldiers that deployed to Darfur did not have adequate mandate protocols in order to effectively deal with the atrocities committed against civilians that they experienced in the region. Fourth, funding accountability was required to ensure adequate support to contributing nations, which did not occur.[31]

The peace process has been long and arduous, and continues without an effective end in sight. As well, low intensity operations and civil wars in both Darfur and Sudan continue into 2014. That the Sudanese government continued to delay the UNAMID process in order to ensure that only African states supported the deployment of peacekeepers speaks to a further failure of

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[30] Tim Murithi, 3.
[31] Alex de Waal. "Darfur and the Failure of the Responsibility to Protect." (Oxford: Blackwell Publishing Ltd, International Affairs 83, 2007), 1044.

the parties agreeing to UN involvement. The mission in Darfur has changed significantly over

the years, and the UN has been unable to, "achieve national reconciliation: consolidation of

disarmament, demobilization, and reintegration programs," thus unable to meet significant

recommendations from the Brahimi report.[32] This shift in mission focus has moved from

ensuring political stability in order to accurately address the fundamental problems, to one of

simply protecting civilians, a shift which speaks to a lack of continuity and understanding of a

comprehensive peace support strategy.

Finally, the UN Security Council did not ensure that the mission mandate was achievable.

However, this same assertion is true of several UN PSOs, as highlighted by Brahimi: "…the

current geopolitical landscape is far more fragmented…recent operations have deployed not only

without the benefit of a comprehensive peace agreement in place, but also without the necessary

leverage in hand to overcome political deadlock during the implementation phase."[33] The

Sudanese government continues to obstruct humanitarian assistance, as demonstrated below:

> In March 2009, Sudan expelled 13 international relief agencies from
> northern Sudan and closed down 3 national human rights and relief
> organizations, and in January 2010 it expelled 26 relief organizations from
> the country. The agencies expelled in March 2009 are the major relief
> groups working in Darfur and together they provided health services to
> over 1.5 million people, water and sanitation as well as food assistance to
> more than 1 million people.[34]

Unfortunately, for the people of Darfur, the atrocities that received international publicity in

2003 to 2004 have not yet been resolved. Darfur is a doorway to the remainder of the region.

Peace needs to be in place for the UN to be effective at keeping it and unless Africans help

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[32] Lakhdar Brahimi. "Comprehensive Review of the Whole Question of Peacekeeping Operations in all their Aspects." United Nations General Assembly, Security Council. (New York: 21 August, 2000), ix.
[33] Lakdar Brahimi and Dalma Ahmed. "In Pursuit of Sustainable Peace: The Seven Deadly Sins of Mediation." Annual Review of Global Peace Operations (New York: Center on International Cooperation, 2008), 11.
[34] Abdelbagi A.M. Jibril. "Past and Future of UNAMID: Tragic Failure or Glorious Success?" Human Rights and Advocacy Network for Democracy. (Geneva: Darfur Relief and Documentation Centre, July, 2010), 18.

themselves, they will continually be a hindrance to the international community rather than contributing members.

UN-AU HYBRID OPERATIONS: EXPANSION and DEVELOPMENT

In 1992, the former UN Secretary-General, Boutros Boutros-Ghali released a report titled *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping.*[35] The report examined and proposed how to develop the UN's capacity for effective preventive diplomacy. For the first time, the report differentiated between peacemaking, peacekeeping and peace building. Preventative diplomacy was defined as an "action taken to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occurred."[36] Peacemaking was described as an "action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations."[37] While peace-keeping was delineated as "the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned…it was a technique that expanded the possibilities for both the prevention of conflict and the making of peace."[38] The distinction and escalation of conflict resolution is the key difference between the three preventative measures. However, the governing party supports UN deployment, a precondition not present in the Darfur case.

Boutros Boutros Ghali identified that the UN could not always be effective in their mission sets on their own and consequently should seek to coordinate with regional and local support

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[35] Michael Barnett, 23-24.

[36] Boutros Boutros Ghali. "An Agenda for Peace: Preventative Diplomacy, Peacemaking and Peacekeeping." (New York: United Nations General Assembly Security Council, 17 June, 1992), 4.

[37] *Ibid.*, 3.

[38] *Ibid.*, 4.

where possible.[39] UN forces experienced difficulties in achieving the goals of the *Agenda for Peace* until regional commands were refined and developed in support of UN resolutions. This was amplified in the Brahimi report which stated that, "…Member States [must] summon the political will to support the United Nations politically, financially and operationally to enable the United Nations to be truly credible as a force for peace."[40] The EU and the AU provided efficient and rapid deployable forces to augment and reinforce the UN by solving the problems in their region and becoming a credible security force.[41]

The UN, as well as world leaders like the United States, are economically invested in Africa, and they must continue to be so in order to tip the balance of the levels of corruption and atrocities that continue to occur. Supporting African economic and security development will stop the increasing terrorist activity and corruption that is currently growing in the region. Africa writ large is an extremely expensive continent in which to sustain operations, drawing: $4,433,205,400 of UN funding for force deployment from 1 July, 2013 to 30 June 2014. This represents 58% of the UN's current total budget for all missions around the world.[42] Although this is a large sum of money, the UN must continue to support the AU in economic development, humanitarian assistance and security operations in order to enhance global security. Ideally, and with further AU coordination, this cost should decrease, allowing the UN to expand its support elsewhere as required. Furthermore, if the AU is unable to stabilize the region, and create a creditable security force, then African security challenges will persist.[43]

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[39] Agnes Van Adrenned, 12.

[40] Lakhdar Brahimi. "Comprehensive review of the whole question of peacekeeping operations in all their aspects." United Nations General Assembly, Security Council. (21 August, 2000), Executive Summary.

[41] Richard Barltrop. "Darfur and the International Community: The Challenges of Conflict Resolution in Sudan." (New York: I.B. Tauris, 2011), 33-35.

[42] The United Nations Peacekeeping, Website. "Peacekeeping Fact Sheet." http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml. Last Accessed on 26 April, 2014.

[43] *Ibid.*, Last Accessed on 27 April, 2014.

Continued development and expansion of AU sub-regional forces, in addition to UN

cooperation and oversight, is the key to peace within the region. After all, the UN expects that

peacekeeping requires being, "committed to maintaining international peace and security,

developing friendly relations among nations and promoting social progress, better living

standards and human rights."[44] The UN is not the only organization that has demonstrated

interest into this part of Africa. Recently, when the USA reorganized their combative commands

and created Africa Command (AFRICOM) in order to monitor and circumvent the increase in

criminal activity and he growing economic importance of the continent resulting from rising

natural resources: oil, gas and minerals.[45] The EU and NATO are also providing peripheral

service support to AU led operations in the form of airlift, service support, and training

development.[46] The intent of the following section is to discuss the AU's effectiveness towards

PSOs in Darfur.

The AU comprises 54 African member states, which was replaced by the Organization of

the African Unity (OAU).[47] The AU's vision is to promote: "An integrated, prosperous

and peaceful Africa, driven by its own citizens and representing a dynamic force in global

arena."[48] On July 9th, 2002 the chairperson of the AU, President Thabo Mbeki, made the

following statements:

> By forming the Union, the peoples of our continent have made the
> unequivocal statement that Africa must unite..The first task is to achieve
> unity, solidarity, cohesion, cooperation among peoples of Africa and

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[44] The United Nations, Website. "The UN at a Glance." http://www.un.org/en/aboutun/. Last Accessed on 24 April, 2014.

[45] David E. Brown. "AFRICOM at 5 years: The Maturations of a New US Combatant Command." (Carlisle, PA: Strategic Studies Institute and US Army War College Press, Aug 2013), 10-15.

[46] Steven Fake and Kevin Funk. "The Scramble for Africa: Darfur – Intervention and the USA." (Montreal: Black Rose Books, 2009), 86-87.

[47] The African Union, Website. "A United and Strong Africa: African Union in a Nutshell." http://www.au.int/en/about/nutshell. Last Accessed on 4 May, 2014.

[48] *Ibid.*, Last Accessed on 4 May, 2014.

African states. We must build all the institutions necessary to deepen
political, economic and social integration of the African continent….[49]

Although the AU has been established for twelve years, it is still in its infancy and is having

difficulty achieving many of its initial goals due to the ineffective security, expanse of the region

and the different policies of each member state. According to Arthur Boutellis and Paul D.

Williams, the fundamental issues hindering effective AU-UN relationship on PSOs include

differences between: "the strategic political relationship between the two councils; the

bureaucratic and organizational interaction between the two councils; and the relations between

the AU Commission, the Peace and Security Council, and AU member States."[50] Due to the

UN's greater level of funding and the AU's inexperience in the organization and implementation

of PSOs, the AU will always be reliant on the larger organization: the UN.

The failure of the UN legal experts to prove genocide in Darfur
appears to have been welcomed by governments throughout the world, for
it freed them of the commitment to immediately stop the killings of
civilians in Darfur, as is stipulated in the UN Convention on the
Prevention of Punishment of the Crime of Genocide of 1948. Instead of
taking action, the international community is trying to clear its conscience
by offering humanitarian aid and financing the expenses of the African
Union Mission in Sudan (AMIS)….[51]

The mission in Darfur-Sudan was one of the AU's first led PSOs, although it was not a total

success, some believe this engagement represents a more effective way to demonstrate interest in

and development of effective humanitarian assistance within the region.[52],[53]

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[49] President Thabo Mbeki. "Launch of the African Union: Address by the chairperson of the AU." (9 July 2002).
http://www.africa-
union.org/official_documents/Speeches_&_Statements/HE_Thabo_Mbiki/Launch%20of%20the%20African%20Un
ion,%209%20July%202002 htm. Last Accessed on 26 April, 2014.
[50] Arthur Boutellis and Paul D. Williams. "Peace Operations, the African Union, and the United Nations: Toward
More Effective Partnerships." (The International Peace Institute: February, 2013), 1.
[51] Agnes Ardenne-van der Hoeven, Mohamed Salih, Nick Grono and Juan Mendez, 9.
[52] *Ibid.*, 10.
[53] Hilde F. Johnson. "Waging Peace in Sudan: The Inside Story of the Negotiations that Ended Africa's Longest
Civil War." (Thornhill: Sussex Academic Press, 2011), 192 – 194.

The AU Peace and Security Council established the mission in 2004 for Sudan (AMIS) in order to respond to the crisis in Darfur. In 2004, the government of Sudan and the rebel factions attended several peace discussions, allowing AMIS to monitor the ceasefire. AU-led peace talks were vital throughout the peace process, which led to the signing of the "Humanitarian Ceasefire Agreement; the Protocol on the Security Situation in Darfur; the Protocol on the Improvement of the Humanitarian Situation in Darfur; and the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur."[54] Due to a limited mandate and a lack of force capacity and resources, AMIS was largely ineffective. Despite AMIS presence, violence continued throughout the region.[55] Owing to a combination of a weak mandate and an inability to cover the vast area of operations, AMIS was largely ineffective. The UN Security Council did not believe that the AU could conduct PSOs in Sudan alone. As a result the UN investigated possibilities for action.

Because of these challenges, the AU led a technical assessment mission in 2005, supported by the UN, the EU and the USA, which concluded that AMIS should be further reinforced. Although additional soldiers and resources were given to the AMIS mission, the mandate remained one of monitoring and compliance of the non-existent ceasefire. Indeed, atrocities continued because force protection did not include a mandate to use force against violence.[56] In 2007, the UN Security Council released Resolution 1769, deploying the United Nations /African Union Hybrid Mission in Darfur (UNAMID) with a Chapter VII mandate.[57]

In order to achieve UNAMID's extensive goals within Darfur, the United Nations Security Council identified four broad tasks. First, support the peace process. Second and third

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[54] Tim Murithi, 9.
[55] Hilde F. Johnson, 153-154.
[56] The United Nations, Website. "The United Nations Mission in SUDAN (UNMIS) - Background." http://www.un.org/en/peacekeeping/missions/past/unmis/background.shtml. Last Accessed on 5 May, 2014.
[57] President Thabo Mbeki, Speech. http://www.africa-union.org/official_documents/Speeches_&_Statements/HE_Thabo_Mbiki/Launch%20of%20the%20African%20Union,%209%20July%202002.htm. Last Accessed on 26 April, 2014.

were security and rule of law. The fourth task and final task was support to humanitarian assistance.[58] Without effective democratic governance established, the UN increasingly experienced difficulties achieving their goals. The UN's mandate was not to take over the PSOs entirely, but to rather work with the AU to form hybrid missions, representing a paradigm shift in regional command and control relationships.[59] The UN identified the importance of supporting the regional authorities in order to solve their region's problems. Although the deployment of UNAMID into Darfur resulted in some positive results, UNAMID's weak capabilities and inability to cover the whole region has caused an overall ineffective peace keeping campaign.[60] This idea is substantiated by Michael Walzer as he scrutinizes the responsibility for the international community to intervene in humanitarian atrocities: "If there is a duty to thwart atrocities, based on a responsibility to protect, one must consider on whom the duty to intervene falls whether it goes beyond rescue to repairing the harm or preventing further violence..."[61]

THE SEARCH FOR GOOD GOVERNANCE AND PEACE IN DARFUR

From the late 80s and into the 21st century, the international community responded to the Darfur conflict by supplementing several peace initiatives. Most notable was the Abuja Peace Agreement in 1991 and 1993, named after the location where the talks took place: Abuja, Nigeria. The Abuja conferences ended with little to no resolution; however, they did result in some achievements, most notably bringing: "…the conflict to international attention…Abuja

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[58] *Ibid.*, Last Accessed on 13 April, 2014.

[59] Johan Brosche and Daniel Rothbart. "Violent Conflict and Peacebuilding: The continuing Crisis in Darfur." Routledge Studies in Peace and Conflict Resolution, (New York: Routledge, Taylor and Francis Group, 2013), 113-114.

[60] Osman Suliman. "The Darfur Conflict: Geography or Institutions." Routledge African Studies, (New York: Routledge, Taylor and Francis Group, 2011), 63.

[61] Terry Nadin. "From Right to Intervene to Duty to Protect: Michael Walzer on Humanitarian Intervention." The Oxford Journals, European Journal of International Law. http://ejil.oxfordjournals.org/ at. Last Accessed on 6 May, 2014.

introduced Sudan to the international agenda of conflict resolution."[62] The results of the Abuja

conferences cannot be discounted, as this process effectively demonstrated that the main party

leaders were, in fact, interested in engaging in some sort of mediation. These conferences also

led to significant debates and peace talks that were later endorsed between 2002 and 2004, the

first steps which allowed the UN forces into the region. However, the peace talks did not prevent

the persistence and escalation of conflict throughout Darfur.

 M.A. Mohammed Salih describes three major shortfalls experienced within current

African democratically elected governments:

> Ethic nature of political institution, where ethnic or racial mobilization
> has historically been an accomplice to genocide; The Prominence of
> patron-client relationships, which have lately developed into militarized
> systems of elaborate networks and warlords; and The absence of internal
> institutional and party democracy, which fosters minority exclusion and
> conflates nations or ethnicity and state.[63]

In order to understand why Darfur experiences poor governance, and why this relates to crimes

against humanity and genocide in this region, one must first define good governance. A state that

has good governance is one that has democratically elected leading parties that apply, "political,

economic and administrative authority to manage their citizen's affairs."[64] These governing

parties are held accountable through the implementation of institutionalized legal frame works,

which are controlled, directed and regulated through "social, legal, political and economic

institutions that regulate citizen affairs."[65]

 To summarize, states that employ good governance protect "…the rule of law, respect for

human rights, an independent and effective judiciary, maintenance of civil peace and

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[62] Richard Baltrop, 42-43.
[63] Mohamed Salih, 29.
[64] *Ibid*., 27.
[65] *Ibid.*, 27.

order…freedom of information, respect for civil, cultural, political and economic rights…."[66] It

should, therefore, be no surprise that Darfur has been in constant crisis given the lack of security,

and deficit of good governance. Throughout the conflict, the leaders of the Sudanese government

and Darfur have been in support of peace agreements; yet atrocities continue.

Moreover, Salih highlights several examples in Africa where differences in ethnicities,

related to variations in ethnically divided political parties, caused significant confrontations

leading to the genocides that occurred in areas such as Rwanda, Liberia, Sierra Leone, the Ivory

Coast and Sudan. These patterns also widen the differences between the poor and rich. Darfur

experiences severe differentiating levels of ethnic diversity, which is one of the root causes for

the atrocities that have occurred over the past twenty years.[67] The significant difference between

Rwanda and Darfur is that in Darfur the civilian deaths and dispersion are being conducted by

coordinated assaults led by the government military and facilitated by the Janjaweed militia.

THE RESPONSIBILITY TO PROTECT DARFUR

> To assist in the implementation of the provisions of the Darfur Peace
> Agreement and any subsequent agreements relating to human rights and
> the rule of law and to contribute to the creation of an environment
> conducive to respect for human rights and the rule of law, in which all are
> ensured effective protection…To assist in promoting the rule of law,
> including through institution-building, and strengthening local capacities
> to combat impunity; To ensure an adequate human rights and gender
> presence capacity, and expertise in Darfur in order to contribute to efforts
> to protect and promote human rights in Darfur, with particular attention to
> vulnerable groups….[68]

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[66] Mohamed Salih, 28.
[67] David A. Hamburg. "Preventing Genocide: Practical Steps Toward Early Detection and Effective Action."
(London: Paradigm Publishers, 2008), 2-3.
[68] UNAMID, website. "UNAMID mandate". http://www.un.org/en/peacekeeping/missions/unamid/mandate.shtml.
Last Accessed on 12 April, 2014.

Even after the UN Secretary General published the *Agenda for Peace* in 1992, intra-state violent conflicts continued to increase in severity in Africa and specifically in Darfur. Throughout the 90s, atrocities experienced in Angola, Liberia, the Democratic Republic of Congo (DRC), Sierra Leone, Rwanda and Sudan raised the issue of humanitarian intervention. [69] However, it was not the atrocities in Darfur, but in Kosovo that initiated the development of the International Commission on Intervention and State Sovereignty (ICSS). [70] Due to the former Secretary-General Kofi Annan's request to the international community to attempt to rectify these issues, the ICSS was founded, which served to evaluate the "Right of Humanitarian Intervention", or the Responsibility to Protect (R2P). [71] The intent of R2P was to bestow ownership of the responsibility to protect from the international community to that of the state whose own populace is at risk. R2P cites three primary responsibilities, which became the motivation for UN intervention: "to prevent, react and rebuild." [72] It further substantiates the responsibility of the nation state to prevent crimes against humanity and ensure that the correct steps are taken to ensure early warning of the inevitable. Although the AU, and then UN have both deployed peace keeping forces to Darfur, they have been unable to reduce the increasing violence or accomplish any of the goals that were laid out the peace agreements. [73] Finally, if these control measures do not stop the atrocities, then R2P places the responsibility on the nation state to "react" to the violence.

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[69] Gareth Evans. "The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All." (Washington: Brookings Institution Press, 2008), 38-39.

[70] International Commission on Intervention and State Sovereignty: Responsibility to Protect Report, Website. The Council on Foreign Relations. (December, 2001). http://www.cfr.org/humanitarian-intervention/international-commission-intervention-state-sovereignty-responsibility-protect-report/p24228. Last Accessed on 9 May, 2014.

[71] Tim Murithi. "The Responsibility to Protect, as Enshrined in article 4 of the Constitutive Act of the African Union." The African Security Review. (Ethiopia: 22 Jul, 2010), 15.

[72] Max W. Mathews. "Tracking the Emergence of a New International Norm: The Responsibility to Protect and the Crisis in Darfur." Boston College International and Comparative Law Review. (Boston: 2008), 140.

[73] Tim Murithi, 145.

When required, the international community (in particular the UN), supports nation states throughout these issues and provides the required assistance to rebuild. Although R2P seems like an effective, coherent, and proactive approach, it has shortcomings, many of which were experienced in Darfur. Over a two-year period, the Sudanese government was able to significantly delay peace making operations as well as the transition from AMIS to UNAMIS, consequently allowing the genocide to continue. UNAMIS was authorized to deploy; however, the UN Security Council had to ensure that limited "non-African" military units deployed in support of UNAMIS. Immediately upon releasing R2P, the UN Security Council applied sanctions to key personnel within the Sudanese government who were accused of being responsible for crimes against humanity.

Alex De Waal highlights a larger issue in discussing R2P in Darfur, in that critics seem more concerned about the construction of AMIS and UNAMID, and ignored a greater issue: what the operational concept of operations, or strategic end states should have been. He elaborates: "This emphasis reflects the focus and content of the continuing debate on the responsibility to protect, which has concentrates on when and where to intervene, not how to do so and with what aim in mind."[74] Coincidentally R2P as a concept was released by the UN Security Council concurrent with the transition of AMIS to UNAMID. Several UN Resolutions, most notably, 2004 resolution 1556, imposed sanctions over Darfur; 2005 resolution 1590, supported the signing of the comprehensive peace agreement; 2006 resolution 1706, initiated the deployment of UNMIS; 2007 resolution 1769, authorized and mandated the establishment of the AU-UN Hybrid operation.[75] These resolutions were initiated in order to enforce the protection

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[74] Alex de Waal. "Darfur and the failure of the Responsibility to Protect." (Plymouth: Blackwell Publishing Ltd, International Affairs 83, 2007), 1045.

[75] UNAMID, African Union/United Nations Hybrid Operation in Darfur, website. http://www.un.org/en/peacekeeping/missions/unamid/resolutions.shtml. Last Accessed on 5 May, 2014.

of civilian casualties, reaffirming the UNAMID Chapter VII mandate. All of which were

consistent with R2P resolutions. That being said, and despite all of the positive actions that

occurred immediately after the UN support and initiation of R2P, escalation of violence

continued to be observed throughout the region to the point that some critics shamed the

international community for its neglect of the Darfur situation.[76] Meanwhile, the UN Security

Council allowed the Sudanese Government to delay, adversely affecting the UN's deployment

into the region.

Herein lies the issue with R2P and the situation in Darfur: R2P framework does not

suggest the intervention of the international community without government state support;

however this is not a requirement. In fact it recommends the contrary, that "the international

community should, as much as possible, work with the government of states in which crimes

against humanity are taking place, in an effort to stop the violence."[77] Due to the complexity of

the conflict in Darfur involving the Sudanese government, rebel forces as well as insurgent

elements employed by the Sudanese military, even the rapid development and implementation of

R2P would not have saved hundreds of thousands or more already dead in Darfur. Therefore,

R2P will never be the solution to the problem within Darfur unless the Sudanese government is

replaced with a constitutionally controlled, elected government.[78] Seeking consent from the

government allowed the UN to get in the country, avoiding the possibility of having

peacekeeping forces at war with a conventional Sudanese force. Since a Chapter VII mandate

was not supported by the UN Security Council, this was the only strategy to move peacemaking

forces into the region. In PSOs, the longer the delay it takes for UN forces to arrive equates to

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[76] Scott Straus. "Darfur and the Genocide Debate." *Foreign Affairs Manual*, Vol 84. No.1 (Feb 2005), 131-132.
[77] Max W. Mathew, 151.
[78] Gareth Evans, 124-125.

more deaths and loss of innocent lives.[79] However, fault for the UN's inability to field a force

credible enough to stop the atrocities that occurred and are still occurring in Darfur does not lie

with the UN. This is the responsibility of the international community and depends on political

will of the leading nations, a deficiency that cannot be fixed with additional UN Resolutions.

CONCLUSION

Darfur remains wracked with conflict and will stay this course until the international

community, the UN and the AU are able to achieve, develop and coordinate robust levels of

security, political stability and economic prosperity. In accordance with observations from the

Brahimi report, that UN peacekeepers must be capable of employing their mandate successfully

being able to adequately defend themselves and those that they are supporting.[80] This seemingly

obvious task is one that the past and current UNAMID forces have been unable to achieve.

Although the situation in Darfur caught the media's eye in 2003, as previously discussed,

Darfur's history of conflict goes back a quarter of a century and continues today. Several

international organizations are improving diplomatic unity through integration of AU and local

civilian government programs; however, the region remains in constant turmoil.

To suggest that Darfur is moving in the right direction to achieve economic success,

diplomatic unity and a tangible peace agreement would be premature. However, saying that the

international community should turn their back and allow Africa to solve its own problems

without outside support would be both tragic and ignorant. Abdel Salam Sidahmed explains that

the key concerns in Darfur remain, "…its economic underdevelopment owing to the lack of

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[79] Gareth Evens, 182.

[80] Lakhdar Brahimi. "Comprehensive review of the whole question of peacekeeping operations in all their aspects." United Nations General Assembly, Security Council. (21 August, 2000), x.

investment projects in the region, poor infrastructure, and the meagerness and inadequate of

public services."[81] UN intervention seeks to provide humanitarian assistance in order to develop

structural baselines for independent growth; however, the baseline ability must exist in order to

build on it.

Darfur is reliant on foreign aid that is received from the international community and will

be unable to progress or support itself due to the continued levels of political corruption,

economic instability, and civil turmoil that it has experienced for centuries. Alex de Waal

emphasized the UN's lack of a clear end state within Darfur, when he states:

> Over the period of 2004-2007, the international community pursued a
> range of objectives for Darfur that included improving security and
> humanitarian access, supporting CPA, obtaining justice at The Hague,
> seeking a negotiated peace, dispatching a UN force and punishing those
> standing in the way of these goals. The multiplicity of these goals impeded
> a clear and coherent strategy.[82]

UN missions achieve success with succinct objectives, in order to develop achievable goals:

having too many disconnected objectives created unachievable resolutions. In comparing the

UN's actions in Darfur with the Brahimi criteria, one can see that the international community

failed in its responsibility to protect, despite an in depth knowledge of the actions of genocide

that occurred throughout the region. Given that Darfur has little economic value in the west, the

UN Security Council's delayed reaction to acts of genocide and inability to field a substantial

military force and inadequate mandates contributed to, rather than dealing with, instability in

Darfur.

In order to stop the atrocities in Darfur, the UN must support the AU and create a state

with an autonomous government, one that does not come to power through a military coup but

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[81] Abdel Salam Sidahmed, Walter C Soderlund and E. Donald Briggs. "The Responsibility to Protect in Darfur: The Role of Mass Media." (Plymouth: Rowman and Littlefield Publishers, Inc, 2010), 20.
[82] Alex de Waal, 1043.

instead is voted in by the people of the region. Continuing to operate within African failed or

failing states without African motivation towards effective change will hinder the UN's ability to

create economic stability, good governance and effective security. Security must be strengthened

throughout the region and allow for diverse economic growth, displacement of populations must

stop, and the government soldiers must defend the victims of genocide: not turn a blind eye to

the atrocities. The international community must continue to be proactive in supporting Darfur

and in Africa, where a whole of government approach is required allowing for political stability.

Differences of opinion must be acknowledged, and other formed of dispute resolutions

developed rather than war and atrocities. The populace must be given an equitable distribution

power and wealth as well as adequate civil representation.

There are several options to bring an end to the situation in Darfur. However, the bottom

line resonates from the AUs raison d'être: "African Solutions for African problems."[83] Because

the Sudanese government continues its unacceptable death campaign, the UN's mandate in

Darfur has not been achieved. If negotiations between the African majority and Arab minority do

not continue to validate the peace making process, then Darfur will continue to be without peace.

Democratic governance, which united all of the ethnicities, would serve as a positive reminder to

the continent that peace can in fact be achieved and a whole of government approach can be

initiated. However, peace will not be achieved in Darfur without continued international

community participation, investment and the augmentation of PSOs in order to bolster

humanitarian assistance and help reach a lasting peace agreement. UN intervention is not the

only solution for peace, as succinctly identified in the Brahimi report, "These changes — while

essential — will have no lasting impact unless the Member States of the Organization take

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[83] The African Union, Website. "A United and Strong Africa." http://www.au.int/en/. Last Accessed on 9 May, 2014.

seriously their responsibility to train and equip their own forces and to mandate and enable their

collective instrument...”[84]

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[84] Lakhdar Brahimi. “Comprehensive review of the whole question of peacekeeping operations in all their aspects.” United Nations General Assembly, Security Council. (21 August, 2000), 1.

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