

Towards Attaining Peace in Darfur: Challenges to a Successful AU/UN Hybrid Mission in Darfur

By

Emma Birikorang¹



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¹ Emma Birikorang is Research Fellow at the Kofi Annan International Peacekeeping Training Centre.

Introduction

The adoption of the Constitutive Act of the African Union (AU) in July 2000 as well as the Protocol Relating to the Establishment of the Peace and Security Council marked a new chapter in the history of the regional organization. Particularly, the establishment of the Peace and Security Council (PSC), as a decision-making organ for the prevention, management and resolution of conflicts was heralded as a renewal of African commitment to legally and politically recommit to peace and security on the continent.² The PSC is the key decision-making organ of the AU in terms of intervention in member states in the event of a crisis and conflict.

At the same time as these events were taking place, the conflict in Sudan's Darfur region was escalating and culminating in a complex humanitarian emergency. This crisis has since become a test case for the AU's renewed commitment towards ensuring peace and security in Africa. The AU Mission in Sudan (AMIS) was initially established by the AU Peace and Security Council to implement decisions made in support of and in response to the crisis in Darfur. A peace agreement was then signed between the Government of Sudan and two rebel movements in Darfur in 2004 which gave authorization to the mission to monitor the ceasefire spelt out in the agreement. Subsequent to this, and in response to the challenges faced by AMIS, the United Nations /African Union Hybrid Mission in Darfur (UNAMID) was established by UN Security Council Resolution 1769 in July 2007 and given a Chapter VII mandate.

Several opinions have been expressed regarding the AU Mission in Sudan (AMIS) and how it seemed to have 'failed'. From the perspective of its critics, AMIS had failed to accomplish its objectives, to halt the large-scale killings and displacement of the civilian population in Darfur.³ Two critical issues present themselves here: (1) what experts/critics think should have been the tasks of AMIS as a result of the precarious situation and events in Darfur; and (2) the mandate that was ultimately agreed by member states at the AU which is one of monitoring. Another critical issue to consider is whether the hybrid mission which was expected to bridge the gap between lack of capacity, resources and personnel was able to fulfill its mandate and correct the perceived wrongs of AMIS.

In order to fairly and critically examine the AU's peacekeeping and peace support operation in Sudan, it is important to identify the type of operation that was envisaged and subsequently deployed; and whether the appropriate resources – ingredients for success – were made available to the mission. The paper will also assess whether the transition from AMIS to UNAMID came with the increased resources, capability and required personnel, capable of halting attacks against civilians, internally displaced persons (IDPs) and ensure stability in Darfur.

The paper begins with a discussion of the specific peculiarities of the conflicts in Sudan (North-South conflict and the Darfur conflict) which will enable us to understand the type of intervention chosen by both the AU and the UN and its appropriateness as a conflict management method for Darfur. The mission in Sudan will then be compared to some

² The Constitutive Act of the African Union, Lomé, 11 July 2000; Protocol Relating to the Establishment of the Peace and Security Council, Durban, 9 July 2002.

³ Victoria K. Holt and Tobias C. Berkman, 'The Impossible Mandate? Military Preparedness, the Responsibility to Protect and Modern Peace operations', The Henry L. Stimson Center, 2006.

benchmarks and criteria for successful peacekeeping missions. A brief discussion of the emerging AU peace and security architecture within which the intervention took place will be done with a view to determining how the Darfur crisis has challenged AU norms and principles. It will then focus on the AU/UN Hybrid Mission and how it has striven to correct the perceived failings of AMIS. The issue of sovereignty and humanitarian intervention and the concept of the 'responsibility to protect' (R2P) will be analyzed in the context of how African states have responded to R2P issues. The role of international actors such as the UN and China will be analyzed, as these have had a direct correlation to the success or failure of the mission in Sudan.

The Conflict in Sudan

A brief background to the conflicts in Sudan is necessary in order to have an understanding of the AU mission and the apparent intransigence of the government in Khartoum in allowing the initial deployment of the AU mission in Darfur and even the UN hybrid mission. For more than two decades since independence, the Government of Sudan and the Sudan People's Liberation Movement/Army, the main rebel movement in the South of Sudan, fought in a civil war over resources, power, the role of religion in the state and self-determination. The country has been divided along the lines of Arab-Muslims in the North and Africans in the South. Even though the north has enjoyed relative economic, social and political development, the south has been marginalized and economically deprived. Southern rebellion began in August 1955, four months before independence on January 1, 1956, as a result of fears that independence would not only result in northern domination, but could also mark a return to the Arab enslavement of the Africans.⁴ The war ended in 1972 with the signing of the Addis Ababa peace agreement, but resumed again in 1983 when the agreement was broken by the central government.

In the course of that period, more than two million people have died, four million displaced internally, and 600,000 have fled the country as refugees.⁵ Attempts by major regional and international actors such as the Inter-Governmental Authority on Development (IGAD), the Organization of African Unity (OAU) at the time and the United Nations achieved little success. Between 2002 and 2004, six agreements were signed between the government and the various factions. These agreements centred on the principles of governance, the transitional process and the structures of government as well as on the right to self-determination for the people of South Sudan, and on state and religion. Others were on security arrangements, wealth-sharing and power sharing. Finally, the Comprehensive Peace Agreement (CPA), which is a blend of all the six agreements, was signed in January 2005 which paved the way for the establishment of the UN mission in Sudan (UNMIS) in March 2005 to oversee the implementation of the CPA.⁶

⁴ Francis Deng, 'Sudan at the Crossroads', MIT Centre for International Studies. *Audit of the Conventional Wisdom Series*. 07-05. March 2007. http://web.mit.edu/CIS/pdf/Audit_03_07_Deng.pdf

⁵ Alhaji M.S. Bah and Ian Johnstone, 'Peacekeeping in Sudan: The Dynamics of Protection, Partnerships and Inclusive Politics', Centre on International Cooperation Occasional Paper, New York, 2007.

⁶ These agreements are: **The Protocol of Machakos**, signed in Machakos, Kenya, on 20 July 2002, in which the parties agreed on a broad framework, setting forth the principles of governance, the transitional process and the structures of government as well as on the right to self-determination for the people of Southern Sudan, and on state

While the CPA was being negotiated, rebels in the Darfur region, which had suffered years of political neglect and economic marginalization, began an armed rebellion against the government forces.⁷ Alex de Waal contends that '[t]oday's polarized 'Arab' and 'African' identities in Darfur emerged from historical processes of identity formation combined with recent militarization and the incorporation of Darfur into national, regional and international political processes.'⁸ The response of the Sudan government to the rebellion was to set the Janjaweed militia on the rebels and all those that support their cause. The government-supported Arab Janjaweed militia undertook a strategy of ethnic cleansing towards the civilian population of African tribes.

The attacks by the government forces and allied militias has led to the deaths of over 200,000 Darfurians and the displacement of over 2 million.⁹ In April 2004, a Humanitarian Ceasefire Agreement was signed between the Sudan Liberation Army/Movement (SLA/M), the Justice and Equality Movement (JEM) and the Government of Sudan. Eventually, the AU Peace and Security Council authorized the deployment of the African Union Mission in Sudan (AMIS) specifically for the Darfur region, while the UNMIS continues with its Chapter VI mandate in the South. Suffice it to point out here that Sudan, the largest country in Africa in geographical terms shares borders with eight other African countries and fears of the conflict destabilizing its neighbours are well founded as the conflict has spread to Chad.

AU 'Peacekeeping' in Sudan

What sets apart the AU from its predecessor OAU has been the right of the Union to intervene in a member state pursuant to a decision by the Assembly of Heads of State and Government in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity as well as unconstitutional changes of government an amendment added later.¹⁰ Even though an African Standby Force (ESF) had been proposed in the Protocol Relating to the Establishment of the Peace and Security Council in 2002, the force will not be operationalized until 2010. In spite of this renewed determination, the Constitutive Act was silent on the exact nature of the proposed intervention with regard to the use of force. It was against this background and lack of mandate clarity that the African Union intervened in Sudan. The mission was initially set up to 'monitor' the Humanitarian Ceasefire through the deployment of an AU 'Observer' Mission, and to become the operational arm of the Ceasefire Commission (CFC).

and religion; **The Protocol on security arrangement**, signed in Naivasha, Kenya, on 25 September 2003; **The Agreement on Wealth-Sharing** signed on 7 January 2004; **The Protocol on Power-sharing**, signed in Naivasha, Kenya, on 26 May 2004; **The Protocol on the resolution of conflict in southern Kordofan/Nuba Mountains and the Blue Nile States**, signed in Naivasha, Kenya, on 26 May 2004; **The Protocol on the resolution of conflict in Abyie**, signed in Naivasha, Kenya, on 26 May 2004.

⁷ For more on the history of the conflict in Darfur, see Alex de Waal, 'Who are the Darfurians? Arab and African Identities, Violence and External Engagement.' *African Affairs*, 104/415, pp 181-205. 2005.

⁸ Ibid

⁹ International Crisis Group (ICG), 'Darfur: The Failure to Protect' Africa Report N°89. 8 March 2005.

¹⁰ Constitutive Act of the African Union, Article 4(h). Protocol Relating to the establishment of the peace and security Council, Article 6 (d).

As the AMIS mission unfolded, it became increasingly difficult to clearly define what type of mission it was, as expectations of it far exceeded its mandate and capability. Bellamy, Williams and Griffin identified different types of operations according to the role that they fulfill in global politics rather than the particular function that the mission was expected to fulfill. Thus, even though a peacekeeping mission may have a particular mandate, the type of operation should be determined by the actual situation and role in the peacekeeping theatre. Thus, ‘traditional peacekeeping’ is intended to assist in the creation and maintenance of conditions conducive to long-term conflict resolution by the parties themselves, often in conjunction with international mediators. It is neither proactive as a creative force in wider conflict resolution processes nor as a coercive instrument in defence of such process and usually takes place between a ceasefire a political settlement.¹¹ The initial mandate of AMIS was for the peacekeepers to perform traditional peacekeeping functions.

The problematic nature of this definition with regards to the conflict in the Sudan are the assumptions attached to it. The first assumption that the belligerents are states belies the fact that most ‘new wars’ in Africa have been intra-state as the case is in Sudan.¹² Secondly, combatants in these new wars are not hierarchically organized into units as assumed under traditional peacekeeping. Factions splinter along ideological lines, ethnic, financial as well as for political reasons.¹³ In such situations, ceasefire monitoring becomes challenging as new groups – and old groups alike – do not recognize existing ceasefire agreements.

The third assumption is that protagonists wish to end the conflict and search for an amicable solution. The Darfur Ceasefire Commission typically operated under these three assumptions. There was the use of such terms as ‘monitor,’ ‘verify,’ ‘investigate,’ ‘report,’ ‘assist,’ and ‘contribute’ in both the AMIS mandates under the Humanitarian Ceasefire Agreement and the Darfur Peace Agreement (DPA) signed in Abuja in May 2006. These were based on the flawed assumptions that the signing of the agreement implied the commitment and consent of the belligerents to the ceasefire. The Darfur crisis proved the very opposite as the peacekeepers faced intense hostility in the mission area. All the fourteen prohibited activities under Article 24 of the DPA were flouted by all the belligerents. Sometimes, peace agreements were signed by belligerents purely as a means to regroup and stockpile arms for the next round of fighting.

The AU initially deployed 60 military observers to monitor compliance with the ceasefire agreement and later a protection force of 300 to provide security and protection to the unarmed observers.¹⁴ Faced with the gravity of the situation on the ground, the AU Peace and Security Council authorized the increase of the force. The second AMIS mandate was an improvement on the earlier one, in that the peacekeepers were, under Article 9 and 10 given some powers to be ‘prepared to protect civilians under imminent threat in the immediate vicinity, within means and capabilities in accordance with the rules of engagement.’ This presupposes that certain

¹¹ Alex J. Bellamy, Paul Williams and Stuart Griffin, *Understanding Peacekeeping*, Cambridge: Polity, p.96. 2004

¹² Mary Kaldor, *New and Old Wars; Organized Violence in a Global Era*, Cambridge: Polity. 1999

¹³ There are more than 27 splinter rebel groups in Darfur.

¹⁴ For more on the operational challenges at the initial stages of AMIS, see Seth Appiah-Mensah, ‘AU’s Critical Assignment in Darfur; Challenges and Constraints’, *African Security Review*, Vol. 14/2, pp 7-21. 2005

conditions had to be met before civilian protection would be guaranteed, such as having the required capabilities including logistics, personnel and resources. Thus if the mission did not have the wherewithal – which was mostly the case – civilian protection would not be a priority.

‘Wider peacekeeping’ was expected to bridge the gap between traditional peacekeeping and the operational challenges faced in the mission. It has been described as ‘operations carried out with the consent of belligerent parties in support of efforts to achieve and maintain peace in order to promote security and sustain life in areas of potential or actual conflict’.¹⁵ This definition requires that peacekeepers perform more tasks than required with traditional peacekeeping such as conflict prevention, demobilization of belligerents, military assistance to civilian agencies, humanitarian relief and the guarantee and denial of movement to persons.¹⁶ At best the AU mission in Sudan made efforts aimed at providing military assistance to civilian agencies, as well as providing security to the refugee camps and providing support to humanitarian relief agencies; however, it did not perform any of the other tasks enumerated, due to the AU mandate restrictions and lack of operational capability and resources.

In both these types of peacekeeping, the underlying principles remain, ‘consent’, ‘impartiality’ and ‘minimal force’.¹⁷ These three principles were the driving force behind the apparent failure of AMIS to perform its tasks effectively. The AU Constitutive Act, even though a marked improvement on the OAU Charter, is still somewhat founded on the principle of the sacrosanctity and respect for territorial integrity and sovereignty. Hence the use of any type of force, whether minimal or maximum will need the ‘consent’ of the Government of Sudan. Where the government itself is engaged in the violation of agreements, the AU, and thus its mission cannot apply the use of force to elicit compliance. This is reflected in the DPA where violations to ceasefire are not penalized in any way thus compromising and undermining the effectiveness of AMIS and the AU at large, since the effectiveness of the mission is a reflection of the effectiveness of the organization at large.¹⁸ Even though the mission, at the time it was being transformed into UNAMID had a strength of more than 7000, it was unable to perform protection functions, even for its own personnel partly due to these three stifling principles.

The AU mission in Sudan could not be described as a ‘Peace Support Operation (PSO)’. This involves a multi-faceted mission that combines robust military force with significant military, police and civilian strength.¹⁹ However, the African Union had neither the means nor capability to engage in a peace support operation in a region the size of Darfur with the magnitude of the challenge involved. The AU mission required the support of the UN Security Council before it

¹⁵ Her Majesty’s Stationery Office (HMSO), *Wider Peacekeeping*, London, 1995, in Alex J. Bellamy, Paul Williams and Stuart Griffin, *Understanding Peacekeeping*, Cambridge: Polity Press. 2004.

¹⁶ Ibid.

¹⁷ Bellamy, Williams and Griffin, op cit.

¹⁸ In the event of a ceasefire violation, the CFC can only resort to publicizing the violation and name of party that committed the violation; recommend prosecution; recommend appropriate action in case of grave violations; make further recommendation on punitive action to AU for considerations. Article 25 of the DPA.

¹⁹ HMSO, op cit.

could undertake such a mission, and certainly with sufficient provision of logistics, funds and personnel.

Peace Enforcement is mandated under Chapter VII of the UN Charter which calls for actions with respect to threats to peace, breaches of the peace and acts of aggression. The UN/AU hybrid mission in Darfur can be classified as such. As the humanitarian crisis persisted, it became evident that the restrictive mandate of AMIS was no longer appropriate to the challenges encountered in the field. In light of these realities and in the face of the worsening humanitarian situation, the Security Council, acting under Chapter VII of the UN Charter, passed Resolution 1769 on 31 July 2007, to authorize the deployment of a potential 26,000 strong UNAMID force. This transition which had previously been rejected by the Sudan Government began deployment in October 2007. The Khartoum government, clearly aware of the limitations of AMIS, and advantages to the regime therein, initially refused to consent to the deployment of the UN mission.

Whose responsibility?

Durward Rosemary posits that placing the responsibility for authorization of all regional peace operations on the UN Security Council assumes that this body will always function in the interests of peace and security.²⁰ However, veto threats at the Security Council have continually hampered the operationalization of protection through the use of force. Nonetheless, within Africa itself, there is an emerging norm of intervention in situations of gross violations of human rights, genocide, war crimes and state collapse.²¹ However, even though this new norm is laudable, its implementation and internalization faces financial, political and ideological challenges. Previously, African regional organizations such as the OAU, the Economic Community of West African States (ECOWAS) and the Southern African Development Community (SADC) have undertaken conflict management missions on the continent. These include the OAU/AU observer mission in Burundi and Sudan, ECOWAS in Liberia, Guinea-Bissau, Sierra Leone and Cote d'Ivoire, and SADC in Lesotho and the Democratic Republic of Congo. These missions have all had varying levels of success and/or failures.

Even though the regionalization of peace and security has developed in an *ad hoc* manner in response to specific regional crises that evolved in Africa at the end of the Cold War²², it has become the expected initial course of action in the management of conflict in Africa. This norm faces challenges in terms of the capacity of the region to act alone. This is due to the dwindling capacity of African states to contribute peacekeepers to AU missions. In the *Annual Review of Global Peace Operations 2007*, it was observed that 'although UN deployments in Africa grew in 2006 – and would grow far more in the case of a Darfur deployment – the number of African

²⁰ Rosemary Durward, 'Security Council Authorization for Regional Peace Operations: a Critical Analysis,' *International Peacekeeping*, Vol. 13/3 September, pp. 350-365. 2006

²¹ David J. Francis, *Uniting Africa; Building Regional Peace and Security Systems*, Ashgate, p.110. 2006

²² Paul Williams, 'International Peacekeeping; the challenges of state building and regionalization,' *International Affairs*, Vol. 81/1, pp. 163-174. 2005

UN peacekeepers actually fell slightly, from 19,100 to 18,600'.²³ In the face of apparent contradictions to the rhetoric of 'African solutions to African problems', Africa will continue to seek external support from the UN and other international partners to ensure sustainable solution to the crises in Darfur and the whole of Sudan. This has adverse impacts on the AU's role in Darfur as it will continue to depend on external actors given that some external actors have diverse agendas and interests in African political affairs.

Recipe for success... or failure

AMIS, more out of necessity than by design, had elements of all the different types of peacekeeping mentioned above. This section will examine the mission based on benchmarks by Darya Pushkina, who has developed a broad set of criteria of success for peacekeeping operations. These are:

1. Criterion 1: Limiting violent conflict in the host state is the primary goal of peacekeeping.
2. Criterion 2: Reduction of human suffering is another primary goal of peacekeeping missions.
3. Criterion 3: Preventing the spread of conflict beyond the object state's borders is also important for ensuring regional security.
4. Criterion 4: Promoting conflict resolution is a final measure of the effectiveness of the UN [AU] mission.²⁴

The first two criteria have raised critical questions of the AU mission in Sudan. The mission to a large extent failed to limit violent conflict in the country. There were and continue to be continuous attacks by government forces on rebel positions, and vice versa; while civilians and AMIS personnel have been attacked.²⁵ What has been described by the *Crisis Group* as 'protection by presence' of the AU mission failed to deter the rebels, the government and its militia.²⁶ The major inhibition to the protection of civilians in Darfur had been the restrictive and sometimes vague mandate. The AMIS II mandate gave the peacekeeping mission the right to protect civilians 'under imminent threat' 'in the immediate vicinity' 'within means of capability' 'in accordance with ROE'. These phrases are open to different forms of interpretation and place little or no responsibility on the peacekeeper to protect civilians. Coupled with the size of the mission, operational constraints and the large area of operation, protection mandates are usually not priority.

²³ Centre on International Cooperation, 'Review of Global Peace Operations 2007, Lynne Rienner, London, p. 11. 2007.

²⁴ Darya Pushkina, 'A Recipe for Success? Ingredients of a successful peacekeeping mission', *International Peacekeeping*, Vol. 13/2, June, pp.133-149. 2006

²⁵ Report of the Secretary-General on the Sudan pursuant to paragraph 6, 13 and 16 of Security Council Resolution 1556 (2004) paragraph 15 of Resolution 1564 (2004) and paragraph 17 of resolution 1574(2004). S/2005 /10.

²⁶ International Crisis Group (ICG), 'Darfur: The Failure to Protect' Africa Report N°89. 8 March 2005

The International Commission on Intervention and State Sovereignty (ICISS) in its report on the *Responsibility to Protect* raised major issues on the subject of state sovereignty and non-intervention principles with the growing international concerns for civilians caught in violent conflict. Conversely, the emerging AU norm is ‘based on the view that sovereignty is no longer sacrosanct, and that the international community will increasingly be prepared to set aside the inviolability of national borders and non-intervention, in situations of Rwanda-type genocide, state collapse and gross human rights abuses.’²⁷ To circumvent the protection-inhibiting mandates, the ICISS report advocated for ‘coercive protection’ which describes the specific strategy of using or threatening the use of force for the purpose of protecting civilians. This report assumes that the mission is operating at full capacity, with military, police, civilian and humanitarian agencies. The term ‘critical assignment’ as Appiah-Mensah observed, thus became a fitting description of the AU mission in Sudan.

Appiah-Mensah enumerates some of the operational challenges of mission:

“To undertake its tasks in fulfillment of the mandate, AMIS has adopted a flexible concept of operations (CONOPS) in Darfur... This CONOPS, however, is seriously constrained by functional and geographical limitations as a result of the chronic lack of resources. Typical functional requirements such as communications, intelligence and military aviation support have been cited as serious strategic and operational gaps.”²⁸

Apart from the logistical challenges, globalization has affected the environment in which peacekeepers operate, particularly the increasing significance of non-state actors such as transnational corporations, humanitarian NGOs, and warlords and their supporters. Especially for the crisis in Darfur, the Khartoum regime continues to wield huge influence in the country due to the factors of globalization and the availability of strategic natural resources. The government does not have control over the entire territory, the monopoly of the use of force has been stripped from the government and it cannot perform the basic functions of the state.²⁹ However, it is characterized by a strong ruling regime which has access to strategic resources and international support irrespective of the nature of its governance in the country.³⁰ The Khartoum government thus finds itself in a position to dictate terms of AU and UN engagement in the country without fear of major sanctions, as it could count on the support of veto-wielding allies in the UN Security Council. The Sudan government has become a key ally in the global fight against

²⁷ David J. Francis, op cit.

²⁸ Appiah-Mensah, AU’s Critical Assignment in Darfur, op cit.

²⁹ I. William Zartman, Introduction, Posing the Problem of State Collapse, in ed, I. William Zartman, Collapsed States; the Disintegration and Restoration of Legitimate Authority, Lynne Rienner, 1995

³⁰ Council on Foreign Relations, ‘China, Africa and Oil’. According to the report, between 1996 and 2003, China has sold the Islamic government in Khartoum weapons and \$100 million worth of Shenyang fighter planes, including twelve supersonic F-7 jets. <http://www.cfr.org/publication/9557/#9>

terror.³¹ This factor undermined AMIS and contributed to its inability to impose its presence in Darfur.

UNAMID

In light of the above challenges to AMIS, the Security Council mandated the hybrid AU-UN mission and assigned an African Force Commander. The mission, established under UN Resolution 1769 of 31 July 2007 has a Chapter VII mandate to take 'necessary action' to support the implementation of the DPA. This stronger and robust mandate backed with the necessary force and personnel, and led by an AU Force Commander is the embodiment of the type of cooperation sought between the African Union and the United Nations. Among the key tasks of the mission were the disarming of the Janjaweed, omission of no fly zone protection, and tackling the border issues between Sudan and Chad.

However, this UN mission has also faced considerable challenges in its operations. Significantly, the warring factions have splintered to such an extent that as at October 2008, there were as many as twenty seven rebel groups. These were splinter groups from JEM and the SLA/M who all had their individual goals and demands. Not only was the civilian population being attacked, but even the peacekeepers were under constant threat of attack from the factions. For example, 'over ninety vehicles have been hijacked at gunpoint from the mission or NGOs in 2008 in Darfur.'³² Peacekeepers have also been ambushed and killed by rebel groups. In June 2008, a platoon of peacekeepers was held hostage for more than five hours by one of the splintered rebel groups. What makes the situation more risky is that in the face of increased attacks by insurgents, the mission is seriously under-resourced in terms of equipment, personnel and other logistics. These inadequacies make the mission vulnerable to threats and attacks. For example, the lack of utility helicopters meant that peacekeepers had to travel along dangerous and unfamiliar routes by road making them vulnerable to attacks and ambush by rebel groups.³³ These attacks against UNAMID peacekeepers have affected their ability to perform some of the functions of protecting civilians, creating conditions that will allow delivery of humanitarian aid and voluntary return of IDPS and ensuring durable peace, security and stability in Darfur.

Even though the AU forces were re-hatted into UN peacekeeping force, most of the problems faced by the AU mission are still being encountered by UNAMID. Typical of UN missions, the force is now multi-dimensional with military, civilian and police components. Many more countries are now involved in the mission even though it remains predominantly African, with Asian contingents and some civilian elements from Europe. Of the total military component of 26,000, UNAMID has been able to raise only about a third of this number.³⁴ This is a result of

³¹ The US government also has a close intelligence relationship with the Sudanese government in its war on terror. Nick Grono, Briefing – Darfur: The International Community's Failure to Protect, *African Affairs*, Vol. 105/421, pp 621-631. 2006

³² General Martin Agwai, UNAMID Force Commander 'New Challenges for Missions; Hybrid Operations' speech presented at the IAPTC conference in Abuja, October 2008.

³³ Ibid.

³⁴ Ibid.

the attitude of the regime in Sudan which has openly stated that it will give consent to only African peacekeepers even in the face of AU difficulty in raising enough African peacekeepers for Darfur. This attitude exemplifies the issue of how some African governments have manipulated the inherent weakness of African peacekeeping capabilities, especially when consent still remains a strong traditional peacekeeping norm in Africa.

At the broader international level, concern has been raised over the atrocities being committed by the government of Sudan-backed Janjaweed. This has culminated in the International Criminal Court indicting the Sudan President Omar Al Bashir in March 2009, and subsequently issuing an arrest warrant against him. This has been perceived by African leaders as derailing the peace process, who have also openly declared their intention not to arrest President Al Bashir if he lands on their territories. This case is similar to the reaction of African Heads of State when the ICC also indicted former president Charles Taylor for war crimes in 2003. At the time ECOWAS were perceived to be shielding Charles Taylor, but once Liberia became relatively stable, he was handed over to the ICC for prosecution. The difference between these two heads of state is that whereas Charles Taylor was facing defeat from rebel groups in the midst of dwindling resources, the Sudanese President, with significant oil resources, has strong state structures and military might which is capable of quelling the rebellion without assistance from outside. It is therefore unlikely that he would readily submit himself to the African Union or any other authority.

The crises in Sudan has proved that not all member states abide by AU norms and that some important, stronger and richer regimes are able to oppose and successfully prevent intervention in their countries or dictate the terms of any intervention. These problems indicate that the decisive impact of the Darfur crisis, even though it has not destroyed the AU peacekeeping framework as a whole, has shown 'how a determined government could use political demands to block its operations.'³⁵ The challenge to regional organizations is that as peace operations are expanding and norms are being institutionalized, so too is the level of resistance to them by state and non-state actors.³⁶ The fact that the AU PSC continued to seek Sudan's consent for the transition of the force into an expanded UN mission, highlight the gap between the interventionist provisions of the AU's Constitutive Act and the practical political complexities of implementation.³⁷

Conclusion

What began as an AU observer mission has been transformed into a full-scale AU-UN peace support operation. One major factor that hindered AMIS mission was the lack of enforcement power and how the use of force could be applied in specific situations. Through the signing of the Constitutive Act and the ratification of the *Protocol Relating to the Establishment of the Peace and Security Council*, the African Union declared its intention of seeking 'African solutions to African problems'. However, the Darfur crisis has highlighted the major challenge that the AU faces in this regard. There are globalization factors which are beyond the scope of

³⁵ Richard Gowan, 'The Strategic Context: Peacekeeping in Crisis, 2006-2008,' *International Peacekeeping*, vol. 1, no. 4, August 2008, pp. 453-469.

³⁶ Ian Johnston, Bruce D. Jones, A. Sarjoh Bah and Richard Gowan, *Annual Review of Global Peace Operations 2007: Briefing Paper*, New York, Centre on International Cooperation, 2007, p. 2.

³⁷ *Ibid.* p. 11.

any one African state or the totality of the Union for that matter. Going 'alone' as the case was with ECOWAS in Liberia and Sierra Leone presents its own challenges, especially if no regional hegemony such as Nigeria or South Africa is prepared to take the initiative either militarily or financially. Another factor is the dwindling number of African countries in peacekeeping missions. This could be as a result of peacekeeping fatigue by those few African states who constantly contribute troops to regional and international peacekeeping. Another reason could be that those few countries are not immediately threatened by the conflict and thus do not feel the urgency or requirement to intervene.

To conduct the type of multi-dimensional peace support operation as required by the UN Security Council through the UNAMID mandate, enormous human and financial commitment will be required of the African Union, which the organization, in spite of its rhetoric, will be incapable of meeting. The adoption of the concept of responsibility to protect to address the inconsistency between the protection of civilians and principles of 'consent', 'impartiality' and the 'use of force' as described in the peacekeeping models above has had little operational success.

The success or failure of the AU Mission in Sudan depended to a large extent on the specific objective of the mission. AMIS was initially expected to monitor the ceasefire arrangement. Perhaps the AU could be described as naïve to have expected the factions and the state government to comply with the principles of the ceasefire agreements. The concepts of 'African solutions to African problems' and 'Try Africa first' will need to be matched by careful planning and coordination at all levels, otherwise they will remain mere 'trials'. However, the one major failure of the mission has been its inability to protect civilians in grave danger. Also the success or failure of a mission is certainly tied to success at the political level. Once negotiations fail, the operational and military aspects have little chance of succeeding. It is therefore imperative that peacekeeping is combined with regional negotiations, especially where the Sudan President has expressed his disregard for international intervention.

In view of the above, and even though the Sudan government has shown its intransigence in matters relating to Darfur, it is critical for the AU to continually engage them, first of all to ensure that civilian protection is guaranteed. Secondly, the mission should obtain firm assurances from the government that peacekeepers will not be attacked. Thirdly, it is imperative that the AU acts in concert with the UN Security Council, in terms of eliciting compliance from both the government and rebels.

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About the author: Emma Birikorang is a Research Fellow in the Research Department of the Kofi Annan International Peacekeeping Training Centre.

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