

## DARFUR: AN AFRICAN UNION PEACE-KEEPING CRUCIBLE?<sup>1</sup>

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The African Union has been acclaimed for its leadership role and engagement in addressing the Darfur crisis. International consensus is almost emerging in favor of substantial increase of the presence of the African Union Mission in Darfur, including expansion of the size of its monitoring force and a clear mandate for its troops to protect civilians. Rapid expansion of the African Union mission requires a corresponding increase in its peace-keeping capacity through provision of equipment, logistical, financial, material, and other resources. Confidence in the AU's ability to change the course of events in Darfur partly stems from fact that it has managed to overcome some of the constraints that paralyzed the Organization of African Unity (OAU) that it replaced in 2001. The AU has responded proactively to today's worst humanitarian crisis, unlike the OAU that stood by with the rest of the international community and watched as the 1994 genocide in Rwanda unfolded. By taking bold steps to stop fighting and stem the humanitarian crisis in Darfur, the African Union has raised its profile, but the crisis has also presented the first real test for its viability as a credible force in peace-keeping in Africa. Indeed, Darfur has become the crucible for the African Union's future role in peace-keeping.

### AU Response to Darfur

The fighting in Darfur which erupted in February 2003 has precipitated the worst humanitarian crisis since Rwanda over a decade ago. It has claimed an estimated 30,000 lives, uprooted an estimated 1.2 millions, and forced perhaps 200,000 to flee across the border into Chad as refugees. The Sudanese government and the Janjaweed militias have targeted civilians in Darfur largely because they share the same ethnic identity with the two rebels fighting the government in the region—the Sudan Liberation Army/Movement (SLA) and the Justice and Equality Movement (JEM).

The fact that the mainly Arab Janjaweed militias targeted civilians from farming communities of African ethnic origin—including the Fur, Zaghawa and Masalit—reveals the 'ethnic cleansing' logic underlying the use of massacres, rapes, starvation, and exposure to disease to 'depopulate' swathes of Darfur. Like the international community, the AU avoided using the term 'genocide' to describe the widespread crimes against humanity, 'ethnic cleansing,' war crimes and other atrocities committed by the state-sponsored *Janjaweed* militias.

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Mediated dialogue by the President of Chad, Idriss Deby, in concert with the African Union, the United States and the European Union and the United States, culminated in the signing of the N'djemena Humanitarian Ceasefire Agreement between the government and the two rebel groups in Darfur on 8 April 2004. The AU created a ceasefire commission with a total of 11 members, among them two representatives from the Sudanese government, two from the SLA and two from the JEM to monitor violations.

It also established a 120-person Ceasefire Monitoring Commission and 270 troops to protect the monitors. The mandate of the ceasefire allows the AU to ensure 'the implementation of the rules and provisions of the ceasefire' and to develop adequate measures to guard against violation of the ceasefire in the future. The Peace and Security Council (PSC) of the AU gave a sweeping mandate that authorized "all steps deemed necessary to ensure effective monitoring."

The ceasefire agreement is increasingly becoming a dead letter, and salvaging it demands concerted international action. The government has failed to comply with the requirement that all parties provide humanitarian access and the government to disarm and 'neutralize' Janjaweed militias. The AU ceasefire monitors and protectors are too few to ensure compliance with the agreement and to offer meaningful protection to civilians in Darfur—an area the size of France.

An expanded monitoring force can provide the necessary policing capabilities needed to deal with attacks. In the absence of this role by the AU, opinion increasingly shifted in favor of the AU monitors overseeing the disarmament and relocation of militias, which demand the establishment of a system of ensuring that the Janjawees are not given positions in government or in the police force. Continued violations of the ceasefire agreement has given currency to the view that future preventive action must transcend neutralizing militias and other armed forces to embrace the idea of civilian protection.

Efforts by the AU to bring the warring parties back to the negotiation table in Addis Ababa on 15 July, fell through because the government found it difficult to accept the conditions set by the rebels. The Chairman of the AU, Nigeria's President Olusegun Obasanjo, made another attempt at mediated dialogue by calling the government and rebels to talks in Abuja in late August 2004. Although the talks have stalled, they thrust the issues of civilian protection to the fore. The failure of mediation has given prompted demands for increased number of AU troops with clear mandate to protect civilians.

### **AU Peace-Keeping mandate**

The international call on the AU to expand the size of its troops and to give them an explicit mandate to protect civilians has implications for the AU's own mandate as well as its peace-keeping capabilities. If and when the AU decides

to mount a large peace-keeping force in Sudan, it will derive its mandate from documents developed in the last four years. Foremost among these is the Constitutive Act of the African Union (July 2000) which provides the required mandate and institutional framework for peace-keeping.

In a gist, while the Act stresses the principles of peaceful resolution of conflicts, prohibiting the use of force or threat to use force among nations, and non-interference in the internal affairs of states, it also provides the right of the Union to intervene in a member state in respect of grave circumstances, namely war crimes, genocide, and crime against humanity, and for the right of member states to request interventions in order to restore peace and security. This applies to the situation in Darfur where the Janjaweed militias have engaged in 'ethnic cleansing' and a plethora of crimes against humanity.

The second pillar of the AU framework for preventive action in conflict situations is the Protocol Establishing the Peace and Security Council of the African Union. Adopted by the inaugural meeting of the African Union in July 2002, the Protocol, which became effective in December 2004 upon ratification by members, is the lynchpin of peace-keeping by the African Union. Designed to deal with the 'threat or breaches of the peace,' the Protocol is conceived to operate within 'partnership for peace with the UN.'

Like the Constitutive Act, the Protocol provides for peace-keeping and related functions and recommendation for intervention in member state facing grave circumstances. By drawing an explicit link between security and 'democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, respect for the sanctity of life, and international humanitarian law,' the protocol provides the criteria for intervention in internal conflict to protect and safeguard life, and to prevent them from spilling into the neighboring countries.

The Protocol establishing the Peace and Security Council of the African Union calls for an African Standby Force (ASF) to give teeth to the Council's peace-keeping efforts. According to the protocol, the Standby Force "shall be composed of standby multi-disciplinary units with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice." The ASF is conceived along the lines of the UN 'standby arrangement' where a state identifies, trains and equips specific contingents for peace-keeping operations until the time comes for their deployment. The Standby force as provided for in the protocol is the notion of 'standby arrangement' rather than that of 'force.'

Although the New Partnership for Africa's Development (NEPAD) is an economic blue-print, it has played an axial part in developing of an African peace and security agenda. In view of the goodwill NEPAD enjoys from Africa's external partners, its main contribution to peace-keeping lies in mobilizing financial

resources for the African Union's Peace Fund aimed at enhance its peace-keeping capabilities and finance its operations. This legal framework provides the AU with the mandate to launch peace-keeping missions in Africa where crimes against humanity, genocide and war crimes are committed by governments or rebel groups. The threat to civilians posed by continued violence in Darfur rightly demands the intervention by the African Union.

### *AU Peacekeeping in Darfur*

The AU is increasingly yielding to demands for more troops and enhanced capabilities as well as a stronger mandate for its forces. It has indicated that it wants to boost the number of troops to Darfur to 2,000 and to broaden the original mandate of the force to including a peacekeeping role as well as protecting ceasefire observers. This is a step in the right direction.

In a positive move, African countries such as Tanzania, South Africa, Nigeria, Ghana, Senegal and Mali have indicated that they are willing to contribute troops to serve in the AU peace-keeping force in Darfur. The idea of civilian protection in Darfur got another boost when the government of Rwanda declared that its 154 troops in Darfur would intervene if civilians are threatened. The Rwandan contingent is severely constrained by it's the size of its forces and lack of a formal mandate from the AU to protect civilians facing violence. In mid-September, Nigeria deployed 153 of its troops to Darfur to protect the AU ceasefire monitors. Nigeria's decision to deploy an additional 1,500 troops is hampered by the fact that both the African Union and the Sudanese government need to give approval before such a deployment can commence.

Many African states willing to provide troops to an AU peace-keeping force are supporting the idea of an expanded mandate to protect civilians from violence. Tanzania has stated that its troops' role will be that of peacekeeping for humanitarian purposes. In the same vein, the government of Rwanda has reiterated that its troops in Sudan would use force if necessary to protect Sudanese civilians.

Besides protecting monitors, role of AU peace-keepers requires expansion to assist in disarming the rebels. The Chairman of the AU, President Obasanjo has stated that an expanded AU multinational force should disarm Darfur rebels as part of a deal that would see the government disarm the Janjaweed. In this regard, 'dealing seriously with the issue of disarmament will help the peaceful disarmament and demobilization...and the reintegration of various militia back into civil society.'

### **Peace-Keeping in a Hostile State**

The UN Secretary General's report of 30 August 2004 was critical of the Sudan government's failure to fulfill its commitment to the N'djemena agreement as well the UNSC's resolution 1556 of 2004, which called upon it to foster and

restore the confidence of vulnerable populations and to improve the security situation in Darfur. The AU has been unsuccessful in reigning in the hostile Sudan government whose belligerent resistance to an increased peace-keeping capacity as well as its complicity in perpetrating violence against innocent civilians has aggravated the humanitarian crisis in Darfur. In refusing to comply with the provision to disarming and 'neutralizing' militias, it has argued that the effort by the African Union to Disarm the Janjaweed will create a security gap because the rebels will not be disarmed. African leaders have reiterated that the AU peace-keepers will be necessary at this stage to safeguard peace as the rebels are being disarmed.

Regarding the expansion of the AU mandate to protect civilians, Sudan has maintained that the AU peace-keeping force should be confined to the protection of the ceasefire monitoring team in Darfur and Ndjamen. The government's opposition to AU force conducting any military action against any of the conflict parties in the case of ceasefire violations, a clear assertion of the sanctity of the Sudanese state, casts doubts on Khartoum's willingness to adhere to the terms of the D'djemena ceasefire agreement. The UN reported that the government authorities ordered the suspension of all humanitarian activities at the camp and AU observers were denied entry.

While it claims that it has no problem with the ceasefire observers or African troops to protect the observers, it has serious misgivings about the AU peacekeeping role, which it states is its own responsibility. This clear defense of state sovereignty by Sudan can only be guaranteed by its commitment to disarm the militias and give equal protection to all of its citizens. Khartoum is only prepared to allow the AU peace-keepers to solely deal with rebels, especially ushering them off the battlefield and into their barracks.

### ***Strengthening the African Union's Peace-Keeping Capacity***

Darfur's complex emergency has attracted extraordinary and sustained media coverage and attention from the international community. This is a significant departure from the past where Africa's low ranking in the international political roster has been blamed for set-backs often encountered by local peace-keeping initiatives. Darfur's high international profile has, paradoxically, not attracted a matching flow of relief supplies or sufficient financial support for the African Union's peace-keeping efforts.

The AU has not managed to overcome constraints posed by lack of financial resources. To continue with its leadership role and engagement in addressing the Darfur situation, the AU needs the support of wealthy countries and donors to finance its logistics and for humanitarian aid to the devastated region. In a 6 September letter to the President of the Security Council, the President of the African Union appealed for international support of the African Union in its efforts in Darfur.

A number of EU countries like the Netherlands, which has agreed to fund a mission to fly 360 AU troops to Sudan, have given a crucial support to the AU efforts. Further, European and US advisors and delegates from the EU and US sitting as observers on most of the AU Ceasefire committee meetings have offered vital expertise and skills. The threat of sanctions by the international community provides leverage in the AU's efforts to expand its role. The United States has indicated that it will have no choice but to support sanctions against Khartoum if it continues to obstruct the AU's peace-keepers from protecting civilians in distress.

While a US draft resolution that threatens oil sanctions against Sudan was rejected by the UNSC, several Security Council members, nonetheless, endorsed a large African Union force in the Darfur region. The US itself has argued that a large African Union monitoring mission in Darfur, expected to reach 3,000, is crucial to observe and stop abuses by its very presence in the country. The US Secretary of State Colin Powell, addressing the US Senate Foreign Relations Committee, noted that Washington was seeking a UN Security Council resolution to authorize an expanded African Union peacekeeping operation in Sudan.

One part where the United States and other nations can play a role is in helping move an expanded African peacekeeping force into position in Sudan's Darfur region. America's contribution to this end, as the national security adviser, Condoleezza Rice, recently indicated, will ease the African Union's problem of lack of financial resources.

In its part, the United Nations wants Sudan to allow more than 3000 troops in the region to help enforce the shaky truce. In August, it sent a delegation led by its Commissioner for Political Affairs, Julia Dolly Joiner, to assess the humanitarian situation on the ground and see how the present efforts by the AU to alleviate the sufferings of the affected population in Darfur could be strengthened. Darfur has, no doubt, galvanized the African Union's peace-keeping role in Africa. But a substantial increase of the African Union's Mission, desirable as it is deemed to be, demands a commensurate support by the international community.