CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION IN AFRICA:

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DECLARATION:

In accordance with Rule G5.6.3, I hereby declare that the above-mentioned treatise/dissertation/thesis is my own work and that it has not previously been submitted for assessment to another University or for another qualification.

SIGNATURE: 

DATE: July 10, 2016
DEDICATION

This research is dedicated to all the victims of violent conflict in all parts of the planet earth.
ACKNOWLEDGEMENTS

All the glory for the success of this research belongs to God Almighty.

I owe the success of this research to my Supervisor/Promoter, Professor Lyn Snodgrass, for her uncompromising high standards and professionalism. She did not only supervise this research but also promoted the researcher to another level of knowledge in terms of academic research by her strict but benign adherence to the highest ethical standards. I will forever remain grateful to her for these and many other favours I enjoyed under her patronage.

My late Dad, Engr. Emmanuel Chukwunaru motivated my academic successes early in life. He always wanted me reach the zenith of academic success. I am very grateful, Dad.

I acknowledge the support and encouragement of my family members, especially my wife Dr Linda Chukwunaru, my children Nwadiuto, Olamma and Ikechukwu Chukwunaru, for enduring my long absence from home; also my siblings, Nwadiuto, Okechukwu, Ngozi, Emmanuel, Charity, Lawrence, Chisa, Ezihe Obinwanne Chukwunaru. I salute my dear mum, Mrs Comfort Chukwunaru and other relatives and friends who in one way or the other contributed to the success of this research: Lt-Gen. C.I Obiakor (my boss, friend and mentor), Mrs N.M Obiakor, Brig. Gen. F. Eze, Collins Imoyeh, Chinedu Ahia, Itai Muzvidziwa, Chike Agbakoba, Jumare Abubakar and Mrs U.J. Chukwunaru.

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ABSTRACT

Africa has witnessed some of the most horrific and devastating conflicts in the world in recent times. This study, concerned about the problem of these seemingly intractable or endemic violent conflicts ravaging the continent of Africa since decolonisation; resulting in poverty, hunger, diseases, massive killing, rape, permanent disability and underdevelopment, examined the issues relating to conflict prevention, management and resolution in Africa. In doing so, it used the conflict in the Darfur region of Sudan as a case study. It examined the role of international organisations, especially that which the African Union and the United Nations played in the prevention, management and resolution of the conflict in the Darfur region of Sudan, as well as the remote and immediate cause of the Darfur conflict and major parties to the Darfur conflict.

Other issues examined by this study include the outcome of the United Nations Commission of Inquiry into the violations of international humanitarian law and human rights law, including acts of genocide in Darfur; and the Sudanese government’s response. Moreover, it analysed the implication of the Darfur conflict in the problem of preventing, managing and resolving violent conflict in Africa while drawing some lessons for the African Union, as well as the government of Sudan.

However, this research, which adopted the qualitative case study methodology in data collection, presentation and analysis, posits that the protracted violent conflict, which was triggered by some rebel leaders with doubtful motives in the Darfur region of Sudan, who capitalised on the age-long problem of underdevelopment in the Darfur region, as well as low intensity disputes among the tribes over ownership of land and water resources, was avoidable. It further asserts that the African Union lacked the capacity to engage in an effective peace support operation in Africa as witnessed in the failure of its mission in Darfur, which eventually got rescued by the United Nations through the UN-AU Hybrid Mission in Darfur (UNAMID).

Further, this study has contributed in narrowing the existing gaps in academic literature on the aspect of conflict prevention management and resolution especially in Africa, even as it introduced the conspiracy theory in the understanding of the issues relating to the conflict in the Darfur region while recommending the immediate
operationalisation of the African Union standby force to avert the reoccurrence of the Darfur conflict in Sudan and other parts of Africa, among other strategies aimed at enhancing the capacity and capability of the African Union to prevent, manage and resolve violent conflicts in Africa with or without the intervention of foreign powers.

Moreover, this study recommends good governance that will promote political, social and economic justice as well as adherence to the rule of law; against all forms marginalisation, discrimination and other forms of structural violence in Africa.

Essentially, this research has made an original contribution to the conflict studies literature with the formulation of the “Violent Intrastate Conflict Model” which explains the conflict dynamics and processes in most violent intrastate conflicts or civil war.
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LIST OF ABBREVIATIONS

AMIS  African Union Mission in Sudan
APA   American Psychological Association
APCs  Armoured Personnel Carriers
APRM  African Peer Review Mechanism
APSA  Africa Peace and Security Architecture
ASF   African Standby Force
AU    African Union
AUPSC AU Peace and Security Council
BPS   British Psychological Society
CADSP Common African Defence and Security Policy
CFC   Ceasefire Commission
CMCA  Commission of Mediation, Conciliation and Arbitration
CMPU  Conflict Monitoring and Prevention Unit
CONOPs Concept of Operations
CRC   Darfur Rebel Leaders
CRP   Central Reserve Police
DDPD  Doha Document for Peace in Darfur
DDR   Disarmament, Demobilization and Reintegration
DLF   Darfur Liberation front
DPA   Darfur Peace Agreement
DRA   Darfur Regional Authority
DRC   Democratic Republic of Congo
DYL   Darfur Youth Leaders
EMRC  Early Warning Monitoring and Rapid Response Commission
FPU   Formed Police Units
FPUs  Formed Police Units
FRC   Field Revolutionary Command
GAA   German Agro Action
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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>GoS</td>
<td>Government of Sudan</td>
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<td>GSLM</td>
<td>Great Sudan Liberation Movement</td>
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<td>HSIC</td>
<td>Heads of State and Government Implementation Committee</td>
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<td>HSP</td>
<td>United Nations Heavy Support Package</td>
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<td>ICC</td>
<td>International Criminal Court</td>
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<td>IDP</td>
<td>Internally Displaced Persons</td>
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<td>IOC</td>
<td>Initial Operating Capability</td>
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<td>JEM</td>
<td>Justice and Equality Movement</td>
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<td>JEM/PW</td>
<td>Peace Wing</td>
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<td>JLOC</td>
<td>Joint Logistics Centre</td>
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<td>JMAC</td>
<td>Joint Mission Analysis Centre</td>
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<td>JOC</td>
<td>Joint Operations Centre</td>
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<tr>
<td>LJM</td>
<td>Liberation and Justice Movement</td>
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<td>LSP</td>
<td>Light Support Package</td>
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<tr>
<td>MCPMR</td>
<td>Mechanism of Conflict Prevention, Management and</td>
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<td>MPFRD</td>
<td>Movement of Popular Force for Rights and Democracy</td>
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<td>NEPAD</td>
<td>New Partnership for Africa’s Development</td>
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<td>NIF</td>
<td>National Islamic Front</td>
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<td>NMRD</td>
<td>National Movement for Reform and Development</td>
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<td>NRF</td>
<td>National Redemption Front</td>
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<td>OAU</td>
<td>Organization of African Unity</td>
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<td>ONUC</td>
<td>UN Operation in the Congo</td>
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<td>PDF</td>
<td>Peoples Defence Forces</td>
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<td>PFA</td>
<td>Popular Force Army</td>
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<td>PKO</td>
<td>Peacekeeping Operations</td>
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<td>PSC</td>
<td>Peace and Security Council</td>
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<td>PSO</td>
<td>Peace Support Operations</td>
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<td>RCC</td>
<td>Revolutionary Command Council for National Salvation</td>
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<td>RECs</td>
<td>Regional Economic Communities</td>
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<tr>
<td>RSF</td>
<td>Rapid Support Forces</td>
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<td>SAF</td>
<td>Sudanese Armed Forces</td>
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<tr>
<td>SFDA</td>
<td>Sudan Federal Democratic Alliance</td>
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<td>SLA</td>
<td>Sudanese Liberation Army</td>
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<td>Sudanese Liberation Army / Abdul Gazim</td>
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<td>TAM</td>
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<td>TCCs</td>
<td>Troop-contributing Countries</td>
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<td>United Nations</td>
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<td>UNAMI</td>
<td>UN-AU Mission in Darfur</td>
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<td>UNAMID</td>
<td>United Nations Hybrid Mission in Darfur</td>
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<td>UNAMIS</td>
<td>United Nations Hybrid Mission in Sudan</td>
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<td>UNAMIR</td>
<td>UN Assistance Mission in Rwanda</td>
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<td>UNDOF</td>
<td>UN Disengagement Observer Force</td>
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<td>UNEFI &amp; II</td>
<td>UN Emergency Force I and II</td>
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<td>UNFICYP</td>
<td>UN Peacekeeping Force in Cyprus</td>
</tr>
<tr>
<td>UNHQ</td>
<td>United Nations Headquarters</td>
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<td>UNIFIL</td>
<td>UN Interim Force in Lebanon</td>
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<td>UNMIS</td>
<td>UN Mission in Sudan</td>
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<td>UNMOGIP</td>
<td>UN Military Observer Group in India and Pakistan</td>
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<td>UNOSOM II</td>
<td>UN Operation in Somalia II</td>
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<tr>
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<td>Description</td>
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<td>UNPROFOR</td>
<td>UN Protection Force in the former Yugoslavia</td>
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<td>UNSC</td>
<td>United Nations Security Council</td>
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<tr>
<td>UNTSO</td>
<td>United Nations Truce Supervision Organization</td>
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CHAPTER ONE

INTRODUCTION

1.1 INTRODUCTION

Violent conflicts have become a recurring decimal in the history of African states since decolonisation. Africa as a continent has witnessed many of the most horrific genocides and other crimes against humanity in human history since the end of World War II. Young and Kent (2004) observed that by 1994, armed conflicts accounted for 7.5 million refugees in Africa. The former British Prime Minister, Mr Tony Blair, was quoted in The Guardian (2002) where he described Africa as a scar on the conscience of the world because of the massacre and rape of innocent men, women and children in African conflicts with the international community doing little or nothing about it.

However, some argue that the powerful nations who control the United Nations Security Council (UNSC) appear weary and lethargic about African conflicts, preferring to intervene only when it suits their national strategic, economic, political and other interests (Aginam, 2011). Consequently, The African Union (AU), one of the most visible international organisations in the world, comprising all fifty-four (54) independent countries in Africa with the exception of Morocco which pulled out of the AU since 1984 in protest over the AU’s recognition of the Sahrawi Democratic Republic, was set up to address African conflicts among other objectives. Established in 2001, the AU became operational in 2002 with its inaugural Assembly of Heads of Government in Durban, South Africa. Its primary vision is to promote an “integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena” (African Union, 2013). Hence, the African Union Peace and Security Council (AU PSC) was created in December 2003 and came into operation in March 2004 as the bedrock of an elaborate Africa Peace and Security Architecture (APSA), to mitigate the scourge of violent conflicts ravaging the African continent. It is believed that the creation of the AU PSC would be the panacea to rampant conflicts in Africa; as only Africans can bring sustainable peace which is necessary for sustainable development in Africa. However, the AU PSC has struggled to cope with its crucial role in conflict prevention, management and resolution in Africa, hence violent conflicts remain endemic in Africa since its establishment. Further, the
management and resolution of major conflicts in Africa have continued to depend largely on the United Nations (UN) and the Imperialist West (Past Colonial Masters). Unfortunately, in most of the major armed conflicts in Africa, the UN interventions usually come after much bloodshed, severe devastation and refugee crisis as was the case in Somalia (1988 – 2012), Rwanda (1990 – 1994), Libya (2011 – date), Cote D'Ivoire (2005 – 2007; 2011), Darfur (2003 – 2013) and Mali (2012 – 2013) among others. In all, the African Union appears overwhelmed and operationally incapacitated to effectively carry out its mandate of preventing, managing and resolving violent conflicts in Africa without the intervention of the UN, NATO and former Colonial Powers.

The only major peace mission authorized by the AU since the establishment of the AU PSC in Darfur, Sudan (African Union Mission in Sudan – AMIS) nearly turned into a disaster but was rescued by the UN through the formation of a UN – AU Hybrid mission in Darfur – UNAMID (Luqman & Omede, 2012; Sansculotte-Greenidge, 2011). The conflict in the Western Sudanese region of Darfur which began in February 2003 was primarily between the Sudanese government (GoS) forces and the Janjaweed (an Arab militia) on the one hand, and the Sudanese Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM) as well as other rebel groups carved out of the SLA/A and JEM, on the other hand.

The human catastrophe that attended the Darfur conflict is mind boggling. The UN described the conflict as one of the world’s worst humanitarian crises with hundreds of thousands of deaths and over two million, seven hundred thousand displaced people (BBC, 2010). According to the Centre for Research on the Epidemiology of Disasters (The Lancet, 2010), about four hundred and sixty one thousand, five hundred and twenty (461,520) [sic] lives were lost in the war in Darfur as at 2010, with diseases accounting for about eighty percent (80%) of the mortality rate. In fact, Colin Powell (former US Secretary of State), according to Jones (2006:373), posited that the situation in Darfur was either “genocide or acts of genocide.”

The AU responded to the Darfur conflict by setting up the African Union Mission in Sudan (AMIS) in 2004. However a peace agreement (Abuja Agreement) which was signed in 2006 between the government of Sudan and some members of the Darfur rebel movement failed to de-escalate hostilities between the warring parties; instead
there was massive escalation of hostilities with AMIS helpless in the face of the escalating violence and destruction. Consequently, the African Union – United Nations Hybrid Mission in Sudan (UNAMID) was established in July 2007 in response to the worsening situation in Darfur and to rescue AMIS from imminent collapse.

The deployment of UNAMID led to a massive de-escalation in hostilities resulting in further international peace talks and negotiations between the Sudanese government and the rebels, which gave birth to the Doha Document for Peace in Darfur (DDPD) in 2011. By 2013, the conflict was managed to a reasonable end with the exception of a few skirmishes here and there and isolated rebel attacks on civilians, amidst criticism against the international community, especially the African community on the poor handling of the conflict.

### 1.2 RESEARCH PROBLEM AND QUESTION

Although conflicts exist wherever there is human interaction, it becomes a grave problem when these conflicts become violent and intractable, resulting in interstate and intrastate conflicts or wars. Since the decolonisation of Africa, almost all the countries in Africa have tasted the “bitter pill” of violent conflicts (Mwencha, 2008). Mwencha asserts that 48 out of the 53 African Union countries as at 2008, “have endured post-independence armed conflict”, most of which have been intra-state involving armed rebellion against the state government.


These conflicts which have become almost intractable account for the deaths of millions of innocent citizens of Africa, infrastructural decay, lack of basic amenities,
brain drain, severe economic losses, retarded economic growth, unemployment, lack of respect for human life and dignity of human persons, absence of rule of law, hunger, poverty and disease. Hence, violent conflicts constitute the greatest challenge to the development of Africa. Social, economic and political development can only be achieved in a stable and peaceful environment. Conflicts exhaust the scarce human and material resources needed for growth and development. The resources in terms of humans and material, lost to violent conflicts in Africa since decolonisation, is enormous. Besides, the orphans, widows and permanently disabled men and women produced by these conflicts struggle to survive in a continent plagued by underdevelopment, poverty, hunger and disease.

In response to the threat posed by violent conflicts in Africa, the AU set up the Peace and Security Council (PSC) as the engine of a broad African Union Peace and Security Architecture (APSA). The AU PSC was created in December 2003 with the ratification of the AU protocol establishing it by a majority of AU Member States and was subsequently inaugurated in March 2004. The Establishment Protocol describes the PSC as a “standing decision-making organ for the prevention, management and resolution of conflicts” in Africa.

The Protocol further states that “the PSC shall be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.” However, the AU PSC, patterned after the United Nations Peace and Security Council (UN PSC) in many ways, with the mandate to enforce the decisions of the AU in General Assembly and preventing, managing and resolving conflicts in Africa in particular, raised the hopes of many concerned citizens, the international community, development partners and friends of Africa on sustainable peace security and development in Africa.

But these hopes are fast turning into despair as armed conflicts have continued, with debilitating effects on the African continent, while the African Union struggles to cope with them.

This research therefore raises that question as to why violent conflicts continue to rage across the continent even after the establishment of an elaborate Africa Peace and Security Architecture by the African Union. Thus the question arises, what can the
African Union do to prevent, manage and resolve conflicts in Africa without the intervention of foreign forces?

The conflict in the Darfur region of Sudan presents a unique case study in conflict prevention, management and resolution in Africa. The issues involved are wide ranging, covering almost every aspect of conflict prevention, management and resolution in Africa. The issues question the capability and capacity of the African Union’s Africa Peace and Security Architecture (APSA) in general and the African Union Peace and Security Council in particular in dealing with deep-rooted violent conflicts in Africa. Furthermore, the conflict in Darfur raised the issue of Arab apartheid for the first time in African conflicts.

However, these issues challenge the level of involvement of international forces outside of the African continent in the management and resolution of African conflicts. Moreover, the Darfur conflict brings into focus the role of International Organizations in conflict prevention, management and resolution in Africa. It also challenges the validity or political expedience of the International Criminal Court (ICC), as well as its acceptability by African Union Heads of State with a warrant of arrest hanging over the head of the Sudanese President over alleged war crimes in Darfur and the principled stand of the African Union Heads of state against the arrest warrant by refusing to cooperate with the ICC in the arrest President Omar El-Bashir during his visits to other African countries. Furthermore, the management of the conflict redefined international Peace Support Operations (PSO) as it led to the formation of a UN-AU Hybrid Mission (the first of its kind in the history of international peacekeeping).

The Darfur conflict, indeed, refocused attention on the role of religion in politics as it relates to violent conflicts because all the major parties belong to the Islamic faith. In addition, the conflict in Darfur is a typical example of a recurrent, deep-rooted conflict which present a serious challenge to the African Union, the UN and other members of the international community, and civil society organizations, as well as scholars and researchers in the field of peace and conflict studies, as it is alleged to be the bloodiest and most protracted conflict in Africa’s recent history with the possibility of reoccurrence.

Arising from the foregoing, the main question of this research is as follows:
What role did international organizations, especially the African Union and the United Nations, play in the prevention, management and resolution of the conflict in the Darfur region of Sudan?

The sub-questions which this research will seek to explore and find answers to are:

a. What is the remote and immediate cause of the Darfur conflict?
b. Who are the major parties in the Darfur conflict?
c. What is the outcome of the United Nations Commission of Inquiry into the violations of international humanitarian law and human rights law and acts of genocide in Darfur; and what is the Sudanese government's response?
d. What are the lessons for the African Union in the management and resolution of the conflict in Darfur?
e. How can the Sudanese government, as well as the African Union, avert a reoccurrence of the Darfur Conflict?

1.3 OBJECTIVES OF STUDY

The main objectives of this research are to:

a. Determine the remote and immediate causes of the Darfur Conflict.
b. Identify the issues and challenges that confronted the African Union in the task of preventing, managing and resolving the conflict in Darfur.
c. Analyse the validity of alleged cases of human rights violations, war crimes and crimes against humanity as well as the role of the International Court of Justice (ICC) in the Darfur conflict.
d. Identify the issues and challenges that confronted the United Nations in the task of preventing, managing and resolving the conflict in Darfur.
e. Suggest ways of preventing the reoccurrence of the violent conflict in the Darfur region of Sudan.
f. Suggest ways of enhancing the capacity and capability of the African Union to prevent, manage and resolve violent conflicts in Africa with or without the intervention of foreign powers.
1.4 RESEARCH MOTIVATION AND SIGNIFICANCE

There are concerns of a possible reoccurrence of the Darfur conflict, following reported cases of attacks on villages in Northern Darfur in recent times (2014 – 2015). Hence, this study is motivated by the need to unravel the complex conditions and/or contradictions in the Republic of Sudan that predispose the Sudanese Western region of Darfur to violent conflict, in order to forestall a reoccurrence of the civil war that ravaged the region from 2003 to 2013.

The study will also seek to make recommendations and draw lessons from the Darfur conflict that will help African leaders, especially the Government of Sudan (GoS) and the African Union in particular, as well as the United Nations in the task of preventing, managing and resolving violent conflicts in Africa; and to ultimately avert a repeat of the Darfur conflict experience in other parts of Africa.

Essentially, it is hoped that the government and people of Sudan will find the outcome of this research very insightful in resolving the deep-rooted causes of the Darfur conflict, thereby preventing a reoccurrence in the future and ensuring lasting peace in the Darfur region in particular, and Sudan in general.

Secondly, this study will contribute to research efforts in conflict prevention, management and resolution in Africa. Moreover, African leaders, AU, UN, EU and other international governmental and non-governmental organizations interested in promoting peace, social justice, political and economic development in Africa, will benefit from the findings of this research.

Because this study has been authorized by the government of Sudan, it will be the first non-Arabic, authoritative and comprehensive study of the Darfur conflict (2003 – 2013) by a foreign scholar, presented in the English language.

1.5 RESEARCH METHODOLOGY

There are three main categories of research design: explorative, descriptive and causal. Each of these three research categories has its merits depending on the nature of the study or research problem. However, due to the nature of this research, both the exploratory and descriptive research approaches were used in this study. The
exploratory research was deployed to discover the variables surrounding the deep rooted conflict in Darfur and the difficulties encountered by those engaged in preventing, managing and resolving violent conflicts in Africa, using the conflict in Darfur as case study, while the descriptive approach will be used to accurately represent and explain the variables discovered.

The qualitative research approach was employed in this study in order to explore the complex tendencies, as well as the social and political subterfuge that necessitated the actions and inactions of the various state and non-state actors, the UN and the African Union in particular, in the prevention, management and resolution of the Darfur conflict. Further, the conflict in the Darfur region of Sudan was used as a case study because of its wide ranging characteristics as stated earlier, and the findings are generalizable as most of the multifaceted dimensions of the conflict apply to other deep rooted conflicts in Africa. Thus, the prevention, management and resolution process can also be applied to other deep rooted conflict situations across Africa. Furthermore, this research deployed the snowball sampling strategy due to scarcity of the desired sample population. Hence, referrals and recommendations from initial cases or respondents were relied upon to generate additional cases, which later spread out on the basis of their links to the initial cases or respondents.

Moreover, this research adopted the unstructured interview method for data collection and specifically deployed the in-depth interviewing of elites method. This is because the sample participants consisted of selected African Union and United Nations diplomats (military and civilian) and top officials of the Sudanese Central government. Others include top officials of the Darfur regional authority, Non-governmental organizations, officials of the rebel groups and some Youth Leaders in the Western Sudanese region of Darfur. These respondents enabled the researcher to expand the sample participant group. In addition, review of secondary data (documents) was used in the process of data collection. The secondary data were sourced in hard copies from libraries and relevant offices, as well as the internet, as secondary data is necessary for critical qualitative analysis to supplement primary data from in-depth interviewing of the various state and non-state actors involved in the task of preventing, managing and resolving conflicts in Africa.
However, this research employed the use of grounded theory in the analysis of both primary data generated from the in-depth interviewing of elites as well as secondary data generated from relevant literature. A detailed presentation of the research methodology is contained in chapter five.

1.6 ORGANISATION OF STUDY

This study is divided into seven chapters. Chapter One introduces the study. It presents the research problem and questions and also discusses its objectives, motivation and significance; as well as the research methodology and organization of the study.

Chapter Two deals with the epistemological and etymological issues in conflict studies. It offers the definition and explanation of basic concepts such as conflict, violence and peace; conflict prevention, management and resolution; peacekeeping and peace support operations as well as an overview of some basic conflict prevention, management and resolution mechanisms. It further presents some conflict prevention, management and resolution models. Moreover, the theoretical framework of this research is also presented in this chapter.

Chapter Three presents a detailed background to the conflict in the Darfur region of Sudan as well as a brief history of Sudan and its western region of Darfur. It also presents the timeline or chronology of the major events that occurred during the conflict. It further narrows the review of available literature on conflict prevention, management and resolution of in Africa to the conflict Darfur conflict.

Chapter Four deals with the issues relating to conflict prevention, management and resolution in Africa. It focuses on the institutional framework for dealing with conflict in Africa. The institution saddled with such responsibility is the African Union, formerly known as the Organization of African Unity (OAU). It narrows down the analysis to the OAU/AU mechanisms for conflict prevention, management and resolution in Africa. It also presents an overview of the United Nations assistance to the AU in the task of conflict management and resolution in Africa.
Chapter Five focuses on the Research Methodology; whereas Chapter Six is dedicated to the presentation and analysis of research findings.

This research is summarized and concluded in Chapter Seven, with recommendations on how to prevent, manage and resolve violent conflicts in Africa. It also presents the research contribution as well as its limitations.
CHAPTER TWO

THEORETICAL FRAMEWORK

2.1 INTRODUCTION

This chapter is divided into two sections. The first section deals with the epistemological and etymological issues in conflict studies. It essentially offers definitions and seeks to explain basic concepts such as conflict, violence and peace; conflict prevention, management and resolution; peacekeeping and peace support operations. It also offers an overview of the basic conflict prevention, management and resolution mechanisms such as mediation, negotiation, arbitration, conciliation, second track diplomacy, reconciliation, judicial settlement, early warning system, post conflict reconstruction and preventive diplomacy; as well as peacekeeping/enforcement and multidimensional peacekeeping operation. In addition, it presents some of the basic conflict prevention, management and resolution models.

The second section deals with the theoretical issues such as structural violence, environmental scarcity, grievance and greed as well as “international conspiracy”.

2.2 CONFLICT, PEACE AND VIOLENCE

Conflict, peace and violence are interrelated concepts. Whilst violence is symptomatic of conflict, it is not every conflict that results in direct violence. The concept of conflict cannot be exhaustively discussed without the concept of violence and peace. This is so because the ultimate objective of peace studies is to minimise or eradicate conflicts in human society through the elimination or reduction of direct and physical violence.

2.2.1 CONFLICT

Conflict is part of social existence especially when there is interaction between people. It could be associated with economic, social, religious, political, ethnic, environmental, communal, gender, racial, sectarian or professional issues to mention a few. There are many definitions of conflict just as there are many theories on the nature and causes of conflict. According to Brunk (2012:14) conflict can be defined
simply “as what results from the existence, real or imagined, of incompatible interests, goals, beliefs, or activities. It is a situation in which one party’s interest cannot be fully realized without its impinging upon the realization of some other party’s interest – or a situation in which one of them thinks that the interests are incompatible.”

It is clear from the above definition that conflict can exist by mere thoughts, imagination and perceptions, as well as actions and inactions. Conflict is therefore inevitable among human beings who live together in a social, political and economic environment where individual or group interests compete with each other and where these diverse interests result in competitive tension over limited social, political and economic resources.

Further, conflict can be positive when it drives development and innovation by promoting healthy rivalry and competition among the diverse interests, just as it can have negative consequences when it becomes violent and the various interests resort to the use of arms to pursue their interests.

Ramsbothan et al. (2005:27) simply refer to conflict as “the pursuit of incompatible goals by different groups.” This broad definition of conflict implies both the use of force and peaceful means in the quest for the realisation of group interests; but excludes intra-and interpersonal conflicts as it focuses mainly on intergroup conflict. They further categorised conflict into armed, violent or deadly conflict and structural conflict. Furthermore, they view armed conflict as “a narrower category denoting conflict where the parties on both sides resort to the use of force,” adding that violent or deadly conflict, although similar to armed conflict, “also includes one-sided violence such as genocides against unarmed civilians” (Ramsbothan, et al., 2005:28 - 29). They argue that contemporary conflict “refers to the prevailing pattern of political and violent conflicts at the beginning of the twenty-first century,” which they observe to mean those conflicts where force is deployed.

Jeong (2010:3 - 5) posits that “conflict is manifested through adversarial social action, involving two or more actors with the expression of differences often accompanied by intense hostilities.” He agrees with the contemporary conflict analysis of Ramsbothan et al. (2005) and further identifies “conditions of scarcity and value incompatibility” as a consistent source of contention. He maintained that although conflict is regarded as
an “uncontrolled fight in chaotic and lawless societies, differences between opponents can be handled in a non-adversarial manner.”

Jeong (2010:3-5) further argues that, whereas structural and psychological factors may account for underlying sources on complex conflict, conflict should be “defined in a specific pattern of interactions between opponents being influenced by identity differences and overarching social relations, as well as power asymmetry.” He observes that the definition of conflict has been “traditionally” reduced to competition for scarce “resources or other interests, value differences or dissatisfaction with basic needs,” while noting that “incompatible economic and political interests develop an attempt to suppress other groups often with threats and actual use of force” (Jeong, 2010:5 - 6). While commenting further on the sources of conflict, he avers that “in more destructive, large scale conflict, deeper sources of resentment might be related to economic disparity and political operation.”

The author maintains that, notwithstanding that fact that the concept of conflict is applicable to various situations, “the definition of conflicts has traditionally been relegated to competition for resources or other interests, value differences or dissatisfaction of basic needs.” Moreover, “incompatible economic and political interests develop an attempt to suppress other groups often with the threats and actual use of forces” or violence; thereby creating social tensions and adversarial relationships which often result in conflict.

Jeong further observes that the struggle for power is inevitably deployed as each party strives to promote or impose “its own language, religion and social values on others” as against the norms, values, language, history and tradition of others; in order to establish superiority and dominate the other. The situation invariably creates the tendency for resistance and a strong propensity towards self-determination or autonomy against the dominant party. However, Incompatibility, as well as differences in preference, create acute social tensions especially in a situation where the parties involved seek “distributive outcomes which satisfy the one group’s interest at the expense of others.” The author further avers that accumulated hostilities over time lead to the “institutionalization of negative interaction” which manifests in repeated agitations, provocations and confrontations.
The above situation was clearly the case in the Sudanese Western region of Darfur prior to the outbreak of armed violence and civil war in 2003. Jeong also notes that the prevalence of these intense struggles and its concomitant effects on the citizens and institutions of state create “a vicious cycle of destructive struggles,” as well as “multi-faceted layers of adversarial relationship.” These kinds of relationships invariably create the propensity, as well as the tendency, for any given society to descend into anarchy, fear and armed violence. The author also points out that intellectual and political discourse in the circumstances, are conditioned and influenced by the conflict scenario, to justify and mobilize public opinion in support of armed violence. Again this scenario was clearly evident in the events leading up to the Darfur conflict (2003 – 2013) and also served to sustain the conflict throughout the period under review.

However, the political and intellectual elites in Darfur (under the umbrella of JEM and SLM/A) during this period capitalised on the accumulated adversarial relationships and low intensity struggles between the indigenous African tribes and the settlers, whom they perceived to be supported by the central government in Khartoum, to dispossess them of their arable land and water resources in the attempt to “Arabize” the Darfur region of Sudan and to mobilize the ordinary masses, thereby channelling their emotions towards armed conflict or war.

However, in a protracted conflict such as the Darfur conflict (2003 – 2013) which lasted for about ten years, the reason for the prolonged conflict from Jeong’s analysis can be attributed to a deadlock “rooted in historical, collective memories.” Such a deadlock drives the people both as individuals and groups to “adapt to conflict realities filled with new and old animosities and prejudices against opponents; “even as “old memories are evoked to strengthen the will to fight regardless of continuing suffering and loss.” Consequently, as in the case of the Darfur conflict, intergroup differences were effectively exploited as the rebel leaders, who accused the Sudanese government of Arab Apartheid against the indigenous black African tribes of Darfur.

The above emphasis on tribal divisions and ethnic cleavages by the leaders of the warring parties creates and sustains a sense of legitimacy about each group’s claims and feelings of victimization and marginalization between the Arabs and Arabized cattle herding tribes on the one hand and the African indigenous farming tribes on the other hand. This marginalisation further solidifies the feelings of ‘us against them.’ This
state of affairs in any violent conflict situation makes effective management and quick resolution difficult, protracted and delicate, as witnessed in the management and resolution processes of the Darfur conflict.

Furthermore, the kind of antagonistic group mobilisation and high degree of tension, anger, hatred, verbal and non-verbal violence, as well as dehumanization, which constitute some of the characteristics of the “behavioural and psychological aspects of pathological conflicts,” according to Jeong (2010:7), manifest in uncontrolled emotions, frustration and destructive tendencies. These behavioural and psychological implications were one of the reasons that the Darfur conflict witnessed immense acts of crime against humanity. Moreover, when armed struggle deviates from the established norms or rules of engagement in warfare, uncontrolled violence and gross human rights violations, as well as crimes against humanity, become the inevitable result. This was evidenced in the conflict in the Darfur region of Sudan where the Janjaweed militia was accused of engaging in scorched earth violent crimes, multiple rapes, pillage, killings and other crimes against humanity.

Dunmoye (2003:1) states that conflict can be described as “interaction that is characterized by antagonistic encounters or collision of interests, ideas, policies, programmes, persons or other entities,” while Zartman (1991) observes that conflict is an inevitable aspect of human life, asserting that conflict is an inevitable aspect of human interaction and an unavoidable consequence of choices and decisions. According to Stegner (1967:16), conflict is “a situation in which two or more human beings desire goals which they perceive as being obtainable by one or the other, but not both”. Coser (1995:119) and others notes that “there are occasions for conflict in every group as rivalry develops over control of resources, leadership, positions and the like.”

Galtung in Woodhouse et al., (2015:34) analysed the nature of conflicts and submits that “a conflict has its own life cycle; almost like something organic. It appears, reaches an emotional, even violent climax, then tapers off, disappears – and often reappears” (Woodhouse, et al., 2015:34). Butler (2009:13) also examined the nature of international conflicts and concluded that international conflict is “simply a form of social conflict, and bears all the hallmarks thereof.” He noted that international conflict, like most social conflicts which are “dynamic rather than static in nature, and evolve in
accordance with interactions between and among the aggrieved parties” arise “from a mutual recognition of competing or incompatible material interests and basic values. However, the distinguishing factor that differentiates international conflicts from intrastate or civil conflicts is the parties involved. Whereas parties to intrastate conflicts or civil wars are local (within the state), international conflicts refer to conflict between and among states” (Butler, 2009).

However, Stedman (1991) offers an insightful analysis of the nature of conflicts in Africa. He points out that conflicts in Africa arise from issues basic to all populations. Such issues, according to Stedman, range from the tensions generated by different identities (ethnic tensions) to structural inequalities in the distribution of resources and access to power, as well as contradictions in the definition of justice, equity and fairness. Stedman further posits that most domestic conflicts have foreign or external aspects, even as he observes that “some external effects are purposive, where external actors aid and abet internal factions and governments” while conceding that “some external effects are unintended” (Stedman, 1991:368). He avers that “this category includes actions by international financial institutions, which, while narrowly focusing on the requirements of good economic policy, insist on economic programs that disproportionately affect disgruntled ethnic groups within a country or undermine a reformist government under the threat from disaffected regions or ethnic groups” (Stedman, 1991:368).

From the foregoing, one may ask why scholars spend so much time on conflict prevention, management and resolution studies when in fact conflict is inevitable; hence, cannot be prevented or resolved. The answer to that, especially with respect to this study, is that conflict only becomes a serious problem and threat to human civilization when it becomes violent, deadly and pervasive. Conflict can also be transformed into many desirable phenomena which can develop humanity as witnessed after World War II as most of the high-technological innovation in information, aviation and maritime transport, as well as the various economic values added by the nuclear energy system, were direct positive developments from the war.
2.2.2 INTRACTABLE CONFLICT

There are different explanations of what constitutes intractable conflict by different scholars and commentators in the field of conflict studies just as there are differing definitions of conflict itself. However, irrespective of whichever perspective they use to look at intractable conflict, their definitions and explanations have similar characteristics. Such characteristics include the destructive and protracted attributes of intractable conflict. Intractable conflict involves a high level of destruction of lives and property, as well as relationships.

In fact, it is paradoxical in nature because it tends to destroy those basic things which it claims as reasons for its taking place, as shown in the conflict in the Western Sudanese region of Darfur where the rebel movement claimed lack of infrastructure, underdevelopment and marginalization as the reasons for starting the armed conflict against the GoS. But, in the course of the conflict, the infrastructure in Darfur such as schools, hospitals and airport, as well as the people’s sources of economic livelihood like farmlands and livestock, was attacked and destroyed. This was in addition to the raping, massacring and deaths of about four hundred and sixty one thousand, five hundred and twenty (461,520) [sic] (The Lancet, 2010) of the same marginalized people they claimed to fight for.

The same scenario as above took place during the Nigerian Civil war (1967-1970) and the Rwandan Civil war (1990–1994), just to mention a few. Another characteristic feature of intractable conflict is that it is protracted in the sense that it takes a long time to manage and is very difficult to resolve due to the irreparable damages such as deaths, rape and disability, as well as fear, distrust and hatred which take place in the course of an intractable conflict. Moreover, intractable conflicts are usually very expensive in terms of costs and usually involve the assistance or intervention of third parties to manage and resolve them, albeit with great difficulty. Besides, these conflicts involve complex and multiple deeply rooted issues as was witnessed in the Darfur conflict (Bercovitch, 2003; Deutsch & Coleman, 2000; Burgess and Burgess, 2003; Burton, 1993, Crocker et al., 2005).

From the foregoing, it is not surprising that defining intractable conflict is also intractable. However, Burgess and Burgess (2003) summarized the attributes of
intractable conflict as a conflict that is deep rooted, protracted, complex, malignant, identity based, resolution resistant, difficult, enduring, intransigent, destructive and needs based. Bercovitch (2003) posits that an intractable conflict is not just a one off violent saga, but a repetitive action influenced by competitive, pervasive, hostile and negative relationships and interactions among parties that find it difficult to stem the escalation of violent and destructive tendencies except with the intervention of third party mediators.

Coleman (2000:428-450) extensively analysed the attributes of intractable conflict and submits that, “Intractable conflicts, broadly defined, are intense, deadlocked, and resistant to de-escalation or resolution. They tend to persist over time, with alternating periods of greater and lesser intensity. Intractable conflicts come to focus on needs or values that are of fundamental importance to the parties.” Coleman further notes that intractable conflicts differ from manageable conflicts based on “their issues and context of escalation.” He continued by listing the three issues of conflicts that are likely to become intractable as “conflict over rational power or place in power hierarchy;” “conflict over irreconcilable moral differences” and “high–stakes distributional conflicts.”

Moreover, Coleman also examined the context of intractable conflicts and avers that: “Intractable conflicts often arise in contexts of extreme power imbalance, social injustice or structural violence, where people find it difficult to satisfy their basic human needs. Cultural norms that sanction the use of force make such conflicts more likely to turn violent. As conflicts escalate parties shift from substantive interests, to relationship concerns, to basic needs and values, and ultimately focus on survival” Coleman (2000) also considered the destructive, violent and pervasive consequences of intractable conflicts which have the tendencies to be transferred from one generation to another and concluded that the plausible way of dealing with intractable conflicts is by preventing or averting the occurrence.

There are several causes of intractable conflicts. This research will briefly highlight three broad factors, namely: psycho-sociological factors; complex, long-standing and dynamic issues; economic, political and social injustice.
Psycho-sociological factors that influence and sustain intractable conflicts take place at both intra- and intergroup levels. There are issues, which are central to a group’s identity, respect, values, tradition, culture, religion and general belief system, as to what is right or wrong. These issues are more often than not, non-negotiable or irreconcilable as the conflicting parties view them as sacred or a matter of group or corporate survival (Bercovitch, 2003; Burgess and Burgess, 2003). This factor was evident in the Darfur conflict as the indigenous black African tribes saw the GoS policies as an attempt to “Arabize” the region. The African tribes, which constitute the majority of the population in Darfur, perceived that GoS wanted to turn the region into an Arabic enclave. This was one of the factors that assisted the rebel leaders in mobilizing the majority of African tribes in Darfur to wage an armed struggle against the GoS.

Another issue of identity that manifested during the Darfur conflict was the attitude of the leaders of the rebel groups which suggested that they sought to perpetuate the conflict in order to preserve their identity as leaders. The efforts to effectively manage the conflict in 2004 through the Darfur Peace Agreement in Abuja, was boycotted by some of the rebel leaders and subsequent attempts at other peace agreements suffered a similar fate. There was a case of fighting among the rebel groups in Darfur over spheres of influence and superiority contests. These unfortunate circumstances led to extensive factionalisation and proliferation of rebel movements to the extent that it was difficult at one point for the third party mediators to identify whom to negotiate with.

Longstanding, complex and dynamic factors that influence intractable conflicts refer to issues of adversarial relationships that have endured over a long period of time, escalation dynamics as well as the complexity of the issues, interests and parties involved (Coleman, 2000; Burgess and Burgess, 2003). Most intractable conflicts arise as a result of a series of low intensity disputes, negative interactions or adversarial and antagonistic behaviour ranging from tribalism, ethnicism, marginalisation, religious intolerance to victimisation and human rights abuses. Besides, the escalation dynamics of intractable conflicts begin to change in the course of the conflict and more often than not, go beyond the control of the feuding parties, thereby requiring third party intervention. This is because one cycle of violent attacks results in a reciprocal
or retaliatory action, as the levels of violence are stepped up to create a vicious cycle of unending violence, as witnessed in the Western Sudanese region of Darfur for about 10 years.

Moreover, the issues that fuel intractable conflicts become more complex as they tend to multiply in a diverse manner as the conflict progresses and new parties and interests emerge. Conflicts that may have started as a result of an internal political power tussle or land dispute may develop into tribal, religious, ethnic, ideological and international warfare and may also develop into issues of human rights and other kinds of abuses; thereby making the issues involved intractable and the management and resolution thereof also intractable by logical extension.

The Darfur conflict, which started on issues of land and water resources, as well as internal political and economic marginalization, soon expanded in the course of the conflict to include issues of human rights and international humanitarian laws, as well as crimes against humanity. This conflict escalated from the involvement of local actors to multiple international actors and their interests, from a few local groups to multiple local groups and their interest, from a few deaths to hundreds of thousands of deaths.

The remote causes of many intractable conflicts like the Darfur conflict have been traced to perceived longstanding political, economic and social injustice which the Darfur region suffered since its creation by the British Colonialists. Where conflict exists as a result of structural inequality in the distribution of wealth, access to employment opportunities, political office, basic amenities (such as health care, education, water resources, electricity and good roads), those who feel marginalized are unlikely to stop fighting for equal rights and opportunity and those on the other side are often unwilling to give up their advantage without a long battle. This is against a common adage by students of power politics which says that power is not given just for the asking, but must be fought for in most cases. The oppressed group is likely to keep fighting for equal rights and justice as a matter of survival until their goals are achieved or their yearnings are somehow met (Burgess and Burgess, 2003; Coleman, 2000; Burton, 1993, Crocker et al., 2005).
The term intractable conflict seems to connote that such conflict can neither be successfully managed nor resolved. This connotation is unreliable and cannot hold in the face of rigorous academic scrutiny of all intractable conflicts. Rather, intractable conflict as demonstrated in the case of the protracted and deep-rooted conflict in the Darfur region of Sudan, although very difficult, can still be managed to exclude destructive direct physical violence. This is in contrast to tractable conflict such as organisational conflicts that are not deeply rooted and which can be easily managed and resolved by effective negotiation and mediation by third parties (Burgess and Burgess, 2003). The difference between tractable and intractable conflicts is that intractable conflicts often require a multidimensional peace support approach which includes effective conflict transformation and peace-building, as well as reconstruction and reconciliation mechanisms which are not always necessary in the case of tractable conflicts.

Even when conflict cannot be totally resolved, it can be effectively managed like the deep-rooted conflict between the former USSR and the United States of America during the cold war (1947 - 1953; 1962 – 1977; 1985 – 1999); the conflict between the USA and its neighbouring Cuba (1961 – 2015); Hong Kong and Mainland China (1997 – date); Nigeria and Eastern Nigeria (1970 – date). These are a few of many other conflicts which were managed to the exclusion of destructive violence. The point being made here is that, even when some these protracted conflicts cannot be completely resolved, the parties can still manage to work together without resorting to violent hostilities (Burgess and Burgess, 2003).

Although this research is situated within the conceptual framework of conflict prevention, management and resolution/transformation; it is necessary to briefly examine the mechanisms of peace and violence. The terms peace and violence reverberate in every academic discussion on conflict because conflict, peace and violence are interrelated both conceptually and in practice.

2.2.3 VIOLENCE

The concept of violence, like peace and conflict, presents serious problems of precision in terms of definition.
Violence ordinarily refers to physical injury perpetrated on a person or group by another. But peace researchers expanded this definition and understanding of the concept of violence from direct physical injury to include psychological, social, political and economic harm or injury visited on an individual or group by another individual, group, system or institution. Hence acts of violence range from armed conflict or war, rape, murder, kidnapping, terrorism, hostage taking to political, economic and social exclusion, marginalization or discrimination (Imbusch, 2003). However, these numerous acts of violence have been grouped into two major kinds of violence, namely: direct and indirect or structural violence.

Direct violence refers to physical harm and pain inflicted upon an individual or group in any circumstance. Moreover, whether direct violence occurs randomly, intentionally or in different social settings, it harms the “body, mind and spirit” even as its traumatic effect endures over time (Galtung, 1996). Furthermore, international politics states deploy organized direct violence as instrument of state policy aimed at achieving their foreign policy objectives (Nicolson, 1992). According to Nicolson, the capacity to inflict direct physical violence is institutionalized in the form of coercive forces such as the armed forces, prison services, and militia groups, among others. This was clearly evident in the Darfur conflict. Hence, various acts of physical violence both at interpersonal and intergroup levels, range from common assault, battery, robbery, kidnapping and torture to war and genocide, which occur unfortunately, to serve particular individual or group interests, as exemplified in the conflict that ravaged the Sudanese Western region of Darfur.

Structural or indirect violence on the other hand refers to all actions and inactions that are injuries to human existence such as political, economic and social injustice which manifest in structural inequality in local and international division of labour in international political economy; colonialism, slavery and exploitation; marginalization, oppression, repression and discrimination; unequal distribution and access to basic welfare amenities; wealth and employment opportunities; poverty, hunger, disease and death (Freire, 1998; Galtung, 1996; Wenden, 1995).

These peace researchers mentioned above assert that structural violence manifests in the imposition of discriminatory, exploitative, oppressive, obnoxious and repressive practices on individuals or groups in systematic and organized ways by social, political
and economic systems and structures. This situation creates social and political tension which the state strives to suppress by deploying repressive, coercive might, thereby engendering and perpetuating negative peace; such as witnessed in the Western Sudanese region of Darfur before the outbreak of large scale armed hostilities in 2003.

2.2.4 PEACE

The meaning and definition of peace is as varied as that of conflict, depending on the ideological or academic orientation of any researcher, writer or commentator. However, there is a convergence of opinion about peace as the supreme value for most of the human inhabitants of the planet earth. In addition, there are defining features of peace in several academic writings. Peace can be viewed from the elementary perspective to mean the absence of violent conflict or from the internationalist perspective to mean the absence of wars or balance of power at equilibrium; just as it can also be viewed from the humanistic and normative perspective to refer to freedom from oppression and all kinds of injustices (social, political and economic) and the general well-being of the human person and society.

Peace can also be viewed from the social and psychological perspective as the absence of dissension, as well as adversarial and antagonistic behaviour, interaction and relationships. It can also be viewed from the religious perspective to mean inner tranquillity. Besides, it can be analysed at the level of the individual, group, local and international dimension. In contrast, peace to environmentalists, is viewed as the absence of violence against nature and preservation of the world ecosystem (Wenden, 1995; Macy, 1991; Forcey, 1989; Smoker, 1994; Zohar, 1991; Nagler, 1999; Ostergaard, 1986; Burton, 1990a).

In spite of the various perspectives, meanings and descriptions, the concept of peace can be narrowed down to two major perspectives, namely positive and negative peace (Galtung, 1969; Wenden, 1995; Jeong, 2000). These two broad perspectives derive from the expansion of the traditional definition of peace as the absence of violent conflict or war to include the absence of the conditions that lead to the deprivation of life and what makes life worth living such as the absence of all forms of discrimination, poverty, hunger, disease and death.
The absence of direct physical violence, armed conflict and war is regarded as negative peace. This implies that negative peace can be realised by deploying non-violent means of settling differences through negotiation and mediation; disarmament as a means of reducing the likelihood of resorting to armed conflict, as well as promoting economic and social interdependence which discourages armed conflict as a means of dispute settlement. Similarly, Wenden (1995) points out that international organizations, such as the United Nations, exist to further the notion of stable international order in the form of negative peace; based on the understanding that international stability and world order can only be achieved through international arrangements, negotiation and agreements.

Positive peace, on the other hand, does not view peace as only the absence of direct physical violence, armed conflict or war but also the absence of structural violence. To achieve positive peace, conditions must exist that eliminate all forms of social tension such as freedom from oppression, domination, discrimination, apartheid, hatred, inequality, hunger, poverty, disease and death. Moreover, the creation or development of a just and egalitarian society where human rights, equity, social, political and economic justice for all citizens irrespective of race, tribe, religion, gender, ethnicity, age and sexual orientation are essential for positive peace (Boutros-Ghali, 1992).

The foregoing explains some of the remote causes of the conflict in the Darfur region of Sudan. It clearly suggests that what existed in the region prior to the outbreak of hostilities can best be described as negative peace. The rebel leaders justified the resorting to an armed struggle with tales of age-long social, political and economic marginalization of the region by the GoS, discrimination and deprivation against the majority of indigenous African tribes in the land redistribution policy of the GoS as well as Arab apartheid and Arabization of the entire region.

2.3 MODELS OF CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION

There are several models of conflict prevention, management and resolution developed by peace researchers in order to add a deeper understanding of the conflicts such as the Darfur conflict and the processes involved in the prevention,
management and resolution of such conflicts. This research will take a brief look at a few of these models.

2.3.1 GALTUNG’S MODEL OF CONFLICT, VIOLENCE AND PEACE

Galtung’s model of conflict, violence and peace presents conflict as a triangle with “contradiction, attitude and behaviour at its vertices”. The author identifies contradiction as the underlying conflict situation, while attitude refers to the perceptions and misconceptions of the contending parties about themselves; whereas behaviour consists of cooperation or coercion, gestures signifying conciliation or hostility expressed in the form of threats, coercion and destructive attacks. Behaviour, according to Galtung, refers to coercion or cooperation. This generally connotes actions or conduct which portray the propensity towards hostility or cooperation. The author further points out that violent behaviour manifests in destructive attacks, coercion and threats (Galtung, 1969).

However, Galtung’s model of conflict, violence and peace posit that the three components (contradiction, attitude and behaviour) have to be present for a full conflict situation to manifest; whereas the conflict situation can be described as latent when conflicting attitudes and behaviour are absent. Moreover, Galtung argues that the conflict process is dynamic and that the intensity of conflicts increases as the conflicting attitudes and behaviour of the feuding parties degenerate, thereby making resolution of the conflict difficult. The author further argues that conflict resolution strategies must aim at altering or changing the contradictions, attitudes and behaviours that support conflict. This can be achieved by transforming adversarial relationships, which constitute the core of conflicts to non-adversarial relationships which support peaceful co-existence, cooperation and mutual understanding.

Galtung further made a distinction between structural, direct and cultural violence and submits that removal of conflicting behaviour will address the problem of direct violence; while structural violence can be stopped with the removal of injustices and other forms of structural contradictions. The author asserts that attitudinal changes are necessary for the removal of cultural violence. He concludes that positive peace can be achieved with the removal of structural and cultural violence while negative peace merely connotes the end of direct physical violence.
2.3.2 CONFLICT ESCALATION AND DE-ESCALATION MODELS

The complexity, dynamism, unpredictability and fiery nature of conflicts make the process of escalation and de-escalation of conflicts a serious issue for scholars and practitioners in the field of conflict prevention, management and resolution. The ups-and-downs, antics and tactics of the belligerents, the shifting of goals and objectives of the parties, as well as the entrance of secondary parties and splinter groups or factions; coupled with the interests of third parties as witnessed in the Darfur conflict, made the processes of management and resolution of the Darfur conflict difficult, intriguing and problematic.

Adversaries tend to impose more direct violence and threats as conflicts escalate. This leads to losses, destruction and harm on both sides. However, de-escalation tends to set in when the adversaries have reached a stalemate as a result of prolonged violence, resulting in losses and destruction or harm to both parties. De-escalation essentially changes the adversarial behaviour of the conflict parties and imposes new patterns of behaviour which predispose the parties to negotiation and co-operation in order to limit the damages, destruction or harm. De-escalation is therefore achieved by altering the adversarial relationship between the parties through calculated steps aimed at fostering co-operation and resolving the conflict (Hurwitz, 1991; Kriesberg, 1998).
The escalation and de-escalation model therefore provide a graphic tool for mapping and tracing conflicts in time perspectives or phases. The escalation process starts from a distributive curve where normal competition of different interests is established, to the contradiction phases where the clashes of diverse interests begin to cause polarisation, tension or latent conflict. Then follows the phase where antagonistic interest tends to converge to form contending parties resulting in manifest conflict, which eventually leads to outbreak of hostilities or armed violence. On the other hand, the de-escalation process evolves from the situation of war or violent hostilities to ceasefire and other settlement agreements which may be brokered by third parties. Peace agreement finally results in the normalization of relationships between the conflicting parties, and promotes the environment for reconciliation (Ramsbotham, et al., 2005; Fisher & Keashly, 1991).

Figure 2.2 below gives a graphic depiction of the escalation and de-escalation models

![Conflict escalation and de-escalation model](http://www.oxfordresearchgroup.org.uk/sites/default/files/Chapter%20Introduction%20to%20Conflict%20Resolution.pdf)

**Figure 2.2: Conflict escalation and de-escalation model**

These models can also be depicted in a curved format, as depicted in Figure 2.3 below.
2.3.3 THE HOURGLASS MODEL

The hourglass model of conflict resolution responses is a hybrid of Galtung’s model of conflict, violence and peace and the conflict escalation and de-escalation model. The hourglass depicts the depression and narrowing down of the political space, which engenders escalation and the opening up of the political space, which, in turn, brings de-escalation of conflict. According to Rambotham et al. (2005:12), responses to conflict are influenced by the narrowing down and opening up of the political space. The authors posit that the hourglass model a “is a contingency and complementarity model, in which contingency refers to the nature and phase of the conflict, and complementarity to the combination of appropriate responses that need to be worked together to maximize chances of success in conflict resolution.” The model illustrates the processes involved in the management and resolution of protracted, deep rooted and seemingly intractable conflicts like the conflict in the Darfur region of Sudan and presents the conflict transformation process as the “deepest level of cultural and structural peace building” which includes reconciliation; the processes of negotiation
and mediation as conflict settlement; and third party intervention in the form of peace
keeping and ceasefire monitoring and enforcement as conflict containment.

Figure 2.4 below shows the hourglass model, depicting the processes of conflict
containment, conflict settlement and conflict transformation.

![Hourglass Model](http://www.oxfordresearchgroup.org.uk/sites/default/files/Chapter%201%20-%20Introduction%20to%20Conflict%20Resolution.pdf)

Figure 2.4: The hourglass model: conflict containment, conflict settlement and
conflict transformation.

### 2.3.4 MULTIDIMENSIONAL CONFLICT MANAGEMENT AND RESOLUTION
MODEL

The multidimensional model, also referred to as the multi-track conflict resolution
approach by some scholars in the field of conflict resolution (Galtung, 1996;
Ramsbotham et al., 2005), is a three-pronged approach to conflict resolution. It is a
modification of the track I and II diplomatic approach to conflict resolution. It departs
from the traditional third party mediation paradigm, where external third party intervention dominates the conflict resolution processes. This model advocates a concerted approach at the civil society (community) level, to build peace constituencies with local resources and capacity to resolve conflicts. Hence, under the multidimensional or multi-track model, the conflict resolution process involves three levels of operation, ranging from multinational (including regional and bilateral), to national, and down to community (civil society) levels. Therefore, the process of conflict resolution should be undertaken at these three levels, simultaneously, in order to be effective.

This model is best suited for a deeply rooted and protracted conflict like the Darfur conflict (2003 – 2015). This is based on the fact that the remote causes of the conflict are community or locally based. The indigenous black African farmers on the one hand, and the Arabic cattle herdsmen on the other hand, were locked in bitter struggle over grazing land and water resources, as well as resistance over an alleged attempt at Arabization of the entire region.

There is, therefore, a need to develop local peace constituencies in the Darfur region to address the intrinsically and deeply rooted animosity as a result of grievances influenced by class antagonism and tribal sentiments, as well as other economic and political issues that trigger conflict within the region, as envisaged by track three diplomacy, as illustrated in Figure 2.5 below. Hence, the success of track one and two diplomacy involving state and non-state actors in the management and resolution of the Darfur conflict can only be complemented by track three diplomacy involving the local peace constituencies as illustrated in Figure 2.5 in the process of conflict transformation and prevention of future reoccurrence.
The concept of conflict prevention, management and resolution is central to the conflict management discipline. These three interrelated concepts constitute the core of conflict studies and practice. This study will therefore analyse these concepts below.

2.4 CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION

Conflict prevention is concerned with the altering of the environment that leads to conflict and the promotion of an enabling environment for collaborative relationships, which make it possible for the peaceful settlement of disputes without recourse to violence or use of arms (Bradshaw, 2007).
Brown and Rosecrance (1999:1-2) argue that “an ounce of prevention is worth a pound of cure.” Their argument is premised on that fact that preventing conflicts from getting violent makes more sense in terms of cost. Citing the example of Rwanda (1990-1994), they observed that the international community should have taken steps to prevent the conflict before it turned into genocide. They further argue that local politicians would intensify efforts at conflict prevention if only they understood the cost on foreign powers of ending violent conflicts. This argument by Brown and Rosecrance may be appropriate in some sense, but may fail under intense scrutiny considering the fact that some intrastate violent conflicts, especially during the Cold War era, were influenced and conditioned by foreign powers.

However, Hauss (2001:44) also dismissed the argument of preventive diplomacy as postulated by Brown and Rosecrance as a mere academic exercise because the international community, according to Hauss, in most cases “rarely prevents any conflict before it becomes violent.” Hauss stressed that international efforts at conflict resolution were made difficult during the Cold War era because of the interest of the major powers in the warring countries.

Jeong (2010) aligns with Brown and Rosecrance’s argument on preventive diplomacy. Jeong stressed that “prevention is more effective and less costly than handling a crisis after the eruption of violent conflict” (2010:24).

Ramsbotham et al. (2005:106 – 109) agree with Van der Stoel (2005) that conflict is indeed preventable even as it is unavoidable if all necessary efforts are made to prevent it. Ramsbothan et al., however, disagree with the notion that conflict prevention as a concept is a misnomer, stressing that “preventing violent conflict has been a central aim of conflict resolution enterprise” and that “conflict prevention has been the main focus of the United Nations and other international governmental and non-governmental organizations over the years.” They emphasise firstly, that conflict prevention “is also a response to the globalization of contemporary conflicts” and secondly, the “cost effectiveness of prevention when compared with the exorbitant bill for subsequent relief, protection and reconstruction if prevention fails.”

These authors point out that the global effects of conflicts, which include refugee flows and consequent diaspora implications with the attendant regional destabilization, as
well as “the weakening of the norms of sovereignty and non–interference, is beginning to open space for international intervention.” While analysing the epistemological underpinnings of conflict prevention and the underlying issues which constitute effective prevention of both intrastate and interstate conflicts, Ramsbotham et al. describe conflict prevention as “those factors and actions which prevent armed conflict or massive violence from breaking out; and that attempts at conflict prevention must involve the satisfaction of human needs, redressing manifest injustices and ‘accommodation of legitimate aspirations’ of the generality of the people.” They also aver that “active measures to prevent conflict can be divided into two types.” The first one “is aimed at preventing situations with a clear capacity for violence from disintegrating into armed conflict,” whereas the second “aims to address root causes including underlying conflict of interest and relationships.”

However, Suganami (1996:62) argues that certain factors influence war, namely: “the capacity of human beings to kill members of their own species; sufficient prevalence of the belief among a number of societies, in particular the states, that there are circumstances under which it is their function to resort to arms against one another, and in doing so demand the cooperation of society members (without which no organized conflict could take place between societies);” and finally “the absence from the international system of a perfectly effective anti-war device.”

Ramsbotham et al. (2005:106 - 109), in agreement with Suganami, further added the existence and availability of weapons to the three conditions as propounded by Suganami and concluded that “if any of these conditions could be prevented, war as an organized activity would be prevented.” The authors therefore argue that changing human nature and reducing the prevalence of the belief that states can legitimately deploy the mechanism of warfare, as well the promotion of anti-war sentiments locally and internationally, can reduce that likelihood of violent armed conflict. However, the authors did not state human nature can be changed, as human nature includes those natural instincts that are inherent in human beings that make them human, unless the authors are advocating the elevation of humans to another species with a different nature that cannot be described as human. Nonetheless, the authors are basically arguing that identifying and tackling the remote, intermediate and immediate (trigger)
causes of conflicts and the positive transformation of conflict situations, prevent the occurrence of violent conflicts.

International conflict prevention developed at the end of the nineteenth century as a result of the emergence of common interest among strong liberal democratic states. This trend achieved a considerable reduction of interstate wars, coupled with the fact of the mutually assured destructive nature of any nuclear warfare between the world nuclear powers, and it made international negotiation and collective bargaining more attractive than violent conflict or warfare.

Most liberal scholars (Mueller, 1989; Keohane and Nye, 1986; Axelrod and Keohane, 1986) align with this argument, while asserting that cooperation and mutual interdependence among democracies has reduced the chances of armed violence among these states, especially with the emergence of strong international organizations at the end of World War II. These institutions, such as the United Nations, North Atlantic Treaty Organisation, European Union, African Union, Arab League and Economic Community of West African States among others, seek to create a universal template for the prevention of violent conflicts, by creating, prompting and strengthening bilateral relationships among member states; thereby making the action of states more predictable. At the same time, they diminish the possibility of states unilaterally waging wars in an increasingly globalising world system, characterized by mutual interdependence and cooperation.

Other liberal peace theorists also argue that the enthronement and, or internationalization of the democratic system of governance has prevented violent conflicts and brought about peaceful management and resolution of disputes arising from a clash of economic, territorial, political, military social and ideological interests. These proponents of democratic peace aver that democratic states are unlikely to resort to armed violence or warfare as a means of dispute settlement with other democratic states (Doyle, 1986; Russett, 1993).

On the issues of internal or intrastate conflict prevention, again liberal scholars argue that violent intrastate conflicts or civil wars are less likely to occur in established democratic states while undemocratic regimes, or pseudo or semi – democratic states are prone to intrastate conflicts or civil war (Reynal–Qurol, 2002). Other liberal
Democratic peace theorists strongly contend that states where good governance based on legitimacy, leadership accountability, and adherence to fundamental human rights, equity, social justice and rule of law, are unlikely to experience violent domestic conflicts or civil wars. And that the promotion of state development as against mass poverty as well as strong and efficient institutions will ultimately reduce the likelihood of violent intrastate conflict (Miall, 2003; Henderson & Singer, 2000; Collier & Hoffler, 1998; Hegree et al., 2001; Stewart, 2002).

However, Lund (1996:21) disagrees somewhat with the above arguments put forward by the liberal democratic peace theorists. The author notes that the same values of democratic peace which seek to bring structural changes in governance, rule of law, social justice or equal opportunities, as well as access to public infrastructure and developmental projects, which are exported to developing countries with weak institutions of democracy and good governance, create a paradox which in the short term generates “widespread societal and inter-state tensions that can result in violence, repression, or the total breakdown of society and states.” Moreover, Lund (2002:34-37) aligns with the view of Boutros-Ghali (1995), Ackerman (2001); Stewart (2003), Jentleson (2000), Zartman (2001) and George (1999), among others, who view conflict prevention as preventive diplomacy; and went further to define preventive diplomacy as an:

“action to address almost any instance of potential or actual violence, whether or not it is interstate or inter-communal, and whether or not it might pull major powers or other countries into a larger war.”

Nonetheless, Lund narrows down the preventive diplomacy approach to include all the necessary:

“action[s] taken in vulnerable places and times to avoid the threat or use of armed force and related forms of coercion by states or groups to settle the political disputes that can arise from the destabilizing effects of economic, social, political, and international change.”

Mørup (2004:6) examines the structural and operational weaknesses of African security organizations in respect of conflict prevention and identifies such structural
factors as the operational environment, democracy, human rights, and good governance as major impediments to conflict prevention by the African Organization. These structural factors, according to Mørup, “affect the institutional and operational capacity of the security organizations to function effectively”. Mørup emphasizes that these operational factors “deal with the practical capacity of the organizations to conduct conflict prevention and crisis management operations” and maintained that the structural and operational weaknesses of the African security organization can be improved by the adoption “concrete measures”; but failed to clearly define the concrete measures.

However, the views of Snow (1996) are at variance with Mørup’s contention that improving the structural and operational capacities of security organizations will prevent and / or manage conflicts in Africa. Snow hinges his argument on the fact that “there is no common centre of gravity to which combatants appeal; in many cases it is not clear that the ‘insurgents’ have any intent on gaining power or responsibility; and there is little sense of boundaries on the extent of violence both side would commit” (Snow, 1996: IX). Snow further posits that such intractable conflicts are difficult to prevent, manage or resolve.

Northedge and Donelan (1971) aver that successful conflict prevention lies on the skilful conduct of foreign policy by states in their dealing with one another on the basis of justice and fair play in the deployment of power while noting that compromising on this may result in a response in the form of armed conflict. They further noted that conflicts can be prevented at the intrastate level if governments refrain from the use of violence and state agencies of coercion in conflict prevention, as this method will ultimately result in resistance and civil unrest.

2.4.2 CONFLICT MANAGEMENT

The concept of conflict management has attracted many definitions from various scholars in the social science discipline. Conflict management becomes necessary in order to contain the damaging or destabilizing effects of conflicts by third parties.

However, in international relations, conflict management refers to the processes undertaken by third parties when conflict resolution cannot be attained immediately
and the dynamics of the conflict demand urgent attention in order to minimize the damages and forestall further escalation.

Conflict management can be described as all efforts by third parties to control and contain politically motivated conflicts between two or more actors operating at inter or intrastate levels (Burton & Dukes, 1990; Von Hippel & Clark, 1999). According to Butler (2009:1) conflict management simply “refers to any efforts by a third party at preventing a conflict from getting worse.” Butler asserts that conflict management stems from the presumption of the existence of some level of conflict which can be contained, controlled and ended somehow.

Fundamentally, conflict management originates from a concern by third parties to prevent horizontal escalation of conflicts, thereby containing the damaging and destabilizing consequences of conflicts on non-combatants, as well as controlling and ending the vertical escalation of conflicts by preventing the rise of violent objectives by the parties involved. Butler contends that conflict management is derived from the premise that the escalation or intensification of conflicts is avoidable; therefore the goal of conflict management should be the containment of the deployment of coercive force or aggression. It is the view of Butler that conflict management is something we all engage in on a daily basis at professional or corporate levels and at individual or personal levels although we may be oblivious of what we are doing. Butler also points out that the lack of “reflection as to what tools of conflict management we are using, and whether they are effective in the light of the kinds of conflict we see or are involved in” diminishes the practice of conflict management. It further “limits the improvement of available means of conflict management and impairs our collective determination and understanding” of the dynamics and best practices, as well as approaches in the application of conflict management to a particular conflict (Butler, 2009: 1 - 2).

Conflict management approaches can be generally referred to as those activities undertaken by third parties, when conflict resolution appears unrealizable, while a raging conflict requires urgent action to stem the tide of violence. However, these approaches can be grouped into four categories, namely: the “threat - based” approach which consists of deployment of coercive force to compel the belligerents to ceasefire or stop fighting; the second approach is the deterrence strategy which involves the deployment of coercive forces and various forms of coercive diplomacy
to deter the contending parties from further acts of armed violence; the next one is the adjudicatory-based approach which entails that use of normative and legal institutions to proffer settlement solutions aimed at ending hostilities between warring parties; and the accommodationist approach, which involves that deployment of both traditional and non-traditional diplomatic measures to bring contending parties together to agree to ceasefire and bring hostilities to an end (Bercovitch & Regan, 2004; Butler, 2010; Von Hippel & Clerk, 1999).

Butler (2010:14) attempts a clear conceptual distinction between conflict management and conflict resolution. The author asserts that although conflict management and conflict resolution are often used alternatively as the same thing, conflict management differs conceptually from conflict resolution. Butler stresses that, whereas:

“conflict management refers to the efforts of third parties in concert with the disputants to limit the spread or escalation of a conflict, to minimize suffering, and create an environment for interaction without resorting to violence … conflict resolution seeks to promote reconciliation at the basic level of conflict by resolving the underlying grievances at the heart of a particular dispute to the satisfaction of all parties involved. As such, conflict management is far less ambitious in its objectives than conflict resolution, which seeks to transform the personal values, cultural practices, and social and political rules and institutions sustaining conflict.”

The author argues that conflict management practices avoid delving into the deep rooted, fundamental, underlying issues of a conflict; rather they focus all efforts at containment or cessation of hostilities; thereby creating the enabling environment for eventual resolution of the conflict. This notion of conflict management advances the argument that conflict management sees deep rooted and complex conflicts as those that cannot be easily resolved. Hence, the main objective of conflict management is to control and limit the destructive and debilitating effects of violent conflict rather than its resolution which involves addressing the underlying causes. It is therefore argued that the scope of conflict management, although limited, appears feasible and practicable in a situation of armed violent hostilities.
The above assertion was evident in the Darfur conflict (2003 – 2013). The Darfur Peace Agreement (DPA), also known as the Abuja Accord, at the early stages of the conflict sought to manage and resolve the complex and deep rooted conflict at the same time as it strived to address the underlying causes of the conflict at a period when armed hostilities were very high. This may explain why none of the parties respected the ceasefire agreement as contained in the Darfur peace agreement. In fact all the parties accused each other of flagrant violation of the provisions of the DPA. Hence, the DPA failed to achieve a lasting ceasefire because the terms of the agreement attempted to achieve management and resolution at the same time, rather than focusing primarily on management in order to control and stem the tide of violence by way of a ceasefire, which might have created the enabling environment for eventual resolution. The prevailing circumstances in Darfur during negotiations for the DPA was not conducive to resolution of the underlying causes which the rebel leader canvassed for, while the GoS was not ready to go into that, especially as the GoS had an upper hand in the battlefield.

However, the conflict dynamics changed dramatically when the objectives of the DPA were varied and emphasis was anchored on management instead of management and resolution at the same time. This was achieved through massive deployment of international peacekeepers and peace enforcers, as well as the creation of humanitarian corridors, imposition of no fly zones and other instruments of coercive diplomacy including an adjudicatory approach by the International Criminal Courts. These management measures ensured that an enduring ceasefire was established, which created the enabling environment for the Doha round of peace talks that resulted in the Doha Document for Peace in Darfur (DDPD). The DDPD focused mainly on the resolution of the underlying cause of the conflict by providing far reaching measures aimed at resolving the underlying cause of the conflict.

Mitchell (1981:253) suggests measures, which may be applied in the management of conflicts, to include the following: "victory for a party in the conflict, destruction of one party, isolation, withdrawal or displacement, settlement or accommodation and resolution." Singer (1979:230-245) listed variant factors in the management of conflicts such as "defeat, mutual disintegration and compromise" while acknowledging the fact that these factors or measures could help de-escalate conflict, but may not
address the fundamental differences or the underlying issues involved in a conflict. Imobighe (2003:1) describes conflict management as “a discipline with ways and means of controlling and harmonizing conflictual relationships within an interaction process.” Imobighe further explains that international conflict management focuses on ways in which events and relationships between nations are controlled to ensure harmony and while arguing that “the conflict management system is a process that embraces the three activities of conflict prevention, control and resolution.” These processes, according to Imobighe, constitute what he referred to as “the integrated conflict management cycle.”

Zartman (1991b:300) asserts that “the reduction of conflict entails reducing incompatibilities as much as possible through the use of non-violent or political means.” The use of political means, he argues, is the process of addressing the issue of demands and that demands left unhandled “can escalate from politics to violence.” Ramsbotham et al. (2005:29) summarize conflict management as a “generic term” covering the entire “gamut of positive conflict handling” which refers to “a more limited way to the settlement and containment of violent conflict” as in conflict regulation.

In all, conflict management can be referred to as the whole range of techniques, methods, processes and activities employed in any given social, economic or political environment to contain, regulate, control, reduce and alter the effect of negative and destructive behaviour in a conflict situation.

2.4.3 CONFLICT RESOLUTION AND TRANSFORMATION

Contemporary conflict literature shows that attention shifted from international conflicts to intrastate conflicts since the end of World War II. Between 1945 and 1995, about eighty (80) violent conflicts were recorded and only twenty eight (28) out of these (eighty) were interstate. According to Kaplan (1996: 8), about two-thirds of these eighty conflicts actually took place in the third world. Kaplan described some of these wars, “especially in Africa and Eastern Europe as a mini holocaust,” citing the example of Rwanda where “ten (10) percent of the Rwandan population was killed in six (6) days.”

Bradshaw (2007:5) refers to conflict resolution as the process of “addressing the fundamental causes of conflict; not just the superficial aspects.” Conflict resolution
entails a negotiated settlement of conflicts by addressing the underlying causes of the conflict as opposed to forceful or coercive settlement of disputes, by the transformation of a conflict relationship or environment in such a manner that will forestall the reoccurrence of violence.

Hauss (2001:3) states that globalization has “exposed the dangers of unmitigated conflict and the horrible consequences of war even in faraway places such as Somalia.” Hauss notes particularly, the changing role of the UN in resolving international conflicts, after the cold war while arguing that good leadership is critical to “peaceful conflict resolution, rather than simply stopping the violence.” Hauss (2001:46), however, acknowledges the importance of third parties, but points to the evidence of South Africa where Mandela (leader of anti-apartheid movement in South Africa), de Klerk (leader of South African apartheid government), and their supporters negotiated peace without “significant outside support” thereby suggesting that third parties are not always essential. Hauss (2001:46) did admit, though, that “third parties can be vital at the pre-negotiation stage if the third parties are neutral.” Nonetheless, the absolute neutrality of third parties poses a serious problem to conflict resolution theorists because it is not easy to determine the neutrality of third parties. Another difficulty is the ability of the third parties to remain absolutely neutral throughout the negotiations.

Burton (1986:125-130) argues for a change from “the traditional approach (peacekeeping) of settlement of disputes to a new theory (peace-making and peace-building) of problem solving in order to achieve the desired result.” Burton explains that traditional methods “merely settle rather than resolve conflicts,” because of their inability to decisively address the underlying issues involved in conflict. Burton avers that the “concept of solution or more specifically conflict resolution is associated with a purposeful search for ways of accommodating the explicit interests of the parties in conflict.” Thus, it does not mean the same as ending the conflict, through victory nor does it amount to conflict transformation.

Victory, according to Burton, means that one party dominates the other, and is able to alter the attitude or behaviour of the other by imposing its will or order on the other. A good resolution effort would address the sources of the conflicts so that behaviours, attitudes and structures could be changed to non-violent ones.
However, conflict resolution can also be regarded as “an integral part of work for development, social justice and social transformation” as well as a “generic term” which serves as an “umbrella term” for conflict regulation, management, resolution and transformation.” Conflict resolution is “a more comprehensive term which implies that deep rooted sources of conflicts are addressed and transformed” and by implication alters the structure of the conflict to non-violent, as well as non-hostile attitude and behaviour among the parties involved (Ramsbotham et al., 2005:29).

The strategies for conflict resolution differ from that of conflict management. According to Jeong (2010:9), “the imposition of settlement terms by coercive bargaining may lead to short–term acceptance of the outcome.” Hence, conflicting parties may be constrained by coercive diplomacy or force by conflict managers to make concession and accept secession of hostilities, but that does not rule out the possibility of reoccurrence of hostilities if the strategies do not address the root or remote (underlying) causes of the conflict. Therefore, Behavioural and attitudinal changes occasioned by coercive peace keeping and peace enforcement in the conflict management process cannot stand the test of time if the factors that led to the conflict in the first instance still remain.

Again this accounts for the failure of the Darfur Peace Agreement which was signed in Abuja Nigeria as early as 2004, barely one year into the conflict. However, the settlement terms as provided in the Darfur Peace Agreement could not resolve the conflict as the conflict degenerated not long after the parties violated the provisions of the ceasefire agreement. Contrastingly, when mutually accepted settlement agreement is reached on how to end armed violence by the contending parties, the next step would be for the conflict resolvers to help the belligerents reach an understanding on issues mutually beneficial to the parties.

Conflict resolution therefore goes beyond conflict management and focuses on addressing the underlying factors that remain contentious and divisive which are not often adequately addressed by the terms of settlement. These contentious issues range from fractured social, economic and political relationships, as well as psychological and religious differences; democracy, issues of fundamental human rights and structural inequalities in the wider society; to fear and animosity among the conflicting tribes and ethnic groups. Hence, conflict resolution efforts seek to alter...
these relationships in a positive direction by developing and promoting conflict building measures to considerably reduce the level of mutual suspicion among the contending groups. Conflict resolution also aims to reduce considerably the level of inequality by promoting an egalitarian consciousness and foster the feeling of brotherhood among the various tribes and groups; as against behaviour and relationships.

However, during the resolution of deep rooted and protracted conflict like the Darfur conflict (2003 – 2013), the terms of the settlement agreements may vary with time, depending on the prevailing circumstances, especially where changing circumstances conditioned and influenced by the overall interest of the warring parties demand renegotiation. The DDPD (2011), which provided the final terms of settlement that dealt with the deep rooted issues that caused the conflict in Darfur, is a variation of the DPA (2004). The task of conflict resolvers revolves around strategizing on how to tinker with and vary the terms of agreement and helping the parties to renegotiate in order to avoid re-escalation of armed violence. Moreover, to ensure effective resolution, conflict resolution practitioners also develop strategies for reintegration, reconstruction and reconciliation to repair broken relationships.

A deep analysis of the conflict resolution concept reveals that the transformation of destructive behaviour and attitude is vital to conflict resolution. This entails the transformation of adversarial relationships among the contending parties to benign relationships that address the psychological, behavioural, attitudinal, perceptual, spiritual and sociological issues necessary for enduring peace to prevail (Burton, 1997). Nonetheless, the conflict resolution process, in a bid to positively transform negative and antagonistic interaction among the contending parties, also develops strategies aimed at reforming the contentious issues, thereby creating an environment of mutual co-existence between the conflicting parties in intrastate conflict.

In the case of the conflict in Darfur, the resolution terms, as contained in the DDPD (2011), provided regional autonomy for the Darfurians through institutional reforms such as the establishment of the Darfur Regional Authority, creation of more states in the Darfur region to fast track infrastructural development of the region, as well as a power-sharing formula to ensure proportional representation and total inclusiveness in the government and politics of Sudan after the war.
Furthermore, the deeper aspect and scope of conflict resolution, also referred to as conflict transformation, seek to establish an enduring post conflict system of government and administration that creates durable harmonious relationships among the disputants based on political, economic and social justice (Esman, 2004).

Furthermore, transformation of conflict is the result of the conflict itself where the contention transforms the parties, their interest and actions. Thus, transformation can occur through victory or through conflict resolution, but can be best understood on a more general level. Wallenstein (2002) argues that the resolution of conflict does not end at terminating it where one side achieves victory over the other, but comprises a set of procedures that will bring about the desired change in the attitude and behaviour of the parties involved in a conflict.

2.5 MECHANISMS FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION

There are several conflict management and resolution mechanisms, largely because conflicts are inevitable in every human organization, both formal and informal, starting from the family to the church; from small institutions to large ones; from local to international and from intra-state to interstate. Moreover, the contradictions occasioned by incompatibilities in human, organization and state demands and/or claims, which are more often than not met with counter demands, claims and outright refusals, have a tendency to generate conflicts. If these contradictions are not prevented, managed or resolved quickly, they may result in violence with its attendant cost in terms of human and material resources. Hence, different mechanisms have been applied in efforts aimed at managing and resolving conflicts over the years, as well as institutionalization of the conflict management and resolution process.

This study will therefore look at some selected conflict management and resolution mechanisms such as: Mediation, Conciliation, Negotiation, Judicial Settlement; Reconciliation, Post Conflict Reconstruction, Transformation Preventive Diplomacy and Early Warning System; as well as Second Track Diplomacy.
2.5.1 NEGOTIATION

Negotiation, according to Jeong (2010:151), “can be defined as a process to resolve differences in goals that arise from dissimilar interests and perspectives.” It is another mechanism for management and resolution which seeks to achieve settlement agreements between conflicting parties by consensus. Such settlement agreements basically seek to serve the interest of the contending parties and even when the interests of the parties are not fully met, the parties make concessions that will enable them to reach mutually an acceptable agreement (Hughes, 1997).

Hughes (1997) posits that parties often come up with divergent and conflicting interests to the negotiating table, seeking to negotiate an agreement that will be close to its interest. Negotiators therefore, seek to find a common ground, thereby narrowing the gap between the opposing or divergent or divergent interest to reach a compromise decision that will be acceptable to parties. It is believed that once the parties agree to the agenda for talks, the precondition necessary to take the discussions beyond preliminary talks would have been met and failure to agree on an agenda for the peace talks means that one or both parties are not yet ready for settlement negotiations. Hence, the negotiation processes would have to wait until the underlying factors militating against the party’s capacity to agree on an agenda for the peace talks are altered.

Princen (1992) points to the fact that negotiations are full of manoeuvres by the negotiators to maximize their objectives or interest, thereby making the process tedious. Hence, negotiators adopt several strategies in a bid to improve their chances of getting as much as possible. One of such strategies, according to Princen (1992), is to commence negotiation with an extreme position hoping that the worst outcome may be a half way compromise from their opening bargain. However, concessions or compromises are often made reluctantly and only made when absolutely necessary; even as stalemates are common as a result of the unwillingness of the negotiating parties to make concessions as they often strive to justify their position while ignoring the position of the other parties in most contentious negotiations (Fisher & Ury, 1991).

However, negotiation in international conflict management and resolution is often characterized by aspects of coercion in the communication process between the
contending parties. Moreover, threats may be introduced in a bid to get the belligerents to reach a settlement agreement. On the other hand, negotiation is effective when the conflicting parties reach agreement on the modus operandi, including the procedures for the negotiation while sharing necessary information relating to the conflict. Further, information sharing helps the negotiator in understanding the reservation values or non-negotiable limit (bottom line) of the belligerents. Lebow (1996) argues that negotiation is made more effective when the bottom line interest of the contending parties is known and accommodated in the negotiation process.

Raiffa (1982) identified two kinds of negotiation; namely, integrative and distributive bargaining. While distributive bargaining, according to Raiffa (1982), is zero sum in nature as one party's gain becomes the other party's loss, integrative bargaining is a non-zero sum in nature as the outcome would be a win–win situation for the parties involved. In the same vein, Pruitt and Carnevale (1993) posit that negotiation should be aimed at changing the bargaining structure from distributive to integrative; where one party’s gain does not hurt the other and developing multiple options that will ensure a win–win situation for all the parties.

Furthermore, Hampson (1995) identified another aspect of negotiation, referred to as multilateral negotiation, different from ordinary bargaining between two contending parities. Multilateral negotiation is a strategy adopted in international relations and diplomacy to reach agreements on global issues ranging from international security, global economy and international trade to global environmental and gender issues among others. Multilateral negotiation takes place under the auspices of international organizations. Although agreements in multilateral negotiations take a long time, international conferences, which come with hard bargaining and cooperative diplomacy, help to set the agenda for agreement by all the parties (international state and non-state actors) involved. Moreover, various positions on international issues, according to Dupont (1993), are negotiated before the international conferences through bilateral and multilateral channels before its adoption as an agenda in the conferences.

The third party mediation process in the management and resolution of the Darfur conflict which led to the series of peace agreements, from the 2004 N'Djamena, Chad
agreement to the 2011 Doha, Qatar agreement, was conditioned and indeed, influenced by several high level negotiations between the Government of Sudan (GoS) and the rebel groups under the auspices of third parties such as the Arab League, AU and UN with several countries and other international entities acting as hosts and moral guarantors.

2.5.2 MEDIATION

Mediation can be described as assisted negotiation. According to Hoffman (1992:265), it is defined as “a process in which parties to a dispute attempt to reach a mutually agreeable solution under the auspices of a third party.” Jeong (2010:173) defines mediation “as a process whereby a neutral third party, acceptable to all disputants, facilitates communication that enables parties to reach a negotiated settlement.” Similarly, Zartman and Touval (2007:437-8) posit that mediation is: “a form of third-party intervention in a conflict. It differs from other forms of third party intervention in conflicts in that it is not based on the direct use of force and it is not aimed at helping one of the participants to win. Its purpose is to bring the conflict to a settlement that is acceptable to both sides and consistent with the third party’s interests.”

Mediation as a variant of third party intervention is aimed at facilitating and assisting the process of negotiation between conflicting parties. Mediation as a strategy in conflict prevention, management and resolution dates back to primordial societies and has continued to be effective to date. Statesmen, Nations, International Governmental Organizations and International Non-Governmental Organization; Religious and Non-religious institutions, Local Governmental and Non-Governmental Organizations; Private and Public Institutions, as well as Public and Private Organizations deploy mediation as an instrument of conflict prevention, management and resolution over time.

Hoffman (1992:265) observes that mediation is employed as “an alternative to arbitration and as an adjunct to a more formalized negotiation process.” Curle (1986:9) posits that mediation seeks to “establish, or re-establish, sufficiently good communication between conflicting parties so that they can talk sensibly to each other without being blinded by such emotions as anger, fear and suspicion.”
The characteristic feature of mediation is its emphasis on a mutually accepted solution by a mutually accepted mediator that does not set out to assist any of the parties involved but basically aims at providing mutual agreements. Mediation can also be referred to as an extended form of negotiation involving third party intervention aimed at altering the dynamics of a particular conflict, thereby changing the adversarial relationship among the feuding parties by supporting their efforts in reaching a mutual agreement and solution to the conflict. (Bercovitch & Houston, 1996).

The mechanism of mediation is different from the other kinds of management and resolution mechanisms such as arbitration and adjudication, which rely on the third party to make overriding settlement decisions which the parties are bound to accept. Mediation allows the parties to own the settlement process and reach agreement to settle peacefully with mutual consent as against coercion by the third parties.

The mediation process is usually commenced by eliciting the willingness of the feuding parties to peaceful negotiation and settlement, and establishing a sound communication channel between the adversarial parties. This is followed by negotiation between the belligerents and identifying the different perceptions, positions and dispositions of the contending parties; next is changing adversarial perceptions, dispositions, positions and attitudes of the combating parties, after which the third parties seek to proffer settlement proposals to the disputants and allow them to make settlement decisions based on the proposals. The third party subtly persuades the conflicting parties to make compromises where necessary in an atmosphere of confidentiality, impartiality, trust, sincerity and mutual respect throughout the negotiation process. In addition, the third party mediators also try to minimize undue external pressure on the contending parties and also encourage them to be as flexible as possible in their decision making, without exhibiting any form of bias and prejudices, even as the third parties must be seen by the feuding parties as being non-judgmental and neutral at all times (Milburn, 1996; Bercovitch & Houston, 1996).

The management and resolution of the Darfur conflict involved several mediation processes from the African Union, the United Nations and the Arab League, as well as several countries, especially Nigeria, Chad, Ethiopia and Qatar; which led to the signing of several peace agreements (see more details in chapter 3). Such mediated agreements include: the 8 April, 2004 Humanitarian Ceasefire Agreement on the
Conflict in Darfur and the Protocol on the Establishment of Humanitarian Assistance in Darfur, signed in N'Djamena, Chad Republic; the 28 May 2004 Agreement on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in Darfur signed in Addis Ababa, Ethiopia; the 09 November, 2004 Protocol between the Government of Sudan, the Sudan Liberation Movement / Army and the Justice and Equality Movement on the Enhancement of the Security Situation in Darfur in accordance with the N'Djamena Agreement signed in Abuja, Nigeria; the 05 July, 2005 Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur signed in Abuja, Nigeria.

Other mediated peace agreements for the management and resolution of the Darfur conflict include: the 5 May, 2006 Darfur Peace Agreement (DPA) signed in Abuja, Nigeria; the 17 February, 2009 Goodwill Agreement between the Government of Sudan and the Justice and Equality Movement signed in Doha, Qatar; the 23 February, 2010 Framework Agreement between the Government of and the Liberation and Justice Movement signed in Doha, Qatar and 18 March 2010 Ceasefire Agreement between the Government of Sudan and the Liberation and Justice Movement signed in Doha, Qatar. These mediated peace agreements culminated in the signing of the famous Doha Document for Peace in Darfur (DDPD) on 14 July, 2011, in Doha, Qatar; which finally and clearly laid down the strategies and procedures for the effective management and resolution of the conflict in the Darfur region of Sudan. Specifically, the final rounds of mediation activities that midwifed the DDPD were coordinated by a joint AU-UN Chief Mediator.

2.5.3 CONCILIATION

Conciliation as a mechanism for conflict resolution seeks to find a solution to conflicts by investigating the remote and immediate causes of a conflict, interrogating the facts and establishing the facts of the conflict and devising different means of settlement and presenting the settlement proposals to the parties in conflict. Essentially, a conciliation commission is vested with the power of investigation by the contending parties or the establishing authority. However, conciliation commissions liaise with the parties to the conflict to establish the procedures for carrying out its functions. Further, the objective, impartial and / or unbiased investigations and interrogations of the facts
of the conflict are critical in the discharge of the functions of a conciliation commission in order to enjoy the confidence of the contending parties. This is crucial to the disputant’s acceptance or rejection of the conciliation commission’s recommendations for peaceful settlement (Merrills, 1998).

Furthermore, conciliators facilitate constructive arguments and dialogue between the parties in disputes based on facts, as well as interpretation of relevant laws, conventions, treaties and statutes. However, the parties determine the outcome of the conciliation efforts since the settlement proposals can be accepted or rejected by the parties involved. Moreover, where the parties reject the proposals from the conciliation commission, the dispute may be referred for arbitration. In addition, conciliation can be viewed as a more formal aspect of mediation because it is more or less an institutionalized form of mediation. This is why most international conventions, treaties and charters stipulate conciliation in dispute settlement mechanisms as can be found in the African Union charter, the UN charter, OSCE convention on Conciliation and Arbitration, the European Union Convention for the Peaceful Settlement of Disputes, as well as the Vienna Convention for the Protection of the Ozone Layer, among others.

This mechanism was deployed in the negotiation processes that culminated in the signing of the Darfur Document for Peace in Darfur. Several conciliatory meetings were held in Sudan, Ethiopian, Nigeria and Doha before the parties finally reached an acceptable settlement agreement.

2.5.4 SECOND TRACK DIPLOMACY

Second track diplomacy, also referred to as track two diplomacy, is a movement from the traditional formal first track (Track One) diplomacy which involves direct formal interactions between government officials and diplomats through official communication channels. Track two diplomacy, according to Montville (1987:7), refers to an “informal interaction between members of adversary groups or nations that aims to develop strategies, influence public opinion and organize human and material resources in a way that might help resolve their conflict.” Jeong (2000) points out that because governments are not ready to admit their failures and inadequacies, rather they strive to look strong, fearless and indomitable in the face of opposition; hence formal interaction between nation states cannot be relied upon for the creation of the
enabling environment necessary for the peaceful settlement of differences among nation states, at all times.

Advocates of track two diplomacy argue that it is cannot be a replacement for the formal track one diplomacy. However, the informal second track diplomacy in comparison with the formal track one diplomacy where adversarial nation states tend to hide their real intentions, strive to achieve better relationships, as well as enhanced perceptions and positive emotions by working for a synergy among non-state actors outside the formal inter-governmental channels of communication. Therefore, second track diplomacy seeks to complement track one diplomacy in the sense that the synergy and understanding it creates helps in establishing the contacts, as well as agenda for formal government-to-government track one diplomacy, thereby pre-empting the peaceful settlement of the disputes at that level.

Moreover, second track diplomacy seeks to explore all available means of peaceful settlement through unofficial dialogue and interaction among international and local nongovernmental organizations (NGOs), professional bodies and interest groups, religious organizations, traditional institutions, influential individuals and statesmen as well as public opinion leaders within the adversarial states (Burton, 1984.). This unofficial interaction helps to alter the attitudes that promote the conflict by addressing misperceptions, misrepresentations, mutual suspicion and hatred; and encourages confidence building measures. In the process public opinion is mobilized in favour of peaceful settlement and pressure is brought to bear at the governmental level to seek peaceful settlement as against war.

Track two diplomacy was applicable in the Darfur conflict intrastate because track one diplomacy cannot be applied. Track one diplomacy is mostly applied to international conflicts. Some credible international NGOs, civil society organizations and other international entities, as well as international humanitarian organizations, interacted with local leaders, civil society organizations and NGOs to mobilize international support to end the conflicts in Darfur. These interactions went a long way in diffusing international tension by presenting the accurate and true state of affairs in the war-ravaged enclave. These moves softened the hard stands of some powerful countries, as some of the credible international NGOs and other international entities and civil society organization through extensive interactions with the local NGOs in Sudan,
lobbied their home governments and also applied pressure where necessary in favour of an effective and concerted international response to the Darfur conflict.

2.5.5 RECONCILIATION, POST - CONFLICT RECONSTRUCTION, CONFLICT TRANSFORMATION, PREVENTIVE DIPLOMACY AND EARLY WARNING SYSTEM

Reconciliation as a mechanism for conflict resolution is often deployed in the resolution of most deep-rooted and seemingly intractable conflicts like the Darfur conflict. It seeks to address the underlying causes of the conflict while encouraging the adversarial parties to accept realities and forge ahead, by creating new relationships devoid of mutual suspicion, anger, hatred and vendetta. Reconciliation, according to Jeong (2010:216), can be described as “a process to tackle the central needs and fears of the societies which grapple with the wounds of conflict.” Hence, efforts at reconciliation, healing and related activities should focus on both the psychological and pathological well-being of victims, supported by institutional, as well as structural, changes in society.

Most violent conflicts, like the conflict in Darfur, result in unavoidable human and material resources, creating territorial, sociological and economic dislocations in their wake. But the vicious circle of violence and the attendant dislocations have to be broken and addressed through reconciliation. Countries like Nigeria (1967 – 1970), Liberia (1989 – 1996; 1999 – 2003), Rwanda (1990 – 1994), Sierra Leone (1991 – 1992), among others who have experienced civil wars, ethnic cleansing and racial discrimination, would have to Forge ahead as one nation by addressing the past and forging new relationships by way of reconciliation.

Reconciliation also addresses the psychological damages resulting from violent conflicts by seeking to provide therapy for the trauma faced by victims. According to Kriesberg (1999:115), “appropriate subjective feelings and ways of thinking are needed to bring about and sustain reconciliation.” Further, reconciliation is necessary for the re-establishment of the dignity of the human person and restoration of a sense of humanity through the restoration of just and equitable relationships among former adversaries. However, Jeong (2000:193) points out that “the psychological well-being of former victims would not be improved by the demand of obligatory forgiveness for
the well-being of the community.” Consequently, forgiveness would not be achieved without justice because it does not necessarily result in reconciliation, since it could also be achieved by the suppression of anger. Hence, for reconciliation to be effective, offenders must accept responsibility for their actions and the victims accorded compensation, restitution, rescission or repair. The Truth and Reconciliation Commission in South Africa (1995) and Guatemala (1994) exemplify this mechanism.

However, this conflict resolution mechanism was effectively deployed in the resolution of the Darfur conflict. The Doha Document for Peace in Darfur (DDPD) specifically entrenched several reconciliatory strategies aimed at effective resolution of the Darfur conflict, such as the promotion of human rights and social justice; wealth and power sharing; compensation of victims, as well as reparation and rehabilitation for internally displaced persons.

POST - CONFLICT RECONSTRUCTION

Post-conflict reconstruction is a conflict prevention and resolution strategy that seeks to prevent the reoccurrence of violent conflict by building a reassuring, social, political, economic and psychological environment for the society after a violent and destructive civil war (Reychler, 1994). At the military level, it involves disarmament of rival combatants, demobilization of the rival troops, as well as reintegrating the ex-combatant into the society. It also entails reconstruction of damaged economic and social infrastructure and rehabilitation of victims of the conflict; as well as enthroning good governance that will uphold social justice, rule of law, freedom, human right and democracy (Peck, 1996; Pugh, 1998).

Post-conflict reconstruction and transformation also seek to build capacity of the institutions of state in terms of law enforcement, adjudication and criminal justice, as well as overall development of effective organs of government. This will ensure stability with respect to governance. And with good governance, which guarantees equal access to opportunities and creation of a conducive environment where individual liberty and potential will thrive, the tensions that necessitate violence will be drastically reduced. Further, truth and reconciliation are also facilitated at this stage. People admit their wrong doings and apologize and forgiveness is sought and obtained without compulsion. The post-conflict reconstruction and transformation in
Rwanda after the genocidal war is a typical example of effective post-conflict reconstruction and transformation.

The third party mediators adopted this strategy in the formulation of the Doha Document for Peace in Darfur and provided a detailed programme for post-conflict reconstruction and transformation in the Darfur region. The document which captured the important aspects of the DPA and made far reaching provisions aimed at addressing the underlying or root causes of the conflict as well as conflict transformation. The provisions range from wealth and power sharing, as well as accelerated development and reconstruction of the war-ravaged Darfur region; to disarmament, demobilization, reintegration and integration of combatants from the rebel movement into the Sudanese Military and Security Forces; promotion of fundamental human rights, among others. If the provisions of the DDPD had been realized, the Darfur conflict would have led to social, economic and political transformation of the region.

PREVENTIVE DIPLOMACY

Preventive diplomacy as a conflict prevention and management strategy can be defined as “action to prevent disputes from arising between parties, prevent existing disputes from escalating into conflicts and to limit the spread of the latter when it occurs” (Boutros-Ghali, 1995:45). It advocates a deliberate action aimed at easing tension among feuding parties, as well as creating an environment conducive to effective negotiation. This can be achieved through the deployment of peacekeepers, creation of demilitarized zones and confidence building measures, as well as establishment of commissions of enquiry.

There is a general belief that prevention strategy is usually better than curative strategy. Hence, proactive measures aimed at containing the escalation of violence or diffusing tension and breaking the cycle of violence is better than reactive measures aimed at peace enforcement. Peck (1996) argues that early strategies, aimed at persuading the conflicting parties from taking action that can deteriorate into violent conflict, is better than trying to suppress violent confrontations by the use and / or threat to use force.
The concept of preventive diplomacy does not, however, address the deeply rooted conflicts. It does not aim at resolving conflicts but seeks to avert the escalation of conflicts by focusing on the political, psychological, social and economic factors that produce tension and instability as against the deep-rooted behavioural patterns that predispose the parties to conflict (Lund, 1996). Hence, post-conflict reconstruction and conflict transformation should take place as soon as the conflict is managed to a point where there is cessation of hostilities.

The AU and the UN, as stated earlier, deployed AMIS and UNAMID by way of preventive diplomacy to stem the escalation of violence in Darfur. This provided the enabling environment within which the various peace negotiations and mediation resulted in the signing of the DDPD which brought hostilities to a halt and proffered the way forward for resolution/transformation and reconstruction of the war ravaged Darfur region of Sudan.

EARLY WARNING SYSTEMS

Early warning systems are a conflict prevention mechanism that seek to identify areas of potential conflict and address them on time in order to avoid violent confrontation through deployment of monitoring capabilities with complementary military, political, economic and social indicators. It evaluates the possibility that certain acts of oppression, repression and resistance may result in violent conflict and provides information on how to avert the cycle of violence. A global early warning mechanism provides information as a necessary first step in preventing the escalation of conflict.

International organizations such as the United Nations and the African Union, among others, have over the years developed mechanisms that monitor dangerous activities like mobilization of rebel groups, unconstitutional and radical change in national leadership; patterns of political, social and economic marginalization and discrimination and bad or detrimental government policies across regions in order to provide accurate and reliable information and analysis that will assist policy makers in adopting preventive measures that will abort a potential conflict (Gurr, 1996).
The African Union’s early warning mechanism, however, failed to prevent the outbreak of hostilities in the Darfur region of Sudan. The conflict in the Darfur region of Sudan was a litmus test for the AU's African Peace and Security Architecture which included the mechanism of a continental early warning system. Its failure in the prevention of the conflict in the Darfur region of Sudan clearly exposed the lack of capacity on the part of the AU APSA and its continental early warning system in conflict prevention in Africa (see chapter 4 for more discussion on early warning systems, the AU and the Darfur conflict).

2.5.6 JUDICIAL SETTLEMENT

Judicial Settlement as a mechanism of conflict prevention, management and resolution is a formal and institutionalized means of settlement of disputes among contending parties. The power of settlement is vested in local and international courts. However, while compulsory jurisdiction is obtainable at the national level, states are at liberty whether to accept the jurisdiction of international courts or not. Moreover, issues of jurisdiction, the nature and ground for claims, procedures and methods of evidence, as well as investigation of claims is well defined, conditioned and determined by customary, state and international law as the case may be (Peck, 1998).

In international relations, the jurisdiction of the international courts, as in arbitrations, is subject to the consent of the adversarial parties. The difference between arbitration and judicial settlement lies in the choice of the procedures and judges to handle the dispute. Whereas in the case of arbitration, the disputants are at liberty to agree on the choice of judges and the procedures to be adopted by the arbitration courts; in judicial settlement the disputants do not have such liberties as the judicial system already has established norms and procedures with standing judges who may be assigned cases by heads of courts at their discretion.

However, settlement of disputes through judicial settlement may be relevant in some cases, but it does not suffice in most deeply-rooted conflicts. There are some disputes that cannot be successfully resolved through the judicial system as the judicial system, which is strictly based on law, legal rules of evidence, as well as legal arguments and written addresses, will certainly miss out on the political, sociological and other intrinsic
aspects which are tangential to the resolution of deeply rooted conflicts. Moreover, because adversaries face each other in courts to argue their case, this tends to encourage rather than alter adversarial relationships. Furthermore, the win or lose syndrome inherent in judicial settlement does not address deep rooted political, religious and ethnic conflicts.

Nevertheless, judicial settlement in international conflict resolution over the years has helped in resolving territorial disputes even though there is a lack of power of sanctions to force nations to comply with decisions of the international courts. The dispute between Nigeria and the Cameroons (over the oil rich Bakassi Peninsula (2002), the border dispute between Mali and Burkina Faso (1986), as well as the dispute between Chad and Libya (1994) over the Aouzou Strip are some of the cases that the international courts of Justice successfully adjudicated with the compliance of the parties involved.

The International Criminal Court (ICC) has been visible in the adjudication of cases brought before it by Civil Society groups, aggrieved parties and states, as well as the United Nations High Commission on Human Rights in the case of human rights, and international humanitarian law violations, war crimes and crimes against humanity. The ICC, which came into operation in 2002 as a judicial tribunal, is different from the International Court of Justice (ICJ). Whilst the ICC has jurisdiction to prosecute persons or individuals indicted for war crimes, genocide, crimes against humanity as well as human rights violations; the ICJ, also known as the World Court which became operational in 1946 as one of the organs of the UN, settles disputes referred to it by UN member states and also offers legal advice to the UN and it's specialised agencies.

These offences referred to the ICC are often committed during protracted violent conflict such as the conflict in the Darfur region of Sudan (2003 – 2013), the conflict in Kenya (2007), Cote d'Ivoire (2010 – 2011), Liberia (1991 – 2002) and Libya (2011), among others. However, in the case of war crimes and crimes against humanity, as well as human rights and humanitarian law violations during the Darfur conflict, certain individuals involved in the conflict, including the President of Sudan, Omar Al-Bashir, were charged before the International Criminal Court in Hague. The ICC has since 2009, issued an international warrant of arrest against some of the individuals indicted by the ICC special prosecutor, including the President of Sudan, Omar Al-Bashir, for
prosecution at the ICC in Hague. Arguably, the indictment by the ICC may have contributed to the desire by the GoS to quickly seek for every means of ending the hostilities, thereby making serious concessions in the peace negotiations following Al-Bashir’s indictment by the ICC; and also setting up a commission of inquiry to address the issues of human rights and international humanitarian law violations and advise the GoS. However, there is lack of political will and co-operation from African heads of states and the AU regarding the execution of the international warrant of arrest against Al-Bashir. Similarly, the Arab League, China and Russia are not favourably disposed to his indictment and international warrant of arrest by the ICC. Hence Al-Bashir has since travelled to Nigeria, South Africa, Ethiopian, United Arab Emirates, Kenya, Egypt, Qatar and Djibouti among other countries but was not arrested in accordance with the ICC international warrant of arrest against him.

2.5.7 PEACEKEEPING OPERATIONS (PKO) AND PEACE ENFORCEMENT

There is no generally agreed definition of peacekeeping among scholars, but there is a general consensus among scholars that peacekeeping involves intervention by neutral and impartial third (international) parties; with both military forces and non-military personnel authorized by the United Nations or Regional Organizations to facilitate security and create the enabling environment for conflict resolution and transformation through the prevention of escalation, as well as other activities in aid of peace (Heldt and Wallensteen, 2005; Diehl, 1994; Goulding, 1993; Durch, 1993).

However, peacekeeping, according to Malan et al., (1997:9-10) can be referred to as “the containment, moderation and or termination of hostilities between or within states, through the medium of an impartial third party intervention, organized and directed internationally, using military forces and civilians” to create an interactive framework within which the resolution of the conflict, as well as restoration, promotion and maintenance of peace and security, can be achieved.” It is essentially a mechanism “developed mainly by the United Nations to help control and resolve armed conflict.” A Peacekeeping Operation according to Malan et al., (1997:9-10) can be described as a peace operation:

“…conducted with the consent of the belligerent parties to a conflict to maintain a negotiated truce in support of diplomatic efforts to achieve or maintain peace
in response to a request from the host nation(s) to an international organization or to friendly nation(s).”

The above definition depicts the early stages of the formation of peace missions by the United Nations often referred to as traditional peacekeeping. This concept described by Ramsbotham et al. (2005) as first generation peacekeeping is based on the principle of consent of the conflict parties, neutrality and impartiality and non-use of force except in self-defence. It is pertinent to point out here, that this concept of peacekeeping is not mentioned in the United Nations Charter, but was devised by the UN at the initial stage of the Cold War. This was due to the inability of the UN Security Council to adhere to the original collective security and peace enforcement system, based on the authority of the Security Council and major power consensus, as a result of the increasing disagreement between the two superpowers – the USA and the former USSR. Peacekeeping as a concept was, therefore, developed progressively to meet the challenges, as it were.

Chapter VI of the UN Charter advocates for non-violent and peaceful settlement of disputes. Article 33 recommends dispute settlement methods from which parties may choose negotiations, mediation, conciliation, arbitration, judicial settlement, resorting to regional arrangements, or other peaceful means of their own choice in fulfilment of their obligation under the UN Charter. Although Chapter VI contains legal obligations for states, its peace-making strategy is based upon the consent of parties in dispute. Whereas Chapter VII of the United Nations Charter empowers the United Nations Security to impose economic sanctions, as well as armed force where necessary in furtherance of its overall mandate of maintain world peace and security. Since both Chapters VI and VII of the UN Charter did not envisage the concept of peacekeeping as espoused within the principles of traditional peacekeeping, it is suggested that peacekeeping falls in between Chapters VI and VII, commonly referred to as the unwritten Chapter VI ½.

The principles applied to the early UN (traditional) peacekeeping operations in accordance with Chapter VI of the United Nations Charter can be summarised as considered, as peacekeeping operations are based on consent of the parties to the conflict. Their deployments in an area of conflict require the consent of the host government and the other main parties to the conflict. The principle of consent also
applies to the troop-contributing Countries (TCCs), which contribute the required military personnel on a voluntary basis. It can also be referred to as peacekeeping by Non-use of force. The UN peacekeepers are not authorized to use force except in self-defence. They are required to act with restraint at all times and seek to carry out their mission by negotiation and persuasion as against coercion. Another aspect of the early UN traditional peacekeeping operation is Neutrality/Impartiality. The UN peacekeepers sent to conflict areas are obliged not to side or support the interests of one of the parties against those of the others.

Examples of traditional peacekeeping operations are the monitoring of cease-fires, the controlling of buffer-zones, and armistice or truce supervision, etcetera. Moreover, there are at least two sub-types of traditional Peacekeeping Operations, namely: unarmed military observer groups, such as the United Nations Truce Supervision Organization (UNTSO) deployed in the Middle East in 1948 (the first UN Peacekeeping mission) and the UN Military Observer Group in India and Pakistan (UNMOGIP) deployed to monitor the ceasefire line between India and Pakistan in the State of Jammu and Kashmir in 1949. The second sub-type is armed infantry-based forces with the task of controlling territory in order to achieve effects conducive to peace-making such as UNEFI deployed to maintain peace and security in the Suez Canal and Sinai in 1956 (the first UN armed Peacekeeping mission) and the first large-scale mission - UN Operation in the Congo (ONUC) in 1960, comprising approximately 20,000 military personnel at its peak. Unfortunately, ONUC exposed the risks involved in trying to apply the traditional peacekeeping strategy to intra state conflict or civil wars as the mission incurred serious casualties (about 250 UN personnel died while serving on that mission, including the Secretary-General Dag Hammarskjold).

The experience of ONUC engendered a serious debate on the effectiveness of traditional peacekeeping in intrastate conflicts as it was originally designed to deal with intra state conflicts as in the case of In the United Nations Truce Supervision Organization (UNTSO), the UN Military Observer Group in India and Pakistan (UNMOGIP), UN Peacekeeping Force in Cyprus (UNFICYP), UN Emergency Force I and II (UNEFI & II), UN Disengagement Observer Force (UNDOF) and UN Interim Force in Lebanon (UNIFIL) (Ramsbotham, et al, 2005).
Chapter VII of the UN Charter (a covenant which binds and regulates the relationship between UN member states) clearly describes peace enforcement as a collective action by air, sea or land forces against an aggressor; clearly identified as such by the UN Security Council, in the maintenance, promotion or restoration of world peace and security; which may involve the enforcement of sanctions and/or the conduct of military action. Peace enforcement can, therefore, be referred to as action taken in furtherance of Chapter VII of the UN Charter; which entails the deployment of military force in the bid to restore and maintain peace in a conflict situation. The situation includes both inter-state conflict and intra state conflicts, humanitarian intervention to prevent human rights violations, genocide and crimes against humanity as well as the restoration and maintenance of law and order in failed states where institutions of state had collapsed.

This development in the concept of peace operations was canvassed by the Secretary General’s Report (1992) titled: An Agenda for Peace, which included peace-enforcement among its four-point agenda for peacekeeping in a post-cold war world order. This new approach became operationalized in the UN Protection Force in the former Yugoslavia (UNPROFOR) in 1992; UN Operation in Somalia II (UNOSOM II) in 1993; and UN Assistance Mission in Rwanda (UNAMIR) in 1993. These were operations that started as peacekeeping but were later mixed with elements of peace-enforcement or transformed into peace-enforcement (Ramsbotham et al., 2005).

Originally, the role assigned to peacekeepers by the UN was merely to separate belligerent forces and observe cease-fires, truces or armistice. Therefore, the success of such peace operations depends on active collaboration and support of the feuding parties. Presently majority of conflicts are ethnic-based disputes, internal political struggles, religious conflicts or the collapse of state institutions which makes it difficult for the UN to obtain the consent of the warring parties. Hence, the UN has been acting without the clear consent of the opposing parties. The consequence of lack of consent is that the environment for peacekeeping is no longer benign, as peace operation personnel operate in an environment of continuing armed conflict in places where there are poorly defined borders or cease-fire lines and no guarantees of respect for their safety.
This new and complex environment coupled with the initiative of the UN to remain relevant in the 21st century world affairs and increasing pressure on scarce resources dictates that the UN rethink its doctrines, strategy and approach to peace operations. Thus, the UN had to balance the avalanche of criticisms from two opposing sides. On the one hand came criticisms which question the effectiveness of impartial non-use of force in war zones and criticisms derived from the argument that the international community should either allow conflicts to burn themselves out or intervene on one side, seen as a better option of ending the conflict. And on the other hand there were serious criticisms challenging the appropriateness of what appears to be western democratic ideas and its conflict resolution models such as the concept of democratic peace designed to masquerade the imperialist (real) intention of the interveners (Rief, 1994; Betts, 1994; Luttwark, 1999; Clapham, 1996b).

The initiative for peacekeeping in Africa, according to Fung (1996), derives from two points of view, internal and external. According to Fung, the internal source translates into AU’s effort, while the external lies in the support of the West, as well as the UN towards the African initiative. He maintains that such support will only be meaningful and effective, if it is properly coordinated and entrenched into the AU conflict management and resolution mechanism. Fung also remarks that peacekeeping requires a well-defined focus to ensure its success, especially when regional peace keeping forces, which are involved in peace keeping efforts, present greater political sensitivity and many susceptibilities. This, according to Fung, is because the interests of countries tend to affect the perception and attitude of contingents in conflict situation. Hence disputants are sensitive and suspicious.

Fung further declares that lessons learnt from previous operations should serve as a guide in future operations, and that efforts should be made to institutionalize the experience into the armed forces at national levels, and draw up an appropriate and well defined legal framework for peacekeeping at the regional or sub-regional levels, as this would help overcome the ad hoc nature of peace- keeping in Africa. Fung calls the UN Security Council to take more serious action against violations of agreements and disregard of its decisions by warring parties while emphasizing the need to disarm non-state actors or rebel forces (militia) and deal with threats to law and order at the end of every armed conflict.
Peacekeeping evolved as a pragmatic approach to a variety of international conflicts. Traditional peacekeeping could be seen as the deployment of armed forces to separate belligerents and monitor cease-fire while a political settlement is sought. However, the politics of peacekeeping have been complex and mixed due to various interests of member nations. For example, the Sudanese government initially refused to allow the UN peacekeeping troops to take over the Darfur mission from the African Union Mission in Sudan (AMIS) despite all entreaties. While Sudan was sceptical about UN peacekeeping efforts, Liberia, Cote d’Ivoire and Sierra Leone received the UN peacekeepers wholeheartedly.

However, the UN initiative, which aimed at mitigating the challenges of peacekeeping/peace enforcement, in order to remain relevant in international conflict prevention, management and resolution in the new millennium, culminated in the expeditious consideration of the recommendations of the Brahimi Report (2000) by the UN General Assembly and the Security Council. The Brahimi report recommended a robust (multidimensional) approach to international peace operations as a way of avoiding the failures of past peace operations. The report recommends that UN peace mission should only be deployed if and when it has been given a clear and achievable mandate with the resources to defend itself, the mission mandate and other mission components; and its authority to use military force clearly defined before its deployment.

Finally, Butler (2009:68-9) cites the “conceptual imprecision” of peacekeeping even by the United Nations that established the concept, as well as its misapplication by the United States of America in some conflict zones (abuse of the UN peacekeeping mechanism in furtherance of American foreign policy interest) and concludes that:

“… the terminological imprecision associated with peacekeeping is particularly evident in political circles and media coverage; it is not limited to those realms. While most scholars of peacekeeping seem to operate within a common frame of reference, using the term to refer to international efforts built around termination of armed conflict and/or the resolution of their underlying disputes, significant and sometimes contradictory variants exist.”
A Peacekeeping/Enforcement Operation was deployed by the African Union and United Nations to deal with the conflict in the Darfur region of Sudan first as AMIS under the Auspices of the African Union and later as a United Nations and African Union Hybrid Mission (UNAMID).

2.5.8 PEACE SUPPORT OPERATIONS - PSO (MULTIDIMENSIONAL PEACE (OPERATIONS)

Peace Support Operations according to Malan et al. (1997: 9-10) refer to a generic “term encompassing the ambit of operations between preventive diplomacy and enforcement” including diplomatic actions, peacekeeping, multifunctional peace-making, peace-building, humanitarian operations, and use of military force; it may also include regional, sub-regional, multilateral and other forms of engagement with willing state actors and a Non-governmental Organization in concerted efforts aimed at conflict prevention, management and resolution/transformation and other humanitarian activities.

This peacekeeping operation model also known as third generation peacekeeping, clearly:

“... Envisages [the] use of military capabilities across the full spectrum of tension from traditional peacekeeping duties through to combat against spoilers and enemies of the peace” (Ramsbotham et al., 2005: 141-153)

This model essentially provides that peace operations will be fully engaged in both combat and non-combat operations when necessary in order to fulfil the mission mandate. The non-combat mandate includes reconstruction of war damaged infrastructure; provision of non-existent but critical infrastructure; assistance in rebuilding state institutions of democracy, law and order, electoral assistance; disarmament, demobilization and reintegration of ex-combatants as well as peace-making and peace building activities by both military and non-military components of the mission.

However, since the introduction of this complex, multidimensional approach to international peace operations, mainly by the UN, with the Security Council authorizing
every new peace mission to use every necessary measure (including to use of force where necessary) to achieve its mandate; there has been a sharp increase in the number of UN-led peace support missions. This new mechanism marked a radical departure from past peace operations enhancing the participation of non-military personnel as important components of a peace mission while retaining the military as the backbone of the mission. These civilian personnel include administrators, economists, police officers, legal experts, de-miners, electoral observers, human rights monitors, civil affairs and governance specialists, humanitarian workers, communications and public information experts, among others.

The protracted conflict in the Darfur region of Sudan as demonstrated in this research, was eventually managed and resolved to a reasonable extent by the deployment of a multi-dimensional peace support operation in the form of the United Nations / African Union hybrid Mission in Darfur. The UNAMID is one of the success stories of the United Nations’ efforts at peace support operations.

2.6 THEORETICAL ISSUES

Theories demystify this complex and intellectually confusing universe. They reflect attempts by scholars to make general conclusions about a wide range of phenomena. They afford researchers the opportunity to argue in more general terms by making abstractions from reality and building models. Theories also help researchers to reduce complex phenomena into intellectually manageable units of analysis, thereby making it less difficult to understand common patterns of similarities and differences in complex interrelated phenomena (Hauss, 2001).

Theories in conflict studies are largely normative. Normative theorists seek to prescribe ways of preventing, managing and resolving conflicts. Hence, they seek to propose what ought to be done to prevent conflicts from becoming violent, even as they also prescribe what ought to be done to manage an existing conflict to prevent the escalation of violence, as well as what ought to be done to resolve conflicts when the conflicts have been managed to a ceasefire situation.

Often referred to as liberal institutionalists, conflict resolution theorists believe that peace and security in the world system can be achieved through co-operation. They
argue that the realist view of international relations based on state pursuit of power and balance of power does not promote peace and security. Hence, they posit that international institutions can influence or alter the behaviour of states from egocentric power-seekers to peace-seekers through co-operation and mutual understanding. They therefore, disagree with the realist view that states are the only rational actors in international relations. Liberal International institutionalist theorists posit that the outcome of conflict resolution can only be a win-win affair because states deliberately seek peace through active co-operation made possible by international organizations (Cohen & Martin, 1995). The African Union is one of such international organizations that seek to promote peace and security in Africa.

Realist theories of international relations claim to adopt empirical methods of analysis. Empirical theories seek to explain why nations seek peaceful resolution of conflicts at one time and at other times seek other means of settling disputes, such as war. Often regarded as traditionalists in international relations, realist theorists adopt the systems level of analysis in explaining ‘what is’ and not ‘what ought to be’ unlike the liberal normative scholars. Realists see states as the only rational actors in international relations, who seek to maximize their power gains, while trying to maintain a balance of power, or to achieve relative power advantage in the international distribution of power, in an anarchical world system, characterized by self-help.

While admitting interdependence among states, the realists argue that the liberal institutionalism’s view that international institutions can alter the behaviour of states is false. They posit that states claim to co-operate by acting through international organizations, but actually seek to promote the calculated self-interest of the states based primarily on the international distribution of power. Hence, the most powerful states seek to create international institutions and shape the institutions in such a way as to consolidate or even increase its share of power in the world system. Mearsheimer (1994) argues that international institutions constitute a playing ground for power relationships, where powerful states only obey those rules that suit their national interest; and that peace and war are a function of balance of power.

This study will analyse conflict prevention, management and resolution in Africa with the conflict in the Darfur region of Sudan (2003 – 2015) as a case study, based on the works of liberal peace theorists in the field of conflict prevention, management and

However, this research is situated within the structural conflict framework (see detailed explanation in following sections). It further developed the “Violent Intrastate Conflicts Model” in the explanation and analysis of the conflict in the Darfur region of Sudan (2330 – 2013)

2.6.1 STRUCTURAL CONFLICT

The terms structural conflict, structural violence or indirect violence are used interchangeably in this study. The structural conflict theory focuses on attitudes and behaviour which promote structural inequalities in the distribution of resources in a society. These structural inequalities foster social, economic and political injustices which constitute the core of conflict structures that manifest in violent conflicts. Rubinstein (2015) reflects that:

“The structural sources of violent strife [conflict] may be either hidden or accepted as substantially immutable givens. Examples of hidden sources are legion. They frequently involve an assumption by the analyst or observer that the conflict is purely personal when it is also socio-political, and that it is purely political when it is socioeconomic, or that it is driven solely by ideological differences when deeper psychological structures are also implicated” (Woodhouse, et al, 2015:126).

Structural conflict or indirect violence, as stated earlier, generally refers to all actions and inactions that are injurious to human existence such as: political, economic and social injustice which manifest in structural inequality in local and international division of labour in international political economy; colonialism, slavery and exploitation; marginalization, discrimination, oppression, repression and discrimination; unequal
distribution and access to basic welfare amenities; wealth and employment opportunities; poverty, hunger, disease and death (Freire, 1998; Galtung, 1996; Wenden, 1995). These peace researchers assert that structural violence manifests in the imposition of discriminatory, exploitative, oppressive, obnoxious and repressive practices on individuals or groups in systematic and organized ways by social, political and economic systems and structures. Jeong (2000:21) notes that:

“Discrimination results in denying people important rights such as economic opportunities, social and political equality and a sense of autonomy and freedom. The gross violation of human rights and dignity prevents the optimum development of each human being. The lack of an opportunity for self-fulfilment can be based on race, religion, gender, sexual preference, economic status or age … when people starve to death because of lack of food (which is abundant to others), an exploitative economic system contributing to the monopoly of wealth by a few becomes a source of structural violence”.

This connotes that the denial of opportunities for people to obtain decent education, employment, living accommodation and freedom of expression also creates marginalization. This situation creates social and political tension which the state strives to suppress by deploying repressive coercive might, thereby engendering and perpetuating negative peace; such as witnessed in the Western Sudanese region of Darfur before the outbreak of large scale armed hostilities in 2003.

The early proponents of this theory, like Karl Max and Frederick Angels, developed a radical approach to the structural conflict theory based on the Marxist concept of dialectical materialisms. However, liberal peace theorists such as Galtung (1996:171) developed a liberal structuralist approach to the conflict theory and introduced the term structural violence in his analysis of indirect violence with the assertion that indirect violence manifest as “unequal power and consequently as unequal life chances.” Galtung deployed the conflict triangle in his model of “violence, conflict and peace” to illustrate the three components of a conflict structure (contradictions, attitudes and behaviour) which change over time to bring violence or peace.

Faleti (2006) notes that the weakness of the structural conflict theory lies with its emphasis on material needs, insisting that there could be other causes of structural
violence, although he did not clearly specify those other causes. He, however, concludes that the structural conflict theory explains how “the competing interests of groups tie conflict directly into the social, economic, and political organisation of society as well as nature and strength of social networks within and between community groups” (Faleti, 2006:42).

The structural conflict theory explains that violent conflicts are conditioned and influenced by social, economic and political injustices which create inequalities in the distribution of resources in societies. The prevailing structural violence in Darfur prior to 2003 created an environment which made it possible for the rebel leaders to mobilise the masses for armed violence against the GoS.

2.6.2 ENVIRONMENTAL SCARCITY

Environmental scarcity, according to Homer-Dixon (1999), which may be the consequence of environmental degradation, could lead to competition for scarce resources and violent conflicts. When the scarce resources are authoritatively allocated to the disadvantage of a particular group, scarcity induces conflicts in the form of tribal wars and insurgences may occur. Environmental scarcity has “a variety of critical social effects, including declining food production, general economic stagnation or decline, displacement of population, and the disruption of institutions and traditional social relations among people and groups” (Homer- Dixon, 1998:346). The theory of environmental scarcity can be categorised into three. One can be described as supply-induced scarcity which occurs when resources are not replenished as fast as they are depleted. The other can be referred to as demand-induced scarcity which presents a situation where the population growth is greater than the available resources accruable within the environment; while that third category can be described as structural scarcity which occurs as a result of unequal or inequitable distribution of available environmental resources (Homer-Dixon, 1994, 1999).

Gleditsch (1998:387), in agreement with Homer-Dixon, asserts that “environmental degradation may exacerbate resource conflicts because it reduces the quantity or quality or the resource in question.” Similarly, Brunborg and Urdal (2005:371) argue that “demographic factors may, however, also be potential causes of conflict.” Hauge and Ellingsen (1998:301) also agree with the argument that environmental scarcity
creates the environment for conflict as they aver that “increased environmental scarcity have several consequences, which in turn may lead to domestic armed conflict.”

The “environmental scarcity theory” can be adopted in explaining how environmental degradation as a result of desertification contributed to the conflict in the Darfur region of Sudan. However, the prolonged drought of the 1980–90s increased desert encroachment and reduction in soil fertility which greatly affected crop farming. Crop farming is the main occupation of the majority of the non-Arab African sedentary farmers from the south and subsequently led to a decline in food production. Pastoral nomadism, on the other hand, is the main means of livelihood of the majority of Arab Darfurians from the North. As the prolonged drought persisted, crop farming became unpredictable; causing many crop farmers to switch to animal husbandry and needing grazing land for their livestock. At the same time, the nomadic pastoralists, also feeling the effects of the drought as grazing land in northern Darfur shrank considerably, continued to move southwards in search of grazing land for their herds. The Arabic herdsmen were eventually resisted by the southern non-Arab farmers (Sikainga, 2009).

The forced migration from the Northern part of Darfur towards the South in search of arable land and water wells caused destructive competition for the scare arable lands and water resources between the migrant Arabic herdsmen and the indigenous African farmers. The incessant clashes created by the struggle for these scarce resources, was exacerbated by ill-conceived government land redistribution policies which favoured the migrant Arabic herdsmen against the indigenous African famers.

2.6.3 GREED AND GRIEVANCE

The basic assumption is that the greed for power and grievance against the ruling elites, rather than the interest of the masses, motivate rebel leader to mobilize their people for armed uprising against the state. Collier and Hoffler (2001) argue that the rebel leaders profit from the conflicts to the detriment of the poor masses, who bear the brunt of the violence. The rebel leaders, according to Collier and Hoffler (2001), instigate and perpetuate insurgences as a kind of organised crime for their selfish financial gains. This is common in weak states with abundant natural resources such
as Liberia, Sierra Leone, Angola and Nigeria, among others. During the course of the violent conflicts, the rebel leader targets territories that are rich in natural resources, like diamonds in the case of Liberia and Sierra Leone and crude oil in the case of Nigeria and Angola. Insurgent groups like the ISIS and Boko Haram engage in the business of kidnapping and armed robbery to raise funds for the purchase of arms and ammunition as well as their upkeep.

Ballentine (2004), however, disagrees with the position of Collier and Hoffler (2001, 2004) that intra state conflicts or insurgences are instigated by greedy rebel leaders. While acknowledging the influence of greedy rebel leaders on violent intra state conflicts, Ballentine asserts that grievances resulting from social, economic and political injustices, insecurity and age-long ethnic clashes are the primary causes of insurgences.

This research derives theoretical impetus from the “greed” argument of Collier in understanding the dubious role of the rebel leaders in the Darfur conflict. The proliferation of rebel movements, the rejection of some of the peace agreements by some rebel factions as well as the territorial clashes among the rebel groups suggests that some of the leaders may have profited from the conflict while it lasted. In the meantime, the poor masses were being killed, raped, maimed and tortured as their property and means of livelihood were destroyed. Those who survived the conflict languished in IDP camps and refugee camps in neighbouring Chad republic. Ballentine’s argument on grievances, on the other hand, provides an understanding of the structural violence that created the enabling environment which made it possible for the rebel leaders to mobilise the masses of Darfur for war against the GoS.

2.6.4 INTERNATIONAL “CONSPIRACY THEORY”

Conspiracy theory can be referred to as a hypothesis which seeks to explain events or phenomena bases on the assumption that a group of individuals, institutions, organisations, state and non-state actors among others, colluded or secretly planned and executed or influenced illegal actions or activities with detrimental or harmful consequences (Ayto, 1999; Pigden, 2007; Caody, 2007).
Further, conspiracy theory, according to the Cambridge dictionary (2016) “is a belief that an unpleasant event or situation is the result of a secret plan made by powerful people.” Blackiewics (2015) posits that conspiracy theory as an extreme and speculative hypothesis has been used in the explanation of occurrences, phenomena or events since 1870. De-Haven-Smiths (2013), however, is of the opinion that conspiracy theory was developed in the 1960s by the American CIA in response to rampant conspiracy theories surrounding the assassination of former President of the United States of America, J.F Kennedy (Brotherton, 2015).

Furthermore, West and Sanders (2003) aver that that conspiracy theory can be compared to religious fundamentalism and hyper nationalism. They conclude that although conspiracy theorists on the social media are most times disregarded, there is proof that a large number of present day Americans across the board subscribed to conspiracy theories. However, Goertzel (1994) argues that some Psychologists are of the view that one conspiracy theory propels the believer to believe in others, even when such theories are contradictory. This psychological view is shared by van der Linden (2013) who submits that belief in one conspiracy theory results in the propagation of others, irrespective of the contradictions therein. Van der Linden concludes that some conspiracy theories have been linked to “Schizotypy” and “paranoia”, a condition which, according to van der Linden, predisposes people to always seeing what is non-existent.

Young and Nathanson (2010:275) critically rebutted the contention by Van der Linden and other Psychologists that conspiracy theory is linked to “paranoia, psychotic and delusional state in which people are tormented by irrational fear of sinister enemies or implacable conspiracies for political purposes;” and that conspiracy theorists are mentally deranged. Young and Nathanson maintained that it is not all conspiracy theories that are imagined by paranoids. They further posit that:

“Every real conspiracy has had at least four characteristic features: groups, not isolated individuals; illegal or sinister aims, not ones that would benefit society as a whole; orchestrated acts, not a series of spontaneous and haphazard ones; and secret planning, not public discussion.”
However, while some scholars argue that conspiracy theories try to scrutinize the activities and covert alliances of individuals (Bratich, 2008; Byford, 2011); others assert that conspiracy theories try to uncover that underlying interplay of power among various groups in a society (Nefes, 2013).

Barkun (2003) and Walker (2013) identified different kinds of conspiracy theories. Barkun categorized conspiracy theories into events, systemic and superconspiracy theories. Event conspiracy theories, according to Barkun, explain the reason for the occurrence of events, while systemic conspiracy theories refer to those conspiracy theories that aims to control states, regions and the world system; whereas superconspiracy theories refer to multiple conspiracies.

Walker further explained that there are five kinds of conspiracy theories, namely: the enemy outside, within, above and below conspiracy theories as well as the benevolent conspiracy theories. The enemy outside, according to Walker, forms an evil alliance with the enemy within to carry out their devilish agenda with the state or community; whereas the above theory refers to those powerful entities that seek to manipulate and control events within the state, regional and world systems for their own selfish interests; while the enemy below refers to the lower class seeking to overthrow an unfavourable social system or existing status quo. Walker concludes that the benevolent conspiracy theories refer to the benign and charitable forces working covertly to bring about justice and equity in the world system.

Rothbard (2006), in his analysis of conspiracy theories, distinguished and contrasted “shallow” and “deep” conspiracies. Shallow conspiracies, according to Rothbard, seek to find out the beneficiary of a shady event and conclude that the beneficiary secretly influenced and manipulated the event; whereas deep conspiracies seek evidential proof in order to ascertain the validity of early suspicions and arrive at conclusions based on cogent and verifiable facts.

However, International conspiracy theory can be described as those conspiracy theories that involve international actors. For the purpose of this research, international conspiracy theory will be applied to the conflict in the Darfur region of Sudan (2003 – 2013).
There are claims and counter claims of international conspiracies in respect of the conflict in the Darfur region of Sudan. The GoS accused the international community, especially the US, EU and Israel and foreign NGOs of sponsoring and encouraging the Darfur rebels in collaboration with some African country such as Uganda. The Darfur rebels, on the other hand, allege that GoS was sponsored by some Arab countries led by Libya under the leadership of Gadhafi to embark on the notorious Arabization and Arab apartheid policy in Sudan, which specifically targeted the indigenous sedentary African tribes of Western Sudanese region of Darfur (see detailed analysis in chapter 6).

2.7 SUMMARY AND CONCLUSION

This chapter explored the concepts of conflict prevention, management and resolution, as well conflict, peace and violence, including peacekeeping, enforcements and multidimensional peace support operations. It also presented the mechanism for conflict prevention, management and resolution. Moreover, some conflict prevention, management and resolution models were also presented in this chapter.

Further, this chapter, upon a critical examination of the concept of conflict prevention, management and resolution, posits that conflict prevention is central to the gamut of the conflict prevention, management and resolution theory. Moreover, after a critical review of available literature, this chapter concludes that there are elements of prevention in the management and resolution process because the aim of conflict management is to prevent the escalation of violent conflict, thereby creating the enabling environment for its eventual resolution whereas the major objective of conflict resolution is to prevent the reoccurrence of violent conflict by addressing the underlying causes of the conflict.

Finally, this chapter focused on the theoretical issues such as structural violence, environmental scarcity, grievance and greed as well as international conspiracy.
CHAPTER THREE
HISTORICAL BACKGROUND AND TIMELINE OF THE CONFLICT IN THE
DARFUR REGION OF SUDAN (2003 – 2013)

3.1 INTRODUCTION

This chapter presents a detailed background to the conflict in the Darfur region of Sudan as well as a brief history of Sudan and its Western region of Darfur. It also presents the timeline or chronology of the major events that occurred during the conflict. It further narrows the review of available literature in conflict prevention, management and resolution of conflicts in Africa to the Darfur conflict.

3.2 SUDAN

Sudan, officially addressed as the Republic of Sudan, is located between longitudes 22˚ and 38˚ east and latitudes 4˚ and 22˚ north of the equator. The country’s name was derived from the Arabic phrase; “bilad al-Sudan,” meaning land of the blacks.

The Republic of Sudan secured its independence from Britain and Egypt on January 1, 1956. An Arab republic in the Nile Valley of North Africa, Sudan was the largest country in Africa and the Arab world prior to the separation of South Sudan from Sudan. South Sudan became an independent country in 2011, following a protracted civil war and an independence referendum. Sudan is now the third largest country in Africa in terms of land area, behind Algeria and the Democratic Republic of the Congo with a land area of 1,861,484 square kilometres and a population of about 35,482,233 (CIA World Fact book, 2014). Sudan is bordered to the east by Eritrea, Ethiopia and the Red Sea; Egypt and South Sudan to the north and south respectively. Other bordering countries include Chad to the west; Libya to the northwest and the Central African Republic to the southwest. However, the Nile River divides the country into east and west (Collins, 2008) with Islam as its predominant religion; and Arabic and English as its official languages, among others. Moreover, Sudan operates the Presidential system of Government, a bi-cameral legislature known as the National Assembly and a mixture of the English Common Law and Sharia (Islamic) Legal
System. It is a member of the Organization of Islamic Conference, the Arab League, the United Nations, the Non-Aligned Movement and the African Union.


These seventeen states are further divided into three autonomous administrative regions. These regions are: The Darfur regional authority comprising five states came into existence in April 2007 (People’s Daily, 2007) and reformed in September 2011 (Yahoo News, 2011) by the combined effect of the Darfur Peace Agreement of May 2006 and July 2011. It has administrative autonomy in the troubled Western region of Darfur with its capital at Al-Fashir in North Darfur. The second administrative region is known as the Eastern States Coordinating Council which was established under the peace agreement between the Eastern Sudan rebel group (the Eastern Front) and the GoS, to coordinate the affairs of the three states in the Western Region of Sudan (Sudan Tribune, 2006).

The third administrative region is called the Abyei Area Administration which was established in 2008 at the end of the 2nd Sudanese civil war by the combined effect of the Abyei Protocol in 2004 and the consequent Comprehensive Peace Agreement (CPA) in 2005. These initiatives were aimed at resolving the protracted Abyei conflict, to administer the former Abyei District of Sudan with a total land area of about 10,546 square kilometres. However, this oil rich territory has been a source of dispute between the Republic of Sudan and South Sudan.

Sudan comprises four major Arab ethnic groups known as Beja, Fallata, Fur and Nuba, which accounts for about 70% of its population. There are also other Arabized ethnic groups referred to as the Nubians, Zaghawa, and Copts as well as non-Arabized groups such as the Bija, Fulani, Masalit, Northern Nubians, Nuba and Zaghawa.
The country has three distinctive climatic zones, namely: a tropical climatic barren desert, an equatorial climate and a savannah belt that gets drier northwards. The amount of rainfall increases southwards towards the swamps and rain forest. Sudan experiences about three months of rainfall between the months of July and September in the North and about six months, usually from the months of Jun to November, in the South. The dry regions experience strong sandstorms referred to as ‘Haboob’. In the Northern and Western semi-desert areas, the population relies on the spatial rainfall for subsistence farming while cattle-herding constitutes the major source of livelihood for the majority of its population. The general terrain in the republic of Sudan is flat and interspersed with several mountain ranges.

The main topographical features of Sudan are the River Nile; its major headstreams; the Nile (blue and white); and its tributaries. The Nile (White and Blue Nile) River has its confluence in Khartoum and flows northwards to the Mediterranean Sea through Egypt. The Blue Nile’s course stretches for about 800 km long through Sudan to by Rivers Rahad and Dinder. Moreover, there are well irrigated cash crop farms along the course of the Nile.

In addition, Sudan is blessed with rich mineral resources which include: petroleum, natural gas, silver, gold, gypsum, uranium, copper, zinc and tin, among others. Agriculture is the dominate economy activity in Sudan, employing about 80 percent of the country’s workforce, with a 39 percent contribution to Gross Domestic Product.

Sudan was bedevilled by two civil wars, orchestrated from the Southern part of Sudan, over alleged marginalization and social, political and economic domination by the North against the non-Muslim and non-Arab south. These wars, according to BBC News (2013), were as a result of some unresolved constitutional issues since the Sudanese independence, which the political elites in Khartoum could not handle. However, the Comprehensive Peace Agreement between the North and South in 2005 granted autonomy to South Sudan and subsequently led to the independence of South Sudan following a referendum in July 2011. South Sudan became independent on 9 July 2011.

Furthermore, there has been serious tension between Sudan and South Sudan since South Sudan’s independence, over the full implementation of the various security and
economic agreements signed by both countries, especially with regard to the exploitation and transportation of crude oil. Besides the conflict over the status of the contested Abyei region, there has been conflict between the GoS and the Sudan People's Liberation Movement-North (SPLM-N) in Southern Kordofan and Blue Nile states. This resulted in the internal displacement of about one million, two hundred thousand people, as well as the catastrophic conflict in the Darfur region in 2003 which led to a serious refugee crisis with the displacement of over two million persons and the death of hundreds of thousands of men, women and children. Africa Union and United Nations Peacekeepers as well as international humanitarian aid workers were also affected by the conflict (CIA World Fact book, 2014).

These conflicts in Sudan stem from deeply rooted, political, regional and economic inequalities inherent in the Sudanese society throughout Sudan's pre-colonial, colonial and post-colonial history. These inequalities are embodied in the social, political, and economic hegemonic influence of a minority group of Arabic-speaking Sudanese elites in the North, who have seized political power and systematically marginalized the non-Arab and non-Muslim groups in the South. (Sikainga, 2009).

Figure 3.1 below depicts a map of Sudan before the independence of South Sudan.
Source: Google map

Figure 3.1: Map of Sudan before the Independence of Southern Sudan
Figure 3.2: Map of Sudan after the Independence of South Sudan

Figure 3.3: Map of Sudan highlighting Darfur Region in Orange Colour
3.3 DARFUR REGION

The recorded history of Darfur began in the 14th century with the establishment of a Tunjur Sultanate. Darfur literally means "land of the Fur," in Arabic. Renowned as cavalrymen, Fur clans frequently allied with or opposed their kin, the Kanuri of Borno, in modern Nigeria. After a period of disorder in the 16th century, during which the region was briefly subject to the rule of the Kanem-Bornu empire, the leader of the Keira clan, Sulayman Solong (1596-1637), supplanted a rival clan and became Darfur's first sultan. Sulayman Solong decreed Islam to be the Sultanate's official religion. However, large-scale religious conversions did not occur until the reign of Ahmad Bakr (1682-1722), who imported teachers, built mosques, and compelled his subjects to become Muslims. In Jan 1917, the British ended the Sultanate and Darfur was absorbed into the British Empire and became part of Sudan, making this the largest country in Africa as it were. This troubled region of Sudan was ruled by the British following the fall of the Sultanate to the British Empire in 1916 until the independence of Sudan in 1956.

However, the largest ethnic group within Darfur is the Fur people, consisting mainly of indigenous subsistence farmers. Other non-Arab, “African”, tribes in Darfur include the Zaghawa nomads, the Meidob, Massaleit, Dajo, Berti, Kanein, Mima, Bargo, Barno, Gimir, Tama, Mararit, Jebel, Sambat and Tunjur. The mainly pastoralist Arab tribes in Darfur include Habania, Beni Hussein, Zeiyadiya, Beni Helba, Ateefat, Humur, Khuzam, Khawabeer, Beni Jarrar, Mahameed, Djawama, Rezeigat, Fallata, Salamat and the Ma’aliyah.

The population of Sudanese in Darfur can be further grouped in four. These four groups consist of urban dwellers, the Baggara (cattle nomads), the Aballa (camel nomads) and the Zurga (a Darfur name for non-Arab peasants). Further, a socio-culturally classification distinguishes the four groups into Non Arabs, Arabs, the fully Arabised and the partly Arabised. The “Arabs” comprise the native Arabic speaking natives made up of the Rezeigat, the Zeiyadiya, as well as the Djawama, including the Ben Hessein nomads. The “fully Arabised” group include the Berti (who abandoned their native languages for Arabic). The “partly Arabized” group is found among the Zaghawa, Meidob and the Fur (who although fluent in Arabic, maintained their native
languages). The “non-Arabized” group are the Masalit and some members of the Berti, Mima, Tama, Kanein and Zaghawa tribes.

Further, Fur is in terms of numbers the most widely spoken indigenous language in Darfur. Generally speaking, Arabic language predominates east of Jebel Marra and non-Arabic languages dominate in the west. The Fur is the largest ethnic group in Darfur, numbering about two million out of the total Darfurian population of 6.5 million. The homeland of the Fur comprises the mountain range of Jebel Marra and the lands around the mountains to the west, southwest and southeast. The Masalit live on both sides of the Sudan/Chad border, speaking their own language. The Zaghawa are divided into a number of groups, some of which also straddle the Sudan/Chad border. Since the 1970s they have been actively engaged in Chad’s various civil wars, especially between Hisne Habre and Idris Deby which is Zaghawa. In addition, the Berti is a major ethnic group with its centre at Mellit. They speak a language distantly related to Zaghawa.

Another group, the Tunjur are one of the dynastic peoples of Darfur, but are widely scattered in small communities throughout the region. They are all Arab-speaking. Their main centres are Dar Hamra, between Kutum and Fata Barnu, Jebel Hurayz and Shangil Tobaya all in North Darfur. The Daju, another major ethnic group, are said to have established the first state in Darfur in and around Nyala. Borgo a section of the Maba people of Wadai (Eastern Chad) also live in Nyala. The Gimr live north of Dar Massalit with their centre at Kulbus. The Tama-speaking group comprises tribes, among which are Tama, Erenga and Mileri, with the latter around Jebel Mun. Throughout Darfur, there are communities of Fallata, both sedentary and nomadic, who live in southern Darfur, around Tullus. There are Hausa and Southern Sudanese communities in most towns in Darfur, as well as immigrant communities from Kordofan and Eastern Chad.

Moreover, the Rezeigat is the most substantial cattle-keeping tribe in Darfur. The Rezeigat federation has its headquarters at El Daein, South Darfur. They drift with their flock southwards towards the Western Bahr al-Ghazal, South-eastern Chad and the Central African Republic in search of green pasture. The Ma’aliya have their centre at Adila, east of El Daein. The Ta’aishas have their centre at Rihayd al-Birdi in southwestern Darfur. In the rainy season they graze their animals northwards towards
northern Darfur and El Geneina and in the dry season southwards towards the Central African Republic and western Bahr El-Ghazal. The Bani Halba tribal territory is in Ed al-Fursan. In the rainy season they graze their animals northwards towards El Geneina, Western Darfur, and in the dry season southwards towards the Central African Republic and western Bahr El-Ghazal. Misiriya, another tribe, is located in Kordofan and Chad. In Darfur, they are to be found in Kass and Niteiga. Bani Husayn is a long-established Arab sedentary group, whose tribal area is bounded by Kabkabiyya in the South, Kutum in the East, and Dar Zaghawa in the north and Dar Gimr in the West.

Historically, Darfur is a Sultanate dominated by the Fur. It was established in 1650, ruled by title holders from all the major ethnic groups and is located in the western region of Sudan, covering a semi-arid land area of 493,180 square kilometres. There are three ethnic zones comprising Arabs and non-Arabs in the northern zone dominated by the Zaghawa Camel Nomads; while central Darfur is dominated by non-Arab sedentary farmers of the Fur and Masalit, among others; whereas the South is dominated by the Arabic-speaking cattle nomads of the Baqqara extraction. However, the people of Darfur are all Muslims, with no history of ethnic homogeneity and their pattern of genealogy is such that ownership of a certain number of cattle would qualify a Fur farmer to become a Baqqara and his generations to come would become authentic Arabs (O’Fahey, 2004).

The Darfur Region occupies an area of approximately 500,000 square kilometres, in the north western part of Sudan. The region is located between Longitudes 22° - 27°30” East and Latitudes 8°15” - 20° North. Darfur is larger than Egypt and equals the area of France. The region borders Libya to the Northwest, Chad to the West, and the Central African Republic to the South-west. It straddles the Sahara desert, the dry savannahs and the forests of Central Africa. Darfur has an expanse of desert in the North through to savannah in the South. The desert extends about 145,000 square kilometres representing 28 percent of the total area of the region. Geographically, it is made up of plateau, some 800 to 1,500 meters above sea-level. The desert part is virtually unoccupied and therefore no humans utilize the land for agriculture. The region is divided into the states of North, South and West Darfur. El-Fasher, which was the ancestral capital of Darfur, is now the capital of North Darfur state; while Nyala
and El-Geneina are now the capitals of South Darfur and West Darfur states respectively.

The region consists of four main climatic zones. Firstly, there is the desert zone, which is characterized by lack of rainfall and high temperatures during the hot season. The zone is home to a number of Arab and non-Arab nomads. The area is badly affected by drought and desertification. Secondly, there is the arid zone which occupies the middle of the northern part of the region. The rainfall in this zone is limited, with high fluctuations, and ranges from 100 to 300 mm.

The third is the central zone which is the home for largely Arab cattle-keeping nomads. The upper central zone is inhabited by largely non-Arab farming communities. The middle central zone is dominated by the Jebel Marra mountain range which rises to about 3,000 meters above sea level. It has an average annual rainfall that ranges between 200 to 400 mm and a rainy season ranging between three to four months. The fourth zone is the rich savanna in the South with an average rainfall 400 to 800 per annum. The rainy season extends between four to five months. Fundamental to an understanding of Darfur is the fact that each of the four zones is dependent on the others.

The Darfur region is characterized by low hills, plains and sandy soils, commonly referred to as the Goz. The Goz soils occupy the major parts and form about 65 percent of the northern part of the region and 10 to 15 percent of the southern part. The mountainous and hilly lands occupy the middle part and are dominated by the Jebel Marra plateau. In the north, Darfur is dominated by the Meidob Hills. Clay and gardud soils characterize the western and south western parts and some pockets in the north. The Jebel Marra plateau acts as a watershed division from which flows most of the seasonal streams and wadis such as Wadi Bare and Wadi Azoom. Some of these wadis retain water in some areas which helps the water of shallow wells for growing vegetables and horticultural crops around Kabkabiya, Kuttum, and Garsila among others. The deep water aquifers of Baggara, Sag Anaam, and Umbayada basins are good potential sources of drinking water for the people and animals in the North-eastern and South-eastern parts of the region.
The total population of the Darfur region has been difficult to track as a result of many deaths and displacement of a large population across its borders to neighbouring countries such as Chad and the Central African Republic. However, Thomson Reuters Foundation (2014) estimates the population of Darfur to be about 7.5 million. The Darfur region, presently under the administration of the Darfur Regional Authority, is divided into five states within the federal structure of the Sudanese government, namely: West Darfur, East Darfur, Central Darfur, South Darfur and North Darfur.

Figure 3.4 below depicts a map of the Darfur Region of Sudan
3.4 THE CONFLICT IN THE DARFUR REGION OF SUDAN

The British kept North and South Sudan separate until 1947 when they were fused. However, shortly before independence, they handed over political power directly to minority northern Arab élites who, in various groupings, have been in power ever since. Fearing domination by the Northern Arabs, some Southern army officers mutinied in 1955, forming the Anya-Nya guerrilla movement which eventually started the first North-South war. In January 1954, a new government of Sudan emerged under Ismail al Azhari. This government continued beyond independence in 1956. Although it achieved independence without conflict in 1956, Sudan inherited many problems from the Anglo-Egyptian administration. Major issues which confronted the coalition government included winning agreement on a permanent constitution, stabilizing the south, encouraging economic development and improving relations with Egypt. Others are factionalism and bribery in parliament, coupled with the government's inability to resolve Sudan's many socio-political and economic problems.

The conflict in the Darfur region began with an armed uprising by rebel groups under the umbrella of Darfur Liberation front (DLF), which later became the Sudan Liberation Movement (SLM) also known as the Sudanese Liberation Army (SLA) and Justice and Equality Movement (JEM) against the GoS. The SLA and JEM accused the GoS of gross neglect and oppression against the non-Arabs of Darfur region. The major combatants comprised the Sudanese military and police, as well as the Janjaweed - a militia group made up of mainly Arabized indigenous Africans (de Waal, 2007) on the one hand; and the main rebel groups comprising of SLA and the JEM, which mainly comprised non-Arab Muslims of Fur, Zaghawa, and Masalit ethnic groups (Flint & de Waal, 2008). Others include unorganized tribal militia and rebel groups that sprang up in the course of the civil war. The alliance of the anti-government rebel groups, known as Sudan Revolutionary Front (SRF), is made up of factions of the main rebel groups and pro – government militia groups, known as the Rapid Support Forces (RSF).

The rebel movement comprised mainly indigenous African tribes, such as Fur, Zaghawa and Masalit. The SLM/A, which was much larger than the JEM, was generally dominated by the Fur and Masalit and the Wagi members of the Zaghawa tribe, whereas the JEM was dominated by the Kobe members of the Zaghawa tribe. However, the GoS, in a strategic move to crush the rebel insurgency, allegedly enlisted
the services of local Arab militia, which came to be known as the "Janjaweed" whose members comprised mainly African Arabs who were cattle and camel herders.

The Janjaweed was accused of serious human rights violations, war crimes and crimes against humanity, looting and systematic rape of the non-Arab population of Darfur (Silwa, 2004; Wax, 2004; Curry, 2006; Spielmann, 2009). The Janjaweed militia was also accused of burning down villages and chasing the surviving villagers to refugee camps mainly in Darfur and Chad, where they also surrounded the refugee camps in order to check the activities of the displaced population.

International efforts at managing, resolving and preventing reoccurrence of the seemingly intractable violent conflict led to the signing of the Humanitarian Ceasefire Agreement at N’djamena (Niger Republic) in 2004, the Darfur Peace Agreement (DPA) at Abuja, Nigeria in 2006 (see appendix II) and the Doha Document for Peace in Darfur (DDPD) at Doha, Qatar in 2011 (see appendix III), between The GoS and the rebels.

The African Union Mission in Sudan (AMIS) was deployed in 2004 in response to the increasing violence in Darfur. Meanwhile, AMIS, which was poorly resourced in manpower and logistics and with a weak mandate, was unable to protect civilians and offer the enabling environment for the implementation of the DPA. Consequently the UN Security Council authorized, by the UN Security Council Resolution 1769 of 2007, a hybrid mission known as the African Union /United Nations Hybrid Operation in Darfur (UNAMID) to be deployed, in replacement of AMIS, in order to protect civilians and support the implementation of the DPA. With an authorized strength of 26,000 UNAMID was to be the largest UN peacekeeping mission ever deployed. The AMIS ended its mission and authority was transferred to UNAMID on 31 Dec. 2008. This marked the beginning of participation by other non-African countries in Darfur.
3.5 TIMELINE OF THE CONFLICT IN THE DARFUR REGION OF SUDAN
2003 – 2013

2003

The long standing low intensity disputes in the Sudanese western region of Darfur unfolded into a full scale armed conflict in February 2003 when rebels from the Darfur Liberation Front (DFL), which later formed the Sudan Liberation Movement/Army (SLM/A), and the Justice and Equality Movement (JEM), took up arms against the GoS, attacking government offices such as the headquarters of Jebel Marra District and GoS air force base in El Fasher.

As the rebels stepped up attacks on GoS police and military outposts, the GoS responded with aerial bombardment of rebel positions. In spite of the aerial bombardment of rebel strongholds by the GoS, Flint and de Waal (2008) observed that SLA and JEM recorded unprecedented successes as they took over police and military outposts in the region, destroying a lot of military hardware and other equipment belonging to the GoS. The successes recorded by the rebels, according to Flint and de Waal, were as a result of GoS war fatigue and lack of adequate manpower to counter the rebels, as the GoS was also engaged in fierce battle with the separatist rebel movement in the South of Sudan – The Sudanese Peoples Liberation Army (SPLA).

The GoS, in response to successes of the rebels in Darfur and its incapacity owing to the focused engagement of its military forces in the war in the South, allegedly solicited the help of some of the Arabs, as well as the Arabized nomadic tribes in Darfur, with a pledge to give them ownership of arable land and water resources in the south of Darfur in exchange for their military cooperation. This alleged military agreement between the GoS and the Arabic nomads resulted in the formation of an Arabic Militia – the Janjaweed (meaning devils on horseback in Arabic) to fight a proxy war against the rebels of SLA and JEM on behalf of the GoS, although the GoS has constantly denied this allegation.

The Janjaweed was accused of looting and burning down non-Arab communities, as well as mass killings and raping of their female and male non-Arab victims alongside
GoS forces. This led to over a million internally displaced persons (IDP) and over a hundred thousand refugees in the Chad republic as at 2003. (Apsel, 2005; Prunier, 2008; Flint & De Waal, 2008; Silwa, 2004; Wax, 2004; Curry, 2006; Spielman, 2009; Steidle & Wallace, 2007; De Waal, 2007; Totten & Markusen, 2006; Daly, 2010).

2004

The conflict intensified in January 2004 with a major government offensive, with the UN declaring the Darfur conflict as the worst humanitarian crisis in the world in April 2004. The UN Under Secretary for Humanitarian Affairs, Jan Egeland, even alleged that a coordinated scorched earth ethnic cleansing campaign was taking place in Darfur (Darfur Consortium, 2009). The escalation of the conflict attracted worldwide attention and condemnation, with the AU, UN, EU and NGOs as well as several countries getting involved in one way or the other, in efforts aimed at stopping the humanitarian crisis in Darfur. The US Congress referred to the Darfur conflict as genocide in July 2004. Similarly, the US Secretary of State Colin Powell, proclaimed that acts of genocide were ongoing in the Darfur region of Sudan, orchestrated by the GoS against non-Arabs. However, others such as the UN, Arab League, EU and the AU disagreed with the position of the US Congress and Colin Powell on the issue of genocide by the GoS, while pointing out that crimes against humanity may have been committed by the GoS and its allies in the Darfur region of Sudan.

As the conflict continued unabated, the AU mobilized all resources at its disposal through its APSA and PSC, as well as the international community, in an effort to manage and resolve the conflict. The AU efforts resulted in a Humanitarian Ceasefire Agreement between the GoS on the one hand and the SLA and JEM on the other hand in April 2004 at N'Djamena in the Chad Republic. This ceasefire agreement was repudiated by a splinter group from JEM, known as the National Movement for Reform and Development, who did not participate in the agreement and vowed to continue fighting the GoS and its allies.

Consequently, the conflict continued with renewed attacks by the Janjaweed and the rebels in spite of the formation of the AU Ceasefire Commission (CFC), which was tasked with the responsibility of implementing the resolutions of the N'Djamena agreement. This agreement promised to expand access to humanitarian services,
improvement of living conditions and security in the IDP camps, implementation of a no-fly zone, as well as the disarming of the Janjaweed.

The AU, following the endorsement by the UNSC responded to this situation with the formation of the African Union Mission in Sudan (AMIS) in July 2004 and subsequently deployed 300 troops (from Rwanda and Nigeria) in August 2004, to monitor the ceasefire agreement. Further, in September 2004, Louise Arbour (UN high Commissioner for Human Rights) and Juan Mendez (UN Special Adviser on Prevention of Genocide) visited the IDP camps in Darfur and described them as “prisons without walls” and shortly after their visit the USC passed Resolution 1564, establishing an International Commission of Inquiry to investigated war crimes in Darfur. In November 2004, the Nigerian government, under the auspices of the AU, got the GoS and the rebels to agree to the Abuja protocol which called for the improvement of the humanitarian and security situation in Darfur.

By the end of 2004, a disputed casualty estimate of 70,000 was recorded, with starvation and disease accounting for the majority of the mortality rate (Smith, 2005).

2005

As the war continued into its third year, the UN investigation instituted by UNSC Resolution 1564 concluded its inquiry into allegations of genocide levelled against the GoS and made public its findings on 25 January 2005. The commission’s investigative report said it could not establish a case of genocide against the GoS as it could not make out an intent to annihilate a particular tribe or ethnic group in the conflict. However, the commission agreed that acts of war crimes and crimes against humanity may have been committed in Darfur by the GoS and the Janjaweed militia.

The Commission, therefore, referred the matter of to the International Criminal Court (ICC) following the adoption of its recommendations by UNSC Resolution 1593 on the 31 March 2005 which also recommended criminal prosecution against those found guilty of war crimes and crimes against humanity in the Darfur conflict. Earlier, UNSC Resolution 1590 which was adopted on 24 March, 2005, had approved the formation of a UN Mission in Sudan (UNMIS) to liaise with AMIS to ensure the successful implementation of a comprehensive peace agreement by the GoS and the rebels.
Further, the UNSC Resolution 1591 adopted on 25 March 2005 had sought to get a grip on the conflict in Darfur by approving the imposition of punitive sanctions such as freezing of assets, as well as a travel ban against any one or group that violated the ceasefire agreement and other UNSC peace initiatives in Darfur.

In spite of all the measures aimed at managing the conflict to ceasefire by the international community, the conflict appeared to be escalating further instead of reducing in its intensity, prompting the AU to increase the number of AMIS to 7731 troops on 28 April 2005. Then, by 6 June 2005, the ICC prosecutor opened an investigation into alleged cases of war crimes and crimes against humanity in Darfur. However, the day after (7 June 2005) the GoS followed suit by establishing its own Special Criminal Court to instigate the allegations of war crimes in Darfur in a move which appeared like a strategy aimed at pre-empting the outcome of the ICC investigations.

2006

The conflict continued with regular attacks even on IDP camps, causing displacement of the civilian population in Darfur with the AU peacekeeping contingent in Darfur appearing to be helpless and unable to protect the civilians, even as they (AU peacekeepers) were not spared from attacks. Hence, the AU Peace and Security Council (AU PSC) made a decision on 10 March 2006 to initiate a transition from AMIS to an UN-led mission in Darfur. This was followed by another round of peace negotiations in Abuja Nigeria which culminated in the signing of the Darfur Peace Agreement - DPA (see details in appendix II) by the GoS and the SLM/A faction led by Minni Minawi on May 5 2006; while the other rebel groups stayed away from the agreement (Kessler, 2006).

Further, on May 16 2006, the UN passed Resolution 1679 to evaluate the process of transition from AMIS to a UN-led Mission in Darfur. Consequently, the UNSC on August 31 2006 passed resolution 1706 which authorized the deployment of 17,300 strong UN troops to take over the functions of AMIS in Darfur. However, this move by the UN was rejected by the GoS according to news report published by People’s daily (2006) and was dismissed by the Sudanese President as an attempt to compromise the territorial sovereignty of Sudan by the UN. On September 5 2006, the GoS ordered
AMIS to leave Sudan, stating that AMIS had no right to transfer its mandate to the UN without authorization from the GoS (Taipei Times, 2006).

The conflict spiralled into unimaginable levels by the end of 2006 with the former French Foreign Minister, Philippe Douste, declaring the conflict in Darfur as genocide on September 6, 2006. The conflict exacerbated, following the failure in the implementation of the DPA, with indiscriminate attacks and destruction of communities and killing of hundreds of civilians by the Janjaweed militia with the GoS acting in concert with the Janjaweed as alleged by the UN Commissioner for Human Rights, Louis Arbour (Steele, 2006). The UNSC Panel of Experts on the Darfur conflict observed that all the parties to the conflict violated the arms embargo on Darfur in a report released on 11 October 2006. Furthermore, the GoS in protest against the UN decisions concerning the conflict in Darfur on October 22, 2006 declared the representative of the UN Secretary General in Sudan persona non grata and gave him 72 hours to leave Sudan according to BBC News report (2006); and forced some NGOs operating in Darfur to shut down. One of such NGOs was a Norwegian Charity organization that catered for about 300,000 IDPs in various camps in Darfur. In addition, foreign journalists were also restricted from the Darfur region by the GoS.

The U.S. President, George W. Bush, signed the Darfur Peace and Accountability Act to reinforce the position of the U.S. government against the handling of the Darfur conflict by the GoS, asking it to allow for a robust peacekeeping effort by the UN and to account for those guilty of war crimes. There were a total of eight resolutions passed by the UNSC in 2006 in an attempt to address the conflict in the Darfur region of Sudan.

2007

The conflict appeared to reach its climax with a reported rise in violence and killings targeting civilians, personnel of NGOs and other humanitarian aid workers in Darfur. AMIS personnel were also targeted and killed, according to a BBC news report (2007), with an accusing finger pointed at the GoS. There were allegations of the GoS flying heavy military equipment into Darfur in violation of the arms embargo imposed on the Darfur region as part of the DPA by the GoS (Hoge, 2007). This raised international
concerns and threats of further sanctions against the GoS by US President George Bush (Stolberg, 2007).

The ICC Chief Prosecutor presented evidence of war crimes to the ICC against some of its first batch of suspects on 27 February 2007. The ICC subsequently indicted the Sudanese Minister of Humanitarian Affairs, Ahmed Haroun and leader of the Janjaweed Militia Ali Muhammad Ali Abd al-Rahman, on a 51 count charge of crimes against humanity in Darfur. Haroun denied all the charges, according to a BBC News report (2007) and in April 2007, the ICC issued arrest warrants for the arrest of Haroun and Ali Abd al-Rahman. While the violence intensified, humanitarian aid workers threatened to pull out of Darfur citing insecurity and frequent attacks and murder of its workers. Even the UN was not spared as it also complained of a case of armed hijack and robbery attacks on their convoy on May 28, 2007.

International pressure, especially from the US, and the call by the Prosecutor of the International Criminal Court on the UNSC to exert pressure on the GoS to arrest and hand over its citizens indicted for crimes against humanity in April at the beginning of June 2007, caused the GoS to bow to international pressure and agree to the establishment of AU-UN hybrid mission during a high level negotiation in AU headquarters in Addis Ababa. However they agreed on condition that the mission would comprise troops drawn mainly from African countries.

Thus, on July 31, 2007 the UNSC unanimously adopted Resolution 1769 authorizing the deployment of a UN-AU Mission in Darfur (UNAMID) to take over from AMIS (Refugees International, 2007). This was followed by a three days conference in Arusha, Tanzania, put together by the AU and UN for all the relevant stakeholders in the Darfur conflict, where agreement was reached on power and wealth sharing, as well as land, security, humanitarian and other issues that would create an enabling environment for effective management of the conflict (McGregor, 2007). This conference, which took place between 3 -5 August 2007, was boycotted by the leader and founder of SLA, Abdul Wahid al Nur, according to the ABC News report (2007), although other rebel leaders, the GoS and a splinter group of SLA attended the conference. However, the absence of the founder of SLA impacted negatively on the outcome of the conference because he was the leader of the Fur group who constitute the greater number of displaced people.
The Violence continued unabated in spite of the various efforts to manage it. While different splinter rebel groups emerged from JEM and SLA, the Arab Janjaweed also splintered (Gentleman, 2007), creating a chaotic conflict situation which makes effective negotiation very difficult because of the multiplicity of rebel movements’ different demands and ideologies. Consequently, JEM announce on September 18 2007 that if the peace negotiations with the GoS failed, they would escalate their demand from agitation for self-determination to Independence for the Darfur region (Guerin, 2007).

This chaotic violent scenario culminated in the killing of 12 AMIS peacekeepers as rebels overwhelmed the poorly equipped AMIS base on September 18, 2007. Another round of peace talks was called by the former Libyan Leader Muamar Gadhafi at Sirte, Libya, on October, 27, 2007, to address the worsening security situation, according to a news article published by the Sudan Tribune (2007), but could not achieve any result as the main leaders of JEM and SLA boycotted the call. On 15 November 2007, 6 SLA splinter groups, JEM and other rebel movements such as the Democratic Popular Front and the JEM-field Revolutionary Command, signed an agreement they referred to as the Charter of Unification under which all agreed to operate under the name and command structure of SLM/A although the founder of SLA and his SLA Unity faction refused to participate.

Further negotiations by the rebel faction in Juba on 29 November 2007 gave rise to a declaration that the rebel movement in Darfur had been reorganized into two main groups, while declaring their willingness to engage the GoS in a more organized manner (Vuni, 2007). In all, the UNSC passed four resolutions in the year 2008, all targeted towards the management of the conflict in Darfur.

2008

AMIS officially handed over to UNAMID in January 2008, with the deployment of 26,000 UNAMID troops amidst worsening violence all over Darfur and beyond as GoS forces attacked a UNAMID convoy. On February 20, 2008, GoS forces and Arab Militia, in a concerted attack on the rebel forces, displaced and trapped several thousand displaced refugees along the Sudan-Chad border area creating serious humanitarian challenges.
However, the conflict peaked on May 10, 2014, with deadly clashes between the GoS forces and the insurgents in the city of Omdurman, close to the seat of power in Khartoum for the control of a military command facility, as the rebels sought to advance to the Sudanese Capital. This led to a lot of casualties on both sides, including unarmed civilians. The clashes which spilled over to the streets caused the GoS to impose a dusk to dawn curfew on the streets of Khartoum, according to an article published by the Sudan Tribune (2008).

On July 14, 2008, the ICC Prosecutor presented incriminating evidence of crimes against humanity and war crimes in Darfur against the Sudanese President, Omar el-Bashir. As the violence continued, the Sudanese President, on October 17, 2008, called for a unilateral ceasefire and a national peace conference to map out a vision for peace in Sudan and Darfur in particular, but the main rebel groups ignored his call; describing it as a ploy by the President to evade his impending indictment by the ICC.

2009

The year 2009 began with renewed violence in Darfur; more UNAMID troops were drafted in to help curtail the violent clashes. The GoS forces mounted a sustained campaign of aerial bombardment of rebel-held territories on February 6, 2009; leading to the capture of the strategic town of Muhajiriya in south Darfur, which was hitherto controlled by the rebel forces. On February 17, 2009 the GoS and JEM signed a declaration of goodwill agreement following a series of negotiations after which the GoS agreed to release JEM fighters detained as prisoners of war. This confidence building measure resulted in de-escalation of hostilities and created room for further peace talks. However, the ICC on March 4, 2009, issued a warrant of arrest against the Sudanese President, Omar al-Bashir, on charges of war crimes in Darfur (the first of its kind against a sitting head of state). The GoS responded immediately by expelling thirteen international NGOs offering humanitarian services at the IDP camps in Darfur from Sudan, alleging that the staff of the expelled NGOs were working for the ICC to ensure his indictment and prosecution.

The AU capitalized on the de-escalation of the conflict in early 2009 following the goodwill agreement signed by the GoS and JEM, as well as the ICC arrest warrant on the Sudanese President to establish a high level Panel of eminent personalities on
March 18, 2009; headed by the former South African President, Thabo Mbeki. This panel was charged with the responsibility of addressing the fundamental issues of injustice and reconciling all parties to the conflict. The three terms of reference given to the AU panel was to put up a proposal on how to revive and fast track the peace process; devise strategies on how to reconcile the belligerents and finally determine those responsible for war crimes and crimes and human rights violations in Darfur, and advise the AU on how to deal with it. The panel was given three months by the AU to conclude this task and submit its report to the AU Summit proposed for July 2009, with a strong call for the ICC to defer the arrest warrant against the Sudanese President.

Amidst the ongoing peace negotiations, the JEM declared its intention to suspend its participation in the peace talks on March 20, unless the GoS allowed the thirteen NGOs expelled earlier in the month to return to continue with their humanitarian aid activities in Darfur. The GoS, visibly mellowed by the international pressure for the arrest and prosecution of the President of Sudan at the ICC, reconsidered its earlier decision and allowed the thirteen expelled NGOs to return to Darfur with a condition that the NGOs change their staff members. The NGOs complied and returned to Darfur, and peace negotiations continued.

There was a significant decrease in hostilities in 2009 which may have informed the declaration of the end of the war, by the UNAMID Force Commander, General Martin Luther Agwai, although low-intensity disputes remained to be sorted out with time. This contention by the Force Commander was, however, rebutted by some Darfur war activists who claimed that the conflict was not over as claimed, according to a BBC News report (2009).

2010

The focus of international attention on Darfur reduced in 2010, following the continuation of the relaxation of hostilities which began in 2009; as the rebel movement became more organized. Further, an umbrella group representing ten rebel groups movements referred to as the Liberation and Justice Movement (LJM) was formed in February 2010 and another group called the Sudanese Alliance Resistance Forces came on board amidst peace negotiations with the GoS and the representatives of the
rebel groups including JEM. Consequently, the GoS signed a ceasefire agreement with JEM in March 2010 (Enough, 2010); and this led to the declaration by the Sudanese President that the war in Darfur was over; in spite of low intensity clashes. However, in spite of the apparent breakthrough in the peace negotiations and the relaxation of hostilities, international pressure for the arrest and prosecution of President Omar Al-Bashir continued, leading to the issuance of a second arrest warrant against him by the ICC in July 2010, which included charges of genocide for the first time. The first arrest warrant against him did not include charges of genocide as the ICC Judges ruled that the prosecutors could not establish a clear case of genocide against President Al-Bashir.

Meanwhile, the peace negotiations between the GoS and the Darfur rebel groups continued till December 19 2010, when positive developments emerged as the GoS reached an agreement with the Darfur rebel groups based on some basic principles. These included the establishment of Darfur Regional Authority, a Sudanese Vice-president from Darfur, as well as a referendum on regional autonomy for the Darfur region of Sudan. The parties also agreed to continue further peace negotiations in the capital city of Doha in Qatar. However, the GoS and representatives of all the rebel groups in Darfur finally converged in Doha in furtherance of the peace agreement reached earlier in Sudan in a bid to conclude negotiations on the final peace process.

2011

The coalition of Darfur rebel groups and the GoS recorded a major breakthrough in the protracted negotiations aimed at resolving the Darfur conflict and ensuring lasting peace in the region in Doha. All the parties signed the Doha Document for Peace in Darfur (DDPD); with the exception of JEM whose representatives stayed away from the peace negotiations in May 2011. Nonetheless, the peace negotiation endured from December 2010 to July 2011, in Doha.

The DDPD (2011) which re-echoes the provisions of the DPA (2006) among other issues, as well as the relaxation of hostilities by the belligerents since 2009, allowed most of the IDPs to start making their way back home in 2011. However, the ICC kept up the pressure on the GoS with the issuance of an arrest warrant for the Sudanese Minister of Defence, Adbulrahim Hussein, for charges of war crimes in Darfur.
The implementation of the DDPD commenced in 2012 with the establishment of the Darfur Regional Authority amidst challenges for adequate funds for the full implementation of the DDPD and financing of the Darfur Regional Authority for effective administration. However, the proliferation of ethnic militia groups and activities of other rebel groups, who backed out of the DDPD, led to an increase in low intensity violent clashes in 2012, thereby creating serious issues of insecurity in the IDP camps. The insecurity and lack of resources to implement other aspects of the DDPD, such as enhancing the capacity of government institutions to protect lives and properties; preservation of citizens’ rights, as well as social justice combined with the slow pace of the resettlement of refugees and the IDP component of the DDPD, seriously challenged the Darfur peace process in 2012.

2013

International attention shifted from Darfur to conflict in other parts of the world in 2013 because of the de-escalation of the conflict since 2009, occasioned by the successes recorded in the management and resolution process; nevertheless, violent clashes in parts of Darfur were reported from January to August, 2013, leading to the further displacement of people in the areas where the clashes occurred, according to a news report by the International News (2013)

The UNSC considerably reduced UNAMID operations in Darfur in 2013 in the midst of tribal clashes and efforts to fully implement the DDPD.

3.6 PREVENTION, MANAGEMENT AND RESOLUTION OF CONFLICTS IN AFRICA AND THE DARFUR REGION OF SUDAN

Luqman and Omede (2012:60) assessed the role of the African Union and the United Nations in the Darfur conflict, and observed that the “AU critically lacked the capacity, resources and ultimately the political will to hold parties to the conflict accountable due to their numerous commitments.” They underscored the incapacity of the African Union Mission in Darfur (AMIS) to “mount proactive military patrols and provide the much needed protection for civilian and humanitarian aid delivery” due to poor
equipment, personnel and other resources. This situation, according to them, led to sustained attacks on the AMIS personnel, the civilian population and humanitarian Aid Agencies and consequent UN authorization of a UN – AU hybrid mission in Darfur codenamed UNAMID.

They concluded that the “UNAMID has been able to demonstrate a proactive capacity to protect civilians, secure access for humanitarian aid delivery, protect its personnel and equipment and monitor the ceasefire between parties to the conflict in Darfur more than its predecessor AMIS.” On the other hand, Farmer (2012:100) argues that the mere fact that the AU initiated and authorized a peace mission in Darfur points to the fact that the AU is poised to face the challenges of conflict prevention, management and resolution in Africa. She noted that “while the mission is now a hybrid, the AU maintains a central political role in peace talks and negotiations.”

Similarly Keith (2007) stated that in spite of the admirable engagement of the African Union in the Darfur conflict, their efforts remained ineffective due to lack of resources, as well as political will. Birikorang (2009) concluded that the conflict in the Darfur region of Sudan posed a serious challenge to the African Union’s acclaimed mandate of proffering African solutions to African problems. Aboagye (2007), in his assessment of AMIS, avers that the African Union lacked the necessary tools needed for intervention in a modern and complex peacekeeping situation. In the same manner, Sansculotte-Greenidge (2011:119), while assessing the AU PSC and the Darfur conflict, observed that the peacekeeping efforts of the AU (African Union Mission in Darfur - AMIS) presented many challenges ranging from a “restrictive mandate and inadequate troops to cover the region” to “operational, financial and capacity gaps” that “combined in inextricable ways” to portray the AU authorized mission “as at best hobbled and ineffective and at worst counterproductive.” He also identified the absence of political will as one of the factors that adversely affected the AMIS. Pruner (2008) argued that the international community erred in the prevention, management and resolution of the Darfur conflict as the UN dithered in its initial response, thereby relying on a poorly equipped African Union Mission (AMIS) which did not have the mandate to protect civilian before the establishment of UNAMID.

However, Omar (2005:654) in his study of the Common African Defence and Security Policy (CADSP), observed that “although existing studies on African security
arrangements focus on the Peace and Security Council of the African Union” and the preceding OAU central organ, “the PSC is only an implementation organ of the CADSP, which constitutes a broader policy framework and which therefore deserves more attention for a better understanding of the challenges and tribulations of the collective security arrangement of the African Union.”

Conversely, Murithi (2011) does not seem to agree with the views of Omar (2005). In justifying the existence of the AU PSC after five years of its existence, Murithi posits that the “Peace and Security Council (PSC) has carved out a space for itself as one of the pre-eminent institutional structures of the AU” and that its “regular pronouncements have also elevated the African perspective on conflicts across the continent” (2011:267). Similarly, Davis (2011:18) in an attempt at evaluating the first five years of the AU PSC concluded that it has played a central role in developing the African Peace and Security Architecture (APSA) and “has made substantial progress in addressing many of Africa’s central peace and security challenges” at least on paper. He further compared the AU PSC to the OAU Mechanisms for conflict prevention, management and resolution before it, and asserts that “the PSC can reasonably be described as a politically relevant, productive, generally efficient and appropriate institution, although there is clearly room for significant improvement in each area.”

Aning (2011:39), while reviewing the first five years of the AU PSC in conflict prevention, management and resolution in Africa, noted that the AU “PSC has certainly acquired important insights, lessons learnt and experiences that should guide its work into the future.” However, its inability to enforce and elicit compliance from its recalcitrant members” has undermined the reputation of the PSC, thereby making it appear ineffective. He argues that the issuance of “communiqués with legally binding operative sections that are non-enforceable” by the AU PSC portend serious danger to its image and public perception.

In the same manner, Aginam (2011:215-228) critically analysed the relationship between the AU PSC and the UNSC in relation to conflict prevention, management and resolution in Africa. He further questioned the capacity of the AU PSC to intervene in conflict situations in Africa where the UNSC fails or delays its approval for AU PSC intervention as witnessed in the past as a result of selfish interests of the powerful
UNSC members; and perceived marginalization of Africa in global politics. He noted the case of Liberia and Sierra Leone where the Nigerian Led ECOMONG intervened without the consent of the UNSC. He queried the prospects of “replicating the ECOMOG precedents from a sub-regional organization (ECOWAS) to the African continent level as a whole, with the AU PSC and “harnessing the emerging doctrines, especially the norm of the ‘Responsibility to Protect’ as part of the emergent AU PSC practice.”

Further, Laakso (2005:489), in assessing the role of African regional organizations in conflict prevention, management and resolution, explained that “the fact that governments of sovereign member states might themselves be part of a security problem - including within their own territory - is an obvious challenge for African security integration” and that “the emergence of a security community is not a necessity for regional organizations to play a role in security,” stressing that development of “intra-regional and cross-level relationships by regional organizations can enable it to exercise empirical power and make a positive impact. She concluded that “there are many conflicts in Africa which cannot be prevented or resolved at least in the near future” and that the regional organizations should evolve a model that can address a situation where the monopoly of the state over violence is already compromised.

Furthermore, Vines (2010:1106) in his evaluation of the European Union and security in Africa, pointed out that “the adoption of the AU constitutive act and its commitment to intervention in extreme circumstances shows an acknowledgement that events such as the Rwandan genocide should not happen again on African soil.” He concluded that “it would be naive to think that even a fully operationalized APSA will solve all African conflicts, but it does offer a way of improving security on the continent.”

Moreover, Dersso (2011:100) appraised the role and place of human rights in the mandate and works of the African Union in terms of conflict prevention, management and resolution; and concluded that “although human rights should constitute an overarching framework in any of the PSC’s engagements in conflict prevention, conflict management and conflict resolution, as well as post-conflict reconstruction, the work of the PSC seems to show that such a coherent human rights consideration is a missing element.” He identified the inability of the PSC to develop an operational
framework that can enable it to identify human rights issues in its operations and devise appropriate mechanisms to tackle it as the major reason for its failure to deal with issues of human rights abuse.

O’Faheyy (2004) identifies the prolonged drought of the 1980s as one of the remote causes of the conflict in Darfur. He further observes that the prolonged drought, which exacerbated the desertification of the Northern and Southern parts of Darfur, led to scarcity of grazing resources for livestock, thereby forcing the camel Nomads to migrate southwards. This situation, according to O’Faheyy, reopened the historical conflict over water wells, only this time, the conflict was not settled by spears and mediation as in the past, but with guns, a situation which made the conflict intractable. An-Naim (2004) attributed the underlying cause of the conflict in Darfur to the failure of the traditional systems of land and water resources allocation, as well as lack of effective mediation by the local authorities in Sudan.

Prunier (2005) investigated the genocide claims in the Darfur region of Sudan during the period under review by mostly the West and concluded that the carnage that took place in the region does not qualify as genocide. He explains that ethno-political and economic issues influenced the conflict. He further argues that the Khartoum-based GoS, dominated by the Arab ruling elite, perceived the rebel uprising in the Darfur region as a direct threat to its hegemonic power in Sudan even more than the threat of secession by the mostly Christian dominated Southern Sudan. Thus, the decision by the GoS to unleash an unprecedented level of violence and terror against the rebel movement, with the support of the dreadful Janjaweed Arab militia was an attempt to quell the insurgence and deter other African black Moslems in Sudan from challenging its power hegemony, rather than a planned attempt to eradicate or exterminate the entire black African Moslems in Darfur as claimed by the West.

Totten and Markusen (2006) in their edited work which comprises essays by a group of scholars, officials of the US government and NGOs, as well as investigators of the Darfur Atrocities Documentation Project (ADP), largely disagree with Prunier on the issue of genocide in the Darfur region of Sudan during the period under review. The book, which they claim to be authoritative, as most of the essays contained therein are based on primary sources, posits that the GoS allied with the Arab Janjaweed militia to commit acts of genocide and crime against humanity on the non-Arab black African
people of South Sudan. This collection of essays laments the international legal bottlenecks that made it impossible to nail a clear case of genocide, and failure of the international community to muster the necessary political will to deal with the issue of genocide in the world system as demonstrated in the Darfur conflict.

Daly (2007) also disagreed with Prunier on the issue of genocide. He presents a detailed history of Darfur and its relationship with Sudan, as well as other countries such as Egypt, Britain, Libya, Ethiopia, and Chad in an attempt to trace the roots of the conflict. Daly tried to unravel the multifarious, complex and interrelated issues and events that culminated in the bloody conflict that conflagrated in 2003. He observed that the conflict may have been conditioned and influenced by multiple underlying factors other than racial conflict between those he referred to as Arab raiders and indigenous black farmers in the Sudanese western region of Darfur.

These underlying factors, according to Daly, include prolonged marginalization and underdevelopment of the Darfur region by the Khartoum-based government of Sudan (GoS); the drought, famine and increased desertification that ravaged Darfur in the 1980s; migration of refugees fleeing from the conflict in the neighbouring Chad Republic, Arab apartheid propagated by some groups he identified as the Arab Alliance, Libyan Arabs and the Islamic Legion. He maintained that responsibility for what he described as the destruction and genocide in the Darfur region should be placed on the GoS and its leadership, even as he embarked on the daunting task of establishing evidence of genocide and crimes against humanity against the GoS and its leaders.

De Waal (2007) in his own account, attributed the failure in reaching an early negotiated peaceful settlement of the conflict on the Khartoum-based GoS. He remarked that the GoS, led by Omar Al-Bashir whom he described as “hyper-dominant,” deployed state forces and the Janjaweed Arab militia to decimate the civilian black population in the Darfur region of Sudan. He posited that structural instabilities created by the GoS by different means and strategies including acts of administrative injustice and wilful neglect of the Darfur region, served to perpetuate the regime in power.
He further x-rayed the DPA in Abuja, as well as the factors that led to its failure, even as he attempted an investigation into the sources of logistical support for the combatants among other factors which militated against the early management and resolution of the conflict. He also examined the issue of sexual violence or rape, the GoS response to the conflict and their attempt at managing and resolving the conflict, as well as the economic implications of the war on the region, impact analysis of the war on people’s means of livelihood, the resultant refugee crisis and the plight of the IDPs.

Steidle and Wallace (2008) present a vivid eye witness account of what they believe to be a clear case of genocide by Janjaweed militia, whom they referred to as “evil men on horseback,” with the blessing of the GoS and active support of the Sudanese armed forces against the black African civilian population in the Sudanese western region of Darfur during the period under review. They roundly criticized the response of the international community whom they accused of standing idly by while the Janjaweed Arab militia unleashed horrific acts of terror on the indigenous black civilian population in Darfur. According to Steidle and Wallace, the Janjaweed militia raped and killed women, men and children; and looted livestock and properties, while burning down non-Arab black African villages and communities, whereas the Arab villages and communities were spared in the carnage.

However, Steidle and Wallace failed to present a balanced and in-depth analysis of the social, political, environmental and economic issues that conditioned and influenced the conflict. Rather they seem to focus on presenting a largely biased and one sided account of the conflict with the apparent objective of establishing a case of violence against the Omar Al-Bashir-led GoS and its allied Arab Janjaweed militia.

Flint and De Waal (2008) agree with Daly in blaming the British colonialists and the GoS for laying the foundation for the conflict in the Darfur region of Sudan as they explore the pre-colonial, colonial and post-independence history of Darfur and Sudan. They noted that lack of development, as well as political, social and economic marginalization and underdevelopment of the Darfur region by the colonial rulers and successive GoS regimes in Khartoum contributed largely to the rebel movement in the Darfur region which resulted in the bloody conflict that began in 2003.
Besides, Arab supremacy and racism, which may also be referred to as Arab apartheid, allegedly propagated by the Libyan regime of Muammar Gaddafi and its GoS counterpart in Khartoum, according to Flint and De Waal, were major contributing factors to the conflict. They also did a critical examination of the role of the international community (with the curious exception of China) and aid agencies in the crisis while analysing the processes and events that led to the signing of the Darfur Peace Agreement (DPA) in Abuja, Nigeria, as well as the issues, challenges and prospects of the peace agreements. Flint and De Waal criticized the role of some members of the international community, who according to them, spent most of their resources in trying to establish a case of genocide against the GoS leadership instead of channelling all their available resources to the provision of food and water for the conflict and drought devastated land of internally displaced persons (IDP).

Further, Flint and De Waal scrutinized the relationship between the Janjaweed Arab militia and the GoS with the conclusion that the GoS employed the Janjaweed as proxy in their battle against the indigenous black African population in Darfur, in concerted efforts to crush the rebel movement. They also did a study of the various rebel groups and their leadership while detailing the array of criminal activities perpetrated by the groups against the Arab population. However, it is important to note that Flint and De Waal, unlike most non-Arabic western-based writers, actually discredited and made light of the activities of the black Africa rebel groups in the conflict that ravaged the Darfur region of Sudan.

Prunier (2008) placed the blame for the insurgency in the Darfur region of Sudan, which elicited a brutal and horrific reprisal action by the GoS and its allied Janjaweed militia, on decades of marginalization, exploitation and neglect of the Darfur region by the Khartoum-based GoS. He did not spare the Colonialists, whom he alleged to have set the stage for the age-long neglect and under development of the Darfur region after its annexation to Sudan. He also identified the political upheavals as a result of failure of democratic governance in Sudan, as well as the debilitating environmental challenges such as the drought, desertification and consequent famine of the 1980s; and the adverse influence of the Libyan regime of Muammar Gaddafi’s Arabization strategy on the Darfur region in aid of the regime’s war efforts in the Chad, which
invariably introduced what may be referred to as Arab apartheid that pitched black African tribes against their Arab counterparts.

Furthermore, Prunier explains the role of the bitter power struggle between the two prominent leaders, Omar Al-Bashir and Hassan al-Turabi, that emerged after the 1989 military change of government in Sudan. He described al-Turabi as an Arab Islamist. Omar Al-Bashir emerged victorious in the power struggle, and blamed what he described as the cynical opportunism of al-Turabi expressed in his bid to edge out Al-Bashir in the political power struggle as having a catastrophic effect on the conflict in the Darfur region of Sudan.

Roundly criticizing international response to the conflict, Prunier attributed multiple factors as being responsible for the lackadaisical response of the international community to the carnage in Darfur during the period under the review. Among these multiple factors, according to Prunier, are: the overwhelming focus on bringing a final resolution to the already existing protracted civil war between the North and South of Sudan by the international community, the focus of the British and US government on addressing the embarrassing situation in Iraq by ending the bloody insurgency and withdrawing its troops from Iraq, as well as the consideration for GoS cooperation in the fight against terror.

Prunier further notes that the conflict cannot be blamed on religion because both sides to the conflict (the Arab and black African tribes) are Muslims and he maintained that the ethnic and tribal lines in the region were blurred but only branded, distinguished and exploited by the Arab ruling political elite in Khartoum. In agreement with the views of Mandani (2009) on the issue of genocide, Prunier contends that the atrocities committed in the Darfur region during the period under review did not amount to genocide as the GoS, according to him, did not plan to exterminate any particular group of people or ethnic nationality. But he differed with Mandani over who was responsible for the horrific crimes against humanity, as he alleged that the GoS, in concert with the dreadful Janjaweed militia, brutally suppressed the threat of a rebel movement who sought to overthrow the existing status quo, thereby ending the power hegemony enjoyed by the Arab ruling cabal in Khartoum in favour of the Black African groups in the western region of Sudan.
Mandani (2007, 2009) posits that the emergence of two main rebel movements against the Sudanese government in 2003 and the subsequent bloody insurgency that was met with a brutal counter insurgency was not a genocidal war as claimed by the West. He, unlike the previous authors cited above, blamed the British colonial administration for the conflict. He further explained how the Colonial government’s decision to “tribalise” Darfur by grouping its population into “natives” and “settlers” entrenched a homeland for the black African natives at the expense of the Arab settlers. Moreover, the inability of successive government regimes in Sudan to successfully handle the situation by creating a homeland for the settlers, catalysed the conflict.

Mandani further noted that the bloody civil war that began in 2003 was conditioned and influenced by multiple local, regional and global factors. He pointed out that the cold war induced civil war, in the Chad Republic, spilled over to the neighbouring Darfur region of Sudan and militarized the region, as well as the attitude of the West who perceived the Darfur conflict as part of the war on terror with the ambition of a disguised military invasion of Sudan in the form of “humanitarian intervention”. He criticized the Save Darfur Advocacy group as a hugely funded western propaganda agency and accused them of “radicalizing” the conflict, misrepresenting the facts and exaggerating the mortality figure. He therefore questioned the integrity of the Save Darfur initiative and dismissed them as an incredible international campaign organization.

Mandani consistently differed with most of the other authors and commentators on the Darfur conflict as he vigorously attempted to absolve the GoS and its leadership of any wrong doing, dismissing the genocide claim as a strategy of the West to invade Sudan and deal decisively with its leaders, especially President Omar Al-Bashir who was declared wanted by the ICC. He squarely placed responsibility for the bloody conflict on the Colonialists, environmental factors such as desertification and drought, as well as the cold war influencing the war in Chad. He concluded that land ownership reforms, as well as reform of the political power structure in Sudan, will address the conflict in the Darfur region, rather than seeking to punish those responsible for the killings that took place in the Darfur region of Sudan during the period under review.

Suliman (2010) agrees with Daly and others, while disagreeing with Mandani and Prunier on the issue of genocide. However, he focused more on how the complex
interrelationship between environmental factors, social, economic and political dynamics of governance at both local and national levels, combined to foster the prolonged conflict in the Darfur region of Sudan. He concluded that a proper understanding and analysis of these factors was essential to the international efforts at managing and resolving the conflict.

Brosche and Rothbart (2013) examined the long standing conflict in the Darfur region of Sudan and the massive violence that led to the wanton destruction of lives and property, including sexual violence and internal displacement of a large population of people. While attributing the conflict to a rebel uprising by a long marginalized group against their oppressors at the helm of government at the centre, Brosche and Rothbart contend that the conflict was a political power struggle among various sets of local and national actors, as well as proxy war strategies of both the GoS and its Chadian counterpart. They noted that age-long disputes between farmers and nomadic herdsmen and among different groups of nomadic herdsmen, were one of the factors that precipitated the conflict.

3.7 SUMMARY AND CONCLUSION

This chapter delved into the history of Sudan and its western region of Darfur, as well as the historical background and timeline or chronology of major events that occurred during the conflict. It notes that Sudan, one of the biggest countries among African and Arabic nations, has been a theatre of war since its independence. These wars, mostly between the North and South of Sudan, were violent and destructive. The Darfur region of Sudan had its share of these wars from 2003 to 2013. This chapter also looked at the history of Sudan and its Darfur region. It examined the geographical, ethnic and tribal composition of the Darfur region, as well as the socio-political tensions that influenced the conflict. Moreover, the chapter briefly traced the origin of the conflict, the conflict process and the timeline.

Further, this chapter dealt with available literature on conflict prevention, management and resolution in Africa and narrowed down the conflict to the Darfur region of Sudan. However, this chapter observes an obvious lacuna in existing literature regarding the aspects of conflict prevention, management and resolution as it affects the conflict in the Darfur region of Sudan. While most of the authors focused attention on the causes
of the conflict, as well as a history of the conflict, others concentrated their efforts on apportioning blame for the conflict, even as the preoccupation of most was how to establish a case of genocide against the GoS and its leadership.

The very important questions that relate to how the conflict could have been prevented in order to draw lessons that will help forestall future reoccurrence in Sudan or any other region in Africa with similar characteristics, received little or no attention in the available literature. Further, the majority of the literature overlooked the critical aspect of a detailed analysis of the management and resolution process. This study therefore contributes in filling in these gaps in literature.

The conflict was started by the rebel movements in Darfur who began a violent struggle with the GoS. This armed struggle or insurgency was met with stiff resistance from the battle weary GoS who had been engaged in a protracted war with Southern Sudan and the other places. In order to ensure victory, the GoS enlisted the help of the notorious Janjaweed. The Janjaweed helped the GoS in containing the insurgents until the GoS was able to recover from the shock of the insurgent attacks and the early successes recorded by the rebel movements.

Although the GoS received a very bad review globally in respect of the conflict, this research asserts that the blame for the bloody conflict rests squarely on the Darfur rebel movement. While condemning the brutality of the GoS forces and their allied Janjaweed Militia, this research notes that suppressing insurgencies in developing countries is always a brutal affair. There is no justification to resort to armed violence unless in self-defence and this research found no evidence that the Darfur region was under any form of attack by the GoS before it resorted to armed violence against the GoS.

Curiously, as the conflict was drawing to an end by the efforts of third party intervention, the rebel movements broke into several rival groups and created the impression of not wanting the conflict to end. Even when the UNAMID Force Commander announced the end of hostilities in 2008, some of the rebel movements repudiated his claims and sought to re-escalate the conflict. Suffice it to say that the actions and inactions of the rebel movements and their leaders did not depict serious concern for the welfare of the ordinary Darfur citizens languishing in the IDPs with
many - especially women and children - dying on a daily basis as shown by the mortality records.

The chapter ends with pictorial evidence of the situation in Darfur at the time. Figures 3.5, 6, 7 and 8 depict the suffering of IDP Darfurians.

Source: http://www.usaid.gov

Figure 3.5: Internally Displaced People’s Camp (IDP) in Darfur during the conflict (2003 – 2013)
Figure 3.6: IDP Camp in Darfur Region of Sudan during the Conflict (2003 – 2013)

Figure 3.7: Sudanese Liberation Movement/Army (SLM/A) Fighters
Figure 3.8: A mother with her sick baby at Abu Shouk IDP camp in North Darfur

Source: http://www.house.gov/wolf/issues/hr/trips/sudanrpt_web.pdf
CHAPTER FOUR

THE AFRICAN UNION: CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION IN AFRICA

4.1 INTRODUCTION

This chapter is concerned with the issues relating to conflict prevention, management and resolution in Africa. It focuses on the institutional framework for dealing with conflict in Africa. The institution saddled with such responsibility is the African Union, formerly known as the Organization of African Unity (OAU). It therefore narrows down the analysis to the OAU/AU mechanisms for conflict prevention, management and resolution in Africa. It also presents an overview of the United Nations assistance to the AU in the task of conflict management and resolution in Africa.

African states emerging from colonial bondage, formed the Organization of African Unity (OAU) in 1963 with the hope that the organization would pursue the independence of colonized territories; promote their unity, peaceful settlement of disputes, and development in Africa. The AU, with its headquarters in Addis Ababa, Ethiopia and with regional as well as country offices all over Africa, has been saddled with the task of conflict prevention, management and resolution in Africa since its inauguration. Article 19 of the OAU Charter established the Commission of Mediation, Conciliation and Arbitration (CMCA) with these words: “Member states pledge to settle all disputes among themselves by peaceful means and to this end, decide to establish a Commission of Mediation, Conciliation and Arbitration…”

The Protocol for this Commission was signed by 33 states in 1964 and made part of the OAU Charter and every member state of the OAU was “ipso facto a party to the protocol without reservations” (Naldi, 1989:19). The Commission had three organs - the Bureau, the President and two Vice Presidents. The Bureau was assigned the duty of consulting parties to a dispute with regard to the best way such disputes could be settled. The President was given powers to appoint a commission of mediation in agreement with the disputing parties. He could also appoint a Board of Conciliators, and additional Arbitrators to the Arbitral Tribunal.
The job of the CMCA, which was not set up or conceived as a judicial organ, was to hear and settle disputes between members by peaceful means. It was not given jurisdiction over intra-state disputes. It also had no compulsory jurisdiction over states unless their consent was secured. Article 12 of the Protocol requires the disputing parties’ joint empowerment, the empowerment of a party to the dispute, that of the Assembly of Heads of state and government or that of the Council of Ministries in order to wade into an inter-state dispute. The Commission had one or more of three methods to carry out its assignment: mediation, conciliation, or arbitration. The Protocol did not explicitly provide for negotiation, enquiry, good offices, and judicial settlement; but did not explicitly exclude them either.

It is important to point out also that while some disputes may have a legal character, the methods of mediation and conciliation are non-adjudicatory. While mediation involves an official third party giving advice or non-binding proposals, and reconciling claims and interests of the disputing parties, conciliation involves an impartial and neutral examination of the dispute, from which a settlement acceptable to the parties can be distilled.

The third method, which is arbitration, is a judicial technique, involving the examination of claims and interests and the pronouncement of a binding decision on the basis of law by a tribunal agreed upon by the parties in dispute.

For a newly emerging organization whose members adopted the principles of non-interference in the domestic affairs of member states, and that of sovereign equality and respect for the independence or sovereignty of members, the issue of arbitration has to be watched. As can be seen in the next chapter, the provision for arbitration in the OAU mechanism adopted at formation for conflict management, made the CMCA a social and political leper that had to be rejected, avoided, and ostracized in order to prevent any infectious deformity it may cause to the sovereignty and internal affairs of member states.

Unfortunately, this Commission could not deliver the much needed services, and the OAU had to adopt other mechanisms. Thus, it cannot be rightly said that since inception, the OAU has adopted a single mechanism for managing conflicts, unless
the phrase is used in the sense of a multi-phase mechanism. However one can identify three mechanisms as follows:

a. The Commission of Mediation, Conciliation and Arbitration  
b. Ad hoc Commissions  
c. The Mechanism of Conflict Prevention, Management and Resolution.

Below is a brief analysis of the workings of these mechanisms

### 4.2 THE COMMISSION OF MEDIATION, CONCILIATION AND ARBITRATION

As stated earlier, the Protocol for the CMCA was signed in 1964 and it came into effect the same year but its Bureau was not established until 1968. The CMCA was the original mechanism of the OAU for the management of conflict in the continent.

However, despite the high expectations from the CMCA, and the importance attached to its functions, the Commission did not deliver much on its mandate. Many factors may have contributed to this. Although the CMCA was conceived alongside the OAU Charter provisions in 1963, the signing of its establishment protocol was not done until 1964 and its secretariat established in 1968, therefore the Commission effectively kicked off in 1968. This delay may have contributed to making it almost dead on arrival, as its impact was hardly felt. Secondly, the Commission further experienced serious financial and personnel challenges, even OAU member states were afraid of having binding legal decisions imposed on them by the Commission. This fear may have been born out of the narrow perception of the concepts of sovereignty, and non-interference in the internal affairs of states, as at that time.

Consequently, member states avoided any dealings with the Commission, which by 1976 had not handled a single case, in spite of the fact that several disputes were there to be mediated. In fact, because member states declined to use the CMCA, the OAU Secretariat was instructed in 1971 to liquidate the Commission's assets. Besides, the Commission, even without the above challenges, would have been unable to deal with interstate conflict such as the conflict in the Darfur region of Sudan as it was only mandated to deal with interstate conflicts.
4.3 THE MECHANISM OF AD HOC COMMISSIONS

The delay in the establishment and operationalisation of the CMCA, coupled with its avoidance by member states, made the OAU adopt other methods for conflict prevention, management and resolution in Africa. These other methods became Ad hoc Commissions of the Assembly of Heads of State and Government and the Council of Ministers. The peaceful settlement of disputes by these two OAU political organs, and sometimes the Secretariat under the Secretary-General, became substitute mechanisms to the original CMCA. The functioning of these political organs became very important and successful in the Organization, and between 1963 and 1993, when another mechanism came into effect, these political organs handled several disputes. Moreover, the Eminent Persons Committee, Good offices of the OAU Chairman, and the Secretary-General also got seriously engaged over time in management and resolution of conflicts among OAU member states, while ignoring the provisions on the CMCA in its Charter.

4.4 THE MECHANISM FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION (MCPMR)

The failure of the CMCA, and negative effects of ad hoc methods of managing and resolving conflicts, as well as the changes in the world's political landscape, coupled with the need to create the necessary peaceful atmosphere for rapid development in Africa may have informed the establishment of the Mechanism of Conflict Prevention, Management and Resolution (MCPMR) by the OAU in 1993. The objectives of the MCPMR were essentially to anticipate and prevent tension and disagreements among member states from becoming violent conflicts; and undertaking peace-making and peace-building functions in situations where violent conflict had already broken out, in order to facilitate the management and resolution of the conflict. Consequently, paragraph 22 of the June 1993 Cairo Declaration establishing the Mechanism provides that “the Secretary General shall under the authority of the Central Organ and in consultation with the parties involved in the conflict, deploy efforts and take all appropriate initiation to prevent, manage, and resolve conflicts.”
In paragraph 15, the OAU leaders stated that:

“In circumstances where conflicts have occurred, it will be its responsibility to undertake peace-making and peace-building functions in order to facilitate the resolution of these conflicts. In this respect, civilian and military missions of observation and monitoring of limited scope and duration may be mounted and deployed.”

Paragraph 16 anticipates the involvement of the UN as follows:

“In the event that conflicts degenerate to the extent of requiring collective international intervention and policing, the assistance or where appropriate, the services of the United Nations can be sought under the general terms of its Charter.”

Structurally, the MCPMR was built around the Bureau of the Assembly of OAU Heads of State and government. It has three levels of authority - Ambassodorial, Ministerial, and Heads of State and Government levels.

Operation wise, the operational arm of the MCPMR revolved around the General Secretariat, the office of the Secretary General, and the Division of Conflict Management. The mechanism was funded from the Peace Fund set up by the OAU, to be financed from 5% OAU regular budgetary appropriation, as well as voluntary contributions from African and non-African sources.

The MCPMR utilized the gains of the Early Warning System, and the quiet but effective and growing role of the Secretary General, who was provided with a framework to take initiatives and carry out personal intervention, or send special envoys to promote peaceful settlement of disputes. The Chairman of the OAU, and other Individual African Heads of State who have insight into the conflicts within or between states, could under the present arrangement be mandated to intervene in a conflict situation on behalf of the OAU Assembly of Heads of State and Government.

However, the leaders of Africa in their desire to reduce violent conflicts and unite Africa for progressive development, transformed the OAU to AU in 2002 at the Durban Summit, which inaugurated the AU and its first Assembly of Heads of State and
Government. The Durban inauguration followed a series of negotiations and agreements by African Heads of State and Government such as: the Lusaka Summit (2001) which ratified the roadmap for the operationalization of the AU; the Lome Summit (2000) which ratified the AU Constitutive Act; and the Sirte Summit (1999) which called for the establishment of the AU to replace the ineffective OAU.

The AU Constitutive Act has 33 Articles covering the AU’s objectives, principles and other general guidelines. While the Constitutive Act does not specify any sequencing of the institutions, the implementation of the Act entails some measures of prioritization, being that certain institutions were established ahead of others. The AU has 14 directorates with the Assembly of the Heads of State and Governments as its supreme organ. The Executive Council, the Permanent Representatives Committee, the Specialized Technical Committee and the Pan-African Parliament constitute its political organs. Other organs are the Court of Justice, the Economic, Social and Cultural Council, the Financial Institutions and the Peace and Security Council. The key organ for the routine functioning of the AU is its Commission which consists of a Chairperson, a Deputy Chairperson, eight commissioners and staff. With this arrangement, member nations are to demonstrate their readiness to contribute to AU funds, participate in conflict resolution, peace-making and peace-building at regional and continental levels.

The most prominent distinction between the AU and the OAU with respect to conflict prevention, management and resolution in Africa is the abolition of the OAU principle of non-interference in the internal affairs of member states due to the rigid interpretation of the concept of sovereignty by the OAU. The AU constitutive act and its establishment protocols empowered the AU to intervene in member states in the event of armed conflicts (such as the conflict in the Darfur region of Sudan) which may lead to human rights and international humanitarian law violations, including genocide, war crimes and crimes against humanity.

Consequently, the AU Constitutive Act and its establishment protocols set up the African Union Peace and Security Council, as well as the five pillars of an elaborate African Union Peace and Security Architecture (APSA). The five APSA mechanisms are designed to aid the PSC in the performance of its mandate.
4.5 THE AFRICAN UNION PEACE AND SECURITY COUNCIL (PSC)

The AU, in realization of Africa’s need to develop capacity to deal with common security threats on the continent, adopted the Protocol Relating to the Establishment of the PSC in July 2003. The PSC is a direct replacement for the ineffective Mechanism for Conflict Prevention, Management and Resolution (MCPMR) of the OAU dispensation. In order to fulfil its mandate, the PSC is designed as a 15 non-permanent membership mechanism to cooperate and work closely with the relevant UN bodies and regional organizations in Africa in the fulfilment of its mandate as provided in article 7 of the Protocol relating to the establishment of the Peace and Security Council of the African Union. The mandate given to the PSC includes: conflict prevention, management and resolution through the recommendation for the early intervention of the AU in member states, to forestall human rights and international humanitarian law violations including war crimes, crimes against humanity and genocide. Others include peace support missions, administration of conventions and treaties on disarmament and arms control and the African Union Common Defence Policy; and cooperation with the regional organizations for the maintenance of peace and security in Africa, among others (African Union PSC Protocol, 2003).

As earlier stated, the Protocol relating to the establishment of the PSC also provided an elaborate African Peace and Security Architecture to support the PSC in achieving its mandate. The APSA consists of five mechanisms for conflict prevention, management and resolution in Africa, namely: the African Standby Force, the Continental Early Warning System, The Peace Fund, The Panel of the Wise, as well as the Regional Economic Communities (RECs) and Regional Mechanisms (RMs) for conflict prevention, management and resolution in Africa.

However, the first major challenge of the PSC immediately after its establishment was the conflict in the Darfur region of Sudan. The PSC facilitated the deployment of the African Union Mission in Sudan (AMIS) for the purposes of the peacekeeping operation in Darfur and its subsequent merger with the UN to form the United Nations – African Union Hybrid Mission in Darfur (UNAMID as a result of AMIS’s incapacity to deal with the challenges of the Darfur conflict.
4.5.1 REGIONAL ECONOMIC COMMUNITIES (RECs) AND REGIONAL MECHANISM (RMs)

Regional Economic Communities and Regional Mechanisms for conflict prevention, management and resolution in Africa is one of the five pillars of the African Union Peace and Security Architecture. Article 16 of the Protocol Relating to the establishment of the PSC mandate the AU Chairperson and the PSC need to coordinate, streamline and harmonize that activities of the REC and RMs involved in the promotion of peace, security and development in Africa; with the overall objectives of the African Union. To this end, the PSC facilitated the signing of a memorandum of understanding between the African Union on the one hand and the Regional Economic Communities and Regional Mechanisms on the other hand, for cooperation in addressing peace and security challenges in Africa.

These Recs and RMs include: the Common Market for Eastern and Southern Africa (COMESA) and its Committee of Elders; the Intergovernmental Authority for Development (IGAD) and its Mediation Contact Group; the Economic Community of Central African States (ECCAS), East African Community (EAC), Union of Maghreb States (UMA) and the Community of Sahel-Saharan States (CENSAD), the Economic Community of West African States (ECOWAS) and its Council of the Wise and the Southern African Development Community (SADC) and its Mediation Reference Group and Panel of Elders.


The Panel of the Wise is a group of five highly respected, eminent and outstanding African statesmen, who have made positive contributions to peace and development in Africa; representing the five geopolitical zones of the continent – North, South, West, East and central Africa; established under Article 11 of the Protocol Relating to the Establishment of the PSC and charged with the primary responsibility of supporting the PSC and the Chairperson of the AU in conflict prevention. Further, the panel which was first appointed by the Assembly AU heads of State and government in 2007, was also tasked with the responsibility of providing political and diplomatic options in a potential conflict situation in the continent. Consequently, in conflict situations, the
The Panel of the Wise panel is expected to examine the causes, initiate negotiations, build confidence and recommend practical solutions to the AU.

The selection of the panel members is based on sub-regional representations, among other criteria, with members having a three year tenure each. As part of its mandate and as an advisory body, the Panel of the Wise meets regularly to discuss issues relating to peace and security in Africa and makes its report to the AU through the PSC. It is also expected to initiate policies and actions in support the PSC and the Chairperson of the Commission in addressing the challenges of conflicts in Africa (AU PSC Protocol, 2003).

However, in a bid to support the activities of the Panel of the Wise, whose membership comprises elder statesmen, the African heads of state and government, in 2010 approved the formation of a five member Friends of the Panel of the Wise, using the same criteria and a sub-regional representation basis, as the Panel of the Wise. Similarly the Assembly of heads of states and government at the Golden jubilee summit of the African union approved the establishment of the Pan-African Network of the Wise (Pan Wise) which seeks to bring all the relevant stakeholders (statutory bodies, organizations and mediation actors) involved in the prevention, management and solution of the conflict in the continent together to constitute a think tank for the promotion and maintenance of Peace and Security in Africa.

The Pan–African Network of the Wise has the AU Panel of the Wise, the Common Market for Eastern and Southern Africa’s (COMESA), Committee of Elders, the Intergovernmental Authority for Developments (IGAD, Mediation Contact Group, the Economic Community of Central African States (ECCAS), East African Community (EAC), Union of Maghreb States (UMA) and the Community of Sahel-Saharan States (CENSAD), the Economic Community of West African States’ (ECOWAS) Council of the Wise, the Southern African Development Community’s (SADC) Mediation Reference Group and Panel of Elders; as its core members. Also, the National infrastructures for peace and National mediation councils, the Forum of Former heads of state and government and the Association African Ombudsmen and Mediators, among others, as its associate members. This very powerful network is expected to meet regularly with relevant institutions, offices, mediators and negotiators in furtherance of its mandate of promotion and maintenance of the stability, peace and
security necessary for the social, economic and political development of Africa (Accord, 2013; ISS PSC Report, 2015).

4.5.3 CONTINENTAL EARLY WARNING SYSTEM (CEWS)

The Continental Early Warning System is a mechanism designed to anticipate latent conflicts before they become manifest conflicts in Africa. The Continental Early Warning Mechanism, established in accordance with Article 12 of the Protocol Relating to the Establishment of the African Union PSC, is designed to prevent violent conflicts in Africa by anticipating, monitoring, gathering and analysing data on latent conflict situations; and advising the AU Commission through the PSC for prompt preventive action.

In order to anticipate and prevent conflicts, the warning system is expected to develop an early warning module. In furtherance of this objective, the Protocol also provides for the establishment of a conflict monitoring observation centre at the AU Secretariat (Peace and Security department), also known as the “Situation Room,” through which it executes its functions in collaboration with the observation and monitoring units of the regional mechanisms for conflict prevention, management and resolution in Africa (also provided for by the Protocol). These include the United Nations, specialized agencies organs of the United Nations, including other international governmental and non-governmental organizations, local non-governmental organizations, state governments, research institutes and other bodies, individuals and groups involved in the global efforts for peace and security in the world in general and Africa in particular.

4.5.4 THE AFRICAN STANDBY FORCE (ASF)

The African standby force is a creation of Article 13 of the Protocol relating to the Establishment of the African Union Peace and Security Council. It is conceived to be a multidimensional Peace Support Mechanism comprising military, police and civilian support staff, based on a sub-regional arrangement with the five geopolitical regions in Africa. The ASF, when fully operationalized, is expected to be a combat-ready quick response outfit that can be deployed to any conflict zone in Africa with short notice, unhindered by unnecessary political and administrative bottlenecks.
The mandate of the ASF as entrenched in Article 13 of the AU PSC Protocol includes: intervention in member states pursuant to Articles 4 (H) and (J) of the AU Constitutive Act, in the event of occurrences relating to human rights and humanitarian law violations, war crimes and crimes against humanity including genocide; with or without the invitation or approval of the government of member states, to maintain peace, security, law and other issues.

Other functions envisaged for the ASF include preventive actions aimed at averting the escalation of a latent conflict from manifesting into a destructive violent conflict; achievement of de-escalation in the case of an ongoing violent conflict and enforcement of a ceasefire agreements and avoidance of re-escalation where the conflicting parties already reached a ceasefire agreement. Moreover, the ASF is mandated to conduct other kinds of peace operations such as disarmament, demobilization and encampment of ex-combatants for reintegration into the society as well as other post conflict peace-building and humanitarian activities as may be assigned to it by the AU through the AU PSC.

Furthermore, ASF is built around the five Regional Brigades, namely: The East African Standby forces (EASBRIG) comprising contingents from Kenya, Rwanda, Seychelles, Uganda, Burundi, Comoros, Djibouti, Ethiopia, Somalia and Sudan (The latest member of AU, South Sudan is yet to join); The South African Standby Brigade (SADCBRIG) comprising contingents from Namibia, Swaziland Tanzania, Lesotho, Botswana, Madagascar, Mauritius, Angola, Mozambique, Malawi, Zambia, Zimbabwe and South Africa; The North African Regional Standby Brigade (NASBRIG) also referred to as the North African Regional Capacity (NARC) comprising contingents from Egypt, Mauritania, Tunisia, Algeria, Western Sahara and Libya; The ECCAS Standby Force also known as Force Multinationale de l'Afrique Centrale (FOMAC) comprising contingents from The Cameroons, Central African Republic, Gabon, Angola, São Tomé and Príncipe, Democratic Republic of the Congo and Chad, Equatorial Guinea, Republic of the Congo; The ECOWAS Standby Force (ECOBRIG) comprising contingents from Togo, Côte d'Ivoire, Guinea, Guinea Bissau, Liberia, Sierra Leone, Niger, Burkina Faso, Ghana, Nigeria, Benin, Gambia, Cape Verde, Mali and Senegal (AU, 2005).
However, the ASF is yet to be operationalized since ratification of the Policy framework for the establishment of the ASF in 2003. Rather there have been several military exercises over the years, aimed at the training and operationalization of the ASF, such as Landmark AMANI AFRICA I and II. Landmark AMANI AFRICA II was successfully conducted at the Army Combat Training Centre in the Northern Cape, South Africa from 19 October – 8 November 2015, with over 6000 contingents from the five Regional Brigades comprising the military, police and civilian support staff; to test run the Rapid Deployment Capability (RDC) of the ASF. This was seen as the final step in the march towards the operationalization of the ASF (African Union Peace and Security Council, 2015). Consequently, the AU promised that the ASF would become fully operational by 2016.

4.5.5 THE PEACE FUND

Inadequate funding constitutes the greatest challenge to the operationalization of the AU APSA, especially the ASF. The Peace Fund was established under the dispensation of the OAU since 1993 to cater for the funding of peace operations in Africa. Under this arrangement, 6% of the annual OAU/AU budget is dedicated as a contribution to the Peace Fund. Other sources of funding for the Peace Fund include voluntary contributions from member states outside their statutory annual contribution to the AU, local and international governmental and non-governmental organizations and institutions; corporate bodies, as well as eminent and well-meaning individuals, and civil society organizations.

It is through donations to the Peace Fund that the ASF is able to conduct its military exercise and training so far. Swearingen and Gilpin (2013) note that the AU Peace Fund is crucial to the peacekeeping efforts of the AU. They further, point out that AU member states contributed only 2% of the total budget of the AU Peace Fund from 2008 – 2011, while international donors contributed the balance of 98%. The implication of this apparent financial incapacity of the AU member states is that the success of the African Union Peace and Security Architecture, especially the operationalization of the ASF, will be dependent so much on the Peace Fund.
4.6 THE UNITED NATIONS AND CONFLICT MANAGEMENT AND RESOLUTION IN AFRICA

The United Nations (UN), established in 1945 after World War II as an intergovernmental organisation charged with the core mandate of maintaining world peace and security; promoting international development as well as fostering cooperation among member states, has been vital in conflict management and resolution in Africa since 1960 with the establishment of the United Nations Organisation in Congo (ONUC) in the response to the Congo crisis (1960 – 1964). The UN with its headquarters in New York (USA); main offices in Vienna (Austria), Nairobi (Kenya) and Geneva (Switzerland); and regional and country offices all over the world, has six (6) main organs and several specialised agencies. The UN Peace and Security Council is one of the main organs of the UN with the primary responsibility of maintaining international peace and security.


The AU has been criticised for depending largely on the UN in conflict management in Africa. However, this study analysed the role of the UN in collaboration with the AU in the management of the Darfur conflict (see detailed analysis in chapter six).
4.7 EVALUATION OF THE OAU/AU MECHANISMS FOR CONFLICT PREVENTION, MANAGEMENT AND RESOLUTION IN AFRICA

The defunct OAU Mechanism for conflict prevention, management and resolution was seriously tested during the Nigerian Civil war. The Nigerian civil war therefore provides a typical case for assessment.

The Nigerian civil war, which lasted from May 1967 to January 1970 was basically between the Nigerian federation on one hand, and the Eastern Region (Republic of Biafra) on the other hand. There exists abundant literature on the origin and causes of the war. But this study is not concerned with the history of the Nigerian civil war; this research focuses attention on the role of the OAU in respect to the prevention, management and resolution of the Nigerian civil war.

4.7.1 THE NIGERIAN CIVIL WAR (1967 – 1970)

The Commission of Mediation, Conciliation and Arbitration (CMCA), which came into effect in 1963 and signed in by 33 states in 1964, had three organs - the Bureau, the President and two Vice Presidents. The Bureau was assigned the duty of consulting parties to a dispute as regards the best way such dispute could be settled. The President was given powers to appoint a commission of mediation in agreement with the disputing parties. He could also appoint a Board of Conciliators, and additional Arbitrators to the Arbitral Tribunal. As stated earlier, the Protocol for the CMCA was signed in 1964 and it came into effect the same year but its Bureau was not established until 1968. This was about one year into the Nigerian civil war.

The Nigerian government, according to Stremulau (1977), resisted any peace initiative from several quarters, insisting that any peace initiative must come from OAU. Stremulau suggests that the Nigerian government took this stand fully aware that the terms of reference of the CMCA does not empower it to arbitrate in the war, which obviously was the desire of the Nigerian federal government. Events came to a head at the Kinshasa summit of the OAU in September 1967, where the Nigerian civil war was expected to top the agenda. Curiously, most African heads of government at the summit failed to give any reference to the CMCA because of the narrow minded fear
of surrendering their new and hard earned independence from their colonial masters to the OAU.

Hence, rather than empower the CMCA to arbitrate, mediate and reconcile the parties to the conflict, thereby preventing the war, the OAU summit decided to convene a consultative committee to supposedly arbitrate in the crisis in Nigeria. It is important to note that the Federal government of Nigeria maintained that the crisis in Nigeria was an internal crisis which was outside the mandate of the CMCA based on article 3 (2 &3) of the OAU charter.

Suffice it to say that the CMCA did not make any attempt whatsoever in the Prevention, Management and resolution of the Nigerian civil war. On that last day of the Kinshasa OAU summit held on 14 September 1967, the Assembly of African Heads of State and Government resolved with acclamation and without any debate to set up a six man consultative mission to the Nigerian civil war. The resolution stated that:

The Assembly of Heads of State and Government meeting at its First Ordinary Session in Kinshasa from 11th to 14th September 1967; Solemnly reaffirming their adherence to the principle of respect for the sovereignty and territorial integrity of member states; Reiterating their condemnation of secession in any member state; Concerned at the tragic and serious situation in Nigeria; Recognizing the situation as an internal affair, the solution of which is primarily the responsibility of Nigerians themselves; Reposing their trust and confidence in the Federal Government of Nigeria. Desirous of exploring the possibilities of placing the services of the Assembly at the disposal of the Federal Government of Nigeria; Resolves to send a consultative mission of six Heads of State (Mobutu, Tubman, Ankrah, Ahidjo, Diori, and Haile Selassie) to the Head of the Federal Government of Nigeria to assure him of the Assembly’s desire for the territorial integrity, unity and peace of Nigeria. (Stremulau, 1977:93).

Curiously, the terms of reference of the Ad-hoc mission did not include arbitration or mediation and reconciliation. Neither was there any mention of the CMCA. Therefore, it was not surprising that the Six man Mission set up on 14 September 1967 to address escalating violent conflict in Nigeria did not get to Nigeria until November 23 1967,
because their mission was purely symbolic and an exercise in futility, chiefly orchestrated to give the international community the impression that OAU was responsible to the demands of continental peace and security. As expected, the ad-hoc committee did not make any significant impact in the unfolding crisis as it were, as the conflict blossomed into a very bloody civil war with the attendant massacre of hundreds of thousands of men, women and children and the destruction and eventual surrender of the secessionist Eastern Region. The echoes of the Nigerian civil war still reverberate today with a serious crisis in the former Biafra enclave (the Niger Delta) because of the lack of peaceful resolution of the fundamental causes of the war.

As stated earlier, the atrophy of the CMCA, and negative effects of *ad hoc* methods of managing conflicts, the changes in the world’s political landscape, and the need for rapid development in Africa, must have informed the establishment by the OAU in 1993 of the Mechanism of Conflict Prevention, Management and Resolution (MCPMR). This mechanism was the third in the life history of the organisation. Even though the MCPMR still had elements of *adhocism*, it is still regarded as a distinct mechanism of the MCPMR, and the related Early Warning Network, and Conflict Management Centre. Nevertheless, violent conflicts continued unmitigated in Africa with the OAU either standing idly by or making hopeless attempts at mediation, as witnessed in the Liberian civil war (1989 – 1998), the crisis in DRC (1993), the Rwandan crisis (1994), the crisis in Burundi (1994) and the crisis in the Comoros (1995 – 1996), among others.

The above analysis reveals the lack of a comprehensive and effective OAU mechanism for conflict prevention, management and resolution. Hence, the failure of OAU to prevent, manage and resolve conflicts in Africa. Consequently, regional economic communities (RECs) became the preferred platform for conflict prevention, management and resolution in Africa with limited success.

This glaring failure of OAU in the area of conflict prevention, management and control contributed largely to the scrapping of the OAU and replacing it with the AU.
4.7.2 THE CONFLICT IN TOGO (2005)

The crisis in Togo presented a litmus test for the AU mechanism for conflict prevention, management and resolution in Africa. Again, since this study is not concerned with the history of the Togolese conflict, rather this research examines the impact of the AU mechanism for conflict prevention, management and resolution with respect to the conflict in Togo in 2005.

The constitution of the Republic of Togo provides for the Speaker of Parliament to take over government in the event of the president's death. However, after the death of former President, Gnassingbe Eyadema, the military appointed his son Faure as the president and forced the Speaker of the National Assembly into exile. Simultaneously, international communities and opposition parties in Togo saw the move as a coup and condemned it. The opposition claimed that the move was aimed at perpetuating the Eyadema dynasty. ECOWAS and AU strongly condemned this illegal succession in Togo and refused to recognise the Faure led regime. ECOWAS barred Togo from participating or being represented in any of its activities.

The AU also threatened Togo with Africa-wide sanctions if it did not return to constitutional legality. The AU rejected the call for elections to be organised by the Faure regime. Togo became a pariah nation, a situation which forced Faure Eyadema to concede to the AU and he stepped aside for elections to be conducted. Elections were subsequently conducted and Faure Eyadema won, albeit questionably. Thereafter, street violence erupted between Eyadema and rival supporters in April 2005, which claimed over 500 lives and about 31,000 fled the country. While the conflict brewed, the AU called for a mini summit in Abuja. At the summit, the Panel of the Wise was able to get both Faure and his main opposition, Edem Kodjo, to commit to ending all violence, impunity and vandalism and to form a government of national unity, with Edem Kodjo as Prime Minister. Thereafter tensions died and normalcy returned to Togo.

The conflict in Togo was purely localized and not too complicated; hence it raised minimal hardship for resolution. An assessment of the situation reveals that the mechanism of early warning system had performed creditably in determining a potential conflict situation and deflating it. Furthermore, the AU demonstrated a
resolute will and followed it up with concerted efforts to resolve the conflict. Its mediation effort brought peace and security to a volatile situation that would have deteriorated into a violent conflict.

To reassert the interface between AU and RECs, the AU reaffirmed the action of ECOWAS and took a corresponding threat of Africa-wide sanctions against Togo. This threat produced the desired result and Faure had to step down to allow the conduct of elections in the country. From the foregoing, it could be deduced that the AU mechanisms were appropriately applied and they helped to douse the conflict in Togo. The AU leaders demonstrated resolute will to terminate the illegal regime of Faure in Togo, while the use of mediation by the Panel of the Wise and the Early Warning System facilitated the AU to respond to the conflict appropriately.

The effective deployment of the AU mechanism to prevent, manage and resolve the Togolese conflict in 2005 led many to believe that the AU mechanism for conflict prevention, management and resolution is the panacea to the problem of violent conflicts in Africa.

### 4.7.3 THE CONFLICT IN DARFUR

The conflict in the Darfur region of Sudan presented a tougher challenge to the AU mechanism for conflict prevention, management and resolution. The Darfur conflict started with a political undertone, but later assumed an ethnic dimension in which civilians were targeted based on their ethnicity.

The AU and its Panel of the Wise, in a bid to prevent the escalation of the violent conflict in the Darfur region, on April 8, 2004, compelled the Sudanese government and two Darfur rebel group (the Sudan Liberation Army and the Justice and Equality Movement) to sign an African Union-mediated humanitarian ceasefire agreement in which the AU committed to the deployment of military observers to monitor and report on the ceasefire.

An evaluation of the AU mechanisms, in respect of the Darfur conflict, reveals that the establishment of the Cease Fire Commission (CFC) and AU Mission in Sudan (AMIS) was timely, done in the right circumstances and with the right intentions. But these
measures failed to end the hostilities in Darfur. The Early Warning System and the Panel of the Wise, which worked in the case of Togo, failed in the Darfur case. The AU military operation also failed, prompting the intervention of the United Nations military (UNMIS) in Darfur to assist the AU forces in a joint Military operation and the eventual formation of the United Nation - African Union Mission in Darfur (UNAMID).

AU apologists may argue that the involvement of UN is a demonstration of the AU willingness to partner with the UN in search of a lasting peace in troubled Africa rather than failure on the part of the AU to deal with the conflicts in Africa. This argument is not plausible, given the nature of conflicts in Africa and the inadequacy of the AU mechanisms for conflict prevention, management and resolution with regard to the enforcement of peace agreements. Suffice it to say that the AU mechanisms lacked the capacity to enforce the resolutions and agreements brokered by it (see detailed analysis in chapter six and seven).

4.8 SUMMARY AND CONCLUSION

This chapter analysed the OAU/AU mechanisms for conflict prevention, management and resolution in Africa. These mechanisms are to mitigate the problem of violent conflicts in Africa. It also presented an overview of the United Nations assistance to the AU in the task of conflict management and resolution in Africa.

The OAU established the Commission of Mediation, Conciliation and Arbitration (CMCA), Ad-hoc Commissions and the Mechanism of Conflict Prevention, Management and Resolution. The AU, which succeeded the OAU, also established several mechanisms such as the Peace and Security Council (PSC), The African Standby Force (ASF), the Panel of the Wise and the Continental Early Warning System (CEWS). The subsequent ratification of the protocol establishing the PSC and the solemn declaration on a common African Defence and Security Policy reaffirmed the determination and commitment of African leaders to tackle problems of violent conflicts in Africa.

The major reasons for the failure of the OAU was its ad hoc, reactive and remedial approach to conflict management and resolution in Africa. It clearly lacked the capacity to effectively deal with violent conflicts in Africa. The Nigerian civil war (1967 – 1970)
was used to illustrate the absence of a comprehensive conflict prevention, management and resolution mechanism during the OAU dispensation.

The principle of non-interference in the domestic affairs of member states as demonstrated in the case of the Nigerian civil war incapacitated the OAU mechanisms for conflict prevention, management and resolution in Africa. The violent conflicts that ravaged the continent needed a different approach than the OAU offered, hence, the emergence of the AU as a replacement for the OAU. The AU has powers to intervene in member states in circumstances such as the destructive violent conflict that ravaged the Darfur region of Sudan and the attendant human rights and international humanitarian law violations as well as war crimes and crimes against humanity.

The AU mechanism may well prevent the escalation of violent conflicts in Africa with the concerted efforts of African leaders and the political will exhibited in the active cooperation between the AU and RECs; as illustrated in the case of the conflict in Togo (2005). Nonetheless, even with the interventionist principle and seeming comprehensive nature of the AU mechanism for conflict prevention, management and resolution, the AU mechanisms could not address the problem of violent crisis in Africa due to inadequate finance. There were other logistic problems such as the lack of well trained professional manpower needed for the operationalisation of the mechanisms as demonstrated in the failure of AMIS in the Darfur conflict.

The AU PSC was barely one year old when the Darfur conflict began. It became a hard litmus test not only for the PSC but also for the entire African Peace and Security Architecture. The Continental Early warning system was not established during this period; the conflict was nearing its end when the CEWS became operational. The same can be said of the Panel of the Wise, which was also set up about four years into the conflict; hence, it made little or no impact.

The African Standby Force which should have been deployed before the conflict blossomed and escalated to unimaginable levels is still not operational to date. The only visible mechanism was the PSC which facilitated several peace agreements that culminated in the deployment of the African Union Mission in Sudan (AMIS) to enforce the Darfur Peace Agreement; only to pass the bulk to the United Nations Security Council when it became clear the Mission lacked the capacity to carry out its mandate.
in Darfur – hence, the formation of the United Nations / African Union Hybrid Mission in Darfur (UNAMID) (see chapter six for detailed discussion).

Bulk passing and chain-ganging behind the United Nations, former Colonial powers like France and NATO Forces, in the management and resolution of destructive violent conflicts in Africa appear to be the hallmark of the AU PSC for now. It remains to be seen if this disposition will change with the operationalization of the ASF.

From the foregoing analysis, it can be observed that the OAU mechanism for conflict prevention, management and resolution only existed on paper. Although some attempts were made at operationalising it, there was no significant success recorded in this direction during the period under review. The Commission of Mediation, Conciliation and Arbitration (CMCA) set up under the defunct OAU was meant to be the main mechanism for conflict resolution in Africa, but it neither mediated nor arbitrated any conflict, just as it never reconciled any warring party because the OAU charter, which emphasised the principle of non-interference in the domestic affairs of independent states, did not permit such initiatives.

Faced with multiple intrastate conflicts, the captains of the African ship during the period under review ought to have known that the CMCA could not have functioned properly with the non-interference principle of the OAU, which effectively foreclosed any kind of third party arbitration or mediation. Hence, the mechanism was as weak as the OAU and failed to tackle the problem of violent conflicts in Africa. This was tested with the case of the Nigerian civil war where the OAU and its mechanisms failed miserably. Some political realists like Mearsheimer (1994), would argue that the Nigerian civil war was resolved by violence or war as one party won while the other lost. Realists in the field of international relations posit that peace and war are a function of balance of power and that powerful states maintain peace in the sphere of influence through hegemonic power. They believe that war or threats of war will compel weaker parties to seek peace in order to avoid its consequences.

However, non-peaceful settlement of conflict is only temporary as it can only guarantee negative peace, because the fundament causes of conflicts are not addressed. Hence, echoes of the civil war still reverberate today especially with the
conflict in the Niger delta and the resurgence of the call for the actualisation of a sovereign Biafran state (1999 – date).

However, when the AU replaced the OAU and came up with its own mechanisms for conflict prevention, management and resolution, many heaved a sigh of relief because its constitutive act empowers the AU to intervene in the case of breakdown of law and order in any member state, to prevent genocide and for other kinds of humanitarian intervention while helping to restoring law and order. But most of its activities, like the preceding OAU, are restricted to paperwork. The much trumped up African standby force exists only on the pages of the AU charter. Some liberal institutionalists like Cohen and Martin (1995) would argue that the case of the conflict in Togo (2005) where the African Union co-operated with ECOWAS leaders to prevent a total breakdown of law and order and resolved the conflict, as discussed earlier, is an indication of the success of the AU mechanisms for conflict resolution. Liberal International institutionalist theorists posit that the outcome of conflict resolution can only be a win-win affair because states deliberately seek peace through active co-operation made possible by international organizations such as the AU and the UN.

The resolution of the conflict in Togo may have been possible because of the domineering presence of Nigeria. It is possible that Nigeria may have mobilised AU leaders and bullied Faure Eyadema to step down from office and conduct an election and to appoint the opposition leader as the Prime Minister, while retaining the Presidency after the elections, which the opposition claimed was clearly rigged in favour of Eyadema. This is based on the fact that any civil war in Togo will result in a massive refugee crisis in Nigeria and the displacement of Nigerian traders who dominate economic activities in Togo. Hegemonic stability theorists will argue that the hegemonic influence of Nigeria, and not the AU mechanisms, was responsible for the prevention of war in Togo and the resolution of the Togolese conflict discussed earlier in chapter four. Again, Realist scholars like Mearsheimer (1994) would argue that Nigeria displayed its relative power advantage as the dominant power in West Africa, by shaping the opinion of the AU and ECOWAS to bring peace to Togo because it serves the calculated interest of Nigeria.

However, the real test of the AU mechanism for conflict prevention, management and resolution was the conflict in the Darfur region of Sudan. With the absence of any
interested dominant and powerful state in that region, the AU mechanisms for conflict prevention, management and resolution was seriously tested and its failure is well documented (see chapter six and seven for detailed discussion).
Figure 4.1: Map of Africa

Source: Africaguide.com
CHAPTER FIVE

RESEARCH METHODOLOGY

5.1 INTRODUCTION

This chapter explains the methods and procedure adopted by the researcher for data collection, analysis and presentation.

Research, according to Schreiber & Asner-Self (2011:2), “is a systematic process of active inquiry and discovery through collecting, analysing and inferring from data so that we can understand a given phenomenon in which we are interested.” Research methodology, therefore, refers to the system, procedure, principles and guidelines regulating the collection of data or information for a philosophical inquiry.

There are three main methods of academic research, namely: qualitative, quantitative and mixed methods (Creswell 2003, 2009; Burns, 2000; Denzin & Lincoln, 2000; Schreiber & Asner-Self, 2011; Silverman, 2004, 2011). The quantitative method relies on statistical data to study and compare relationships between one set of facts about the phenomena under investigation while the qualitative method does not rely on statistical data, but seeks a deeper insight into the phenomena under investigation or study, and the mixed method is a combination of both quantitative and qualitative research methods (Neuman, 1994; Burns, 2000; Creswell, 2003).

However, the nature of this research does not have a need for abstract mathematization or statistical data, rather it calls for a deeper insight into the role of international organizations, especially the African Union, in the prevention, management and resolution of the conflict in the Darfur region of Sudan in particular and Africa in general; Hence, this study deployed the qualitative approach.

5.2 RESEARCH DESIGN/APPROACH

Research design generally refers to a broad outline detailing the strategies, as well as the instruments, which the researcher intends to use in processing (collecting, analysing and presenting) data that seeks to address his research questions. It is a researcher’s blueprint which he hopes to employ in the integration of the different
components of his study in a systematic, logical and academically acceptable format. Creswell (2009:3) summarized research design as “plans and procedures for research that span the decision from broad assumptions to detailed methods of data collection and analysis.” There are three main categories of research design, namely, explorative, descriptive and causal. Each of these three research categories has its merits depending on the nature of the study or research problem.

This research combines both the exploratory and descriptive research approach, in this study of the deep-rooted conflict in the Darfur region of Sudan, because of its unstructured nature. According to Webb (1992), the unstructured nature of exploratory research enables the researcher to be flexible, thereby drawing knowledge from experience in field work without bias or preconceived ideas about the variables surrounding the research problem. Essentially, exploratory research aims to discover the salient issues surrounding the phenomenon under study as it clearly identifies the problem; precisely defines it; builds and clarifies concepts around it and generally establishes the foundation for further research on the phenomenon. The descriptive research approach, on the other hand, aims at giving a detailed account or representation of the facts already discovered through explorative research. Thus, exploratory research demystifies the research problem by uncovering the salient issues surrounding it while descriptive research tries to give an accurate account of the variables so uncovered.

Thus, the exploratory research approach was deployed in discovering the issues surrounding the deep-rooted conflict in Darfur as well as the difficulties encountered by those engaged in preventing, managing and resolving violent conflicts in Africa with the conflict in Darfur as the case study; while the descriptive approach was be used to accurately represent and explain the variables discovered.

5.2.1 QUALITATIVE RESEARCH APPROACH

The qualitative research approach was employed in this study in order to explore the complex tendencies, as well as the social and political subterfuge that necessitated the actions and inactions of the various state and non-state actors, the UN and the African Union in particular, in the prevention, management and resolution of the Darfur conflict. The philosophical foundation of the qualitative research approach is inductive,
holistic and flexible; the researcher seeks to explore complex social problems in an interactive manner devoid of any preconceived answers to the research problem without emphasis on mathematized data or statistics. In other words, the quantitative approach seeks to test theories from data gathered in the course of research, whereas the qualitative approach seeks to generate theory from the systematic analysis of data gathered in the research process (Neuman, 1994; Denzin & Lincoln, 2000; Marshall & Rossman, 2006; Cresswell, 2003, 2009; Seale et al., 2004).

The qualitative research approach is therefore, a means by which scholars dig deep into meaning, context, subjective experiences and other phenomena; it also offers researchers the opportunity to discover and explore hypotheses, as well as theories and meanings about phenomena, concepts and other variables. It is a product of postmodernist and poststructuralist philosophical tradition (Schreiber & Asner-Self, 2011; Silverman, 2004, 2011, Denzin & Lincoln, 2000, 2005). Marshall and Rossman (2006:2) view qualitative research as “a broad approach to the study of phenomena,” even as it is critical, interpretative and naturalistic in its genre and also draws on multiple methods of inquiry. Schreiber and Asner-Self (2011:9) agree with Marshall and Rossman (2006) that “qualitative researchers tend to study things in their natural setting, attempting to make sense of or interpret phenomena in terms of the meaning people bring to them. Marshall and Rossman (2006) further explain that qualitative researchers are motivated to venture into natural settings instead of laboratories and pragmatically deploy multiple methods to explore a topic by the complexity of social interactions and the meanings they present.

5.2.2 CASE STUDY APPROACH

The case study approach can be described as a qualitative ethnographic methodology that focuses on an intensive investigation of single situations which can identify and describe basic phenomena (Golby, 1993; Yin, 2003). It refers to an in depth study of events, phenomena, organizations, structures or individuals within a specific period of time. It is essential for studying phenomena or situations that are not well understood or where there are changes over time (Schreiber & Asner-Self, 2011; Silverman, 2011). Yin (2003) underscores the importance of case study in conducting an empirical inquiry, especially where the borderline between a contemporary phenomenon and its
real life context is not clearly defined. Similarly, Stake (2000) explains that a case study is both a product of an inquiry about a case and the process of inquiring about the case. Generally, a case study denotes a holistic study that searches for understanding rather than mere explanation of phenomena; presented in a simple language in a bid to uncover the truth without manipulating data; focusing on single cases with less emphasis on mathematical data and clearly defined solutions to the problem. It generates key research questions for questionnaires and interviews.

The case study approach is best suited for this study because it allows for the use of grounded theory in data collection and analysis; gives the research a human face, the opportunity to explore different viewpoints and accumulate in-depth knowledge on all issues relevant to the research question through interaction with the parties. This study used the conflict in the Darfur region of Sudan as a case study because of its wide ranging characteristics as stated earlier, and the findings are generalizable as most of the multifaceted dimensions of the conflict apply to other deep rooted conflicts in Africa and the prevention, management and resolution process can also be applied to other deep rooted conflict situations across Africa.

5.3 SAMPLING STRATEGY

Sampling, according to Neuman (1994:193), “is a process of systematically selecting cases for inclusion in a research project.” Generally, sampling can be referred to as the process of selecting a group or a representative of a group for a systematic inquiry or investigation. There are generally two kinds of sampling method, namely: probability or random sampling and non-probability or purposive sampling. However, due to the nature of armed conflicts such as the conflict in the Darfur region of Sudan; and the difficulty in accessing major actors, coupled with security concerns on the part of the major actors, the purposive snowball sampling strategy was employed in this study.

5.3.1 PURPOSESIVE SAMPLING

Kumar (2005:179) argues that purposive “sampling is extremely useful when you want to construct a historical reality, describe a phenomenon or develop something about which only a little is known.” It allows the researcher to clearly define the target population and size that is appropriate for his study with focus on the main research
objectives. This method preferred by most qualitative researchers adopts logic and sound judgment in the selection of the sample population instead of strict statistical theories as in the case of the probability sampling method. There are several types of purposive sampling techniques. However, this research deployed the snowball kind of purposive sampling.

5.3.2 SNOWBALL SAMPLING

This a unique technique often adopted where there is scarcity of the desired sample population. Snowball sampling, therefore relies on referrals and recommendations from initial cases or respondents to generate additional cases and spreads out on the basis of links to the initial cases. Also referred to as the reputational sampling technique, this method is “based on the analogy of a snowball, which begins small but becomes larger as it is rolled on wet snow and picks up additional snow” (Neuman, 1994:199). While this technique can dramatically lower search costs, it comes at the expense of introducing bias because the technique itself reduces the likelihood that the sample will represent a good cross section of the population. However, this strategy is essential and very useful in finding hidden populations or unknown cases which the researcher cannot access with the other sampling techniques.

Nevertheless, the snowball started with the following participants:

a. Top officials of the Sudanese government;
   b. Senior Officials of the Darfur Regional Authority;

In all a total of 51 participants were interviewed in the course of this research.

5.4 DATA COLLECTION METHOD

Qualitative researchers, according to Marshal and Rossman (2006), rely mainly on participant observation and in-depth interviews, which they referred to as primary sources, as well as analysis of documents, which they referred to as secondary sources, as data collection methods.
5.4.1 UNSTRUCTURED INTERVIEWS / IN-DEPTH INTERVIEWING OF THE ELITES

The unstructured interview is an open-ended form of conversation between the researcher and respondent, where the respondent has as much influence over the scope and direction of the interview as the former. Here the interviewer depends on the informed knowledge and experience of the respondent on the subject matter. This method does not rely on a standardized list of questions, but the interviewer subtly tries to direct the conversation in the direction that will provide answers to his research problem (Burns, 1990). Marshall and Rossman (2006) argue that in-depth interviews are based on the fundamental assumption in qualitative research that the participant’s perspective of the phenomenon under investigation should unfold as the participant’s views, as against the views of the researcher. They maintain that the “most important aspect of the interviewer’s approach is conveying the attitude that the participant’s views are valuable and useful” (2006:101).

Primary data for this study was generated using the in-depth interviewing of elites method (Marshall and Rossman, 2006). This is the most suitable form of in-depth interviewing for this study because the sample participants consisted of selected African Union and United Nations diplomats (military and civilian) and top officials of the Sudanese Central government. Recommendations from these two initial groups of participants yielded other participants such as top officials of the Darfur Regional Authority, non-governmental organizations, Officials of the rebel groups and Youth Leaders in the Western Sudanese region of Darfur, enabled the researcher to expand the sample participant group (See table 5.1 below).

In-depth interviewing of the elite is a specialized kind of interview focused on individuals considered to be influential, powerful, prominent, highly knowledgeable and well informed in a community or organization; selected on the basis of their expertise in areas relevant to the research (Marshall and Rossman, 2006). The African Union and United Nations (Military and Non-Military) personnel were chosen because of their expert knowledge in the field of conflict management and also because they were on the ground in Darfur as neutral and impartial third parties. Hence, their objective presentation and analysis of the facts were crucial to the findings of the research.
The top officials of the GoS, as well as the Darfur Regional Authority were selected because of their expert knowledge of the events that occurred during the period under review and their ability to communicate concisely in the English language, as well as their deep understanding of the issues involved. The Darfur Youth leaders were also chosen for same reason as the top officials of the DRA; the only difference is that they are not part of the civil administration, but are community leaders in their own right. The top officials of selected NGOs were chosen because they were on the ground and witnessed the facts and also possessed the capacity to reflect on the issues and present the facts from their own perspective.

Marshall and Rossman (2006) posit that the elites are capable of contributing useful insights to the interview due to their expert knowledge and skills in their field or organization through their specific perspectives and who often respond well to enquiries on the broad area content, producing an open-ended manner that allows them freedom to ventilate their expert knowledge, imagination and skills.

This method is therefore, the best option for this study due to its exploratory nature. Besides, it affords the participants the opportunity to get more information about the research, as well as its objective and significance during their interaction with the researcher. Further, the participants are given the opportunity of helping the researcher by providing more insights or clarifications on questions which the researcher may have misrepresented. Furthermore, it gives the participants the chance to seek further clarification from the researcher in respect to meaning on questions which they may consider vague or ambiguous. Moreover, the researcher is afforded the opportunity to rephrase or change his questions as required in the interest of the research endeavour. In addition, it gives the researcher the opportunity to probe more deeply with follow-up questions aimed at uncovering the underlying causes of actions and inaction or behavioural patterns relating to the phenomenon under investigation.

Finally, in-depth interviewing of the United Nations and African Union (military and non-military) personnel involved in the task of preventing, managing and resolving conflicts in Africa, as well as senior government officials of the country selected as a case study (Darfur, Sudan), provided the platform for a synergy and trust (between the researcher and the participants – elites) necessary to guide this study in the direction
that made it possible for the realization of the objectives of this research. The interview questions included the following:

d. What was the role of the international organizations, especially the African Union and the United Nations, in the prevention, management and resolution of the conflict in the Darfur?

e. Can you explain the details of the United Nations Support Package to AMIS?

f. What military strategies did the UNAMID adopt in the task of realising its mandate in Darfur?

g. Can you give details of the major challenges faced by UNAMID in Darfur?

h. Who are the major parties to the conflict?

i. What are the immediate and remote causes of the conflict?

j. What is the outcome of the United Nations International Commission of Inquiry into violations of international humanitarian law and human rights law and acts of genocide in Darfur? And the response of the GoS?

Table 5.1: Research Sample Participants

<table>
<thead>
<tr>
<th>S/N</th>
<th>Participants</th>
<th>Research code for Participants</th>
<th>Number of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Official of Darfur Regional Authority</td>
<td>DRA</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>Darfur Rebel Leaders</td>
<td>DRL</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Darfur Youth Leaders</td>
<td>DYL</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>Official of African Union Mission in Sudan (Diplomats and Non-Diplomats)</td>
<td>AMIS</td>
<td>8</td>
</tr>
<tr>
<td>5</td>
<td>Officials of the United Nations African Union hybrid Mission in Darfur</td>
<td>UNAMID</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>Official of the Sudanese Government (Diplomats and Non-Diplomats)</td>
<td>GoS</td>
<td>9</td>
</tr>
<tr>
<td>7</td>
<td>Officials of Non-Governmental organisations</td>
<td>NGO</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td><strong>Total Number of Participants</strong></td>
<td></td>
<td><strong>51</strong></td>
</tr>
</tbody>
</table>

Source: Researcher’s field notes
5.4.2 REVIEW OF DOCUMENTS

Marshall and Rossman (2006) posit that every qualitative research utilizes a review of documents to gain knowledge of the background, as well as the historical context surrounding the phenomenon under investigation; and to also supplement primary data such as interviews and observation. However, there are different kinds of documents ranging from officials or public documents to personal or private documents that can be qualitatively reviewed as part of academic research. Such document content, according to Prior (2011:107), “is important and deserves systematic analysis” with emphasis on how the documents are assembled and used in research. Prior further observed that the document “stands in a dual relation to fields of action” both “as a receptacle (of instructions, commands, wishes, reports, descriptions, etc.), and as an agent that is open to manipulation and/or use as an ally to be mobilized for further action” (Prior, 2011:107).


These materials were sourced in hard copy from libraries and relevant offices, as well as the internet as secondary data for critical qualitative analysis to supplement primary data from in-depth interviewing of the various state and non-state actors, including
eminent scholars involved in the task of preventing, managing and resolving conflicts in Africa.

5.5 DATA ANALYSIS: GROUNDED THEORY

Data analysis refers to the process of managing, interpreting and presenting data generated by a researcher in a systematic manner in order to create meaning and understanding (Cresswell, 2009; Yin, 2009). Henning, Van Rensburg and Smith (2004:101) argue that “the true test of a competent qualitative researcher comes in the analysis of the data, a process that requires analytical craftsmanship and ability to capture understanding of data in writing.” They aver that a researcher demonstrates an understanding of “design logic” by his ability to “consistently and coherently” manage the process of analysing and interpreting data in accordance with the “principles of the study design.” Thus, data generated from in-depth interviews, as well as literature and documents reviewed, were analysed using the grounded theory method in the course of this study.

Strauss and Corbin (1990) posit that grounded theory is a positivist, qualitative and evidence-based research paradigm that uses a systematic set of procedures to generate an inductively derived theory about the phenomenon. According to Henning, Van Rensburg and Smith (2004:101), grounded theory demands that analysis of data “is extended to more sophisticated levels of abstraction and to conceptualized understanding of data that leads to the eventual substantive theory … clearly formulated in a coherent set of related concepts.” Hence, grounded theory seeks to create generalizations and new theories by making comparisons across social situations. Essentially, it exhibits theoretical sensitivity by creating analytic codes and categories generated from data rather than pre-existing conceptualizations; simultaneously collects and analyses data; strives to discover basic social processes embedded in the data; inductively constructs abstract categories; engages in theoretical sampling to refine categories; produces analytical memos in the process of codification and presentation even as it seeks to build a theoretical framework through the integration of categories (Charmaz, 2006).
5.6 ETHICAL CONSIDERATIONS

The main ethical issues in qualitative research centre on the interaction between the researcher and the other participants (sample population) in the process of data collection, as well as other professional issues such as fabrication of data, plagiarism and intellectual property. However, Ryen (2011) argues that what is seen “as challenges and solutions in research ethics is informed in practice by the interconnection between methodology and epistemology, and that research ethics itself is a socially constituted and situated field.” Burns (2000:23) posits that because of the involvement of human beings in social science research, ethical problems are likely to arise and that the researcher must understand the “ethical considerations involved in voluntary and involuntary participation, deception, informed consent, privacy and confidentiality, the right to discontinue, and the obligations of the experimenter.”

In line with the foregoing, this study ensured that participation in this research was voluntary by seeking the informed consent of all the participants. Further, this study was conducted in a manner that did not expose the participants to any form of psychological, mental and physical risk. Furthermore, it guaranteed all participants their right to decline participation at any stage in the research without any fear of sanctions. Moreover, this study did not take advantage of any vulnerable person, group or organization in the process of gathering data; rather it is the aim of this study to respect and protect the rights, dignity and freedom of all the participants. Besides, all information obtained from the participants was treated as confidential and all the participants were debriefed and given an equal opportunity to benefit from the research findings at the end. In addition, this study did not falsify or manipulate data or findings, rather the integrity of the research process was ensured by making sure that only credible sources of primary and secondary data were used. Finally, this study adhered strictly to the research ethics of Nelson Mandela Metropolitan University.

5.7 RELIABILITY AND VALIDITY

There is an overriding need to ensure the accuracy and integrity of the data used in the research (Denscombe, 2002; Seale, 1999). Reliability in qualitative research is particularly concerned with whether the research process will produce the same
findings if repeated? Will other researchers obtain similar results using the same methods? The credibility and integrity of analysis of primary data are equally critical. This research affirms the positive as the researcher was rigorous and meticulous in the data collection process, as well as in the analysis and presentation, in order to ensure a high degree of reliability.

Validity in qualitative research, on the other hand, refers to whether the observations and research findings can apply to similar cases beyond the case study (Yin, 2009; Saunders et al., 2009). Again this research affirms the positive with respect to the validity of the research findings because the researcher ensured the highest degree of accuracy in terms of questions asked during the interview sessions. Moreover, the researcher also ensured a high degree of precision in the gathering and processing of both primary and secondary data. In addition, the researcher carefully interrogated the facts, because of the sensitive nature of the case study, to ensure the truthfulness of the research findings. Hence, the observations and findings can apply to any other case study with similar characteristics.

5.8 SUMMARY

This chapter discussed the methodology adopted for this research. It briefly discussed the qualitative case study approach and why it was deployed in this research. It further presented the sampling and data collection methods used in the course of this study. These include the purposive, snow ball sampling technique; unstructured in-depth interviewing of the elite, as well as document review. In addition, the strategy used in data analysis was also discussed in this chapter. Moreover, issues relating to research ethics, validity and reliability are presented in this chapter.
CHAPTER SIX

PRESENTATION AND ANALYSIS OF RESEARCH FINDINGS

6.1 INTRODUCTION

This chapter presents an in-depth interrogation and analysis of the research problems by analysing and interpreting both primary and secondary data. Moreover, it presents the “violent intrastate conflict model” which was developed by the researcher in the course of data analysis and presentation.

However, this research is mindful of the sensitive nature of some of the issues relating to the topic, especially the pending criminal processes involving some of the prominent actors (including the incumbent President of the Republic of Sudan - Omar El-Bashir) at the International Criminal Court (ICC). Therefore, individual and group responses to the questions raised by this research will be summarized in such a way that will stringently ensure and protect the anonymity and confidentiality of the sample participants. Further, the issues will also be summarised and presented in a manner that will not be prejudicial to the matter in court. Nonetheless, in search of answers to the research questions, the researcher conducted interviews with sample participants using the snowball sampling strategy discussed in Chapter 5. The interviews started with selected African Union and United Nations diplomats (military and civilian) and officials of the Sudanese Central government as well as officials of the Darfur Regional Authority; and rapidly expanded through recommendations from these three groups (initial) of participants to include other participants: non-governmental organizations, officials of the rebel groups and some youth leaders in the Western Sudanese region of Darfur.

6.2 MAJOR PARTIES TO THE CONFLICT IN THE DARFUR REGION OF SUDAN

In finding answers to the research question, who were the major parties to the conflict in the Darfur region of Sudan (2003 – 2013)?, the researcher relied on the responses from the sample participants interviewed, which included rebel leaders, GoS and DRA officials, as well as available literature.
The main parties to the Darfur conflict at the beginning were the Government of Sudan (GoS) forces, the Sudanese Liberation Army (SLA), the Justice and Equality Movement (JEM) and the Janjaweed Militia. However, after the signing of DPA, many splinter groups from the main rebel groups emerged. Some of the parties worth mentioning include the Sudanese Liberation Army/Abdul Wahid (SLA/W), Sudanese Liberation Army/Mini Minawi and the Justice and Equality Movement (JEM). Besides the two main SLA opposition groups, other smaller groups emerged in Darfur after the signing of the DPA. Some of these groups include Sudanese Liberation Army/Abdul Shafi (SLA/AS), Sudanese Liberation Army/Peace Wing (SLA/PW), Sudanese Liberation Army/Free Will (SLA/FW), and the Sudanese Liberation Army/Unity (SLA/U), as well as the Sudanese Liberation Army/Abdul Gazim (SLA/AG).

Some other groups were formed from time to time to pursue mostly unclear and personal agenda. Some of these groups include the National Movement for Reform and Development (NMRD), Field Revolutionary Command (FRC), Group of 19 and Sudan Federal Democratic Alliance (SFDA). Others are the National Redemption Front (NRF), Popular Force Army (PFA), Great Sudan Liberation Movement (GSLM) and Movement of Popular Force for Rights and Democracy (MPFRD). There was also a breakaway faction from JEM known as the JEM Peace Wing (JEM/PW). Finally, about 10 of these smaller splinter groups formed an alliance and became known as the Liberation and Justice Movement (LJM) under the leadership of Dr Tijani Sese in February 2010 and became the third major Darfur rebel group after the SLA and JEM.

6.2.1 GoS FORCES

The GoS forces here refer to Sudanese Armed Forces (SAF) comprising the army, navy and air force; the Popular Defence Forces (PDF), the Republican Guard and the Central Reserve Police (CRP). The Sudanese government prosecuted the war against the rebel forces in the Darfur region of Sudan during the period under review with these armed formations with the Sudanese president Omar al-Bashir as the Commander-in-Chief. However, some of the participants interviewed and available literature point to the fact that the GoS forces conducted the war against the rebel forces in alliance with the Janjaweed militia, but the GoS consistently denied this allegation.
6.2.2 SUDANESE LIBERATION ARMY (MINNI MINAWI)

The SLA (M) led by Minni Akrou Minawi was formed after the SLA convention in Haskanita. It is the second signatory to the DPA and until February 2009 the most formidable armed faction in Darfur in terms of men and equipment. Minni was originally the Secretary General of the wider SLM/A, until he fell out with the majority Fur members of the faction and established his own faction which comprised mostly his Zaghawa tribesmen. It was gathered that there were about 15,000 strong armed elements within SLA (M) with G3, AK 47, FN/SLR, MGs, RPGs, 12.7mm and 13.5mm multiple rocket launchers and 30mm anti-aircraft guns. The faction mainly controls areas of South Darfur and significantly controls other parts of Darfur. Even though mostly Zaghawa, other tribal groups comprised a significant part of the faction and constantly exercised control by way of domination of their areas of control.

6.2.3 SUDANESE LIBERATION ARMY (ABDUL WAHID)

Originally a part of the wider Sudanese Liberation Movement/Army and headed by Abdul Wahid Muhammad Al-Nur, the group largely consists of the Fur tribe and was predominantly in control of areas around the Jebel Marra. The group rejected the DPA, claiming it did not address the proper compensation of the individual Darfurian. The faction had an approximate strength of about 8,000 men organized in camps and in most cases conducted activities as normal farmers. Various banditry activities targeted towards NGOs and civilians largely for sustenance were attributed to the group. SLA (AW) had a strong subversive mechanism aimed at hinging its support from the local populace since the Fur tribe constitutes the majority in Darfur. Various weapons were found in the inventory of the faction ranging from AK 47, FN/SLR, G3 and locally cannibalized rifles, pistols, locally manufactured bombs, RPGs and varied calibre of mortars.

6.2.4 JUSTICE AND EQUALITY MOVEMENT

The Justice and Equality (JEM) founded by Khalid Ibrahim was a more politically organized faction than the SLA. The objectives were similar to SLA statements, except that JEM promotes Islamist ideology, instead of religious freedom. JEM possessed significant military strength and it is suspected that JEM had about 4,000 troops in the
Darfur region armed with high calibre weapons, AK 47 and G3 rifles, improvised bombs, with the Jebel Moon in West Darfur as its stronghold during the period under review. Additional to the main faction was a breakaway faction that called itself the JEM (Peace Wing) with Abu Risha as its leader, and based in Nyala, which signed an agreement of cessation of hostilities with GoS on 27 October 2006.

The attack on the twin Sudanese capital city of Omdurman by JEM forces on 11 May 2008 was the most significant activity of JEM and was regarded as a brazen challenge to the GoS. However in 2009, JEM launched several attacks on towns in Darfur, including the brief takeover of Muhajeria and Labado from SLA/M and attacks on GoS in Um Baru, Al Mallam amongst others. JEM was considered the most formidable rebel faction in the Darfur conflict. JEM leader Khalid Ibrahim was killed in December 2011 and his brother Gibril Ibrahim took over the mantle of leadership in 2012.

6.2.5 THE JANJAWEED

The Janjaweed Militia was led by Sheikh Musa Hilal. Janjaweed, meaning “men armed with guns on horseback” in the Arabic language. Their membership was made up of mainly Sudanese Arab tribes in Western Sudan and east of the Chad Republic, became notorious in the Darfur conflict with reported cases of mass killings, rape, looting and arson. The group, which mainly comprised Sudanese Nomadic (cattle herding) Arabs who were in constant low intensity conflict with the sedentary population of Darfur over grazing resources, became visible in the region in the late 1980s during the war between Chadian forces backed by France and the US and Libyan forces under Muammar Gaddafi.

However, in the early 1990s, the Janjaweed, under the command of Sheikh Musa Hilal who shared Gaddafi’s “Arab Gathering sentiments,” were also known as Tajamu al-Arab which represents what Prunier (2005:45) referred to as “a militantly racist and Pan-Arabist organization” with the aim of Arabizing the Sudanese Western region of Darfur. The Janjaweed was alleged to have partnered with the GoS and was accused of participation in many of the most violent and destructive incidents during the period of the conflict, some of which include the “scorched-earth” campaign in the North of El-Geneina in February 2008, attacks on AMIS and UNAMID personnel, the deadly
July 2008 attack in North Darfur and the string of air supported ground attacks in Jebel Marra.

Many of the participants interviewed in the course of this research alleged that there was visible collaboration between the GoS and the Janjaweed. One of the participants, who was one of the Darfur Rebel Leaders (DRL) stated inter alia:

“The GoS provided the militia with advanced weaponry and appointed the Janjaweed leader Musa Hilal to a top position in the GoS in 2008 in a bold step aimed at retaining the confidence and active collaboration of this notorious militia force. The Janjaweed, recycled into other paramilitary units under the control of the GoS, cause havoc in Darfur, including the IDP Camps and rural communities. Some of these rural communities hitherto inhabited by non-Arabs, especially those with the arable land and water resources, were displaced by Arab communities which constituted the mainstay of Janjaweed recruitment. Indeed, this was the primary form of payment that the GoS offered the Janjaweed for its active support and collaboration in the bid to crush the rebels” [DRL Participant, Male; Interview, January, 2015].

Furthermore, in spite of the denials by the GoS, the fact that the Janjaweed transformed into one of the GoS security organs, known as the Rapid Support Forces (RSF), at the Darfur conflict in 2103 is a strong indication of the nexus between the GoS and the Janjaweed during the period under review.

6.2.6 LIBERATION AND JUSTICE MOVEMENT

The Liberation and Justice Movement (LJM), led by Dr Tijani Sese, was an alliance of about 10 splinter groups from the three main Darfur rebel movements (two SLA factions and JEM). This group, which came into existence towards the twilight of the conflict in 2010, basically sought to bring all the numerous factions outside of the three main rebel groups together in order to give impetus to the negotiations for a peaceful settlement of the conflict. However, this did not appear to be the main focus of the three main rebel groups, who were furiously engaged in a superiority contest according the some sample participants (DYL) interviewed. The LJM participated
actively in the processes that led to the signing of the DDPD and collaborated with the JEM in this regard.

Although the armed rebel groups claimed to have acted in reaction to marginalization and underdevelopment of the Darfur region; however, this claim does not sufficiently explain the intra- and inter-communal conflict that was prevalent in the region over the preceding decades. There is therefore the need to reflect on all the issues to discover what turned a low-intensity conflict between and within the pastoral and nomadic groups in Darfur into a well-organized insurgency. One of the participants interviewed, who is a Darfur youth leaders (DYL), in response to the questions raised by the researcher with regard to the clear motive and interest of the rebel leaders in Darfur asserts that:

“The real intention and objective of the rebel leader was clear as the conflict progress. At the beginning we all believed we had no alternative for our survival than to fight the bad government in Khartoum, but later we started asking ourselves question and there was division among the rebel movement and the rebel leader. Some the question are: where do leaders get arms and military equipment? How did the leaders get money to buy food, clothes and medicine for the fighters? Who pays for their accommodation in big hotels in cities where they stay all the time while the fighters are fight in the desert? What does the rebel leader really want from the war? Is it in the interests of the rebel leaders for the war to end or for it to last longer” [DYL Participant, Male; Interview, January, 2015]? 

The above questions raised by the participant are very deep and revealing. They question the credibility and integrity of the rebel leaders and insinuate the existence of support, funding and collaboration from foreign parties, to the rebel leaders.


The primary question of this research is the role of International organizations, especially the African Union and the United Nations, in the prevention, management
and resolution of the conflict in the Darfur region of Sudan during the period under review. In search of answers to this question, the research posed this question to the participants: what was the role of the international organizations, especially the African Union and the United Nations, in the prevention, management and resolution of the conflict in the Darfur?

In response to the above question, most the participants expressed regret at the inability of the international community, especially the African Union, in preventing the escalation of the conflict at the early stages. Most of the participants noted the African Union Peace and Security Architecture was not robust enough to deploy the early warning mechanism and other preventive measures to de-escalate the conflict at the early stage. However, a summary of the responses by the majority of the participants reduced the African Union and the United Nations role into two: the African Union Mission in Sudan (AMIS) and the United Nations / African Union hybrid Mission in Darfur (UNAMID). Consequently, this research made further inquiries into the role of AMIS and UNAMID in Darfur during the period under review.

6.3.1 AFRICAN UNION MISSION IN SUDAN (AMIS)

The researcher conducted extensive interviews with some participants who were part of the AMIS. In response to some of the questions about the AMIS, the participants summarized the mission and mandate of the mission as follows:

AMIS was created following the signing of a ceasefire agreement in April 2004 at N’Djamena, Chad, between the GoS and the SLM/A and JEM. The mission was initially deployed as an observer mission consisting of a force protection unit of 60 of military observers, which increasingly rose in strength as the security situation deteriorated and as its mandate changed. It was initially tasked with facilitating the delivery of humanitarian assistance and ceasefire monitoring. It increased to 11, 500 military and police personnel (10,000 military and 1,500 police) by September 2007 as its mandate was changed to include the protection of the civilian population as a result of the worsening humanitarian situation.

A top commander of AMIS, while responding to questions regarding the challenges of AMIS stated inter alia:
“AMIS faced critical challenges, which resulted in its inability to contain the violence in Darfur. The growing costs of maintaining the mission (the AU needed $23 to $25 million a month to sustain its force), compounded by the lack of financial and material capacity within the AU, compelled the organization to increasingly rely on outside financing, equipment and logistics support. The other challenge was the huge disparity between the establishment strength and the actual number on ground. Furthermore, there was increasing violence by the GoS/Janjaweed alliance against IDP camps and villages. This situation was worsened by attacks by the movements against AMIS exemplified by the deadly attack by combined forces of SLA/JEM on the AMIS Camp at Haskanita which left 9 AMIS soldiers dead with several critically injured and one missing” (AMIS participant, Male; November, 2014).

However, when asked to elucidate the contribution of the AMIS considering the above challenges, the participants explained that, consequent upon the myriad of problems faced by AMIS coupled with its weak mandate, the focus of AMIS shifted to supporting the implementation of the DPA signed in Abuja by the GoS and SLM/A (Minawi) which encompassed the economic, structural and security arrangements for Darfur, which was later strengthened by the United Nations' light and heavy support packages.

The participant further reflected on the role of AMIS when the researcher requested for an overall assessment of AMIS in Darfur during the period under review, and revealed that the escalating violence and the apparent inability of AMIS to deal with the situation led the UN Security Council to pass Resolution 1679, which called for a joint AU-UN Technical Assessment Mission (TAM) to Darfur to assess the requirements for strengthening AMIS and a possible transition to a UN Peacekeeping Operation. A top diplomat from the AU who was part of the AMIS while contributing to the question, reveals that:

“Based on the report produced by the TAM, the UN Secretary General, in his report of 28 July 2006, outlined those necessary areas of support to AMIS necessary in order to enhance its ability to implement the DPA. On 16 November 2006, the UN Secretary General together with the Chairperson of the AU Commission, co-chaired a high-level consultation in Addis Ababa which was attended by the 5 permanent members of the UN Security Council (UNSC),
the AU Peace and Security Council (PSC) members, the GoS, other African countries, the EU and the League of Arab States. Participants decided to move forward with a 3-phased approach for UN support to AMIS, which consisted of a Light Support Package (LSP), a Heavy Support Package (HSP) and an AU/UN Hybrid Operation. Both the AU PSC and UNSC endorsed the conclusions from the high-level consultation and called for the immediate deployment of the UN light and heavy packages and hybrid mission, the first of its kind” (AU participant, Male; Interview: November, 2014).

Moreover, the participants were of the view that the inability of the international community, especially the AU and the UN, to bring the non-signatory factions to conform to the DPA, as well as delays in the implementation of key aspects of the agreement, resulted in renewed violence and fragmentation of the rebel movements. This failure, according to the participants interviewed, resulted in the deterioration of the security situation, and further complicated the conflict. In addition, funding and logistics constraints, coupled with the threat of regionalizing the conflict, in the views of the sampled participants, some of whom were present in some of the deliberations, inspired the AU PSC’s decision for a transition to a UN-AU hybrid Peacekeeping Operation. This would be robust in terms of funding, logistics and operations as against the helplessness and haplessness of AMIS.

6.3.2 UNITED NATIONS SUPPORT PACKAGE TO AMIS

The AMIS participants, in providing answers to the questions above, regarding the role and effectiveness of the AMIS, mentioned the United Nations Support Package to AMIS. When pressed further to explain this package, sampled participants provided answers which are summarized below [AMIS Participants; Interview, November, 2014]:

The critical nature of the conflict and the apparent incapacity of AMIS underscored by the necessity to make a difference to the worsening humanitarian crisis in Darfur demanded strategic changes. This was to be achieved through deployment of protection force personnel, equipment, logistical support and funding assistance to AMIS which was the force on ground. In order to meet these needs, two categories of support packages were developed jointly by the AU and the UN, namely, a light
support package (LSP) and a heavy support package (HSP), with personnel and equipment from the UN Mission in Sudan (UNMIS) already engaged in peacekeeping operations in the North/South Conflict in Sudan.

A. United Nations Light Support Package (LSP)

The LSP had an authorized strength of 186 UN personnel comprising 105 military staff officers, 33 police advisors and 48 civilian staff. These personnel were drawn from UNMIS. The equipment included eight fly-away kits, 36 armoured personnel carriers, 360 night-vision goggles as well as 36 global positioning systems. Military staff officers included in the LSP provided technical support for the creation of the Joint Operations Centre (JOC), the Joint Mission Analysis Centre (JMAC) and the Joint Logistics Centre (JLOC).

The police advisors authorized under the LSP were deployed to the three Sector headquarters in El Fasher, Nyala and El Geneina. It was reasoned that the LSP would afford AMIS the necessary support to improve on its human and material capacities. It could, however, be reasoned that the LSP was a token UN gesture as it was a drop in the ocean compared to the comprehensive logistical support that AMIS needed. AMIS was already struggling to fulfil its mandate in extreme conditions, notably the worsening security situation and the extensive area of operational responsibility. In the light of such a logistic nightmare, the LSP did little to improve the capacity of AMIS. There was therefore the need to launch a more robust support to AMIS.

B. United Nations Heavy Support Package (HSP)

The HSP, which was agreed upon with the AU pursuant to Reference B, consisted of 2,250 military officer and men; 301 police component, three Force Police Units (FPU) and 1,136 civilian staff. The package also included 335 multi-role military engineers from China. All other countries contributing military personnel to the heavy support package undertook reconnaissance visits to Darfur and more units commenced deployment in April 2008.

A number of other critical capabilities were deployed by the end of March 2008, including one multi-role logistics company from Bangladesh, one Heavy Transport
company from Egypt, one Level III hospital and sub one aerial reconnaissance unit, all from Pakistan, including one Level II hospital from Nigeria. From Jordan came one utility helicopter unit and one light tactical helicopter unit which were later withdrawn. The offer from Jordan was withdrawn following the reconnaissance visit to Darfur. The GoS objected to the nature and command of the force, but finally approved the third phase of the proposal in June 2007, after strong concerted international pressure. In addition, the area of operational responsibility of AMIS was demarcated into three sectors in accordance with the HSP implementation plan. The restructuring included the deployment of two additional battalions, and sector headquarters facilities.

The HSP was to serve as force multipliers. However, the implementation of the HSP was delayed by the security, logistic and administrative challenges as well as delays by the troop contributing countries. A top AMIS Commander notes that:

“Specifically, problems of water and land availability and the capacity of both military and contracted engineers to build camps were constraints to the pace of deployment of HSP units. Only the 2 additional AMIS battalions and the lead elements of the Chinese Engineer Company of the HSP were deployed, leaving the Force short of many key capabilities at Transfer of Authority (TOA) from AMIS to the Hybrid Operation on 31 December 2007. Nevertheless, the implementation of the HSP was better than the LSP. This set the stage for the transfer of authority from AMIS to the Hybrid Operation” [AMIS Participant; Male, Interview, December, 2014].

6.4 THE UNITED NATIONS - AFRICAN UNION MISSION IN DARFUR (UNAMID)

In furtherance of this research endeavour regarding the primary question of the research, some personnel of UNAMID were sampled for interview. Below is a summary of their responses when asked to comment on the role of the UNAMID in Darfur during the period under review [UNAMID Participants; Interview, November 2014]:

The UNSC Resolution 1769 authorized a new hybrid AU/UN operation (UNAMID) to take over from the under-resourced and ineffective AMIS deployed since 2004 in
Darfur. The resolution called for UNAMID to consist of up to 26,000 military and police personnel, with an annual budget of $1.5 billion. At full strength, UNAMID was more than four times the size of AMIS with better equipment and resources. It became one of the largest peacekeeping missions ever deployed and the first-ever hybrid mission between the United Nations and African Union. Troops were predominantly Africans, with contributions from other continents especially Asia.

UNAMID took control of peacekeeping operations in Darfur from AU peacekeepers in a ceremony held at El Fasher the Force Headquarters (FHQ) and various Sector headquarters on 31 December 2007. The ultimate goal or mandate of this conflict management mechanism was to achieve de-escalation of hostilities and create the necessary environment for implementation of the DPA and the subsequent DDPD.

6.4.1 STRATEGIC MILITARY OPERATIONS OF UNAMID

This research probed deeper in order to gain insight into the military strategy deployed by UNAMID in order to achieve the above stated mandate. Below is a summary of the answers provided by top military and civilian personnel who directed the affairs of UNAMID during the period under review, when they were asked to expatiate on the role of the UNAMID in Darfur [UNAMID Participants; Interview; December 2014]:

The overall objective of the AU and UN hybrid mission was for UNAMID to assist the parties in implementing the DPA or any subsequent agreement, protection of civilians and creation of a humanitarian corridor for the delivery of humanitarian aid as well as providing security for humanitarian aid workers. UNAMID was tasked with facilitating the voluntary return of refugees and IDPs to their places of abode before the outbreak of hostilities, thus creating the enabling environment for confidence building, peace and reconciliation. The transfer of authority (TOA) from AMIS to UNAMID took place at 1200 hours (local time) on 31 December 2007 following the successful implementation of the LSP; the partial commencement of the HSP and the integration of the AU and UN command structures. The size of the military component for UNAMID was based on the requirements demanded by the security situation as outlined in the Report of the Joint AU/UN Darfur Quick Review Mission Report, dated 21 February 2007. As such UNAMID forces and other components were deployed into 3 Sectors to cover the 3 states of the Darfur Region as at 2007. The Sectors were
named: North, South and West covering the Northern, Southern and Western states of the Darfur region.

The military high command designed the Military strategic Concept of Operations (CONOPs) for UNAMID, which provided high-level guidance to the Sector Commanders and their civilian staff for the implementation of the UNAMID mandate. The Hybrid Operation was defined in the AU PSC Communiqué of 22 June 2007 and the UNSC Resolution 1769 of 31 July 2007. The operation included the LSP and HSP in line with the AU PSC Communiqué of 30 November 2006 and the UNSC Presidential Statement of 19 December 2006; supported by the conclusions of the Addis Ababa High Level Consultations, dated 16 November 2006. The UNAMID CONOPs was designed to support the implementation of the DPA, and constituted the final part of the 3-phase approach to a robust peace support operation in Darfur.

In the UN military strategic CONOPs for UNAMID, there were four mission phases with some overlap in terms of timing from one phase to another. The desired strategic end state was the achievement of durable peace and security in Darfur necessary for regional peace and stability. The four mission phases were as follows:

A. Phase 1 – Transition from AMIS to UNAMID. Phase 1 included the establishment of the Mission, Force and Sector HQs which was concluded upon the full deployment of an Initial Operating Capability (IOC) defined by the following milestones:

   a. Establishment of UNAMID FHQ and Sector HQs;
   b. Deployment of two additional AMIS Battalions;
   c. Deployment of sufficient HSP units;
   d. Units deployed to achieve ‘early effect’;
   e. Completion of Transfer of Authority (TOA).

B. Phase 2 – Stabilization. The stabilization phase started with IOC and ended when the security situation was stabilized sufficiently to allow for the return of the refugees and IDPs and the commencement of the reconciliation process. The key benchmarks were:
a. Deployment throughout this phase of the full UNAMID military and police force;
b. Formal Police Units and Stations sufficiently established and operational in IDP camps and elsewhere;
c. Satisfactory implementation of and compliance with all Parties with the DPA or any subsequent agreements;
d. Commencement of the Disarmament, Demobilization and Reintegration (DDR) process for all the combatants.

C. Phase 3 – Consolidation. The consolidation phase commenced upon the accomplishment of entering effective military and police operations and was complete when security tasks were handed over to national security forces. Key benchmarks were:

a. Continued compliance of the Parties with all ceasefire agreements;
b. Stable security environment;
c. DDR completion;
d. IDP and refugees largely returned to their homes;
e. Security Sector Reform.

D. Phase 4 – Drawdown. The drawdown phase started with security tasks being handed over to national security forces and was completed when all UNAMID forces were redeployed to their home countries. Key benchmarks are:

a. Transfer of UNAMID security tasks in Darfur to the Government of Sudan;
b. Transfer of UNAMID infrastructure to the Government of Sudan.

The participants however, pointed out that the realization of the UNAMID CONOPs was tested by so many challenges in addition to the delays in the deployment of troops and equipment which lasted for over one year before full deployment was achieved.
6.4.2 MAJOR CHALLENGES FACED BY THE UNITED NATIONS – AFRICAN UNION MISSION IN DAFUR (UNAMID)

The researcher asked the participants to elucidate on the major challenges encountered by the UNAMID in Darfur. Below is the summary of the responses of the participants [UNAMID Participants; Interview, December, 2014].

The participants observed that violence and armed banditry remained the defining features of Darfur’s brutalized landscape during the period under review. The factional groups split further following the collapse of the DPA. Fighting between warring factions and tribal groups often targeted the civilian population. Violence exacerbated along tribal lines, both within the IDP camps and in the rural communities.

Rebel groups, according to the participants, frustrated international efforts aimed at providing humanitarian assistance through poor and inadequate security which they claimed they could provide in their respective areas of control; a task which was clearly beyond their military capacity. Some rebel elements and government sponsored militia forces looted humanitarian convoys of equipment, vehicles and humanitarian relief materials. UNAMID and Humanitarian Aid Agency personnel and equipment continued to fall victim to a high number of targeted attacks. The majority of these attacks occurred in major towns where the GoS had absolute control. Further, the UNAMID watched helplessly as women and children were raped and assaulted. And in some cases, the victims described the attackers as individuals in military uniform.

One of the top Military Commanders who was interviewed alongside the other participants captured the events as follows:

“Apparently, the highest and most destructive source of violence against UNAMID personnel and the civilian population which hampered the quick realization of the UNAMID mandate of providing security for the civilian population, as well as the humanitarian aid workers was Sudan’s security agencies. These agents included Sudan’s Regular Armed Forces (the Sudan Armed Forces/SAF), GoS police, its security services and GOS’s proxy, the Janjaweed militia allies. The regime relentlessly bombèd civilian targets and attacked rebel groups without any efforts to distinguish between civilian and
military targets, and was unconstrained by any sense of proportionality in terms of response. The GoS ground forces attacked repeatedly areas such as Kutum, Disa, eastern Jebel Marra and Bir Maza without any justification” [UNAMID Participant; Male, Interview, December, 2014].

The participants also explained that the rebel movements or army also constituted a serious breach to peace, thereby negatively affecting the UNAMID mandate. The rebel forces, according to the participants, were no less as aggressive as the GoS forces and their allied militia. This only difference was that the GoS forces and their allied militia had superior firepower and better trained personnel. The nefarious activities of the rebel forces which constituted a serious threat by the UNAMID mandate was described by another top UNAMID personnel member, who was part of the civilian support staff as follows:

“In February 2008, there were assaults on civilian targets in the north of El-Geneina. This followed military successes recorded by the JEM against the GoS, as well JEM’s provocative statements which alluded to the capture El-Geneina, after capturing some towns in this region such as Sileah, Abu Surouj, and Sirba, all about 35-50 Km North northwest of El-Geneina. In response, the GoS launched a massive and indiscriminate military campaign against JEM. However, by the time the campaign began, the rebels had retreated. This campaign resulted in displacement of people estimated at 50,000 – 60,000. The community of Abu Surouj was reportedly nearly destroyed and 4 IDP camps were heavily damaged. The attacks were carried out by the Janjaweed militia and GoS ground troops with tactical support and heavy aerial attack bombardments. About 12,000 terrified refugees fled across the border to neighbouring Chad” [UNAMID Participant; Female, Interview, December, 2014].

The UNAMID participants recount that the mission recorded about 21 incidents of aerial bombardment in different parts of Darfur in July 2008; carried out by GoS forces with Antonov aircraft and MIG fighter jets. The air strikes, according to the participants, occurred within the vicinity of civilian communities and allegedly resulted in the deaths of women and children among other civilian casualties. In addition, the participants also noted that the mission received reports that civilian objects, especially cultivated
farm land and livestock, were also destroyed. The participants further observed that these attacks in July 2008, coupled with a series of GOS military offensive in the North of Darfur in September 2008, resulted in massive human population displacement. A top military participant, whose military base was tasked with protection of the civilian population in the area which covered the Tawilla community, recounts that:

“One of the most unfortunate incidents of direct attacks on civilian targets by GoS forces was the attack on the Tawilla community by members of the Central Reserve Police (CRP) on 12 May 2008 which left the town completely devastated, desolate and subsequently deserted. The attack was triggered as a reprisal when a CRP member was found dead inside an IDP camp in Tawilla. CRP personnel responded by burning and looting homes and the community market. About 20,000 people from Tawilla town and the IDPs from the Tawilla camp were forced to flee the area. Cases of killings, assaults and rapes that occurred during the attack, were reported by the community representatives to the UNAMIS military base” [UNAMID Participant, Male; Interview, December 2014].

However, the UNAMID participants noted that the general insecurity in Darfur during the period under review, which seriously questioned the effectiveness and relevance of UNAMID and its mandate did not spare any group including the GoS. According to the participants, the government faced a number of attacks targeted at its officials, assets and installations by the rebel forces. While recalling some of these attacks on the GoS, one of the participants stated that:

“JEM undertook one of its most audacious military campaigns since the beginning of the Darfur conflict when it attacked the capital city of Omdurman near Khartoum on 11 May 2008, during which several government vehicles and other properties were either looted or destroyed and several casualties recorded. Similarly, a vehicle belonging to South Darfur Legislative Council was hijacked on 16 September 2008 by rebel forces with its passengers (a high level delegation led by a member of the National Assembly) who were on their way towards Antikayna for reconciliatory talks with the Gimir tribe were abducted and allegedly murdered” [UNAMID Participant. Male; Interview, December 2014.]
The UNAMID participants also pointed out that there were also clashes between the rebel forces, citing clashes between the SLA (M) and JEM at Muhajeria, Labado and Graida between January and February 2009 as an example. According to the participants, casualties were recorded on both sides but JEM maintained control of Muhajeria. The deadly clashes between the two main rebel groups, on the one hand and the GoS forces against the rebel forces on the other hand, the participants further explained, caused massive humanitarian crises and mass movement of IDPs, including humanitarian aid organisations and NGO workers to the UNAMID base for protection.

The researcher again probed further on the alleged attack by the parties to the Darfur conflict on UNAMID. Below is a summary of the response from UNAMID participants to the question posed by the researcher: in your earlier response to the question on the challenges faced by UNAMID, you hinted that UNAMID suffered attacks from the warring parties. The implication of that is that both the GoS and the rebel forces attacked UNAMID; how is that possible considering the loud accusations of bias against UNAMID in favour of the rebel forces by the GoS? How could the UNAMID claim that the same rebel forces attacked it? Can you give instances of any incidence of direct attack on UNAMID by the warring parties?

The participants averred that UNAMID suffered direct attacks from both the GoS and the rebel forces, as well as armed bandits operating freely in the region during the period under review. One of the top UNAMID military personnel recalled that:

“At about 2200hrs on 7 January 2008, GoS forces attacked, a UNAMID convoy in West Darfur. The Rwandese escort convoy comprising of about 20 cargo trucks and armoured personnel carriers (APCs) was ambushed in West Darfur. The attack by the GoS forces on the convoy which as aimed at demobilizing the UNAMID troops same way AMIS troops were restricted, lasted for about twelve minutes, with little or no response from the UNAMID troops” [UNAMID Participant, Male; Interview, January 2015].

Similarly an UNAMID air operation came under fire several times during the period under review, according to the participants. The participants also claimed that on 11 August 2008, a UNAMID helicopter with one passenger and four crew was shot at
while flying from El Geneina to Kulbus. And that on the same day, a UNAMID helicopter came under fire 3 km South of Jebel Moon while on an assessment mission to alleged bombed sites. While recounting these events, the base Commandant of one of the UNAMID air force bases noted that:

“The JEM apologized for the second incident, acknowledging to have mistakenly identified the white helicopter as a Government aircraft. However, on 14 September 2008, a UNAMID helicopter, carrying 12 passengers and 4 crew was fired at by unknown perpetrators while on a flight from Shangil Tobayi to Tawilla. Furthermore, a UNAMID helicopter on an assessment mission to Birmaza was shot at on 17 September 2008. In another incident, a helicopter operated by a UNAMID contractor crashed near Nyala on 29 September 2008, resulting in the death of all four persons on board. It was suspected to have been shot at near Kalma IDP Camp but no perpetrator was identified. However, the GOS alleged that the aircraft was brought down by rebel combatants hibernating in the Kalma IDP Camp” [UNAMID Participant, Male; Interview, January 2015].

Moreover, the participants also noted that the attack on UNAMID took on a more atrocious form as heavily armed Janjaweed militia ambushed a joint UNAMID military/police patrol in an area approximately 100 km southeast of El Fasher, on 8 July 2008. In an ensuing battle that lasted for about three hours, the participants claimed that seven UNAMID personnel were killed while 29 others were wounded; even as some of the UNAMID vehicles were destroyed and others snatched during the attack. Also recounting this particular event, one of the UNAMID personnel, who incidentally was part of the UNAMID patrol team that came under attack on that day, stated that:

“Preliminary investigation ruled out the uncertainty regarding the identity of the attackers. The attack on UNAMID patrol occurred in an area under the control of the GoS and some of the attackers were dressed in GoS military outfit. I saw over 200 attackers, some on horses, which is the hallmark of the Janjaweed” [UNAMID Military personnel, Male; Interview, January 2015].
The participants also recorded several attacks by armed bandits on UNAMID. Another participant from the Nigerian contingent recounts how his patrol team was attacked on 6 October 2008 at Menawashe during which one of his colleagues got fatally wounded. He recalls that:

“A group of bandits numbering between 30 and forty ambushed our team while returning to our base in Khor Abeche after a route assessment patrol to Nyala. A Nigerian soldier died in the aftermath of the firefight while one of the bandits was captured. In a related event, on 17 March 2009, our patrol team was also ambushed on our way back to the Super Camp Nyala by eight gunmen dressed in camouflage and black uniforms. The gunmen, split into two groups and deployed 50m apart, laid ambush on our team and we lost another Nigerian soldier in the ensuing gun battle” [UNAMID Participant, Male; Interview, January 2015].

In conclusion, the researcher asked the UNAMID participants to comment on any other challenges faced by the UNAMID in the exercise of their mandate in Darfur during the period under review.

The participants noted that adverse weather conditions were another major challenge that militated against UNAMID operations. According to the participants, UNAMID personnel were not prepared for the climatic changes prevalent in the Sudanese western region of Darfur. They noted that sand storms and very high temperature during summer and very low temperatures in the winter seasons made their operations very difficult. The participants also added that lack of road infrastructure seriously hampered the movement of men and materials around the region. This made quick mobilisation and deployment to emergency zones problematic. The participants further stated that the kind of equipment that was initially deployed was not suitable for operations in the desert terrain. One of the military personnel, in his response to the question, stated that:

“Our movement from one location to another was seriously hampered by lack of roads, bridges and adverse weather conditions. We got stuck for days on the way to our area of deployment due to these factors, whereas the GoS forces and the Janjaweed militia, as well as the rebel forces understood the terrain
very well and could move freely on camel and horseback (as was common with the Janjaweed militia) from one location to another. Our convoy often lost its bearing in the vast desert terrain of the Sudanese western region of Darfur” [UNAMID Participant, Male; January 2015].

Moreover, the participants added that UNAMID troops suffered from these adverse weather conditions as they were mesmerized by the climatic conditions in the localities, which according to them, were near-unfit for a decent habitation at some times of the year.

6.5 THE CAUSES OF THE CONFLICT

One of the secondary questions raised by this research has to do with the underlying or remote factors, as well as the immediate trigger factors that led to the outbreak of deadly armed hostilities in the Sudanese Western region of Sudan in 2003. In studying this, the research relied on a rigorous qualitative review of secondary data, as well as primary data. For secondary data, the researcher looked at available literature which was not much, while relying on interviews of sample participants which included NGO workers, Sudanese government officials, officials of Darfur Regional Authority and leaders of the rebel forces, as well as some youth leaders in the Darfur region of Sudan.

6.5.1 THE UNDERLYING (REMOTE) CAUSES OF THE CONFLICT

There have been long standing intra- and inter-tribal conflicts between the nomadic tribes and farmers, and within the nomads as well as the farming communities themselves, in Darfur since the late 1950s according to some officials of the Darfur regional Authority (DRA), who constitute some of the sample participants interviewed in the course of this research. This was revealed when the researcher requested some explanation in respect of the remote or underlying causes of the deadly conflict in Darfur (2003 – 2013). To buttress this point, one of the participants, who is a top member of the DRA, stated inter alia:

“For example, in 1957, the Meidob rose against Kababish caused by mutual raiding for camels and disputed territorial access. In 1968, Rezeigat fought
against Ma’aliyah, caused by disputed land access and livestock theft and in 1969, Zaghawa against northern Rezeigat, caused by disputed access water wells and cattle rustling or banditry. In 1974, there was a tribal clash between Zaghawa and Brigid, caused by land dispute and cattle rustling. While in 1976, Beni Helbawere were up in arms against northern Rezeigat, caused by disputed for same reasons. Similarly, in 1980, there was a clash between the Rezeigat against Beni Helba, Brigid, Daju, and Fur, caused by disputes over grazing land, water resources and animal rustling. Further, the Taishas rose up against the Salamats, caused by for same reasons. Kababish and Khawabeer also fought with the Meidob, Berti and Zeiyadiya, for similar reasons in 1982” [DRA Participant, Male; Interview, January, 2015].

The participants further noted that between 1983 and 1987, some tribes in Northern Darfur migrated southwards due to droughts, leading to armed conflicts between Zaghawa and Ma’aliyah on the one hand, and the with Fur communities on the other hand. This resulted in several deaths, displacements and destruction of properties. In 1987, a Chadian Arab militia, armed by Libya as part of Gaddafi’s attempt to control Chad, was driven into Darfur by Chadian and French forces. This militia, known as Janjaweed, allied with drought-stricken Darfurian Arab nomads, sparked a brief but intense war for land with the neighbouring Fur. In 1989, the Fur clashed with several Arab tribes, as a result of territorial and politically motivated conflicts at the same time as the Gimir armed uprising against Zaghawa, motivated by territorial disputes and animal rustling. Further clashes occurred sporadically through the 1990s, sparked mostly by disputes over land and livestock.

However, some scholars, as well as other commentators on the Darfur conflict, argue that the prolonged drought of the 1980s and the scarcity of water and grazing resources, which led to tensions and low intensity disputes between mainly Arab herdsmen and non-Arab farmers over ownership of the water resources and grazing land; coupled with the alleged wilful neglect of the region by the GoS, are some of the major factors that fuelled the bloody intra state conflict that ravaged the Darfur region of Sudan during the period under review. (O’Fahey, 2004; An-naim, 2004; BBC News, 2006).
Nonetheless, from the response of the majority of the participants drawn from Sudanese diplomats and officials of the DRA, as well as a rigorous review of available literature and the views of some scholars who conducted research on Darfur, the remote causes of the Darfur conflict can be summarized as follows:

A. Environmental Issues

There are different climatic zones in the Darfur region. Northern Darfur is characterized by deserts which extend to the Sahara desert, while the south lies within the rainfall savanna belt. Central Darfur, on the other hand, consists of a mountainous plateau zone.

The prolonged drought of the 1980–90s increased desert encroachment and reduction in soil fertility which greatly affected crop farming, which is the main occupation of the majority of the non-Arab African sedentary farmers from the south and subsequently led to a decline in food production. Pastoral nomadism, on the other hand, is the main means of livelihood of the majority of Arab Darfurians from the North. The northern herdsmen had to migrate southwards in search of pasture for their livestock in areas dominated by non-Arab farmers.

However, as the climate change, as a result of the prolonged drought of the 1980-90s persisted, crop farming became unpredictable; causing many crop farmers to switch to animal husbandry and needing grazing land for their livestock. At the same time, the nomadic pastoralists, also feeling the effects of the drought as grazing land in northern Darfur shrank considerably, moved southwards in search of grazing land for their herds. They were resisted by the southern non-Arab farmers and this led to serious clashes over grazing land and water wells (Sikainga, 2009).

B. Lack of Social, Economic and Political Development:

The Khartoum government allegedly neglected the Darfur region in terms of political patronage and in the allocation of resources since independence in 1956. Provision of education, economic, and social infrastructure such as primary and secondary schools, institutions of higher learning, roads, electricity, potable water, hospitals and public primary healthcare centres were not addressed by the central government in
Khartoum. The Darfurians also complained of lack of adequate representation in
government appointments at the centre. This feeling of marginalization and exclusion
from government became a veritable rallying point for the rebel groups.

C. Struggle for Political Control:

The mainly Arab dominated Omar al-Bashir led central government in Khartoum,
which came into office in 1989, allegedly effected changes in the traditional power
structures of the region and transferred administrative powers to the nomadic Arab
tribes. The central government was also accused of replacing the historical chieftaincy
system and its traditional titles of Shartai (Mayor) and Sultan, with a new system and
appointing pro-Khartoum government sympathizers from the Arab groups as leaders
and giving them the title of Emir (Muslim ruler), replacing the old titles used by the Fur,
Masalit and other indigenous African groups. This decision by the government, which
ignored the pre-existing tradition of the people of Darfur, effectively removed power
from those who had traditional rights to it and transferred it to Arab settlers.

With political control, the Arabs naturally would control the majority of the landed
resources to the detriment of the non-Arab indigenous African tribes of the Fur, Masalit
and Zaghawa, among others, who claim original ownership of the Darfur region and
whose main source of livelihood is farming. Unfortunately the government in
Khartoum, in dismantling the traditional land tenure system and native authority,
eroded the ability of the local chief to settle inter-communal and ethnic disputes in their
communities.

D. Proliferation of Small Arms and Porous Borders:

The war in the neighbouring countries, especially Chad, Libya and Central African
Republic, make for easy flow of modern weapons into the Darfur Region (see map of
Darfur in chapter 3). The Zaghawa, Masalit, and Mahiriyya ethnic groups of Darfur are
also found in the Chad Republic, thereby making cross border war activities inevitable.
The late Libyan leader, Mu’mar Gaddafi, was alleged to have supplied a lot of arms
and ammunition to arm disgruntled Arab groups in his nefarious adventure aimed at
creating an Islamic belt across the Sahel region in order to perpetuate Libyan
hegemonic influence over the region (Sikainga, 2009).
E. Tribalism and Arab Apartheid:

The over thirty tribal inhabitants of Darfur can be grouped roughly into two main groups, namely: the Arabs and non-Arabs. Whereas the non-Arabs consist of indigenous African farmers who see themselves as the original owners of Darfur; the Arabs consist of nomadic cattle and camel herdsmen from the Arab race. These two major groups co-existed and intermarried for centuries with minimal racial conflict until the central government in Khartoum started playing racial politics of divide and rule in order to break the harmony and collective bargaining capacity of the region. This was to perpetuate its political dominance and hegemonic influence of the region. This situation took on a very dangerous dimension, which some experts and African commentators referred to as Arab apartheid, even as the government of Sudan (GoS) was accused of plotting ethnic cleansing by manipulating Arab solidarity against non-Arab African black sedentary farmers (Johnson, 2011; Lasaga, 2009; Ayittey, 1999; Wamwere, 2003; Hubert, 2009).

Sudan, like many emerging nations in Africa and elsewhere, was faced with the problem of nation-building and the definition of a national identity. The heritage of ethnic diversity, which Sudan encapsulated, had been mobilized in political, national, racial and religious actions by the dominant cultural groups. The disparities in ethnicity do not in themselves lead to war. But when one group pursues policies and practices perceived to be hostile by the other, some degree of conflict may ensue. The Arab and non-Arab divide is a contentious issue which became a key factor in the conflict. The factor could be viewed against the background of the wider debate in Sudan on Arab versus non-Arab national identity. Although Arabic is generally spoken amongst the Darfurians, it is a region of mixed tribes with sometimes very distinct cultures and traditions.

This tribal mix had an adverse effect on the general situation in Darfur. Practically all the factions were formed along tribal lines. In the Internally Displaced Persons’ (IDP) camps, affiliations along these same tribal lines were also formed. Thus, in assessing and resolving the Darfur crisis, it is important to appreciate the tribal allegiances of the people. This tribal allegiance has influenced many arguments and debates both by the GoS and the movements which fuelled the conflict making the efforts at peace very difficult.
6.5.2 THE IMMEDIATE (TRIGGER) CAUSE OF THE CONFLICT

This research sought answers to the above by interviewing youth leaders and DRA officials, as well as some Sudanese central government officials and diplomats.

The majority of the participants somewhat agreed that the event that triggered the deadly armed violence in Darfur (2003 – 2013) can be attributed to the attacks carried out by the two main rebel groups against Sudan in February 2003. This was when rebels from the Darfur Liberation Front (DFL), which later formed the Sudan Liberation Movement/Army (SLM/A), and the Justice and Equality Movement (JEM) took up arms against the GoS, attacking government offices such as the headquarters of Jebel Marra District and GoS air force base in El Fasher.

The participants noted that as the rebels stepped up attacks on GoS police and military outposts, the GoS responded with aerial bombardment of rebel positions. However, in spite of the aerial bombardment of rebel strong holds by the GoS, Flint and de Waal (2005) observed that SLA and JEM recorded unprecedented successes as they took over police and military outposts in the region, destroying plenty of military hardware and other equipment, belonging to the GoS. The successes recorded by the rebels, according to Flint and de Waal, was as a result of war fatigue and lack of adequate manpower to counter the rebels, as the GoS was engaged in fierce battle with the separatist rebel movement in the South of Sudan – The Sudanese Peoples Liberation Army (SPLA).

The participants further explained that the GoS, in response to successes of the rebels in Darfur and its incapacity, owing to the focused engagement of its military forces in the war in the South, allegedly solicited the help of some of the Arabs, as well as the Arabized nomadic tribes in Darfur, with a pledge to give them ownership of arable land and water resources in the south of Darfur in exchange for their military cooperation. This alleged military agreement between the GoS and the Arabic nomads resulted in the formation of an Arabic Militia – the Janjaweed (meaning devils on horseback in Arabic) to fight a proxy genocidal war against the rebels SLA and JEM on behalf of the GoS, although the GoS has consistently denied this allegation.
In direct response to the question regarding the immediate cause of the conflict, one of the participants argues that:

“The Darfur civil war was triggered when the Sudan Liberation Movement and Justice and Equality Movement started their military aggression against the civilians. Hence, they were the main cause of the fleeing of people and consequently the main cause of the deterioration in the humanitarian and security situations in Darfur. Ironically enough, the rebel movements kept accusing the government of forcing thousands of citizens to flee from their villages; when the citizens started to come back to their homes they accused the government of forcing the citizens to come back home! How come? How can the government force its people to flee from their homes, then to force them back home? The simple fact is that the rebels who started the crisis wanted it to continue and the people to suffer. On the continuity of war, and the continued suffering of the people they [the rebels] fed and were nourished” [GoS Participant, Male; Interview, January, 2015].

The participants further explained that the activities of the rebel movements were characterized by high degrees of brutality, ruthlessness and savagery from the beginning. The majority of the GoS participants wondered why the rebel movements, who claimed to be representatives of their kinsmen whose fundamental human rights were abused, thereby presenting themselves as “defenders,” engaged in some of the worst acts of human rights abuse by killing soldiers and GoS officials; attacking villages and towns, concentrating on government locations, especially remote and isolated police stations. One of the GoS participants (a top government official) also alleged that before the rebel forces attacked El Fashir Airport in April 2003, killing soldiers and setting military aircrafts ablaze:

“They [the rebels] exercised armed plundering, killing citizens, plundering their properties and engaged in highway robberies. They intercepted civilian cars, killed the civilians and took possessions and properties. The rebels made an atmosphere for retaliation and in this very atmosphere of hatred there appeared the Janjaweed, Tora Bora, and Bachmarga militants. So, the claim of the rebel movement that it was the government that caused the war, and hence resulted in the humanitarian problem, is false and absolutely baseless. It is their fault
and they have to bear the responsibility of waging this war, as well as its grave impact, not only on Darfur but on the whole country. Of course, the rebelligious movement in Darfur and its sponsors turned the facts upside down by picturing the situation as if it was the government and ‘its militias’ who attacked the villages and caused the whole problem by forcing the villagers to flee from their homes. They have kept repeating these false claims up to now” [GoS Participant, Male; Interview, January, 2015].

6.6 THE OUTCOME OF THE UNITED NATIONS INTERNATIONAL COMMISSION OF INQUIRY INTO VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS LAW AND ACTS OF GENOCIDE IN DARFUR; AND THE RESPONSE OF THE GOS

The United Nations Security Council, in the exercise of its powers under Chapter VII of the United Nations Charter, adopted resolution 1564 on 18 September 2004 which mandated the UN Secretary-General to urgently set up an International Commission of Inquiry to investigate reported cases of violations of international humanitarian law and human rights law in Darfur by all parties to the conflict and to ascertain the validity of the claims of genocide. The commission was also mandated to identify the perpetrators of such violations, if any, with a view to ensuring that those identified would be held accountable. Subsequently, the Secretary General, pursuant to resolution 1564, established the International Commission of Inquiry, with Antonio Cassese as Chairperson in October 2004. Other members of the Commission included Mohamed Fayek, Hina Jilani, Dumisa Ntsebeza and Therese Striggner-Scott. The Commission, which commenced work on 25 October 2004 at its secretariat in Geneva, was headed by Ms Mona Rishmawi as Executive Director with a support team of forensic experts, investigators and military experts, as well as expert legal researchers while others were appointed by the Office of the United Nations High commissioner for Human Rights; with a three months deadline to conclude its assignment.

However, in its report, presented to the UN Secretary General on 25 January 2005, the Commission stated that:
“In order to discharge its mandate, the Commission endeavoured to fulfil four key tasks: (1) to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties; (2) to determine whether or not acts of genocide have occurred; (3) to identify the perpetrators of violations of international humanitarian law and human rights law in Darfur; and (4) to suggest means of ensuring that those responsible for such violations are held accountable. While the Commission considered all events relevant to the current conflict in Darfur, it focused in particular on incidents that occurred between February 2003 and mid-January 2005” [Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, January 2005, P.2].

Moreover, the Commission explained that it held continued dialogues with the GoS all through the period of its inquiry through a series of meetings in Geneva and in the Republic of Sudan and also through the activities of the Commission’s team of investigators. The Commission further explained that in the discharge of its mandate, it travelled to the Sudanese capital Khartoum and the three states of Darfur in November 2004 and January 2005, during which it conducted extensive meetings with GoS officials, the leaders of the Darfur rebel groups, the tribal leaders and local as well as provincial authorities in Darfur, the Governors of the three states of the Darfur region, UN representatives, members of the police and armed forces of Sudan, NGOs, victims and witnesses to human rights violations and Internally displaced.

Furthermore, the Commission listed its activities, terms of reference, methodology and modus operandi of its team of investigators even as it gave an insight into the sociological and historical background to the conflict in the report of its findings. The report of the Commission essentially focused on the four key areas of its mandate in the presentation of its findings: “violations of international human rights and humanitarian law by all parties; (ii) “whether or not acts of genocide have taken place”; (iii) “the identification of perpetrators”; and (iv) “accountability mechanisms” (Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, January 2005, P.3).
6.6.1 VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL HUMANITARIAN LAW

The commission, in exercising its mandate in respect of the above, posits that it conducted a rigorous examination and analysis of various reports from both governmental and non-governmental organizations, as well as UN specialized agencies on the alleged violations of human rights and international humanitarian laws in Darfur during the period under review. According to the commission reports, it also conducted extensive investigations, verifications and interrogations through its expert investigation team and confirmed the UN estimate of about 1.65 million IDPs and over 200,000 refugees in the neighbouring Chad republic. In addition, the Commission confirmed the allegations of violation of human rights, as well as international humanitarian law in Darfur; which took the form of indiscriminate attacks on the civilian population, rape and other kinds of sexual assault, abduction and unlawful detention, killings and torture, pillage and destruction of entire villages and communities; and wilful destruction of farmlands and livestock, thereby denying the people their means of livelihood.

The report of the Commission also noted that the Indigenous African tribes of Fur, Zaghawa, Masalit, Jebel, Aranga, among others, constitute the majority of the victims of serious human rights violations and international humanitarian crimes. In addition, the Commission, while also indicting the rebel forces of acts of violation of international human rights and humanitarian laws, confirmed the allegation of active collaboration between the GoS and the Janjaweed militia. It concluded inter alia:

“Based on the evaluation of the facts gathered or verified through its investigations; based on a thorough analysis of the information gathered in the course of its investigations, the Commission established that the Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law. In particular, the Commission found that Government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur”
6.6.2 EVIDENCE OF ACTS OF GENOCIDE IN DARFUR

The Commission in the discharge of its mandate in respect of the above question acknowledged the existence of elements of genocide in the actions of the GoS and its allied militia which amounted to acts of gross violation of human rights and international humanitarian laws, by deductive reasoning. However, it noted that such deductive reasoning can only make out the ‘actus reus’ for genocide but not the intention for genocide. It further argues that:

“Two elements of genocide might be deduced from the gross violations of human rights perpetrated by Government forces and the militias under their control. These two elements are, first, the actus reus consisting of killing, or causing serious bodily or mental harm, or deliberately inflicting conditions of life likely to bring about physical destruction; and, second, on the basis of a subjective standard, the existence of a protected group being targeted by the authors of criminal conduct. However, the crucial element of genocidal intent appears to be missing, at least as far as the central Government authorities are concerned” [Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, January 2005, P.4.]

Consequently, the Commission concluded that it could not establish any case of genocide by the GoS and its allied militia – the Janjaweed; while maintaining that the policy of attacking, killing and forcefully displacing members of a particular tribe or ethnic group does not amount to an intent to partially or totally annihilate a particular group differentiated on the basis of religion, tribe, race or ethnic group. It however, averred that the acts of crime against humanity perpetrated by the GoS and its allied militia are no less as heinous and reprehensible as acts of genocide.
6.6.3 IDENTIFICATION OF THOSE RESPONSIBLE FOR ACTS OF VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL HUMANITARIAN LAW

The Commission, in continuation of its mandate regarding the above, reported that it collected and analysed consequential evidence which established responsibility of certain individuals for cases of “serious violation of international human rights and humanitarian law, as well as war crimes and crimes against humanity”. Nonetheless, the Commission, while acknowledging the fact that it neither possessed the power of prosecution nor the judicial powers of a law court to pronounce a guilty verdict on any one in respect of its findings, insisted that:

“those identified as possibly responsible for the above-mentioned violations consist of individual perpetrators, including officials of the Government of Sudan, members of militia forces, members of rebel groups, and certain foreign army officers acting in their personal capacity. Some Government officials, as well as members of militia forces, have also been named as possibly responsible for joint criminal enterprises to commit international crimes. Others are identified for their possible involvement in planning and/or ordering the commission of international crimes, or of aiding and abetting the perpetration of such crimes. The Commission also has identified a number of senior Government officials and military commanders who may be responsible, under the notion of superior (or command) responsibility, for knowingly failing to prevent or repress the perpetration of crimes” [Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, January 2005, P.4 - 5].

The Commission alongside its report, handed to the UN Secretary General a sealed file containing evidential materials needed to establish “cases of serious violation of international human rights and humanitarian laws”; including war crimes as well as crimes against humanity as noted above; with the recommendation that the file be forwarded to a competent Prosecutor of the International Criminal Court (ICC) through the UN High Commissioner for Human Rights for further legal action, pursuant to article 13(b) of the ICC Statute.
6.6.4 RECOMMENDED MECHANISM FOR HANDLING THOSE RESPONSIBLE FOR ACTS OF VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL HUMANITARIAN LAW

The Commission recommended that the alleged violations of international humanitarian law and human rights documented in Darfur met the requirements of articles 7 (1), 8 (1) and 8 (f) of the Rome statute establishing the International Criminal Court. Moreover, the commission recommended among others, the establishment of a victim’s Compensation Commission that shall be designed to grant reparations to the victims of war crimes and crimes against humanity, including victims of serious violations of international humanitarian laws and human rights irrespective of the facts of identification of perpetrators of the crimes.

In conclusion, the Commission justified its recommendation for the referral of the cases documented in its report to the ICC; exercise of universal jurisdiction over the cases by other states, among its numerous recommendations emphasized that:

“The Sudanese justice system is unable and unwilling to address the situation in Darfur. This system has been significantly weakened during the last decade. Restrictive laws that grant broad powers to the executive have undermined the effectiveness of the judiciary, and many of the laws in force in Sudan today contravene basic human rights standards. The measures taken so far by the Government to address the crisis have been both grossly inadequate and ineffective, which has contributed to the climate of almost total impunity for human rights violations in Darfur. Very few victims have lodged official complaints regarding crimes committed against them or their families, due to a lack of confidence in the justice system. Of the few cases where complaints have been made, most have not been properly pursued” [Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, January 2005, P.5 - 6].

The Commission also emphasized the need for the United Nations Security Council to take immediate and appropriate action, not only against the perpetrators of the alleged war crimes and crimes against humanity, but also in the interests of the victims of the alleged war crimes and crimes against humanity in Darfur.
6.6.5 THE RESPONSE OF THE GoS TO THE REPORT OF THE UNITED NATIONS INTERNATIONAL COMMISSION OF ENQUIRY INTO VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS LAW AND ACTS OF GENOCIDE IN DARFUR

In furtherance of the enquiry into the research questions posed by this research, the researcher sought the response of the government of Sudan to the report of the United Nations International Commission of Enquiry into violations of International humanitarian law and human rights, as well as genocide in the Darfur region of Sudan as summarized above. This enquiry led to a series of interviews conducted by the researcher with top officials of the GoS, including its top diplomats. Below is a summary of the response of the GoS to the central theme of the interview questions: what is the response of the GoS to the report of the United Nations International Commission of Enquiry into violations of International humanitarian law and human rights as well as genocide in the Darfur region of Sudan?

In its response the GoS expressed gratitude to the United Nations for their efforts in support of the government's endeavours to resolve the conflict in Darfur. It noted that an armed rebellion against the republic of Sudan started in Darfur in 2003 when two rebel movements – the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), attacked civilians and military targets. The attacks, according to a top official of GoS:

"resulted in over three thousand casualties in the army, over 685 murdered police, over 500 injured, 80 police stations destroyed. Civilian populations were greatly affected by the breakdown of law and order, all over, and criminal violence erupted all over. The situation led to gross human rights violations".

[GoS Participant, Male; Interview, February 2015].

The GoS further explained that the state of violence in Darfur became a source of deep concern to the Government of Sudan and the international community, Whilst noting that the GoS welcomes any objective attempts to examine the nature of human rights abuses in Darfur, it was, however, disappointed with a number of assertions in the Commission’s report which led to several unacceptable conclusions. A top GoS diplomat, while analysing the report of the Commission, explained that:
“First: The report did not adequately or systematically address the nature and pattern of human rights abuses in Darfur in 2003.

Second: The commission’s methodology was fundamentally flawed, particularly in relation to its definition of the “Janjaweed” phenomenon in Darfur. The report presented a regrettably all too superficial account of what is widely recognized as being a particularly complex crisis.

Third: The government of Sudan was well aware of the fact that the commission operated under enormous time and budgetary constraints which undermined its ability to adequately address or investigate all categories of human rights abuses it thought to review” [GoS Participant, Male; Interview, February 2015].

Further, the GoS expressed particular concerns with regard to the judicial standard of evidence the commission chose to pursue and pointed out that the commission conceded the fact that it made serious accusations and reached conclusions based on which, it produced a list of alleged perpetrators of serious war crimes and crimes against humanity, not by proof of facts or evidential proof beyond any reasonable doubt or by presentation of a prima facie case. Moreover, the GoS maintained that it is legally perverse and against the principles of natural justice for the Commission to hold the GoS responsible for virtually every attack on civilians in Darfur, especially in instances where there is no evidence whatsoever of the GoS involvement in alleged attacks by unidentified armed groups, even with the commission’s questionably low evidentiary threshold.

The GoS further averred that the time frame given to the Commission and within which it concluded its report was grossly inadequate while noting that the commission, just as it could not find evidence of genocide as speculated, could have also concluded that there was no evidence of war crimes and crimes against humanity if it had more time to analyse the facts and evidence available. Furthermore, the GoS insisted that the Commission acknowledge the complexity of the issues surrounding the Darfur conflict and the mandate given to it. They also wondered how the Commission could have unravelled the complex issues under the serious time constraints imposed on it by the UN Secretary General for the conclusion of its assignment. Consequently, the GoS believes that the commission could not find reasonable time to adequately
investigate and interrogate the facts relating to the numerous cases of human rights abuses and violations of international humanitarian law committed by rebel movements in Darfur. The commission, for example, failed even to investigate the killing of civilians, rape, and in one case, the burning alive of wounded GoS soldiers in Buram hospital by the rebel forces.

Nonetheless, the GoS, while commenting on the Commission’s inability to adequately address or investigate the complex socio-economic, tribal and criminal dimensions of the Darfur conflict, as reflected in its inadequate definition of what constituted the ‘Janjaweed”; lamented what it considered to be manifest flaws in the methodology adopted by the Commission in arriving at its findings. In dismissing the methodology adopted by the Commission in its findings, a senior GoS diplomat emphasized inter alia:

“In addition to simply being unable to adequately address several key areas relevant to its mandate, critical areas of the commission’s methodology were also questionable. Questionable Sources: there has been a pattern of attempts, like in all civil wars, at disinformation, misinformation and propaganda in the course of the conflict in Darfur. The Commission neither recognized nor addressed this issue conceptually, methodologically or practically in the report. Much of the work of the commission involved assessing reports from international NGOs with questionable publications or who have a clear record of political opposition to the Government of Sudan” [GoS Participant, Male; Interview, February 2015].

However, the GoS strongly believes that the rebel movements were part of a grand strategy to produce atrocious propaganda with regard to the Darfur conflict to the detriment of the GoS. Consequently, the GoS alleged that, inevitably, many of the accounts the commission received within rebel controlled areas of Darfur with regard to alleged GoS involvement in human rights abuses, may have been compromised due to pressure from rebel movements, as much of what the Commission referred to as a “body of evidence”, including on-site investigations within rebel areas, would have originated from questionable sources within areas under rebel control during the period of the conflict.
With regard to international judicial standards or rules of evidence, the GoS alleged that the commission employed unacceptable standards of evidence in arriving at most of its conclusions. Another top GoS official while commenting on the standard of judicial evidence adopted by the Commission argued that:

“The Commission chose to anchor its findings based on materials from which it might say that a person or entity – may reasonably be suspected of having been involved in the committing of a crime. The commission made accusations and reached conclusions and a drawn list of alleged perpetrators of serious crimes not by proof of facts beyond a reasonable doubt or by the presentation of a prima facie case. That such a questionable judicial standard was applied to the examination of the serious crimes the commission was mandated to examine is all the more questionable. We do note, however, with regard to the commission’s investigation of allegations of genocide in Darfur, that it found that genocide had not taken place even with the particularly low threshold of judicial evidence pursued by the commission” [GoS Participant, Male; Interview, February 2015].

The GoS also accused that Commission of bias and unacceptable variations in the standards of evidence. It explained that the Commission was selective in treating relevant documents submitted to it by various government bodies, even as the Commission’s report also ignored a body of documents directly pertinent to the commission’s terms of reference. The GOS thus concluded that the commission established one standard of evidence for itself with regard to alleged GoS involvement in human rights abuse and another for allegations of rebel abuses throughout the Commission’s report. Commenting further on this, another GoS top official referred to the Commission’s report and made particular reference to Paragraph 286 (page 77) of the report, stating that:

“When reviewing civilians killed in a rebel attack on Kulbus town in western Darfur on 25th and 26th December 2003, in the course of which a number of civilians were killed, the commission states that “it would need further investigation to determine whether civilians were caught in crossfire, or whether they were attacked in an indiscriminate or disproportionate manner or killed wilfully. There is no indication that the commission set such standards in
assessing whether civilians were killed in crossfire during alleged government operations against rebel camps within villages. The Evidently double standards were particularly evident in the commission’s demand for “concrete information or evidence” (Para 414, page 106) with regard to the rebel movement’s use of child soldiers. Such inconsistency in the standards of evidence adopted by the commission fundamentally flawed the case presented by the commission and, therefore, the conclusions it has drawn and presented to the Secretary General” [GoS Participant, Male; Interview, February 2015].

The GoS also questioned analysis of events as contained in the Commission’s report: In the words of another GoS official interviewed:

“First: the Commission appears to accept that the armed conflict in 2003 was rooted in socio-economic and political marginalization. This analysis, however, is a controversial one, contradicted in large part by a clear record of socio-economic development within Sudan since 1989.

Second: the commission appears to have accepted at face value that the main reason the rebels have attacked police stations has been to capture weapons. This is a simplistic claim. Attacking policemen undermines law and order within Darfur, provokes the Government and has recently destabilized the security of IDP camps. The rebel movement is well equipped with a large variety of weapons and, therefore, the claim to obtain weapons from police attacks is an attempt to mitigate the murder of over 600 policemen.

Third: the commission’s claims that by commencing military operations at dawn Government armed forces were somehow seeking to “spread terror among civilians so as to compel them to flee villages.” The Government of Sudan is surprised that the commission had military consultants amongst its support staff who could have rendered advice that it is a universal operational procedure for military operations to be initiated before dawn or at dusk, to utilize the cover of darkness for manoeuvre, movement and surprise” [GoS Participant, Male; Interview, February 2015].
Furthermore, the GoS dismissed the conclusion of the Commission’s report as basically flawed and denied that the Janjaweed militia were under the control of the GoS, even as it noted that the Commission had failed to accurately define the Janjaweed militia. While commenting on this point, another senior official of the GoS stressed that:

“The Commission failed to adequately define the term “Janjaweed”. That this would be a difficult and controversial task was obvious. The Reuters correspondent in Sudan, for example, has noted: “in Darfur Janjaweed is a word that means everything and nothing.” The Los Angeles Times similarly cautioned that the word “Janjaweed means different things to different people”. The irretrievable flaw in the Commission’s report was its inability or willingness to differentiate between operations within civilian areas carried out by regular and irregular government forces against rebel positions, and a pattern of attacks within the civilian areas carried out by groups unconnected in any way to the Government. This intrinsic flaw is in large part the result of the commission’s inability to adequately analyse the term “Janjaweed”. In para. 99-100 of the report, for example, the commission defines “Janjaweed” as “a generic term to describe Arab militia acting, under authority, with support, complicity or tolerance of the Sudanese State authorities, who benefit from impunity for their actions.” For this reason the commission has chosen to use the term “Janjaweed” throughout the report. In other parts of the report the commission indicates that Janjaweed attackers are from Arab tribes on horseback or on camel with modern weapons” [GoS Participant, Male; Interview, February 2015].

However, the GoS also claimed that while the Commission was clearly unable to adequately examine the phenomenon of ad hoc revenge and recovery attacks, the Human Rights Watch reported cases of rebel attacks that would have undoubtedly triggered revenge and livestock recovery attacks by nomadic communities in Darfur. The organization, according to the GoS, provided details of some SLA “attacks on convoys of camels that were being taken across traditional trade routes in North Darfur.” The rebels were said to have stolen more than four thousand camels on attacking the Aulad Zeid tribe. They used automatic rifles, rocket-propelled grenades
and machine guns and arrived in land cruisers and trucks. Human Rights Watch mentioned that “many of the herders were killed defending their animals.” One can only speculate as to the scale and intensity of essentially spontaneous ad hoc revenge attacks in response to these and other attacks across a region the size of France. Hence, the GoS, in the words of one of its spokespersons interviewed as part of this research, insisted that one of the central flaws of the Commission’s report was:

“The Commission’s inaccuracy of attributing large numbers of attacks on villages and villagers in Darfur to Government and Government forces, highlighted by the fact that in the course of a number of Janjaweed attacks, Janjaweed raiders attacked, killed and injured large numbers of Sudanese policemen and attacked and destroyed police stations. The Commission consistently understated both the scale and nature of human rights abuses by the rebels. In Para. 285 (page 77) of the report, for example, the commission stated that it “found that rebels have killed civilians, although the incidents and number of deaths have been few.” There is also no adequate reporting of rebel attacks on humanitarian aid workers and the delivery of humanitarian aid to Darfur’s displaced communities. Given the crucial importance of both humanitarian aid and workers, the Government of Sudan was surprised at the commission’s inability to reflect accurately the magnitude of rebel attacks on aid workers. The Commission, for example, made a number of factual errors in its report. In the section of killing of humanitarian workers the commission attributed the landmine explosion to the new rebel group, the National Movement for Reform and Development, whereas the attack was carried out by the SLA. These incidents have been well investigated and facts established beyond reasonable doubt. Therefore, it is difficult to explain the commission’s inability to establish these simple details, taking into account human rights abuse and the serious implications for the continued delivery of critical lifesaving assistance to the region. The Commission failed then to address its mandate of investigating reports of violations of international humanitarian law and human rights by all parties” [GoS Participant, Male; Interview, February 2015].
In the light of the above, the GoS argues that it is clear that the commission set out from the start of its investigation with a pre-determined desire to refer its findings to the International Criminal Court. This desire, according to the GoS, considerably undermined the commission’s objectivity and impartiality. It questions the assumptions based on which the Commission recommended the referral of its findings to the ICC. These assumptions related to the inability of the Sudanese courts to prosecute suspects, and that such a referral would ensure a neutral atmosphere for such trials.

However, the GoS dismissed the Commission's assertion that Sudanese courts were unwilling and unable to prosecute alleged perpetrators of human rights abuses in Darfur as unacceptable and unjustified. The principle of complementarity, according to the GoS, means that the ICC is not intended as a substitute for national jurisdiction; rather it is to complement and not replace national systems of justice. The related principle of “unwillingness” means that the state in question simply refused to bring perpetrators of human rights violations to justice. “Inability” to do so means that although the state may be willing to prosecute perpetrators, it may not be able to do so.

Finally, the GoS in its final analysis vigorously rebutted the conclusions of the Commission and pointed out that the GoS had “demonstrated its willingness to investigate and prosecute perpetrators of human rights violations and war crimes in Darfur by the establishment of a Commission Inquiry into the Allegations of Human Rights Violation by Armed Groups in Darfur, Western Sudan.” This rebuttal became even more vigorous following the inclusion of the Sudanese President Omar Hassan Ahmed El-Bashir among those to be investigated and prosecuted by the ICC.

6.6.6 REPORT OF THE COMMISSION OF ENQUIRY INTO THE ALLEGATIONS OF HUMAN RIGHTS VIOLATION BY ARMED GROUPS IN DARFUR, WESTERN SUDAN BY THE GoS

This research, in the course of the extensive interviews with GoS officials, as well as officials of the Darfur Regional Authority in the search for answers to the questions posed by this study requested further elucidation on the assertion by the GoS regarding its willingness to investigate and prosecute cases of alleged violation of international humanitarian law and human rights, as well as war crimes. The
researcher therefore, asked the GoS participants to expatiate on their claims of investigation and prosecution in respect of the above problem.

In response to the above question the participants presented an analysis of the Commission of Inquiry set up by the GoS regarding the above. The participants claimed that President of the Republic, Omar Hassan Ahmed El. Bashir, issued decree 97 of 2004 which established the Commission of Inquiry into the Allegations of Human Rights Violation by Armed Groups in Darfur, Western Sudan headed by a former Chief Justice of Sudan - Dafaa Alla El. Haj Yousif. The Commission, according to one of the GoS senior officials interviewed, was mandated to:

“Find facts and collect information on alleged violations of human rights by armed groups in Darfur states, and determine causes of violations when established, and possible damage to lives and property. The Commission followed the procedures stipulated in Article 9 of the Act of the Commission of Inquiry of 1954. The Commission’s final report was submitted to H.E. the President of the Republic with the following findings and recommendations” [GoS Participant, Female; Interview, February 2015].

The participants explained that the Commission had held 65 meetings, heard 288 testimonies and visited all Darfur states several times where it inspected 30 areas believed to have been crime scenes; met with local authorities and officials of different relief organisations and NGOs among others. It also requested and received all documents concerning its mandate and got acquainted with all relevant reports made by missions that visited Sudan from the UN, the African Union, the Organisation of Islamic Conference, the Arab League and other organisations. Also, they carefully considered all reports issued by the International Human Rights Organisations, including reports by the Geneva-based UN High Commission on Human Rights.

Moreover, the participants noted that the Commission reviewed the decisions made by the U.S. Congress, the European Community and the UN Security Council, in addition to the minutes of talks between the government and armed opposition groups; even as it also contacted armed groups to arrange a joint meeting whenever and wherever it was suitable for them, in order to listen to their viewpoints, but did not receive any positive response from the rebel groups.
The participants further added that the Commission, in the discharge of its mandate, adopted the use of written, audio, video and photographic media in the documentation of its activities and considered the geographical and historical background of Darfur region. It noted that the Darfur region of Sudan, which has common borders with three neighbouring states and more than 80 tribes, witnessed geographical and environmental changes due to the disastrous drought and desertification. Furthermore, the Commission also considered the peculiar nature of the Darfur region, which represents one fifth of the total area of Sudan, with an estimated population of 6 million people; and serving as the homeland of many tribes of Arab and African origins, who intermarried and intermingled culturally and ethnically for many centuries, thereby forming today’s unique society in Darfur. The Commission according to one of the top GoS officials, observed that:

“The Tribes in Darfur co-existed in relative peace for centuries with sporadic conflicts over natural resources between nomad and sedentary tribes. These conflicts never generated in the past and had always been settled through tribal reconciliation conferences organised by the Civil Administration under the auspices of the state. Hence, a set of customs and traditions were established to orchestrate tribal relations and activities. This constituted a unique culture feature of Darfur, and tribes - regardless of their background - have realised the need to co-exist as no ethnic group can root out the other” [GoS Participant, Male; Interview, February 2015].

Furthermore, the participants explained that the Commission had examined the role of the local administration and pointed out that “it was an essential stabilization factor in the region, considering the key role it played in the settlement of conflicts and its collaboration in this respect with the concerned authorities.” But that the unfortunate dissolution of the “local Administration in 1970 created an administrative and security vacuum that aggravated these conflicts and led to acute tribalism;” resulting in political polarization of such conflicts which metamorphosed into a national problem of marginalization and sharing of power as well as national wealth.

Nonetheless, the Commission, according to the participants, also noted that the “deterioration of economic development and services in Darfur was due to multiple factors of administrative instability, the suspension of major developmental projects,
unemployment and the widespread proliferation of weapons and ease to obtain them;” coupled with the political instability in neighbouring Chad which influenced the culture of violence in the Darfur region of Sudan. This tendency led outlawed individuals from different tribal backgrounds to form semi-organised armed groups, locally referred to as ‘Janjaweed’, and other similar groups, who were responsible for widespread looting, smuggling and other acts of criminality in the 1980s according to the Commission’s reports analysed by the participants. Consequently, the climate of insecurity forced many tribes to organise armed groups and form defensive coalitions.

A prominent member of the Darfur regional authority, in his own analysis of the report of the Commission pointed to the Commission’s revelation that:

“Conflicting administrative measures were taken to deal with the problem without giving due consideration to immediate and future implications, particularly in respect to land tenure; in addition to the impact of the civil war in the South and SPLA’s attempt to bring the population of remote states under the banner of the ‘New Sudan’, have transformed these local conflicts into issues of a national dimension. The conflict between rival groups and the State started on an intellectual basis and ended up in armed confrontations which claimed the lives of nearly 500 policemen. The resulting security vacuum and other factors, including the ambitions of some groups to establish a predominant entity, gave this issue an unprecedented political and traditional aspect” [DRA Participant, Male; Interview, February 2015].

6.7 INTERNATIONAL CONSPIRACY

International Conspiracy dominated most interviews with the sample participants in the course of this research, just as some of the available literature identified international conspiracy as being responsible for the conflict. Not a few believed that the conflict would have taken place in the first instance with the presence of local and international conspirators.

Daly (2007) is of the opinion that Arab apartheid, propagated by some groups he identified as the Arab Alliance, Libyan Arabs and the Islamic League, as well as the structural violence against the Darfur region by the Colonialists and successive
governments in Sudan, was responsible for the conflict in Darfur (2003 – 2013). Flint and de Waal (2008) agree with Daly in blaming the British colonialists and the GoS for laying the foundation for the conflict in the Darfur region of Sudan. They analysed the pre-colonial, colonial and post-independence history of Darfur and Sudan and concluded that lack of development, as well as political, social and economic marginalization and underdevelopment of the Darfur region by the colonial rulers and successive GoS regimes in Khartoum contributed largely to the rebel movement in the Darfur region. This resulted in the bloody conflict that began in 2003. Besides, Arab supremacy and racism which may also be referred to as Arab apartheid, allegedly propagated by the Libyan regime of Muammar Gaddafi in concert with the GoS regime in Khartoum, according to Flint and De Waal, were major contributing factors to the conflict.

However, the above international conspiracy theory is shared by some participants (DRL) interviewed in the course of this research. They allege that the GoS backed by the “Arab Alliance”, an international alliance of the Arab supremacist movement, embarked on the notorious policy of Arabisation of the Darfur region. This policy, according to them, was reflected in the obnoxious land reform and settlement policy which favoured the minority Arab population who are regarded as settlers, to the disadvantage of the majority of indigenous black African tribes. Hence, disputes arising from ownership of grazing/farm land and water resources (wells) were resolved in favour of the Arabs to the detriment of the indigenous black African tribes. This policy was unacceptable to the majority of indigenous black African tribes, who claim ownership of the Darfur region and view the Arabs as settlers. Consequently, when the conflict started in 2003, according to the interviewed participants, the GoS received massive support from Arab countries led by Libya in all ramifications, in order to preserve the Arab dominated GoS in Khartoum against the onslaught of the black African rebel movement from Darfur.

It is also alleged that the hard – line Islamist states actively supported the GoS against the Darfur rebel groups in order to forestall the overthrow of the Islamist regime in Khartoum, with a moderate regime dominated by moderate elements from the Darfur region of Sudan. It is also generally believed by some of the interviewed participants
(DRL) that the GoS regime in Khartoum would have succumbed to the rebel onslaught and subsequently overthrown without the active support of the “Arab Alliance”.

Similarly, some of the participants (GoS) interviewed believe that there was no reason for the conflict in the Darfur region (2003 – 2013) and that the conflict was basically as a result of international conspiracy against Sudan. The GoS participants are of the general opinion that the Darfur rebel movement could not have been a simple domestic matter of a political dispute, but a comprehensive conspiracy targeting Sudan as a symbol of Arab civilisation and Islamic identity. A senior executive of the GoS reflects that the long-term objective of the conspirators is to:

“Snatch this natural bridge between Arab/Muslim world and black Africa from its natural environment to transform it by force into a weak country so it can be governed by the neo-colonisation agents. Those new imperialists in the vast wealth and resources of this country. They are not interested in the human rights of the people of Darfur, neither were they bothered by the humanitarian crisis in Darfurian displaced camps. The humanitarian crisis was created by foreign intruders who are now shedding crocodile tears about the crisis however the government and people of Sudan were fully aware of the conspiracy for a long time. In fact, the Sudanese government was expecting it. It was not difficult to link the end of the long war in the South and a fresh round of.... in the West. The reasoning was very obvious: to keep Sudan in trouble until it raises the white flag” [GoS Participant; Male, Interview, December, 2014].

In his own response to the question of international conspiracy and the origin of the Darfur conflict, a senior GoS diplomat asserts that:

“The conflict is a conspiracy against Sudan, planned and masterminded by foreign enemies and carried out by carefully selected local tools. The first indication is the local tools themselves. They are some ambitious politicians who have been detached from their environment in Darfur for a long time. The leaders of the Darfur revolt are a bunch of hypocrites who want to use the humanitarian crisis, which they caused, to achieve their own political goals. In this respect some politicians in Khartoum are not to be excluded. Those politicians have been pushed out of the political arena by the ‘Ingaz’ regime.
They have been thrown out through the door. They wanted to come back to the political scene through the window; that window being the Darfur rebellion. They thought they could use the Darfur rebels to ‘settle their political accounts’ with the ‘Ingaz’ regime through the war in Darfur. They did not carefully evaluate the dangerous consequences of such irresponsible behaviour” [GoS Participant; Male, Interview, December, 2014].

The GoS participants further explained that the conspiracy against Sudan was anchored by two set of actors representing the two aspects of international conspiracy. The Darfur rebel leaders constituted the local component while the foreign component comprised the foreign enemies of Sudan led by some Western states and Israel. The role of the Darfur rebel leaders, according to the GoS participants, was to instigate insurgency in the region to create the necessary environment for foreign military intervention in Darfur and consequent violent overthrow of the GoS regime in Khartoum. A senior GoS diplomat contends that:

“The final target was to topple the legitimate regime in Khartoum and to replace it with a puppet regime. That toy regime was supposed to be weak and dependent on the parties which imposed it in power. That poor and weak regime would be a helpless tools in the hands of enemies of Sudan. Through that weak and agent regime those enemies would carry out their agenda in Sudan. The first part of the agenda in the plot against Sudan was to steal our wealth. That wealth is represented in an unprecedented reserve of oil in addition to a huge underground stock of strategic elements such as copper, iron and uranium. Those thieves who designed the conspiracy knew about that hidden wealth from long ago. They have their own technological method of determining the exact whereabouts of the Sudanese minerals in the wombs of the earth. Of course they did not come across this valuable information about Sudan just now. They have been having these details for a long time” [GoS Participant; Male, Interview, December, 2014].

In addition to the above allegation of political and economic interest against the so called international conspirators, the GoS participants also accuse the “international conspirators” of harbouring social or religion interest in Sudan. According to another Senior GoS official:
“The move against Sudan was part of a wider and more comprehensive conspiracy against the Arab and Islamic world. It was widely believed that after the collapse of the apparent enemy of the West, the latter would look for a substitute enemy. If the enemy did not exist, the West would make it up. There should be an enemy. The Jewish evil mentality which steers the Western societies cannot live in a world of peace. Throughout their history the Jews have been the sources of war, aggression and instability. Nobody has any doubt that the fingerprints of the Jewish lobbies are found in the body of the crime against Sudan. This conviction has been verified theoretically and in practice. The enemies of Sudan who are backed and financed by Jewish lobbies everywhere know the great potentialities of this country. Sudan has the ability to become an Arabic and Islamic tiger. A tiger can deliver tigers. They knew that this tiger can become a point of attraction for Arab and Islamic economic powers which can create a great and competing Islamic economic community. This is not the first time those enemies plot against Sudan. For sure it is going to be the last time only when Sudan regains its standing and becomes strong enough to defend itself and its interests” [GoS Participant; Male, Interview, December, 2014].

The GoS participants also alleged that the “international conspirators, in a desperate attempt to control Sudan, tried military invasion through the territories of neighbouring regions, resulting in “a three-pronged military attack in 1997” from the south, southeast and east with advanced military hardware such as laser tanks. But, having failed in the past, sought to use the Darfur conflict to attack Sudan’s internal cohesion which has been the major rallying point against external aggression in the past. In the view of a former GoS foreign affairs minister:

“Tearing the social fabric on which the Sudanese National unity was built would automatically lead to a wide explosion of the whole of Sudan from within. The evil scenario was designed in a way that such situation would lead to total chaos and that would lead to foreign intervention, which would practically lead to the undermining Sudanese independence and sovereignty. The final result of the satanic arrangement would be either the disappearance of Sudan from the world map as a sovereign and strong country or it would continue to exist as a weak one. Both results would be accepted by the plotters. The rebellion in
Darfur, and the Press Media campaign that accompanied it, together with the various sorts of pressure which was exerted on Sudan aim mainly in achieving one of three goals: the first and most desired by one of the enemies of Sudan was to topple the Central Government in Khartoum and plunge the whole country into widespread chaos which would actually lead to the dismantling of the country. The second alternative was to help the rebel movement in Darfur to achieve a victory on the government and this also would lead to a kind of disorder and uncertainty in the whole of Sudan and create a state quite similar to the dismantling of Sudan. The third alternative was to force the central government to sit for talks with the rebels and there, the rebels would get the kind of help that would enable them to achieve on the negotiation tables what they achieve in the battlefield” [GoS Participant; Male, Interview, December, 2014].

The former minister further explained that the first and second alternatives designed by the “international conspirators” failed because of the dexterity of the GoS and the support of the entire Sudanese population. Then the international conspirators resorted to the third option by instigating the UN Security Council which led to the passage of resolutions which were detrimental to the quick resolution of the conflict. He submits that:

“One of the most harmful and negative resolutions passed by the Security Council was the Resolution No. 1706. The harm that resolution inflicted on the situation in Darfur was immeasurable and uncountable. It gave those who refused to join the peace process the green light to defy the international community and start a fresh insurgency in Darfur. They even threatened other areas outside Darfur and carried out their previous threat to transfer the war from Darfur to other places. Secondly, it distracted the government and those who signed the Abuja Peace Agreement from concentrating on the mission of implementing the agreement and carrying out their duty towards peace” [GoS Participant; Male, Interview, December, 2014].

The GoS participants further accused the foreign NGOs and their local counterparts of exacerbating the conflict by supporting the rebel movement, thereby prolonging the conflict for their own selfish ends. They identified some foreign NGOs as part of the
international conspiracy against Sudan, a situation which led to their expulsion from Darfur by the GoS in 2006. While explaining that some the NGOs were a major source of logistic and political support to the rebel forces, the GoS participants alleged that some of the NGOs also acted as spies on behalf of the “international conspirators.” They explained that the NGO workers provided the needed resources which sustained the Darfur rebellion over time, thereby prolonging the conflict; while ensuring negative media reports; exaggerated account of human rights violations and the general situation in Darfur in other to generate more funds and donations for their own selfish ends.

According to the GoS participants, the elongation of the conflict ensured a continuous flow of cash to the NGOs, who parade as charity organisations in the Western cities for the purposes of fund raising. However, they only deployed a small percentage of the funds raised for humanitarian operations in Darfur, and kept a substantial part of the funds raised for themselves. This situation, according to the participants, accounts for the severe hunger, disease and death in spite of the huge donations for humanitarian operation channelled through the NGOs. Citing the example of a Western European NGO that was about to go bankrupt with very few funds in its bank account before its involvement in the Darfur conflict, a top GoS diplomat claimed that the NGO, like others, made so much money out of the Darfur conflict to the extent that its bank account recorded several hundreds of thousands of Euro deposits. Most of these funds, according to the diplomat, did not get to the Darfur region of Sudan during the period under review.

6.8 VIOLENT INTRASTATE CONFLICT MODEL

This study developed the violent intrastate conflict model in the process of analysing the primary and secondary data generated in the course of this research. This model explains the causes, dynamics and processes involved in violent intrastate conflict using the Darfur conflict (2003 to 2013) as a case study.

The intrastate violent conflict model presents intrastate conflicts as basically conditioned and influenced by multiple factors originating from structural conflict or violence. Structural conflict as described above engenders social, political and economic injustices which in turn bring behavioural changes as well as changes in the
pattern of relationships among the various segments of the society. These behavioural changes lead to the expression of ethnic, religious tribal and other kinds sentiments. These sentiments metamorphose into cries of oppression, marginalization, domination, intimidation and repression.

The effects of structural conflict are further expressed in the struggles for scarce environmental resources. This was witnessed in the Darfur conflict where the struggle for grazing lands and water resources occasioned by desertification in the North and migration to the South west; is regarded as one of the remote causes of the violent conflicts that ravaged the region for over a decade. Besides, the combined effects of oppression, discrimination, domination, repression, intimidation and marginalization breed grievance and greed. There is general grievance as a result of the social, economic and political injustices by the oppressed group against the state and personal grievance on the side of the ruling (power) elites from a particular region who had lost out in the struggle for political power. The greed for political power often motivates the actions of these power mongers who mobilise their constituents or the masses in their sphere of influence for mass action against the state. They can also be motivated by grievance due to the social, political and economic injustices against their people. Nonetheless, the Darfur rebel leaders maintained that they resorted to insurgency against the GoS due to the long term social, political and economic injustices suffered by the region (see discussion on theoretical issues: structural conflict, environmental scarcity, greed and grievance as well as international “conspiracy theory”; in chapter 2)

However, the rebel leaders, in order to succeed in any meaningful rebellion and insurgenacies, require arms, ammunitions and logistic support as well as political support from an international actor who also harbour political, economic and social/religious interests in the state or region. This is based on the saying that “there is no free lunch in the international system” which is characterized by self-interest and self-help. Nation states get involved in international relations in order to further their selfish national interests which may be economic, political as well as social or religious. This leads to building of alliances between the rebels on one side and the government on the other side. Hence, both the rebels and the government enter into international alliances. While the rebels need such alliances and support to wage insurgency
against the state, the state also enters into alliances for support to check-mate the rebels. These conspiracies between the rebels and their foreign allies on one hand, the government and their foreign allies on the other hand, set the stage for violent intrastate conflicts such as the conflict in the Darfur region of Sudan (2003 – 2013). These violent conflicts manifest in the form of violent rebellion, insurgency, civil war, insurrection, separatist movement, state collapse and regime change.

Figure 6.1: The Violent Intrastate Conflict Model
6.9 SUMMARY OF FINDINGS

This chapter presents the findings of this research based on the response of the participants to the research questions and review of relevant literature. Essentially, this chapter critically examined the role of the African Union in conflict prevention, management and resolution in Africa, with the conflict in the Darfur region of Sudan as a case study. In addition, the role of the United Nations in the Darfur conflict was also analysed. Moreover, the remote and immediate causes of the conflict, as well as the major parties to the conflict presented; even as the issues relating to the human rights and international humanitarian law violations, as well as war crimes and crimes against humanity, including genocide in the Darfur during the period under review, were presented. Similarly this chapter also presented the issue of international conspiracy in respect of the Darfur conflict.

Consequently, this research posits that the conflict in the Darfur region of Sudan was conditioned and influenced by internal political, economic, social and environmental factors which promoted structural violence in the Darfur region of Sudan. This research identified two major parties to the conflict in the Darfur region of Sudan. These are the GoS and the Janjaweed on one hand; and the Darfur Rebel Movement (mainly the JEM, SLM/A and others) on the other hand. The grouping of the parties is an indication that there is indeed a nexus between the GoS and the Janjaweed militia, although the GoS denied having any relationship with this notorious group. Besides, all the parties to the conflict share responsibility for the human rights violations and crimes against humanity in the course of the conflict.

Moreover, international conspiracy (discussed in chapter two) exacerbated and deepened the conflict, resulting in the direct physical violence which took the form of violent insurgency, rebellion, insurrection or civil war in Sudan. A critical analysis of the violent insurgency in the Darfur region of Sudan (2003 – 2013) raises some pertinent questions. The first question is the source of funding for the purchase of the high of calibre weapons and other logistics deployed by the rebel movement, considering the fact that the Darfur region was very poor in terms of financial resources. Where did the money for the weapons come from? And what is the origin of the weapons?
The answer to above questions may lead to the presumption that the conflict in the Darfur region of Sudan may have been designed by external forces rather than being a reaction to internal circumstances. The irony of the conflict is that the conflict was plotted in protest to the perceived marginalization and underdevelopment of the Darfur region by the GoS. This irony leads to the second question in the light of the grave circumstances relating to the conflict: did the rebellion bring development to Darfur? If the answer is to the contrary, given that the conflict only brought destruction, misery and avoidable bloodshed to the people of Darfur, it can be concluded that the insurgency or rebellion was counterproductive in the first place and totally unnecessary as a means of protesting against perceived marginalization and underdevelopment. It may therefore be concluded that the rebellion may have been orchestrated and sponsored by those who wanted the downfall of the regime in government and this may explain the source of funding for the sustained armed conflict.

Another interesting point is the issue of timing. When the rebellion broke out in the Darfur region in 2003, the GoS was weary from the long and protracted war with the south of Sudan. The assumption may have been that the battle-weary Islamic regime in Khartoum would collapse. This could also explain why the GoS relied on the notorious Janjaweed militia for assistance in advancing the war by whatever means. A deep analysis of the situation on the ground in Sudan before the outbreak of the Darfur conflict in 2003 might also lead an objective observer to query the rationale behind the armed conflict.

The facts reveal that the underdevelopment of the Darfur region started right from the period of British colonial rule in Darfur and as at the time of the outbreak of the armed struggle, the government had begun the construction of roads, bridges and other infrastructure; with the number of schools jumping from seven in 1989 to about 200 in 2003; the ratio of the Darfur university students in Sudan, as a whole, was the highest in 2003. Just as the ratio of indigenes of Darfur, who were occupying constitutional posts in the GoS, was about 25% in 2003. Therefore the rebellion could not have been entirely due to lack of development in Darfur. The question therefore arises as to who benefits from the conflict in Darfur? Again, why were there so many splinter rebel groups in the Darfur region; could it be that the conflict benefited the rebel leaders as
long as it lasted? It may suffice that the reason why all the rebel factions and splinter groups were claiming to be in control of the rebel movement in the region was so that they could be the direct beneficiaries of the funding from the sponsors.

Moreover, an objective observer may wonder why the international community did not come out strongly to condemn the resorting to violence by the rebel leaders even if they were championing the cause of the marginalized region. Is it internationally acceptable to use violence to promote the social, economic and political interest of the people? It is important to note that the United Charter expressly provided for the peaceful settlement of disputes. The role of the international NGOs is another issue that will engage the attention of an independent observer.

Some of the NGOs capitalized on the conflict in Darfur to raise funds for their activities and sustenance. The only way the NGOs could raise money from the international community was to paint a gory picture of massive starvation, deprivation and a near catastrophic situation in Darfur. The question the objective analyst will ask here is: would it have served the interest of some of the NGOs that depended on the continuity of the war to raise funds if the conflict was not prolonged; whose interest did the elongation of the war serve? The GoS? The rebel leaders who were obviously receiving funding from somewhere outside Sudan? The NGOs who were capitalizing on the situation to solicit for funds, some of which did not get to Darfur or to the ordinary masses of Darfur who were languishing in IDP camps? The answers to these questions lend credence to the conspiracy theory.

However, the claim of religion as a major factor cannot be substantiated because all the parties involved belong to the Islamic religion, hence the claim of Islamisation in some of the literature is not supported by the facts uncovered in this research. Rather than Islamisation, this research asserts that the GoS embarked on a notorious Arabisation policy which was detrimental to the indigenous black African tribes in the allocation and settlement of land and water resources.

Further, this research reveals that all the parties to the conflict were involved in acts of war crimes and human rights violations. However, because the GoS and its notorious ally, the Janjaweed, had military superiority over the Darfur rebels, they committed more of these crimes than the Darfur rebel movements. The conflict led to
massive destruction of lives and property; engendered a decade of economic, social and political underdevelopment in the Darfur region in particular and Sudan in general. It also resulted in the displacement of a huge population; refugee crisis; hunger, disease and disabilities; even as it also produced a large number of orphans, widows and widowers. However, this research could not establish any case of genocide from the facts garnered in a critical analysis of both primary and secondary data.

In addition, this research asserts that the AU presently lacks the capacity to engage in an effective peace support operation in Africa. The UNAMID, in spite of the challenges it faced, was able to rescue the peace mission in Darfur from collapse.

Finally, the “violent intrastate conflict model” developed by the researcher seeks to explain violent intrastate conflict in Africa using the conflict in the Darfur region of Sudan (2003 – 2013) as a case study. This model can be applied to other violent intrastate conflicts in the world.
CHAPTER SEVEN

SUMMARY, CONCLUSION AND RECOMMENDATIONS

7.1 INTRODUCTION

This research set out to achieve the objective of identifying the remote and immediate causes of the Darfur conflict; as well as the issues and challenges that confronted the African Union and the United Nations in the task of preventing, managing and resolving the conflict in Darfur. It also set out to analyse the validity of alleged cases of human rights violations, war crimes and crimes against humanity as well as the role of the International Court of Justice (ICC) in the Darfur conflict. In addition, this research seeks to suggest ways of preventing the reoccurrence of the violent conflict in the Darfur region of Sudan and to suggest ways of enhancing the capacity and capability of the African Union to prevent, manage and resolve violent conflicts in Africa with or without the intervention of foreign powers.

However, this study examined the critical issue of conflict prevention, management and resolution in Africa, using the conflict in the Darfur region of Sudan (2003 – 2015) as a single case study in this chapter. This chapter also summarized and concluded this research, while highlighting its contribution to the body of academic knowledge in the field of conflict prevention, management and resolution, as well as the conflict in the Darfur region of Sudan. Finally, recommendations with respect to conflict prevention, management and resolution in Africa, as well as limitations of this research, are also presented in this chapter.

7.2 SUMMARY

Africa has witnessed some of the most horrific and devastating conflicts in the world in recent times. The study, concerned about the problem of these seemingly intractable or endemic violent conflicts ravaging the continent of Africa since decolonization, resulting in poverty, hunger, diseases, massive killing, rape, permanent disability and underdevelopment; examined the issues relating to conflict prevention, management and resolution in Africa. In doing so, it used the conflict in the Darfur region of Sudan as a case study.
However, a critical analysis of both primary (interviews) and secondary (literature/documents) data relating to the conflict in the Darfur region of Sudan reveals that the underlying causes of the conflict with the rebel leaders’ capitalizing on mobilizing the Darfur region for the armed struggle against the GoS, can be traced to inter-tribal antagonism and intra-tribal conflicts, some between nomadic communities and farmers, and others within the nomadic and farming communities since the late 1950s, as well as the prolonged drought of the 1980s which resulted in scarcity of water and grazing resources. This situation created tensions and low intensity disputes between mainly Arab herdsmen and non-Arab farmers over ownership of the water resources and grazing land. Moreover, the alleged wilful neglect of the region by the government of Sudan over a long period of time is another major underlying factor responsible for the bloody civil war, often referred to as the conflict in the Darfur region of Sudan.

Moreover, protracted violence was triggered in 2003, when rebel forces, led by the SLM/A and the JEM, commenced deadly insurgent attacks against the GoS. The insurgents were made up of predominantly African sedentary tribes, such as Fur, Zaghawa and Masalit, who claimed years of political, economic and social marginalization of the region. As part of its strategy to defeat the rebel movements, GoS armed and supported proxy local tribal and militias notoriously referred to as the “Janjaweed” whose members were composed of mainly African Arabs.

In a bid to counter the insurgency, the GoS, in collaboration with the Janjaweed, embarked on counter attacks which led to the death of hundreds of thousands of people with an estimate of about two million, five hundred persons being internally displaced in Darfur while over two hundred thousand persons sought refuge in the neighbouring Chad Republic. The 2006 Darfur Peace Agreement (DPA) in Abuja Nigeria was the first comprehensive peace agreement aimed at managing and resolving the Darfur conflict. However, only two parties to the conflict signed the agreement. Hence, the signing of the agreement led to further fragmentation of the parties and subsequent struggles for supremacy and areas of control among the rebel leaders.

This fragmentation of the parties resulted in armed clashes between signatories and non-signatories to the DPA, including clashers’ signatories. The fragmentation further
led to the formation of several splinter groups from the main parties to the conflict in Darfur (GoS, SLA/M and JEM). Some of these groups included Sudanese Liberation Army/Abdul Shafi (SLA/AS), Sudanese Liberation Army/Peace Wing (SLA/PW), Sudanese Liberation Army/Free Will (SLA/FW) and Sudanese Liberation Army/Unity (SLA/U). Some other groups were formed from time to time to pursue mostly unclear agendas. Those that were known included the National Movement for Reform and Development (NMRD), Field Revolutionary Command (FRC), Group of 19 and Sudan Federal Democratic Alliance (SFDA). The others were National Redemption Front (NRF), Popular Force Army (PFA), Great Sudan Liberation Movement (GSLM) and Movement of Popular Force for Rights and Democracy (MPFRD).

AMIS was created following the ceasefire agreement signed in N’Djamena, Chad, in April 2004 by the two rebel groups SLM/A and JEM and the GoS. The mission was deployed as an observer mission comprising 60 military observers and a force protection component which increasingly rose in strength as the security situation deteriorated and the mandate changed. AMIS faced critical challenges, which resulted in its inability to contain the violence in Darfur.

The growing costs of maintaining the mission, ensured that AMIS relied on outside sources for financing, equipment and logistics support. The other challenge was the huge disparity between the establishment’s strength and the actual number on the ground. Furthermore, there was increasing violence by the GoS/Janjaweed alliance against IDP camps and villages. This situation was worsened by attacks by the movements against AMIS, exemplified by the deadly attack by combined forces of SLA/JEM on the AMIS Camp at Haskanita. In addition, the bad weather and the extremely difficult terrain of the Darfur region constituted serious challenges to the poorly equipped AMIS troops on the ground in the region. Hence, AMIS was at the brink of total collapse when the United Nations, prompted by the US and other Western Nations, decided to intervene to avert what would have gone down as one of the worst humanitarian disasters in history.

Consequently, the United Nations Security Council (UNSC) Resolution 1769 authorized the United Nations African Union Mission in Darfur (UNAMID) to take over from AMIS. UNAMID took control of peacekeeping operations in Darfur from AMIS on 31 December 2007. The joint intent of the AU and UN was for UNAMID to assist the
parties in implementing the DPA or any subsequent agreement, by ensuring the protection of civilians and the creation of security conditions that allow unhindered access for humanitarian aid delivery. UNAMID was to also facilitate the voluntary return of IDPs and refugees to their homes, thus enabling reconciliation and confidence building necessary for durable peace, security and stability in Darfur.

UNAMID provided protection to civilians through a vigorous and highly visible patrol of problem areas including, but not restricted to, IDP camps and border crossing points. Patrolling day and night by UNAMID served to deter potential aggressors while providing the population with the assurance that the military was both willing and able to protect them. However, despite these efforts, violence and armed banditry continued in Darfur. Fighting between rebel groups most often affected the civilian population. Violence along ethnic lines increased, both in the camps and rural areas. Some rebel elements and government-backed militia also looted a humanitarian convoy of equipment and vehicles. UNAMID and humanitarian aid workers continued to be victims of targeted attacks.

However, there was significant de-escalation of the conflict in 2009 which the AU capitalized on following the goodwill agreement signed by the GoS and JEM, as well as the ICC arrest warrant on the Sudanese President to establish a high level panel of eminent personalities on March 18, 2009, headed by the Former South African President, Thabo Mbeki. This panel was charged with the responsibility of addressing the fundamental issues of injustice and reconciling all parties to the conflict.

The three terms of reference given to the AU panel were to put up a proposal on how to revive and fast track the peace process; devise strategies on how to reconcile the belligerents and finally determine those responsible for human rights violation and recommend appropriate sanctions against them. The panel was given three months by the AU to conclude this task and submit its report to the AU Summit proposed for July 2009, with a strong call for the ICC to defer the arrest warrant against the Sudanese President.

Amidst the ongoing peace negotiations, the JEM declared its intention to suspend its participation in the peace talks on March 20, unless the GoS allowed the thirteen NGOs expelled earlier in the month to return to continue with their humanitarian aid
activities in Darfur. The GoS, visibly mellowed by the international pressure for the arrest and prosecution of the President of Sudan at the ICC, reconsidered its earlier decision and allowed the thirteen expelled NGOs to return to Darfur on condition that the NGOs change their staff members. The NGOs complied and returned to Darfur, and peace negotiations continued.

The decrease in hostilities in 2009 informed the declaration by the UNAMID Force Commander (General M.L Agwai) that the war in Darfur was over, although low-intensity disputes remained to be sorted out with time. This contention by the Force Commander was however rebutted by some Darfur war activists who claimed that the conflict was not over as claimed, according to a BBC News report (2009). Moreover, the focus of international attention on Darfur reduced in 2010 following the continuation of the relaxation of hostilities which began in 2009; as the rebel movement became more organized. Further, an umbrella group representing ten rebel group movements, referred to as the Liberation and Justice Movement (LJM), was formed in February 2010 and another group called the Sudanese Alliance Resistance Forces came on board amidst peace negotiations with the GoS and the representatives of the rebel groups, including JEM. Consequently, the GoS signed a ceasefire agreement with JEM in March 2010 (Enough, 2010); and this led to the declaration by the Sudanese President that the war in Darfur was over; although low intensity clashes between the GoS forces and other rebel groups continued in Darfur.

However, in spite of the apparent breakthrough in the peace negotiations and the relaxation of hostilities, international pressure for the arrest and prosecution of President Omar Al-Bashir continued, leading to the issuance of a second arrest warrant against him by the ICC in July 2010, which included charges of genocide for the first time. The first arrest warrant against him did not include charges of genocide as the ICC Judges ruled that the prosecutors could not establish a clear case of genocide against President Al-Bashir.

Further, the peace negotiations between the GoS and the Darfur rebel groups continued till December 19 2010, when positive developments emerged as the GoS reached an agreement with the Darfur rebel groups based on some basic principles, which included the establishment of the Darfur Regional Authority, a Sudanese Vice-president from Darfur, as well as a referendum for regional autonomy for the Darfur
region of Sudan. The parties also agreed to continue further peace negotiations in the capital city of Doha in Qatar.

However, the GoS and representatives of all the rebel groups in Darfur finally converged in Doha in furtherance of the peace agreement reached earlier in Sudan in a bid to conclude negotiations on the final peace process. Furthermore, the coalition of Darfur rebel groups and the GoS recorded a major breakthrough in the protracted negotiations aimed at resolving the Darfur conflict and ensuring lasting peace in the region in Doha. All the parties signed the Doha Document for Peace in Darfur (DDPD); with the exception of JEM whose representatives dropped out of the peace negotiations in May 2011; at the end of a series of peace talks which took place from December 2010 to July 2011 in Doha.

The DDPD (see appendix III) which re-echoed the provisions of the DPA (see appendix II) among other issues, as well as the relaxation of hostilities by the belligerents since 2009, allowed most of the IDPs to start making their way back home in 2011. In December, the ICC issued an arrest warrant for the Defence Minister of Sudan, Abdelrahim Hussein, for alleged war crimes in Darfur.

The implementation of the DDPD commenced in 2012 with the establishment of the Darfur Regional Authority amidst challenges for adequate funds for the full implementation of the DDPD and financing of the Darfur Regional Authority for effective administration. However, the proliferation of ethnic militia groups and activities of other rebel groups, who backed out of the DDPD, led to an increase in low intensity violent clashes in 2012; thereby creating serious issues of insecurity in the IDP camps. The insecurity and lack of resources to implement other aspects of the DDPD such as enhancing the capacity of government institutions to protect lives and properties; preservation of citizens’ rights, as well as social justice, combined with the slow pace of the resettlement refugees and IDP component of the DDPD seriously challenged the Darfur peace process in 2012.

Furthermore, as international attention shifted from Darfur to conflicts in other parts of the world in 2013 because of the de-escalation of the conflict since 2009, occasioned by the successes recorded in the management and resolution process, violent clashes in parts of Darfur were reported from January to August 2013. This led to the further
displacement of people in the areas where the clashes occurred, according to a news report by the International News (2013). The UNSC considerably reduced UNAMID operations in Darfur in 2013 in the midst of tribal clashes and efforts to fully implement the DDPD. Suffice it to say that the conflict in the Darfur region of Sudan has been successfully managed to a resolution stage following the signing and ongoing implementation of the DDPD which when fully implemented will avert a reoccurrence.

In addition, this study examined the role of international organizations, especially the African Union and the United Nations, in the prevention, management and resolution of the conflict in the Darfur region of Sudan, as well as the remote and immediate causes of the Darfur conflict and major parties to the Darfur conflict. Other issues examined by this study include the outcome of the United Nations Commission of Inquiry into the violations of international humanitarian law and human rights law in acts of genocide in Darfur and the Sudanese government’s response. Moreover, the study analysed the implication of the Darfur conflict in the problem of preventing, managing and resolving violent conflict in Africa while drawing some lessons for the African Union, as well as the government of Sudan.

However, in Chapter Two, this research reviewed the available literature on the key concepts of conflict prevention, management and resolution, as well as conflict, peace and violence including peacekeeping/enforcements and multidimensional peace support operations. It also presented the mechanism for conflict prevention, management and resolution, on the basis of available literature. Moreover, some conflict prevention, management and resolution models were also presented. It further reviewed available literature in conflict prevention, management and resolution in Africa and the conflict in the Darfur region of Sudan (2003 – 2015) and noted a serious lacuna or gaps in literature, as most of the available literature focused on the history of the deadly conflict or a genocidal conflict depending on the perspective of their bias. However, this study departed from this bias by focusing on the aspects of its management, resolution and prevention of reoccurrence.

Chapter Three dealt with the issues relating to conflict prevention, management and resolution in Africa. It focused on the institutional framework for dealing with conflict in Africa. Since the institution saddled with such responsibility is the African Union, formerly known as the Organization of African Unity (OAU), it therefore narrowed down
the analysis of OAU/AU mechanisms for conflict prevention, management and resolution in Africa. Further, this study in Chapter Four, delved into a brief history of Sudan and its Western region of Darfur, as well as the historical background and timeline or chronology of major events that occurred during the conflict. The fifth chapter dealt with the issue of methodology. It explained how the researcher adopted that qualitative case study approach in conducting this research. Moreover, the findings of this research were presented in the sixth chapter. It interrogated and carefully analysed the issues around the research questions based on both primary and secondary data.

7.3 CONCLUSION

This research examined the history of Sudan and its Darfur region. It analysed the geographical, ethnic and tribal composition of the Darfur region, as well as the socio-political tensions that influenced the conflict.

This research posits that the protracted violent conflict which was triggered by some rebel leaders with doubtful motives in the Darfur region of Sudan was avoidable. These leaders capitalised on the age-long problem of underdevelopment in the Darfur regions of Sudan, as well as low intensity disputes among the tribes over ownership of land and water resources. The insurgency was met with stiff resistance from the battle weary GoS who had been engaged in a protracted war with Southern Sudan and the other places. In order to insure victory, the GoS enlisted the help of the notorious Janjaweed. The Janjaweed helped the GoS in containing the insurgents until the GoS was able to recover from the shock of the insurgent attacks and the early successes recorded by the rebel movements.

Although the GoS received a very bad review globally in respect of the conflict, this research asserts that the blame for the bloody conflict rests squarely on the Darfur rebel movement. While condemning the brutality of the GoS forces and their allied Janjaweed Militia, this research notes that suppressing insurgencies in developing countries is always a brutal affair. There is no justification for resorting to armed violence unless in self-defence and this research found no evidence that the Darfur region was under any form of attack by the GoS before it resorted to armed violence against the GoS. Curiously, as the conflict was drawing to an end by the efforts of third
party intervention, the rebel movements broke into several rival groups and created the impression of not wanting the conflict to end. Even when the UNAMID Force Commander announced the end of hostilities in 2008, some of the rebel movements repudiated his claims and sought to re-escalate the conflict. Suffice it to say that the actions and inactions of the rebel movements and their leaders did not depict serious concern for the welfare of the ordinary Darfur citizens languishing in the IDPs with many - especially women and children - dying on a daily basis as shown by the mortality records.

The behaviour of the rebel leaders and some NGOs who supported the rebel leaders contributed to prolonging the conflict, probably because both the NGOs and the rebel leaders profited from the insurgences while it lasted.

Moreover, it is clearly noted from the research findings that the AU presently lacks the capacity to engage in effective peace support operations in Africa. The UNAMID in spite of the challenges it faced was able to rescue the peace mission in Darfur from collapse.

This study further concludes that the GoS, under Al-Bashir, erred by pursuing what can be referred to as Arabisation/Islamisation policy in his handling of educational, social, economic and political issues in Sudan given that there are other non-Arab and non-Islamic tribes in Sudan. This Arab nationalism may have rubbed off negatively on other countries against Arab/Islamic expansionism. However, the Darfur rebel leaders who may have harboured grudges against the GoS having lost out in the political power equation in Sudan may have offered themselves to be used to topple the Islamist regime of El-Bashir. The ordinary citizens of the Darfur region may have been pawns in this grand conspiracy to topple the Islamist regime in Khartoum.

This research also holds that it is not politically expedient for the ICC to arrest and prosecute a sitting head of state. Since criminal liability does not have an expiry date, it would be more feasible for the ICC to wait until any sitting head of state leaves office before such a person can be arrested and prosecuted. To do the contrary will amount to staging a coup d’état and any attempt to do that in Sudan will create political, social and economic upheaval of immense magnitude that will make the crisis in Syria, Iraq and Libya look like ‘child’s play’.
Finally, this research reveals that lack of adequate resources and the dependence of AU and its organs on the UN and other donor agencies, as well as friendly countries outside Africa, for funds and logistics hindered genuine efforts in conflict resolution in Africa as was the case with AMIS in Darfur. In view of a persistent shortage of funds in the AU Peace Fund, it remains to be seen how the AU will be self-sustaining without recourse to donor agencies.

Nevertheless, this research asserts that the AU mechanisms for conflict prevention, management and resolution in Africa; although a step in the right direction, have been largely ineffective in their mandate of preventing, managing and resolving other violent conflicts in Africa.

**7.3.1 CONTRIBUTION TO THE THEORY OF CONFLICT PREVENTION MANAGEMENT AND RESOLUTION**

This research posits that conflict prevention is central to the gamut of conflict prevention, management and resolution theory. A critical review of available literature suggests that there are elements of prevention in the management and resolution process. Suffice it to say that the aim of conflict management is to prevent the escalation of violent conflict, thereby creating the enabling environment for its eventual resolution, whereas the major objective of conflict resolution is to prevent the reoccurrence of violent conflict by addressing the underlying causes of the conflict. This research therefore concludes that although the concepts of conflict prevention, management and resolution are etymologically distinct, they are, however, epistemologically inseparable.

Further, the application of these concepts to the deadly conflict in the Darfur region of Sudan (2003 – 2013) reveals that the conflict could have been prevented if the war weary and lethargic GoS had been more sensitive and proactive in its response to the low intensity disputes arising from land ownership and the GoS land redistribution policy among the African indigenous tribes and the Arab and Arabized tribes in the Darfur region of Sudan. Furthermore, if effective and concerted conflict prevention and management strategies had been pursued by the GoS in the handling of the disputes over land ownership, water wells and grazing fields, the escalation of the conflict could
have been prevented, thereby denying the rebel leaders the opportunity of capitalizing on the people’s frustrations to mobilize them for the armed insurgency.

Finally, this research has made an original contribution to the conflict studies literature with the development of the “Violent Intrastate Conflict Model” which explains the conflict dynamics and processes in most violent intrastate conflicts or civil war.

7.3.2 CONTRIBUTION TO ACADEMIC LITERATURE ON THE CONFLICT PREVENTION MANAGEMENT AND RESOLUTION IN AFRICA AND THE DARFUR REGION OF SUDAN (2003 – 2013)

As stated earlier, this research has contributed in narrowing the existing lacuna or gaps in academic literature on the conflict in the Darfur region of Sudan in particular and Africa in general with regard to the aspects of management, resolution and prevention. This is a departure from the common practice by most academic literature which focuses mainly on historical presentation of atrocities and horror stories of war crimes and genocide in Africa as if Africa.

In addition, this research also asserts that the killings and other violations of human rights and humanitarian law, as well as war crimes, are common in every insurgency and counter insurgency everywhere in the world. This is as a result of the collateral damages that are inevitable in asymmetric warfare and insurgencies as there are no defined battle lines, unlike those in conventional warfare which is governed by international conventions and legal regulations. Therefore, the case of Sudan should not be an exception. It happened and it is still happening in other parts of the world.

Essentially, this research has made an original contribution to the conflict studies literature with the development of the “Violent Intrastate Conflict Model” which explains the conflict dynamics and processes in most violent intrastate conflicts or civil war.

7.3.3 LESSONS FOR THE AFRICAN UNION

Upon a diligent analysis of both primary and secondary data, this research asserts that, since independence, Africa has been plagued with protracted conflicts. With the
establishment of OAU/AU, its major preoccupation has been that of conflict prevention, management and resolution. To confront African conflicts, the OAU established the Commission of Mediation, Conciliation and Arbitration (CMCA), ad hoc Commissions and the Mechanism of Conflict Prevention, Management and Resolution. While the succeeding AU established many mechanisms such as the Peace and Security Council (PSC), the African Standby Force (ASF), the Panel of the Wise and the early warning system. The subsequent ratification of the protocol establishing the PSC and the solemn declaration on a common African Defence and Security Policy reaffirmed the determination and commitment of African leaders to tackle problems of violence in Africa.

However, due to its limited scope, this research neither dealt with the history of violent conflicts in Africa nor delved into the history of Africa. Rather, it narrowed itself down to conflict prevention, management and resolution in Africa with the conflict in the Darfur region of Sudan as a case study. This study further asserts that even with the interventionist principle and seemingly comprehensive nature of the AU mechanism for conflict prevention, management and resolution, the AU mechanism could not address the problem of violent crisis in Africa. Two reasons for this were inadequate finances and a lack of well trained professional manpower needed for the operationalization of the mechanisms as was evident in the near collapse of AMIS before the intervention of the United Nations. This paper tried to illustrate this with the conflict in the Darfur region of Sudan (2003 – 2013). The conflict in the Darfur region of Sudan presented a tough challenge to the AU mechanism for conflict prevention, management and resolution. The Darfur conflict started with a political undertone, but later assumed ethnic, racial or apartheid dimension in which civilians were targeted based on their ethnicity, tribe or skin colour.

The African Union and its Panel of the Wise on 8 April 2004, took a decision to prevent the escalation of the violent conflict in the Darfur region of Sudan and compelled the Sudanese government and two Darfur rebel groups to sign an African Union mediated humanitarian ceasefire agreement at N’djamena Niger republic, which led to the deployment of military observers to monitor and report on the ceasefire agreement, by the AU. There was a high expectation of success regarding this all-African peace mission which was the first of such by the newly established AU. However, the
ceasefire was more of a mirage than reality as all parties were repeatedly in breach of the ceasefire agreement.

The failure of the GoS to protect civilians, but instead to ally with the Janjaweed militia to unleash deadly attacks on the civilian population, increased pressure on the African Union Observer Mission to assume the role of protecting the civilian population in Darfur. Consequently, the mandate of AMIS changed in October 2004 to a full scaled peacekeeping/enforcement.

Unfortunately, ineffective planning, logistical difficulties and extraneous factors such as bad weather and very difficult terrain compounded the woes of AMIS in the face of unwillingness by the GoS to allow it succeed. Hence AMIS faced an impossible task from the beginning of its deployment to the time in of being handed over to UNAMID. On May 16 2006 the U.N. Security Council unanimously adopted a legally binding resolution which mandated the United Nations to replace an underfinanced African Union peacekeeping mission that is struggling to halt the killing of civilians in the Darfur region of western Sudan. The council threatened sanctions against anyone who impeded peace efforts there. The Resolution, sponsored by the US, which was passed by 15 to 0, was aimed at speeding the transition from an African force of about 7,000 troops to a much larger U.N. led AU-UN hybrid mission.

An evaluation of the role of the African Union reveals that the establishment of the Cease Fire Commission (CFC) and African Union Mission in Sudan (AMIS) was timely, done in the right circumstances and with the right intentions. But these measures failed to end the hostilities in Darfur. The AU military operation also failed, prompting the intervention of the United Nations Mission in Sudan (UNMIS) to assist the AU forces in a joint Military operation (UNAMID). AU apologists may argue that the involvement of the UN is a demonstration of the AU willingness to partner with the UN in search of a lasting peace in troubled Africa rather than failure on the part of the AU to deal with the conflicts in Africa. However, this study posits that this argument is not plausible, given the nature of conflicts in Africa and the inadequacy of the AU mechanisms for conflict prevention, management and resolution with regard to the enforcement of peace agreements. Suffice it to say that the AU mechanisms lack the requisite capacity to enforce resolution and agreements brokered by them.
Hence, the AU mechanisms for conflict prevention, management and resolution were tested in the Darfur conflict and they proved inadequate, ineffective and cannot be the panacea to the problem of violent conflicts in Africa. The lesson from this therefore, is that the African Union must urgently retool its mechanisms for conflict prevention, management and resolution in Africa, especially the operationalization of the African Standby Force to enable it deal with violent conflict in Africa with or without the help of powers outside Africa.

7.4 RECOMMENDATIONS

The need for preventive action especially in conflict matters cannot be over-emphasized. An old adage stipulates that prevention is better than cure. Structural and direct violence creates an environment for conflict just as the management and resolution processes also emanate from the environment. This research therefore advocates for an environment free of all forms of structural and direct violence. In the search for a violent conflict-free environment in Africa, this research therefore proposes the following measures:

7.4.1 OPERATIONALIZATION OF THE AFRICAN STANDBY FORCE (ASF)

This research recommends the immediate operationalization of the ASF. The ASF would have nipped the conflict in the Darfur region in the bud before it blossomed into a fully-fledged violent, destructive and seemingly intractable conflict. The full operationalization of the ASF will help avert the reoccurrence of the conflict in Darfur in particular or in any other African country in general.

7.4.2 THE SPECIAL PEACE FUND

Special attention should be given to the special peace fund. The resources spent by the international community including the UN in terms of emergency relief and other forms of humanitarian aid, as well as mobilizing and deploying troops to war zones in Africa, would be better utilized as a contribution to the special peace fund. The fund which includes mandatory contributions from African states should be put at the disposal of the ASF when it becomes operational for the purpose of conflict prevention, management and resolution and the eventual eradication of wars in Africa.
The point being made here is that donations from within and outside Africa would make more sense if used to avert wars than when used for emergency relief, humanitarian aid and troop deployment in conflict zones.

### 7.4.3 POVERTY REDUCTION

Poverty remains one of the most recalcitrant challenges impeding the realization of many other goals that Africa needs for development. Extreme and pervasive poverty propels conflicts along communal, ethnic, religious and regional lines. The ease with which warlords recruit young people to their armed gangs could be a result of unemployment and severe poverty. The high incidence of inter-communal conflict like that of Darfur could be attributed to competition over scarce resources and persistence of poverty. Thus, poverty could frustrate the AU’s efforts at conflict prevention, management and resolution, as well as social, economic and political development in Africa. As such, the AU needs to promote development strategies with emphasis on self-reliance and self-sustaining economic development.

### 7.4.4 POLITICAL WILL

A strong and effective AU entails a commitment from member nations. African leaders being power conscious, could be jealous of their sovereignty; hence, they could have a perverted interest in a weak AU. Further, it has been observed that many African governments have a history of signing agreements without an intent to abide by them. A weak AU may mean weak mechanisms and all other related organs. Accordingly, the AU would need to develop capacity to enforce its rules and decisions which are necessary to keep its organs functional. This capacity could be developed politically by persuading members to first see the need for a secure environment before any sustainable economic development could take place. Furthermore, member nations need to be committed politically and financially to the aims and aspirations of the AU.

### 7.4.5 CONTROL OF ILLEGAL ARMS TRADE IN AFRICA

Violent conflicts in Africa would be drastically reduced if illegal arms dealers in Africa were put out of business. It is important to note that none of the arms and ammunition used in the violent conflicts in Africa was manufactured in Africa or by African
companies. The AU PSC should be effective in developing strategies under the African Common Defence Policy initiative that would stop the free flow and sale of small arms and light weapons on the continent. Such strategies should include the effective policing and control of Africa’s porous borders. Without illegal arms in the wrong hands, the task of preventing conflicts from escalating into violent wars would have been achieved by fifty percent (50%).

7.4.6 GOOD GOVERNANCE

Finally, the guarantee against violent conflict is good governance characterized by justice, equity and the rule of law necessary for the enthronement of public trust in government in African states. This can only be possible without corruption and mismanagement in public offices, respect for human rights, social justice, respect for the rule of law, and citizens’ participation in government, even distribution and or allocation of state resources. In addition, the eradication of all forms of ethnicity, favouritism, tribalism, apartheid, political and economic gangsterism, as well neo-imperialism, would ensure peace and security in Africa.

7.5 LIMITATIONS OF STUDY

The sensitive nature of the case study placed serious limitations on this research. Some of the information relating to what transpired during the conflict was very difficult to obtain because it can be used as evidence since some of the actors involved in the conflict are still facing criminal charges at the International criminal Court (ICC). This challenge also placed serious limitations on the presentation of the research findings as the researcher had to present the findings in a manner that would strictly protect the identity of the sample participants while ensuring that the outcome of the findings would not in any way prejudice the case before the ICC.

Travelling to Darfur for interviews was very challenging. Besides, this study had to resort to interviewing the elite as they are the only ones who have in-depth knowledge of the conflict. The masses were mere victims who did not even understand the intricacies as well as the high level intrigue that took place during the conflict. The research was therefore constrained to adopt the snowball purposive sampling strategy, as well as the in-depth interviewing of the elites in order to gain substantial
information, informed insight and knowledgeable analysis of the events that took place during the period under review form the elite actors. Besides, some of the response to the interview questions were sent to the researcher through email correspondence, thereby denying the researcher the opportunity of probing further with follow-up questions. These email answers may have been collected from official documents and presented as the views of some of the participants.

In addition to the above, the fact that only the elites could communicate effectively in the English language, whereas the masses could only communicate in Arabic, also contributed to the reliance of the elites. Moreover, most of the Sudanese government documents and those of the Darfur regional Authority are written in Arabic, thereby necessitating the use of interpreters. This posed a serious limitation to the study. Furthermore, the researcher could not get unhindered access to female participants for interviews due to the religious and cultural limitation placed on interaction between the male and female gender by the Islamic Sharia code which is the basic norm in Sudan.

Finally, this study has fulfilled its objectives which included: identifying the remote and immediate causes of the Darfur conflict; as well as the issues and challenges that confronted the African Union and the United Nations in the task of preventing, managing and resolving the conflict in Darfur. It also analysed the validity of alleged cases of human rights violations, war crimes and crimes against humanity as well as the role of the International Court of Justice (ICC) in the Darfur conflict. In addition, this research recommended ways of preventing the reoccurrence of the violent conflict in the Darfur region of Sudan; as well as ways of enhancing the capacity and capability of the African Union to prevent, manage and resolve violent conflicts in Africa with or without the intervention of foreign powers.

However, this study does not claim to provide all the answers to the problem of violent conflicts in Africa; rather it seeks to provoke thoughts on the way towards a peaceful, secure and progressive Africa by way of an efficient and effective conflict prevention, management and resolution process. This study, therefore, calls for further research.
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## APPENDIX I - LIST OF SOME UNITED NATIONS PEACEKEEPING OPERATIONS IN AFRICA

<table>
<thead>
<tr>
<th>Dates of operation</th>
<th>Name of Operation</th>
<th>Location</th>
<th>Conflict</th>
<th>Website</th>
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<td>Mission Name</td>
<td>Country</td>
<td>Conflict Description</td>
<td>Reference</td>
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<td>--------------</td>
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<td>-----------</td>
</tr>
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<td>1999–2005</td>
<td>United Nations Mission in Sierra Leone (UNAMSIL)</td>
<td>Sierra Leone</td>
<td>Sierra Leone civil war</td>
<td>[16]</td>
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</table>
APPENDIX II - DARFUR PEACE AGREEMENT (DPA)

ABBREVIATIONS

ADB - African Development Bank
AMIS - African Union Mission in the Sudan
AU - African Union
CFC - Ceasefire Commission
CIVPOL - Civilian Police
CMO - Chief Military Observer
CPA - The Comprehensive Peace Agreement
CPC - CivPol Commissioner
CRC - Convention on the Right of the Child
DAEC - Darfur Assessment and Evaluation Commission
DDDC - Darfur-Darfur Dialogue and Consultation
DDR - Disarmament, Demobilization and Reintegration
DFC - Deputy Force Commander
DoP - Declaration of Principles
DMZ - Demilitarized Zone
DPA - Darfur Peace Agreement
DRDF - Darfur Reconstruction and Development Fund
DRRC - Darfur Rehabilitation and Resettlement Commission
DSAIC - Darfur Security Arrangements Implementation Council

DSIRC - Darfur Security Institutions Restructuring Commission

CFA - Ceasefire Agreement

EU - European Union

FC - Force Commander

FFAMC - Fiscal and Financial Allocation and Monitoring Commission

GNU - Government of National Unity or National Government

GoS - Government of Sudan

GoSS - Government of Southern Sudan

ICD - Integration Commission of Darfur

ICRC - International Committee of the Red Cross

IDB - Islamic Development Bank

IDPs - Internally Displaced Persons

IGAD - Inter-governmental Authority on Development

INC - Interim National Constitution

IOFC - Integration of Former Combatants

IOs - International Organizations

JAM - Joint Assessment Mission for Darfur

JC - Joint Commission

JEM - Justice and Equality Movement
JHFMU - Joint Humanitarian Facilitation and Monitoring Unit

LAS - League of Arab States

LCC - Logistics Coordination Committee

LG - Local Government

MDGs - Millennium Development Goals

MDTF - Multi – Donor Trust Fund

MILOBs - Military Observers

NCDDR - National Council for DDR

NEC - National Election Commission

NGOs - Non-Governmental Organizations

NP - National Police

NRF - National Revenue Fund

NSS - National Security Service

OAGs - Other Armed Groups

PC - Police Commissioner

PCCs - Property Claims Committees

PDF - Popular Defence Force

PSC - Peace and Security Council

RCD - Reintegration Commission for Darfur

Republic of Sudan and the Sudan Peoples’ Liberation
Movement/Sudan Peoples’ Liberation Army

RSSI - Reform of Selected Security Institutions

SAF - Sudan Armed Forces

SAT - Security Advisory Team

SLM/A - Sudan Liberation Movement/Army

SOMA - Status of Mission Agreement

SSS - State Security Service

TDRA - Transitional Darfur Regional Authority

UK - United Kingdom

UN - United Nations

UNI CEF - United Nations International Children’s Educational Fund

UNSCR - United Nations Security Council Resolution

USA - United States of America

WB - World Bank
DEFINITIONS

For the purpose of this Agreement:

“AMIS” means the African Union Mission in Sudan.

“Assembly” means the process of relocation of the Movements’ former combatants into selected sites for purposes of their disarmament and integration into selected security institutions.

“Assembly Areas” or “Cantonment Sites” are used interchangeably to mean locations where combatants go through the disarmament and demobilization process.

“Area of Control” means a defined area over which one of the Parties exercises control and in which no other Party may undertake activity.

“Armed Militia” means forces, whether or not associated with or affiliated with any Party, and includes any armed group engaging in or which has engaged in hostile activity.

“Buffer Zone” means a defined area established in accordance with this Agreement controlled by AMIS from which disputing or belligerent forces have been excluded.

“Community Police” means volunteer personnel who undertake patrolling activities under the supervision of AMIS Civilian Police to assist in maintaining public peace and tranquillity, and “community policing” and “community police volunteers” shall be construed accordingly.

“Crew-Assisted Weapons” means those weapons that cannot be served by a single operator and require supplementary operators and technical means, both in launching position and/or the terminal trajectory position. Often these types of weapons are mounted on vehicles, ships and aircrafts.

“D-Day” means the day this Agreement is signed.
“Demilitarised Zone” means a defined area in accordance with this Agreement within which the Parties undertake no military operations and from which they remove military assets.

“Demobilization” means the process by which the Parties begin to disband their military structure and former combatants begin the process of transformation into civilian life.

“Disarmament” means the collection, control and disposal of small arms, light and heavy weapons and includes de-mining.

“Disengagement” means a general term for a process that would result in the geographical separation of opposing forces.

“Displaced person” means IDPs or refugees.

“The elections” mean the general elections to take place, in accordance with the INC, no later than the end of the fourth year of the Interim Period specified therein.

“Former Combatants” mean former members of the Movements’ forces.

“GoS” & “GNU” are used interchangeably to mean the national government of the Republic of Sudan.

“Internally Displaced Persons” (IDPs) mean persons or groups of persons who have been forced or obliged to flee their homes or places of habitual residence, in particular as a result of, or in order to avoid, the effects of armed conflict, situations of generalised violence, violations of human rights or natural or man-made disaster and who have not crossed an international border.

“Movements” means the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM).

“Movements’ Police Liaison Officer” (MPLO) means a person appointed by one of the Movements to perform duty as a local safety and security officer within an area controlled by the Movements.
“Redeployment” means the transfer of a unit, an individual or supplies deployed to one area to another location within the area, or to an interior part of the zone for the purpose of further employment or demobilization for reintegration and/or out processing.

“Reform of selected security institutions” means the process of transforming specific security institutions to improve their capacity, effectiveness and professionalism and to strengthen the rule of law in accordance with accepted (international) standards.

“Reintegration” means assistance measures provided to former combatants in order to increase the potential for their economic and social absorption into civil society.

“Returnee” means a displaced person who voluntarily returns to his/her habitual residence before displacement with the intention to re-establish himself/herself there.

“Rules of Engagement” (ROE) means directives issued by a competent military authority that define the circumstances and limitations under which forces will initiate and/or continue use of force against other forces encountered.

“Status of Mission Agreement” (SOMA) means the agreement between the AU and the GoS defining the legal position of the visiting military force deployed in Sudan.

“War-affected person” means persons or groups of people who have suffered persecution during the conflict in Darfur as well as those whose life and livelihood have been adversely affected as a result of the conflict.
PREAMBLE

WHEREAS the Government of the Sudan (GoS), the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) (hereinafter referred to as “Parties”), having met in Abuja, Nigeria as part of their longstanding effort to find a lasting solution to the conflict in Darfur;

MINDFUL of the previous Agreements on this subject;

CONDEMNING all acts of violence against civilians and violations of human rights, and stressing full and unconditional acceptance of their obligations under International Humanitarian Law, international human rights law, and relevant UN Security Council Resolutions;

EMPHASIZING their commitment to African Union Decisions and UN Security Council Resolutions concerning the need to reach a political solution in order to bring the conflict in Darfur to an end;

CONVINCED of the urgent need for a comprehensive Agreement that will finally bring peace and security to the people of Darfur;

AFFIRMING the sovereignty, unity, and territorial integrity of the Sudan;

BELIEVING that this Agreement is a sound basis for resolving the conflict;

RESOLVED that the signing of this Agreement shall be a significant step towards a just, peaceful and lasting political solution to the conflict in Darfur;

NOW THEREFORE, THE PARTIES AGREE:

(1) To fully and effectively implement this Agreement that covers Power Sharing; Wealth Sharing; Comprehensive Ceasefire and Final Security Arrangements as well as the Darfur-Darfur Dialogue and Consultation, and Implementation Mechanisms;
(2) That the following documents shall form part of the Agreement (as Annexures), and shall from this point forward be implemented by the Parties in accordance with the relevant provisions in the Chapters of this Agreement:

(a) Agreement on Humanitarian Ceasefire on the Conflict in Darfur, of the 8th day of April 2004 (Annexure 1).

(b) Protocol on the Establishment of Humanitarian Assistance of the 8th day of April 2004, N'djamena, Chad (Annexure 2).

(c) Agreement with Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in Darfur, of the 28th day of May, 2004 (Annexure 3).

(d) Protocol between the Government of the Sudan (GoS), the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) on the improvement of the humanitarian situation in Darfur, of the 9th day of November 2004 (Annexure 4).

(e) Protocol between the Government of the Sudan (GOS), the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) on the Enhancement of the Security Situation in Darfur (Annexure 5).

(f) Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, of the 5th day of July 2005 (Annexure 6).

(3) This Agreement shall be referred to as the “Darfur Peace Agreement” (DPA).
CHAPTER ONE: POWER SHARING

FUNDAMENTAL PRINCIPLES

ARTICLE 1

GENERAL PRINCIPLES FOR POWER SHARING

1. The Republic of the Sudan is an independent, sovereign state; sovereignty is vested in the people and shall be exercised by the State in accordance with the provisions of the National Constitution into which this Agreement shall be incorporated.

2. Citizenship shall be the basis for civil and political rights and obligations.

3. Religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people.

4. A peaceful devolution of power through democratic means is a guarantor of stability and unity of the country.

5. Separation of the legislative, executive and judicial powers shall consolidate good governance, accountability, transparency and commitment to the welfare of the people.

6. The rule of law shall prevail and the independence of the judiciary shall be guaranteed.

7. The Parties reiterate their commitment to respect, protect and promote human rights and fundamental freedoms.

8. Power sharing is vital for national unity. The peaceful transfer of power on the basis of free and fair elections shall be the foundation for democratic governance in the Sudan.

9. A federal system of government, with an effective devolution of powers and a clear distribution of responsibilities between the centre and other levels of
government, including local administration, is essential to ensure fair and equitable participation by the citizens of the Sudan in general and those of Darfur in particular.

10. Elections at all levels of government in the Sudan shall be based on free and direct voting, observed by neutral/international observers, with a view to ensuring fair participation of all the Sudanese people. Elections shall be held for the Presidency, and the legislature at all levels of government.

11. The National Civil Service, the National Armed Forces, the Police and Intelligence Services shall reflect at all level a fair and equitable representation of all citizens, including those from Darfur.

12. Without prejudice to the provisions of the CPA relating to the North-South border and any international Agreements in force between the Republic of the Sudan and neighbouring countries, the northern boundaries of Darfur shall return to the positions as of 1 January 1956. A technical ad hoc committee shall be established to carry out demarcation accordingly.

13. The Constitutional Court shall have the competence to decide any disputes between levels or organs of government in respect of their areas of exclusive, concurrent, or residual competence.

14. The cultural and social diversity of the Sudanese people is the foundation of national cohesion and therefore shall be promoted and developed.

15. The Parties recognize that women are under-represented in government institutions and decision-making structures and that there is need for special measures to ensure women’s equal and effective participation in decision-making at all levels.
ARTICLE 2

CRITERIA AND GUIDELINES FOR POWER SHARING

The following constitute the criteria and guidelines for power sharing:

16. To ensure the inclusion of Darfurians at all levels of governance in all institutions of the State, through fair power sharing criteria.

17. Relevant precedents and population size, where appropriate, shall be used in determining the representation of Darfurians at all levels.

18. To ensure that Darfurians participate fully and meaningfully in preparing a level playing field for the elections, which shall have long-term consequences for the whole of Sudan; representation for Darfurians shall be spread across the board in the political sphere. With regard to the civil service, the judiciary, the armed forces, the police, the intelligence services and all other organs of the state, the principle of inclusion shall be respected while taking into account the requirements concerning qualifications and competence.

19. Affirmative action shall be taken in favour of Darfurians in order to enhance inclusivity in public services. For the long term, special educational, training and public service employment opportunities shall continue to be provided to enable Darfurians to participate fully on an equal basis in contributing to the welfare of the nation.

20. In order to empower all sections of the population of Darfur and bring government closer to them there is a need, immediately upon the conclusion of this Agreement, to integrate Darfurians into the management of the political, economic, cultural and social affairs of Darfur. In this context, it shall be necessary to initiate programmes that shall help remedy the adverse effects of the conflict as well as its larger consequences.

21. The criteria and modalities for the exercise of power or the sharing of power after the elections shall be determined by the result of the elections and in accordance with the provisions of the INC.
22. In implementing this Agreement, the parties shall be guided by the principles of good faith, transparency and accountability.

ARTICLE 3

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

23. Citizenship shall be the basis for civil and political rights and obligations.

24. The Parties reiterate their commitment to respect and promote human rights and fundamental freedoms as detailed below and in international human rights covenants ratified by the GoS.

25. Every person is entitled to freedom, safety and security. No person shall be subjected to arrest, detention, deprivation or restriction of her/his liberty, except in accordance with measures prescribed by the law and, in particular, in accordance with measures prescribed by criminal procedure law or judicial orders.

(a) An accused person is presumed to be innocent until proven guilty according to the law.

(b) Every person who is arrested shall be informed, at the time of arrest, of the reasons for the arrest and shall be immediately informed of the charges held against her/him. An accused person has the right to defend herself/himself in person or through a lawyer of her/his own choice. Legal aid shall be assigned to her/him by the State where she/he is unable to defend herself/himself in serious offences.

(c) An accused person is entitled to a fair trial within a reasonable time as stipulated by the law. The law shall regulate trial in absentia.

(d) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by an ordinary competent court of law in accordance with procedures prescribed by the law.
(e) No accused person shall be charged with any act or omission, which did not constitute an offence at the time of its alleged commission.

(f) No person shall be denied the right to resort to justice. The right to litigation shall be guaranteed for all persons.

26. Every human being has a right to life, dignity and the integrity of her/his person. No person shall be arbitrarily deprived of her/his life.

27. All persons are equal before the law and are entitled, without discrimination as to race, colour, gender, language, religious creed, political or other opinion, to the equal protection of the Constitution and the law.

28. (a) Women and men shall enjoy all civil and political rights enshrined in the International Covenant on Civil and Political Rights, as well as all economic, social and cultural rights in the International Covenant ratified by the GoS.

(b) Family is the basis of society and shall be protected by the law. Men and women shall enjoy the right to marry and found a family, in accordance with their respective family laws.

(c) The State shall combat harmful customs and traditions, which undermine the dignity and the status of women.

(d) The State shall provide maternity, child care and medical care for pregnant women, children in need, persons with special needs and the elderly, in line with regional and international instruments ratified by the GoS.

(e) The State shall protect the rights of the child, as provided in the regional and international conventions ratified by the GoS.

(f) The State shall provide access to education without discrimination as to religion, race, ethnicity, gender or disability, as well as access to free primary health care and free and compulsory primary education.

29. No person shall be subjected to torture or undergo cruel, inhumane or degrading treatment or unlawful punishment.
30. Slavery and slave trade in every form is prohibited. No person shall be required to perform forced or compulsory labour except as a penalty upon a conviction by a competent court of law.

   (a) The death penalty shall not be imposed except as retribution or punishment for extremely serious offences in accordance with the law.

   (b) The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or hudud.

   (c) The death penalty shall not be executed upon pregnant or lactating women except after two years of lactation.

31. Every citizen who has attained the age specified by law shall have the right, without discrimination or restriction, to vote at any election and run for any public office based on universal adult suffrage in secret ballot, as shall be stipulated by law.

32. The privacy of all persons shall be respected and no person shall be subject to coercive or unlawful invasion of her/his privacy, family life, home or correspondence except in accordance with law.

33. Every person shall have the right to acquire or own property as regulated by law. No private property may be expropriated except by law in the public interest and in consideration for prompt and fair compensation. No private property shall be confiscated except by order of a court of law.

34. Every person shall have the right to freedom of movement and full liberty to choose her/his residence except as regulated by law. Every citizen shall have the right to leave the country as shall be regulated by law and shall have the right to return.

35. Every person shall have equal right to work and trade within the regulations prescribed by law.
36. Every person shall have the right to the freedom of religious belief and worship.

37. Every person shall have an unrestricted right to freedom of expression, reception and dissemination of information and publication as determined by law. The State shall guarantee the freedom of press and other media in a competitive environment as shall be regulated by law. All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war.

38. (a) The right to peaceful assembly shall be guaranteed. Every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of her/his interests.

(b) Formation and registration of political parties, associations and trade unions shall be regulated by law.

(c) Every association shall have the right to register and to function as a political party in accordance with the law and in particular if:

(i) its membership is open to all Sudanese irrespective of religion, ethnic origin, gender or place of birth,

(ii) it has a programme that does not contradict the provisions of the Constitution into which this Agreement shall be incorporated,

(iii) it has disclosed transparent sources of funding.

(d) There shall be an independent and impartial office of the Registrar to supervise the registration and performance of political parties. The legal rights and freedoms of the political parties shall be respected by all authorities. The Constitutional Court shall protect these rights and freedoms.

39. Ethnic and cultural communities shall have the right to practise their beliefs, use their languages and develop their cultures within their customs.
40. The State shall recognize and protect the intellectual property rights of each citizen deriving from her/his scientific, literary or artistic production.

41. There shall be no derogation of the above rights and freedoms except as provided for in the Constitution. The Human Rights Commission provided for in the INC, which shall enjoy full independence, shall monitor the application of the rights and freedoms provided for herein.

42. All existing laws shall be revised in accordance with the provisions of the INC.

43. The GoS shall take the necessary legislative and other measures to protect and to promote the development of natural resources of the country and to combat environmental degradation.

FEDERAL SYSTEM AND ALL LEVELS OF GOVERNANCE AND THEIR COMPETENCIES

ARTICLE 4

THE FEDERAL SYSTEM OF GOVERNMENT

44. The Republic of the Sudan has a federal system of government in which power shall be effectively devolved. Pending a final decision on the status of Darfur, in accordance with this Agreement, responsibilities shall be distributed between the national and other levels of government in accordance with the provisions of the Constitution.
ARTICLE 5

THE NATIONAL LEVEL OF GOVERNMENT

45. The institutions at the national level shall consist of:

(a) The National Executive,

(b) The National Legislature,

(c) The National Judiciary and

(d) such other institutions and commissions as may be specified in the Constitution.

(e) The powers and functions of these institutions and their relationship with each other shall be as set out in the INC.

ARTICLE 6

THE STATE LEVEL OF GOVERNMENT

46. There shall be legislative, executive and judicial organs at the state level, which shall function in accordance with the Constitution and the relevant state constitution.

47. The State shall promote and empower local government. Organization of the local government and elections to its respective institutions shall be conducted in accordance with the relevant state constitution.

Administration of Darfur

48. Immediately following the signing of this Agreement the GoS shall establish a Transitional Darfur Regional Authority (TDRA).
49. The TDRA, in which the SLM/A and the JEM shall be effectively represented, shall serve as the principal instrument for the implementation of this Agreement and for enhancing coordination and cooperation among the three States of Darfur. The TDRA shall be a symbol of reconciliation and unity of the people of Darfur and their effort to build a future based on peace and good neighbourliness.

**COMPOSITION AND FINANCING OF THE TRANSITIONAL DARFUR REGIONAL AUTHORITY (TDRA)**

50. The TDRA shall consist of the following:

   (a) The Senior Assistant to the President
   (b) The Governors of the three Darfur states,
   (c) Heads of the Darfur Rehabilitation and Resettlement Commission
   (d) Darfur Reconstruction and Development Fund
   (e) State Land Commission
   (f) Darfur Security Arrangements Implementation Commission,
   (g) Darfur Peace and Reconciliation Council,
   (h) Darfur Compensation Commission, and
   (i) others that may be agreed by the Parties.

51. Meetings shall be presided over by the Senior Assistant to the President, and in her/his absence, the Governors of the three Darfur states shall preside over the meetings in rotation.

52. The TDRA shall establish its own rules of procedure, engage such staff it deems necessary to carry out its work and establish a budget for that purpose. The GoS all provide an adequate budget to finance its activities and may establish a special fund to accommodate international donor funds for its programmes.
COMPETENCIES OF THE TRANSITIONAL DARFUR REGIONAL AUTHORITY (TDRA)

53. The TDRA shall exercise the following functions:

(a) Undertake primary responsibility for coordinating the implementation and follow-up of this Agreement. Such responsibility shall include, in particular, facilitating the return of refugees and internally displaced persons, coordinating the restoration of security, and promoting peace and reconciliation throughout Darfur;

(b) Review and recommend legislative and executive measures that would promote coordination and cooperation among the states of Darfur;

(c) Facilitate communication, cooperation and coordination among the governments of the states of Darfur;

(d) Facilitate coordination of the reconstruction, rehabilitation and sustainable development efforts in Darfur;

(e) Facilitate liaison and interaction between the GoS and Darfur, within the context of national unity and the Constitution and without prejudice to the need for direct relationship between each State and the GoS regarding administrative and financial matters; and

(f) Other functions as may be agreed upon by the TDRA to promote the objectives of this Agreement.

54. The TDRA shall exercise the above functions without prejudice to the constitutional powers and functions of the three states of Darfur. In the event that the Senior Assistant to the President and Chairperson of the TDRA believes that the action of a state government is undermining the implementation of this Agreement, the matter shall be referred to the Presidency for resolution by consensus.
THE PERMANENT STATUS OF DARFUR

55. The permanent status of Darfur shall be determined through a referendum held simultaneously in the three states of Darfur.

56. The referendum on the status of Darfur shall be held not later than twelve months after the elections in Darfur, which shall be held simultaneously with the national elections as specified in the INC, and in any case not later than July 2010.

57. In the referendum, the following options for the political administration of Darfur shall be presented:

(a) The creation of a Darfur Region composed of the three states.

(b) Retention of the status quo of three states. In either instance, the character of Darfur, as defined by cultural and historical traditions and ties, shall be respected.

58. The National Elections Commission (NEC) shall organize and supervise the referendum on the status of Darfur. The National Elections Law shall specify the rules and procedure governing the referendum. The referendum shall be internationally monitored.

59. If a majority of votes cast by all Darfurians in the referendum determines that a Region of Darfur should be formed, the TDRA shall form a Constitutional Commission to determine the competencies of the Regional Government of Darfur. The Commission shall present for adoption its proposed Constitution to the Assemblies of the three states of Darfur sitting in joint session within three months of the referendum. The President of the Republic of the Sudan shall then take steps to implement the Constitution as adopted by the Assemblies and any other steps required to establish the region.

60. In the event of a majority of votes being cast against the proposal to establish a Region, the structure of three states in Darfur shall be retained and the TDRA shall be dissolved, in which case, the elected governments of the three states of
Darfur shall assume any remaining function of the TDRA, in their respective states.

**BORDER OF DARFUR**

61. Without prejudice to the provisions of the CPA relating to the North-South border and any international agreements in force between the Republic of the Sudan and neighbouring countries, the northern boundaries of Darfur shall return to the positions as at 1 January 1956. A technical ad hoc team shall be established to carry out demarcation accordingly.

**ARTICLE 7**

**LOCAL GOVERNMENT**

62. The local level of government is essential to fulfil the commitment to vest sovereignty in the people, bring power to the grassroots and ensure the effective participation of the citizens, promote development as close to the population as possible, and make the management of public affairs more cost effective. Pending elections, six of the local government commissioners and six of the executive directors in Darfur shall be nominees of the Movements.

63. Native administration shall have regard, where appropriate, to the established historical and community traditions, customs and practices. Where these are contrary to the provisions of the National or State Constitution or law, the latter shall prevail.
EFFECTIVE PARTICIPATION IN ALL INSTITUTIONS AT THE FEDERAL LEVEL AND AT ALL OTHER LEVELS OF GOVERNANCE

ARTICLE 8

THE NATIONAL EXECUTIVE

The Presidency

64. In making appointments to determine the composition of the Presidency during the period after elections, appropriate consideration shall be given to ensuring representation for areas of northern Sudan, including Darfur, that have not historically enjoyed such representation.

65. Upon the signing of this Agreement, the President shall appoint a Senior Assistant to the President, who shall also be Chairperson of the TDRA, from a list of nominees provided by the SLM/A and the JEM. The Senior Assistant shall be the fourth ranking member in the Presidency.

66. The Senior Assistant shall have powers that will enable him/her influence national policies. To this end, he/she shall be a member of, inter alia, the National Council of Ministers, the National Security Council and the National Planning Council and shall participate in their deliberations and decision-making. In addition, the Senior Assistant shall:

(a) Chair meetings of the TDRA whenever he/she is in Darfur. In the absence of the Special Assistant, it shall be chaired by one of the Governors in rotation;

(b) Serve as the focal point and Principal Advisor to the President on the implementation of this Agreement;

(c) Have primary responsibility for assisting the President on all matters pertaining to Darfur;
(d) Coordinate the formulation and implementation of plans, policies and programmes concerning Darfur, including rehabilitation, reconstruction and development of Darfur, as well as facilitate the return of refugees and internally displaced persons.

(e) Having consulted the Parties, proposed to the Presidency nominees for the Heads of the Darfur Rehabilitation and Resettlement Commission, the Darfur Reconstruction and Development Fund, the Darfur Land Commission, the Darfur Security Arrangements Implementation Commission, the Darfur Peace and Reconciliation Council, the Darfur Compensation Commission, and of such other bodies as may be agreed by the parties. In making such nominations, the Senior Assistant to the President shall consider prominent and well-respected individuals who are capable of commanding the confidence of all parties.

67. In addition to the Senior Assistant, the President shall also appoint from among Darfurians one Advisor to the President.

68. Following the national elections, the elected Governors of the three states of Darfur shall present a joint list of three nominees as candidates for the post of Senior Assistant to the President and Chairperson of the TDRA. The President shall appoint from among the candidates presented. Darfur’s Representation in the Executive Branch of the GoS

69. Prior to the elections, and with a view to reflecting the need for unity and inclusiveness the GoS shall ensure effective representation for Darfurians, including the SLM/A and JEM, as follows:

(a) The three posts of Cabinet Minister and three posts of State Minister currently held by Darfurians shall continue to be held by Darfurians;

(b) One additional post of Cabinet Minister and two additional posts of State Ministers shall be allocated to nominees of the SLM/A and JEM.

(c) The chairmanship of one of the Parliamentary Committees of the National Assembly shall be allocated to a nominee of the SLM/A and JEM.
(d) Special effort shall be made to ensure that women are represented in these nominations.

70. In making further appointments provided for in the INC, or in this Agreement, the President shall take appropriate steps to ensure the fair representation of Darfurians including an equitable share for women.

ARTICLE 9

THE NATIONAL LEGISLATURE

The National Assembly

71. Prior to the elections, and with a view to reflecting the need for unity and inclusiveness the GoS shall ensure the representation of Darfurians in the National Assembly, including the SLM/A and JEM. In this regard, not less than a total of 12 seats shall be allocated to nominees of the SLM/A and JEM. It is highly recommended that some of the nominees be women.

The Council of States

72. Darfur states representatives in the Council of states shall be eminent persons without direct party political affiliation. The Parties agree on the need for wide consultation among Darfurians on the subject of Darfur states’ representation in the Council of states, and that this shall be the subject of consultation in the Darfur- Darfur Dialogue and Consultation.
ARTICLE 10

THE NATIONAL JUDICIAL ORGANS

73. Darfurians shall be adequately represented in the Constitutional Court, the National Supreme Court and other National Courts, as well as in the National Judicial Service Commission, by competent and qualified lawyers.

ARTICLE 11

THE NATIONAL CIVIL SERVICE (NCS)

74. The Parties agree that the National Civil Service (NCS), notably at the senior and middle levels, shall be representative of the people of the Sudan.

75. The Parties further agree to establish a National Civil Service Commission through which, among other things, the imbalances in the NCS shall be redressed. In order to create a sense of national unity and belonging, Darfurians shall be fairly represented in the National Civil Service Commission.

76. For the long term, following the signing of this Agreement, a Panel of Experts shall be established under the National Civil Service Commission to determine the level of representation of Darfurians in the NCS across all tiers. Competent and qualified Darfurians nominated by the Movements, shall be appointed to serve on the Panel.

(a) The Panel shall identify any area of imbalances that have undermined the representation of Darfurians in the NCS and make practical and action-oriented recommendations towards addressing such imbalances and discrepancies in the NCS.

(b) To determine the issue of imbalances and recommend appropriate measures to ensure fair representation for Darfurians in the service, the Panel shall be guided in its work by the following:
(i) Population size based on the 1993 Census;

(ii) Affirmative action on recruitment, training and promotion, including measures to promote gender balance;

(iii) Precedents in the CPA.

(c) The Panel shall complete its work and submit its Report not later than one year after the signing of this Agreement, following which the GoS shall take remedial action within a period of three months from the date the Panel submits its report.

77. In the short term, while awaiting the outcome of the determination by the Panel, the GoS shall ensure that the following tasks are carried out:

(a) Establish and achieve interim targets for Darfuri participation especially at the middle and upper levels of the NCS, including but not limited to Under-Secretaries, Ambassadors, Board Members and Chairpersons of parastatals, so as to address the concerns that Darfurians are underrepresented at some levels. These targets, which shall be reviewed after the submission of the Report of the Panel of Experts, shall be based on the same criteria as in paragraph

76. (b) Taking into account the need for the Movements to be represented within the NCS, some of these positions shall be reserved exclusively for nominees of the SLM/A and JEM.

(b) Reserve certain posts in the NCS exclusively for qualified women, particularly those from the less developed areas such as Darfur.

(c) Formulate policies and take affirmative action on training and recruitment into the NCS Darfurians who qualify, taking into account the criteria elaborated in paragraph 76(b) above, with the objective of ensuring equitable representation in the National Service and to redress past imbalances.
Review, after the first three years, the progress made in implementing the formulated policies and setting new goals and targets as may be deemed necessary after taking into account the result of the Census.

78. Special measures shall be taken to ensure the participation of women in the civil service.

**ARTICLE 12**

**ARMED FORCES, LAW ENFORCEMENT AGENCIES AND NATIONAL SECURITY**

79. The Sudan Armed Forces (SAF) shall be regular, professional and non-partisan. Darfurians shall be fairly represented at all levels therein, including in senior command positions, in accordance with Chapter 3 of this Agreement.

80. Qualified former combatants from the Movements shall be integrated into the Sudanese armed forces, law enforcement agencies and security services, in accordance with Chapter 3 of this Agreement.

81. The GoS shall take appropriate measures to rectify any imbalances that may exist in the representation of Darfurians at senior levels of the Sudan Armed Forces in general and in the intake into the Military Academies in particular.

82. The Police, Customs, Immigration and Border Guards, the Prisons and Wildlife Services shall be open to all Sudanese including in particular Darfurians and nominees of the Movements, to reflect the diversity of the Sudanese society.

83. The National Security Service shall be representative of the people of the Sudan. Darfurians shall be fairly represented at all levels therein.
ARTICLE 13

OTHER NATIONAL INSTITUTIONS AND COMMISSIONS

84. Darfurians, including members of the SLM/A and JEM, shall be adequately represented in all institutions and Commissions provided for in the Constitution, the law and this Agreement, taking into account the requirements of qualification and competence, including in particular the National Constitutional Review Commission, National Elections Commission, Population Census Council and the Technical ad hoc Border Committee to demarcate precisely the 1 January 1956 North/South borderline.

ARTICLE 14

EDUCATIONAL INSTITUTIONS

85. Darfurians shall be fairly represented in the Management and Governing Councils of Public Universities and other educational institutions of higher learning in the National Capital and in Darfur, taking into account the requirements of qualification and competence.

86. The Parties agree on the need to address as a matter of priority the problems associated with the declining quality of education and lack of admission opportunities for Darfurians at the Primary, Intermediate, Secondary and University levels. Affirmative action shall be taken to promote the educational interests of the disadvantaged Darfurians through among others:

(a) Flexibility in application of the eligibility criteria for admission into Universities and other educational institutions of higher learning in the Sudan; and

(b) Exemption from the payment of school fees for new students of Darfuri origin at all levels, for a period of five years.

87. In drawing up and implementing its national plans for investment in educational institutions and provision of grants, scholarships and training,
the GoS shall give priority to redressing the imbalances in access to primary, intermediate, secondary and university education in Darfur, with the aim of bringing Darfur to parity in national levels of educational enrolment and achievement at all levels.

88. Subject to compliance with admission requirements, not less than 15% of the annual intake of public universities and other institutions of higher learning in the National Capital, and not less than 50% in the case of such universities and institutions located in Darfur, shall be reserved for students from Darfur for a minimum period of ten years. Nothing herein is intended to limit other programmes designed to benefit Darfurian students.

ARTICLE 15

THE NATIONAL CAPITAL

89. The National Capital, Khartoum, shall reflect in its Administration the unity and diversity of the Sudan. Prior to the elections, the Movements shall be fairly represented in the Administration of the National Capital. Pending the state Elections, one Ministerial position in the Executive of the Khartoum State Government shall be filled by a nominee of the SLM/A and JEM.

90. Law enforcement agencies of the National Capital shall be representative of the population of the Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of the Sudan.

ARTICLE 16

PRE-ELECTION POWER SHARING WITHIN DARFUR

91. Elections shall be held in accordance with the provisions of the INC. As part of pre-election arrangements, the Parties agree on the following:
Executive

(a) The Governor of one of the three states of Darfur, as well as two Deputy Governors of the other two states of Darfur shall be nominees of the SLM/A and JEM.

(b) Two Ministerial positions and one senior Advisor in each of the three states of Darfur, and, in accordance with the principle established in paragraph 77 (a), at least one person at a senior level in each state ministry, shall be allocated to nominees of the SLM/A and JEM.

Legislature

(c) Prior to the state elections, seats in the legislature of each of the three Darfur states shall be increased to 73. Of these, 21 seats in each state legislature shall be allocated to the nominees of the SLM/A and JEM.

(d) The Deputy Speakers of the Darfur states’ Legislative Assemblies shall be nominees of the SLM/A and JEM.

92. Elections for the state legislature shall be held in accordance with the provisions of the INC. Thereafter, the number of seats shall be as determined by the state Constitutions.

CHAPTER TWO: WEALTH SHARING

ARTICLE 17

CONCEPTS AND GENERAL PRINCIPLES FOR WEALTH SHARING

Principles for wealth sharing

93. The Parties agree that the guiding principles and provisions below shall be the basis for wealth sharing under this Agreement.
94. The wealth of the Sudan shall be defined broadly to include natural resources, human resources, historical and cultural assets and financial assets, including credit and public borrowing and international assistance and grants.

95. Wealth is dynamic and the generation and distribution of wealth are critically affected by government policies, programs and institutions. Hence, the definition of wealth extends to the means, institutions, policies and opportunities that affect the creation and distribution of wealth in addition to the physical resources and government revenues. A key dimension of wealth is fair participation in decision making that affects the generation of wealth and allocation of resources.

96. Development of human resources shall be a means and objective of economic and social development policies.

97. All Sudanese citizens have equal rights to:

   (a) Freedom from hunger;

   (b) Sustainable livelihood;

   (c) Safe drinking water;

   (d) Access to quality education;

   (e) Access to health services and other social services;

   (f) Adequate access to public utilities and infrastructure;

   (g) Equitable development and employment opportunities;

   (h) Free access to markets;

   (i) Security of property;

   (j) Promotion and protection of cultural heritage;

   (k) Restitution of property for those affected by conflict; and
Judicial review of administrative actions that affect livelihood.

98. The wealth of the Sudan shall be shared equitably to enable each level of government to discharge its legal and constitutional responsibilities and duties to the people of the Sudan. The national government shall make transfers to the appropriate level of government in Darfur as agreed by the Parties.

99. Recognizing the cumulative effects of underdevelopment and prolonged deprivation of Darfur, compounded by the destructive effects of war, and in order to address this matter, the parties agree to establish an effective, transparent and accountable system for the distribution of wealth. Effective and prompt measures have to be taken to remedy the situation through affirmative action in economic policy.

100. The sharing and allocation of wealth shall be based on the premise that all parts of the Sudan are entitled to equitable development. Acknowledging that poverty is widespread in Darfur and in the Sudan generally, a nationwide poverty eradication strategy shall be adopted to constitute a framework for the country’s development policy, which has as its aim meeting the Millennium Development Goals (MDGs).

101. Rehabilitation and reconstruction of Darfur is a priority; to that end, steps shall be taken to compensate the people of Darfur and address grievances for lives lost, assets destroyed or stolen, and suffering caused.

102. Darfur has urgent and serious needs for rehabilitation, reconstruction and development of social and physical infrastructure affected by the conflict, especially with regard to IDPs, refugees and war-affected persons and to perform basic government functions, and build up civil administration.

103. The Parties agree to conduct a comprehensive assessment of the needs referred to above as a matter of top priority through the establishment of a Joint Assessment Mission (JAM) for Darfur. The modalities and timing of the establishment of such a mission will be worked out as soon as possible and, in any event, as a matter of priority after consultations with all stakeholders. Nothing
that the financial resources and expertise required for such an exercise are beyond the capacity of the Sudan, the Parties shall urgently appeal to the international community to fully participate in this initiative and to assist in providing the requisite resources and expertise and to contribute to meet the needs identified in this process.

104. The Parties agree that Darfur as a whole, and in particular those areas in need of construction or reconstruction, shall be brought up to the level that will allow them to reach the Millennium Development Goals (MDGs) rapidly. A program for development of basic infrastructure shall be formulated to integrate Darfur with the rest of the economy.

105. A special fund for reconstruction and development of Darfur shall be established under this Agreement.

106. The Parties agree that national economic and social policies, plans and programs shall:

(a) Ensure that the quality of life, dignity and living conditions of all citizens is promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language or geographic location.

(b) Ensure participation of citizens, through the respective levels of government and non-governmental institutions, in the development and implementation of economic and social policies for the creation and distribution of wealth, and in decisions about resource management and development; and

(c) Provide for fair representation in all government institutions that create and distribute wealth.

107. National economic and social policies shall have as their objectives:

(a) The creation and equitable distribution of wealth throughout the Sudan, consistent with maintenance of macroeconomic stability and sustainable growth;
(b) To ensure that taxes are levied equitably and used for the benefit of all;

(c) The decentralization of decision-making on development, service delivery and governance;

(d) The provision of safe, secure and open access to markets, goods and services;

(e) The recognition of social and cultural diversity;

(f) The promotion of social welfare and stability;

(g) The need to address environmental degradation;

(h) The implementation of principles of sustainable development; and

(i) The creation of an environment conducive to foreign investment.

108. The first priority of implementing this Agreement is to address the needs of the war-affected areas, with special attention to displaced and war-affected persons, to provide the basic services and security needed to enable them to return to their livelihoods in safety and dignity. This Chapter sets out principles for the restitution of property and assistance for full reintegration to their former livelihood, including rights to land and compensation for losses or damages or both sustained as a result of the conflict.

109. The women of Darfur are involved in all areas of activity and constitute the bulk of the labour force, especially in the agricultural and animal resource sectors. In addition, women are heads of households particularly among refugees, the internally displaced persons and migrants. Women's situation in all these areas has been worsened by the war, which has had a particularly deleterious impact on women and children, especially in relation to their means of livelihood. There is a need, therefore, for a special focus on the specific situation of women and for providing concrete measures to address their concerns, as well as ensuring their equal and effective participation in committees, commissions and bodies established pursuant to this Agreement.
110. Recognition of traditional rights (including “hawakeer”) and historical rights in land is essential to establish a secure and sustainable basis for livelihood and development in Darfur. This Agreement sets out the mechanisms for recognising and protecting those rights.

111. The Parties agree to establish a mechanism to introduce processes for ensuring the sustainable use and control of land and other natural resources, and to ensure that all citizens affected by development of land and other natural resources are consulted and their views taken into account in carrying out that development. Persons whose property or livelihood are adversely affected by development of land and other natural resources have a right to adequate compensation.

112. Land management structures and institutions shall be developed and legally supported to promote sustainable development, and address issues of environmental degradation.

ARTICLE 18

FISCAL FEDERALISM AND INTERGOVERNMENTAL RELATIONS

Assignment of Fiscal Responsibilities

113. The Parties affirm that the assignment of expenditure and revenue responsibilities between the national and state levels of government shall be done according to the following principles:

(a) An expenditure function should be assigned to that level of government whose jurisdiction most closely reflects the geographical area served by that function. The delivery of a particular service (expenditure assignment) may be carried out exclusively by a given level of government, or concurrently by two or more levels.
(b) The state governments shall endeavour to pay for the services delivered to people living in a given geographic state with revenues raised in that state (revenue assignment).

114. State levels of Government shall have the right to determine, without national interference, the structure of the revenue base and the level of the charge or tax rate applied to that base consistent with paragraph 118 herein.

Assignment of Revenue Bases

115. All revenues collected nationally for or by the GoS including those generated by any government ministry, department, or share of the national government in profits from any corporation, company or any other entity, through commercial activity or otherwise, shall be pooled in a National Revenue Fund (NRF) administered by the National Treasury. This fund shall embrace all accounts and sub-accounts into which monies due to the GoS are collected, recorded or deposited.

116. All revenues (tax and non-tax) and expenditures at all levels of government shall be in the budget and made public.

117. The National Government may legislate to raise revenue or collect taxes from the following sources:

(a) National personal income tax;

(b) Corporate or business profit tax;

(c) Customs duties and import taxes;

(d) Seaports and Airports Revenue;

(e) Service charges;

(f) Oil revenues;

(g) National government enterprises and projects;
(h) Value Added Tax or general sales tax or other retail taxes on goods and services;

(i) Excise duties;

(j) Loans including borrowing from the Central Bank of the Sudan and the public;

(k) Grants and foreign financial assistance;

(l) Other taxes to be legislated by the National Legislature.

118. The states of Darfur shall be entitled to raise and administer:

(a) Land and property taxes and royalties;

(b) Service charges for state services;

(c) License fees;

(d) Darfur states’ personal income tax;

(e) Levies on tourism;

(f) Darfur states’ share in revenues from oil and other natural resources produced in Darfur states;

(g) Darfur state government projects and nature parks;

(h) Stamp duties;

(i) Agricultural taxes;

(j) Excise taxes;

(k) Loans and borrowing both domestic and foreign in accordance with their creditworthiness and consistent with the national macroeconomic policy framework;
(l) Grants in aid and foreign aid grants.

(m) Allocation from the NRF mentioned in paragraph 115 above.

(n) All allocations for Darfur Reconstruction and Development Fund to be established consistent with the general principles agreed upon by the Parties.

(o) All other taxes or fees legislated from time to time, within their jurisdictions.

119. Darfur states may, within their competencies and jurisdictions, enter into agreements to enhance revenue mobilization and administration.

**Framework for Intergovernmental Transfers**

120. To accomplish the task of fiscal equalization, the Fiscal and Financial Allocation and Monitoring Commission shall ensure that the interests and views of Darfur will be represented on a basis commensurate with the other state governments of the Sudan. The FFAMC shall be structured in order to ensure: appropriate utilization and sharing of financial resources both vertically and horizontally; transparency and fairness in allocation of funds to states of Darfur and other states; and to monitor and ensure that equalization grants from the national government are promptly transferred to the states of Darfur and other states. The FFAMC shall report to the National Legislature.

121. To enable the FFAMC to perform its functions, the President shall appoint an independent Panel of Experts recommended by the FFAMC, to be approved by the National Legislature. The Panel shall comprise highly qualified economists and other relevant experts from academic, government, and other institutions, and from the private sector. The Panel shall propose formulae for vertical allocation of resources between the GoS and the states, and criteria for horizontal allocation between states. The Panel’s proposal or report shall also include weights attached to those criteria. The Terms of Reference for the Panel shall be prepared by the FFAMC.
122. The Panel shall submit its report to the President through the FFAMC within six months of its appointment. The President shall then table the report before the National Legislature for approval within one month of its submission. If the report is approved, the FFAMC will be bound to implement the formulae and criteria for resource allocation contained therein.

123. The Parties agree that the FFAMC shall be independent and shall have the capacity to perform its work in an effective manner. To be able to carry out its work with continuity and autonomy, the head of the FFAMC shall be appointed for a specific term, during which he/she cannot be removed without due cause. To do its work effectively the FFAMC shall have a technical secretariat that is adequately staffed with highly competent professionals. The FFAMC shall take its decisions by consensus.

124. The GoS shall take all necessary steps to ensure that the FFAMC becomes operational in the 2006 fiscal year and submits its recommendations on the formula for the vertical and horizontal allocations, to the Presidency and the National Legislature in time for inclusion in the 2007 national budget. To this effect, the Panel of Experts shall be appointed immediately following the signing of this Agreement. In the event that the FFAMC report is not prepared, or not approved by the National Legislature, in 2006, the FFAMC shall propose a formula based on preliminary indicators worked out by the Panel of Experts to enable the national government make an allocation from the National Revenue Fund (NRF) to states, other than those of Southern Sudan. The Northern states may collectively negotiate for a higher vertical allocation from the national government. The FFAMC shall also determine the formula for horizontal allocation among the states to be included in the budget that the Presidency submits to the Legislature for the 2007 fiscal year.

125. Transfers from the GoS shall be necessary to address the expenditure needs of the states of Darfur. The Parties agree that financial equalization procedures shall be adopted as set by the FFAMC. Such procedures or measures may:

(a) Not diminish the discretion local authorities may exercise within their own sphere of responsibility;
(b) Supplement all the forms of transfers such as project and conditional grants;

(c) Ensure that the quality of life, dignity and living conditions of all people are promoted without discrimination.

126. The FFAMC shall institute a transparent, formula-based process whereby the transfers to states of Darfur, and other state governments of the Sudan shall be made in a predictable and timely manner, with the guarantee that the national government may not withhold the transfer of funds to Darfur states or any other state governments of the Sudan.

127. Darfur states may initiate proceedings in the Constitutional Court should the national government withhold monies due to them.

128. The Parties agree that a system of specific purpose grants shall be developed with a view to achieving the Millennium Development Goals (MDGs), poverty eradication goals and gender development.

Specific Fiscal Entitlements of Darfur

129. Within the context of the federal system, the appropriate level of government in Darfur shall be entitled to:

(a) Transfers from the nationally collected revenues in accordance with the criteria above;

(b) Raise and collect revenues as set out above;

(c) Appropriate representation in the FFAMC;

(d) Resources from the National Reconstruction and Development Fund;

(e) Allocation of resources from the Multi Donor Trust Fund;

(f) Timely and full transfer of the agreed allocations from the National Revenue Fund (NRF).
External Sources of Finance

130. Darfur states shall have access to borrowing from national and international capital markets as long as borrowing is consistent with the macro-economic policy framework and the state government is deemed creditworthy. Without prejudice to the independence of the Central Bank of Sudan and to the extent that the GoS or the Central Bank of Sudan or both are issuing sovereign guarantees for loans to states, potential loans to Darfur and other war-affected and least developed areas shall be given priority to receive such guarantees.

131. Darfur state governments shall report to the national government the amount of all external finance and grants received.

Capacity Building

132. The GoS shall assist Darfur to develop and implement, beginning immediately after the signing of this Agreement, an advanced and comprehensive program for capacity building with respect to public finance and intergovernmental relations, including expenditure management to ensure accountability.

Monitoring and Accountability

133. Darfur states shall cooperate with the GoS to report fully and completely, on a periodic basis (quarterly, semi-annually and annually), the amount of all their expenditures and revenues (tax and non-tax fees and charges). All such expenditures and revenues shall be in the budget and the format of their reporting shall be determined according to transparent national government standards. It is recognized that such complete and standard reporting shall assist the determination of national transfers from the GoS.

134. The institutions responsible for monitoring the implementation of this Agreement are:

(a) The Presidency;

(b) National Legislative Bodies;
(c) The FFAMC;

(d) The National Audit Chamber;

(e) State Legislatures;

(f) The Supreme Constitutional Court.

ARTICLE 19

ECONOMIC POLICY FOR RECONSTRUCTION, INVESTMENT AND DEVELOPMENT

Macro-economic Policies

135. Economic policy is one of the key functions of government. Hence, the central objective of economic policy is the pursuit of full employment through sound policies that focus on the stability of price and employment levels and promote sustainable pro-poor economic growth. Such policies constitute a national macro-economic policy framework within which economic policies at state levels are formulated and executed.

136. The national macroeconomic policy framework, therefore, provides an important vehicle for the combating of poverty and sense of marginalization in the Sudan during the post-conflict period.

137. National macro-economic policies shall be formulated to ensure that the quality of life, living conditions and dignity of all the citizens in the Sudan are promoted without discrimination on grounds of geographical location, race, ethnicity, religion, language, political affiliation or gender.

138. Fiscal and monetary policies, especially the banking system, shall be reviewed to meet the requirements of sustained growth and equitable development as well as to increase access to international capital market.
139. The Parties call upon the Central Bank of the Sudan to introduce innovative finance methods and instruments that will expedite development efforts in Darfur states and other disadvantaged regions in the Sudan.

140. Recognizing that the private sector (national and foreign) plays a crucial role in development, national economic policies should be formulated to create a conducive environment for its effective participation in the development of post conflict Darfur states.

141. Research and development (R&D) and especially technological development shall be encouraged and promoted.

142. The agricultural sector, including livestock, has a special significance in the economy and the lives of all Sudanese citizens particularly the people of Darfur states. Accordingly, policies directed to its development shall be prioritised and emphasized.

143. Efforts shall be made to lay a solid base for industrial development with a special emphasis on agro-industry.

144. National economic policies shall also be directed to encourage exports from the Sudan to regional and international markets. Darfur Development Policies

145. The Parties agree that national development policy shall be based on the premise that all parts of the Sudan are entitled to equitable development and that such policies shall give special priority to the most disadvantaged states including Darfur states.

146. Within this framework, Darfur states shall pursue their short and medium term objectives of rehabilitation, reconstruction, construction and development while taking care of urgent needs and laying the basis for longer term development. Special attention shall be given to programs and projects that enable the states of Darfur to speed up the transition from relief to development.
147. Key strategic objectives of Darfur states post conflict economic recovery and development, within the above overall national economic policy framework consist of:

(a) Reinvigoration of the economy of Darfur states to enable them to integrate into the national economy and to promote interregional trade;

(b) Rehabilitation of basic social services such as education, health and water;

(c) Achievement of sustainable economic growth, equitable development, social stability and considerable improvement in access to social services;

(d) Eradication of poverty and enhancement of economic empowerment and awareness.

(e) Creation of adequate employment opportunities;

(f) Development of individual and institutional capabilities for good governance with emphasis on accountability and transparency;

(g) Development of physical infrastructure that will improve Darfur states access to their main markets as well as to the rest of the Sudan and neighbouring countries;

(h) Building of technical and analytical capabilities in the key areas of economic management and financial management and procurement;

(i) Encouraging the production of alternative energy sources and addressing causes of environmental degradation.

148. The Parties recognize that Darfur states, being historically deprived and having severely suffered from destruction caused by the war, are in serious need to:

(a) Restore peace, security, and social stability.

(b) Carry out government functions more effectively.

(c) Strengthen civil administration.
(d) Rehabilitate, reconstruct and construct physical, institutional and social infrastructures in post-conflict Darfur.

149. Competition for pasture and water by nomadic herders and settled agricultural producers is an important problem. The problem shall be addressed in a comprehensive way, by developing policies to reverse environmental degradation and the decline in agricultural yields, gradually shifting the emphasis of herders from quantity to quality, developing a framework for equitable access by various users of land and water resources, as well as developing research capacities in these areas.

150. The Parties agree to make every effort to bring Darfur states up to the national average level of human development in the shortest possible time with a view to attaining the Millennium Development Goals (MDGs).

Reconstruction, Investment and Development

151. The Parties recognize that Darfur states will need a rapid transition from war to peace, which would in turn create an enabling environment for accelerated transition from humanitarian relief assistance to economic recovery and development.

152. To sustain this transition and to achieve the above-mentioned objectives, Darfur states are in need of resources well beyond what they can possibly raise from their local economy in the foreseeable future. Therefore, they shall be aided in its effort through substantial, reliable and timely transfers from the National Revenue Fund, other national sources as well as from foreign aid.

153. The Parties agree that, in addition to the share of Darfur in the FFAMC transfers from the National Revenue Fund, the national government shall allocate an amount equivalent to US $ 300,000,000 (Three Hundred Million Dollars) as seed money for the DRDF in 2006. The GoS is further committed to allocating to the DRDF:
(a) An amount of not less than US $200,000,000 (Two hundred Million Dollars) per annum for 2007 and 2008 which shall be adjusted on the basis of the JAM outcome;

(b) Its share of the JAM commitments as determined at the post-JAM donor pledging conference for the period fixed by the JAM and adjusted accordingly;

(c) The amount necessary to complete the Darfur development projects determined in the JAM if these are incomplete at the end of the JAM period, until the end of 2015 within the overall objective of achieving the MDGs.

**Darfur Reconstruction and Development Fund (DRDF)**

154. The Parties agree that a special fund for the rehabilitation, reconstruction, construction and development of Darfur states to be known as “Darfur Reconstruction and Development Fund” (DRDF) shall be established.

(a) The DRDF shall solicit, raise and collect funds from domestic and international donors and disburse such funds for the resettlement, rehabilitation and reintegration of internally and externally displaced persons and to address past development imbalances especially infrastructure.

(b) The DRDF shall be professionally managed and transparently administered. To ensure accountability, transparency, equity and fairness in the utilization of the funds, DRDF shall develop an effective system of monitoring and evaluation.

(c) The DRDF shall manage its resources and expenditures and shall be entitled to raise additional funds by way of donations from foreign countries, regional and international organizations or both and other bodies for the purpose of reconstruction, construction and development of Darfur states.

(d) The DRDF shall develop special funding mechanisms to address the specific needs of women. These mechanisms shall cover, but not limited
to, creation of investment opportunities, enhancement of productive capacities, provision of credit, production inputs and capacity building for women.

(e) The governance structure of the DRDF shall include representatives of the National Government, Darfur states and donors. The modalities of this structure shall be worked out under the implementation mechanisms and guarantees. Joint Assessment Mission (JAM) for Darfur states

155. The Parties agree to initiate a Joint Assessment Mission (JAM) to identify and quantify the needs of post-conflict economic recovery, development and poverty eradication program for Darfur states. These needs will be presented to the donors at a donors’ conference to be convened three months after the signing of this Agreement. In this regard, the Parties call upon the World Bank, the United Nations and the African Development Bank (ADB) to lead the JAM exercise, in collaboration with the Islamic Development Bank (IDB), the African Union (AU), the League of Arab States (LAS), the Arab Funds, the European Union (EU), the USA and all other interested countries and parties.

ARTICLE 20

DEVELOPMENT AND MANAGEMENT OF LAND AND

NATURAL RESOURCES

Traditional and historical rights in land

156. The regulation of the land tenure, usage and exercise of rights in land shall be a concurrent function exercised at the appropriate level of government.

157. Rights in land owned by the GoS within Darfur shall be exercised through the appropriate or designated level of government.

158. Tribal land ownership rights (hawakeer), historical rights to land, traditional or customary livestock routes, and access to water, shall be recognised and
protected. All levels of government shall institute a process to progressively develop and amend the relevant laws to incorporate customary laws, practices, international trends and practices and protect cultural heritage.

159. All displaced persons and other persons arbitrarily or unlawfully deprived of rights to land shall have those rights restored to them. No person or group of persons shall be deprived of any traditional or historical right in respect of land or access to water without consultation and compensation on just terms.

160. The Parties agree that the land referred to in this Agreement as Darfur shall have as its northern boundaries the boundaries referred to in paragraph 61 of Chapter 1 of this Agreement.

Natural Resources

161. The Parties agree that States in which oil or mineral resources are produced shall have the right to negotiate and to be granted the negotiated share of revenue generated there from.

Law Reform

162. The laws as amended in accordance with paragraph 158 above shall make provision for the recognition and protection of traditional or customary rights to land.

Land Commission

163. Without prejudice to the jurisdiction of courts, there shall be established a state Land Commission to address issues related to traditional and historical rights to land, and review land use management and natural resource development processes.

164. The state Land Commission shall:

(a) Be independent and impartial;
Have membership that reflects land use interests in the geographical area in respect of which the state Land Commission exercises jurisdiction;

determine its own procedures;

(d) Have access to all pertinent land records;

e) Carry out its functions in a timely manner;

(f) Take all reasonable measures to ensure full and effective participation in its procedures;

(g) Report annually to the respective level of government on its operations and the expenditure of its annual budget.

(h) Membership, appointment, terms and conditions of service of the state Land Commission shall be regulated by law.

165. The state Land Commission shall exercise the following functions:

(a) Arbitrating disputes between the willing contending parties over rights to land;

(b) Making recommendations to the appropriate level of government concerning land reform policies and land use or recognition of traditional or historical rights in land;

(c) Determining applications for review of decisions concerning land use planning and consents for the development of land in accordance with legislation enacted pursuant to this Agreement;

(d) Establishing and maintaining records of existing and historical land use;

(e) Conducting research on land tenure and land usage in the geographical area in which jurisdiction is exercised;
(f) Recommending measures for improving the system for planning and development of land and other natural resources to the appropriate level of governance;

(g) Reviewing existing land instruments and recommending to the relevant authority the introduction of such necessary changes as may be required including restitution of land rights of compensation.

166. In carrying out its arbitration function, the state Land Commission shall have discretion to entertain applications, and with the consent of the contending parties, may apply traditional and customary law and/or principles of justice and equity. The outcome of the arbitration shall be binding on the contending parties and may be enforced in a court of competent jurisdiction.

167. The state Land Commission shall be bound by decisions made by any body or authority given jurisdiction by the appropriate level of government or specifically constituted under this agreement to make decisions concerning land of displaced or other war-affected persons.

168. The National Land Commission and the state Land Commission established by this agreement shall cooperate and coordinate their activities so as to use their resources efficiently. Without limiting the matters of coordination, the National Land Commission and the State Land Commission may agree:

(a) To exchange information and decisions of each Commission;

(b) That certain functions of the National Land Commission, including collection of data and research, may be carried out through the state Land Commission;

(c) On the way in which any conflict between the findings or recommendations of each Commission may be resolved.

169. In case of conflict between the findings and recommendations of the National Land Commission and the state Land Commission, which cannot be resolved by agreement, the Commissions shall reconcile their positions. The matter shall be
referred to the Constitutional Court for adjudication if the positions cannot be reconciled.

**Planning and development of land and natural resources**

170. With the intent of establishing transparent and accountable processes for determining the use of land and development of natural resources in Darfur, the competent authorities shall establish a system for regulating land use planning and the development of natural resources that shall apply to land in Darfur, including land owned by the GoS, for development and other national projects.

171. The system of land and natural resource planning and development established pursuant to this Agreement shall have as its objectives:

(a) The proper management, development and conservation of natural resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages, for the purpose of promoting the social and economic welfare of the community and a better environment;

(b) The promotion and coordination of the orderly and economic use and development of land and natural resources;

(c) Ecologically sustainable development;

(d) The protection of cultural heritage;

(e) The protection, provision and coordination of communication and utility services;

(f) The provision of land for public purposes;

(g) The provision and coordination of community services and facilities;

(h) The protection of the environment, including the protection and conservation of native animals and plants, threatened species, and ecological communities;
(i) The rehabilitation of degraded land and revegetation programs;

(j) The promotion of shared responsibility for environmental planning between the different levels of government in Darfur;

(k) The provision for public involvement and participation in environmental planning and assessment;

(l) The provision for consultation of all persons affected by proposed development of land and natural resources;

(m) The provision for adequate compensation for persons whose livelihood or property are affected by development decisions in respect of land and natural resources.

172. State governments in Darfur shall develop and implement plans of management for land within their respective jurisdictions consistent with the objectives set out in paragraph 171 above. Localities shall consult with affected persons and take into consideration the objectives in paragraph 171 and any applicable traditional or customary law in making decision about development within their jurisdictions.

Land Use and Natural Resource Planning

173. The state government of Darfur shall, in accordance with their constitutions enact legislation setting out the objectives in paragraph 171. The Planning Legislation shall:

(a) Establish a Planning Authority with the function of regulating the development and implementation of land use management plans;

(b) Specify the minimum procedural requirements governments must adhere to in developing and promulgating land use management plans, including specific provision for consultation of persons affected by proposed plans;

(c) Specify the minimum content of land use management plans, including requirements to state the aims, objectives, policies and strategies by which the plan is designed to carry out the objective;
(d) Provide for the control of development on land in Darfur by specifying the types of development which may not be carried out, or which may be carried out only with permission;

(e) Provide for the establishment of a public register of all land use management plans.

Review and Administrative Action and Accountability

174. The Planning Legislation shall provide for:

(a) Review by the State Land Commission of the legal validity of land use management plans made pursuant to its provisions;

(b) Review by the State Land Commission of the merits and legal validity of decisions in respect of the development of land or natural resources.

(c) Annual reporting by the Planning Authority to the appropriate level of government on the implementation of the legislation.

Major Development Projects

175. In exceptional circumstances the state legislature in Darfur may authorise the state government to enter into agreements for major development, which may be inconsistent with any land use management plan or planning legislation. The government may seek authorisation only if the agreement contains detailed provisions setting out:

(a) The measures that will be adopted under the agreement for protection of the environment;

(b) The steps taken to consult with all persons whose interests are affected by the proposed development;

(c) The benefits that will accrue to local communities and the people of Darfur as a result of entering into the agreement;
(d) The level of compensation that will be paid to persons whose property or livelihoods will be adversely affected by the agreement, and a statement of whether or not that compensation has been agreed to by the persons so affected.

ARTICLE 21

URGENT PROGRAMS FOR INTERNALLY DISPLACED PERSONS (IDPS), REFUGEES AND OTHER WAR-AFFECTED PERSONS AND COMPENSATION FOR WAR-AFFECTED PERSONS

Principles

176. Displaced and war-affected persons will enjoy the same human rights and fundamental freedoms as any citizen under the law of the Sudan. In particular, the relevant authorities have a responsibility to ensure that such persons enjoy freedom of movement and of choice of residence, including the right to return and to re-establish themselves at their places of origin or habitual residence.

177. The treatment of displaced and war-affected persons in and from Darfur will conform to international humanitarian law, human rights law and guiding principles, as set out in the Declaration of Principles.

178. In all cases, the return of displaced persons to places or regions of origin must be voluntary. In this regard, the displaced should have access to objectively reliable information about conditions in their places of origin. Relevant authorities with the assistance of the AU and the international community shall assure proper protection and dignified treatment of displaced persons during the process of voluntary return and reintegration or voluntary resettlement at another place of their choice.

179. The Parties agree that the provision of security is necessary for displaced persons to return. To restart their livelihood and commence effective reintegration, they will need potable water, food and shelter materials, as well as agricultural inputs.
for both crops and livestock such as seeds, seedlings, veterinary services, tools, and essential equipment including machinery for the making of building blocks, as well as micro credit schemes. Recovery will have to include the rehabilitation and/or creation of adequate educational and health facilities. 180. The GoS is committed to contributing resources to meet urgent needs for the return and resettlement of IDPs and refugees.

181. The Darfur Rehabilitation and Resettlement Commission (DRRC), seeking support from the relevant authorities and with the assistance of the AU and the international community, shall see to it that these and other basic rights and needs of returnees are met.

Protection

182. The Parties shall establish a Darfur Rehabilitation and Resettlement Commission (DRRC) to implement strategies to conduct surveys and assessments, monitor and report on the situation of the displaced and war-affected persons to the appropriate level of government. Strategies, surveys, assessments and information should be shared with the international community.

183. DRRC shall consult with IDPs and returnees as well as all other stakeholders.

184. DRRC shall, in accordance with its regulations, grant the United Nations, NGOs and other humanitarian agencies access to displaced and war-affected persons, whether they are in urban, rural or camp settings, in accordance with international humanitarian law. Disputes over humanitarian access shall be referred to the relevant national government authorities.

185. The Parties to this agreement, with the assistance of the AU and the international community, pledge to provide protection and physical security to the displaced and war-affected persons in all areas of Darfur. The relevant authorities shall make all necessary efforts to respond to violations of human rights, redress the impact of such violations and take all necessary measures to ensure justice in a timely and effective manner.
186. The relevant authorities, with the assistance of the AU and the international community, shall protect the returning displaced persons from all forms of harassment, coercion, informal ‘taxation’ or confiscation of property. In such exercise, special attention to the protection of displaced women from all forms of harassment, exploitation and gender-based violence, is essential.

187. DRRC shall provide basic food, shelter and access to potable water while displaced persons are enroute to areas of return. The DRRC shall make special effort to ensure the full participation of women in the planning and distribution of these basic facilities.

188. Strategies created under paragraph 182 shall include reconciliation and peace-building activities, such as local reconciliation meetings to settle local conflicts and the use of traditional dispute resolution mechanisms.

189. DRRC, in collaboration with the relevant authorities shall assist in the rehabilitation and reintegration of orphans and other people of special needs.

190. Upon the request of the DRRC, the relevant authorities shall establish mobile courts and other mechanisms, whenever deemed necessary to ensure prompt access to justice.

Documentation

191. DRRC, in collaboration with the relevant authorities, shall take steps to facilitate the registration of all displaced persons, whether they are in urban, rural or camp settings and shall issue to displaced persons all documents necessary for the exercise of their legal rights, such as passports, personal identification documents, birth certificates, marriage certificates and all necessary documents of title. In particular, DRRC shall facilitate the issuance of new documents or the replacement of documents lost during displacement, without the imposition of unreasonable conditions, costs or delays. When necessary, traditional administration or community leadership shall be used for proof of identity.
192. Displaced women and men have equal rights to obtain all necessary documents. Women and girls shall also have documentation issued in their own names. Special effort shall be made to provide documents to orphans. Family unity

193. The national government and the relevant authorities in Darfur pledge to protect the integrity of the family and community and the right to family life. Special effort shall be made to reunify unaccompanied minors with their families or communities of origin. DRRC shall facilitate inquiries made by family members and co-operate with the work of humanitarian organisations engaged in assisting family reunification.

Restitution

194. Displaced persons have the right to restitution of their property, whether they choose to return to their places of origin or not, or to be compensated adequately for the loss of their property, in accordance with international principles.

195. DRRC and the relevant authorities shall establish restitution procedures, which must be simple, accessible, transparent and enforceable. All aspects of the restitution claims process, including appeals procedures, shall be just, timely, accessible, free of charge, and age and gender sensitive. The procedures shall contain positive measures to ensure that women are able to participate on a fully equal basis in the process.

196. Compensation in place of restitution shall only be given where it is factually established, in accordance with the procedures in this agreement, that restitution is impossible.

197. DRRC shall establish independent and impartial committees called hereafter “Property Claims Committees” (PCCs) in both rural and urban areas to deal with all property disputes that shall arise from the return process. Such disputes shall be resolved locally and rapidly. Mediation and traditional dispute resolution mechanisms shall also be used, consistently with human rights principles, and without prejudice to the jurisdiction of the courts. The property claims committees shall:
(a) Resolve disputes over rights to land caused by the displacement of the original inhabitants or users of the land. In case of failure, the issue shall be referred to the relevant authorities;

(b) Be independent and impartial;

(c) Have members representative of the geographical area in respect of which the commission exercises jurisdiction;

(d) Determine their own procedures guided by the DRRC.

(e) Have access to all pertinent land and other records;

(f) Be able to summon witnesses;

(g) Carry out its functions in a timely manner;

(h) Take all reasonable measures to ensure full and effective participation in its procedures;

(i) Hold hearings in public and publish its decisions;

(j) Report quarterly to DRRC established above on its operations and the expenditure of its annual budget;

(k) Co-ordinate their work with the Darfur Land Commission;

(l) Make recommendations to the relevant authorities for the implementation of its decisions;

198. Membership, appointment, terms and conditions of service of the Property Claims Committees (PCCs) shall be regulated by law.

Compensation

199. The Parties agree that war-affected persons in Darfur have an inalienable right to have their grievances addressed in a comprehensive manner and to receive
compensation. Restitution and compensation for damages and losses shall necessitate massive mobilization of resources.

200. The Parties agree on the establishment of an independent and impartial Compensation Commission to deal, without prejudice to the jurisdiction of courts, with claims for compensation by people of Darfur who have suffered harm, including physical or mental injury, emotional suffering or human and economic losses, in connection with the conflict.

201. The Commission shall be established by Presidential Decree and shall continue to operate until the final disposition of all claims for compensation.

202. The membership of the Commission shall comprise persons nominated by the Parties and persons representative of affected communities, leaders of Native Administration. Special measures shall be taken to ensure the effective representation of women in the membership of the Commission. The Commission may engage experts and may act in accordance with their recommendations.

203. The Commission shall set its own rules of procedure based on international principles and practices, national law, and customary law and practices and it may establish local branches as well as specialized chambers. The Commission shall ensure that its work is conducted in a transparent manner, and that it is easily accessible to people claiming restitution or other compensation.

204. The Commission shall do everything necessary to co-ordinate its work with the Property Claims Committees. The Commission shall refer property disputes that arise from the return process to the Property Claims Committees established under this Agreement. In the case of conflict between the Property Claims Committees and the Compensation Commission that cannot be reconciled through consultation between them, the Darfur Rehabilitation and Resettlement Commission (DRRC) shall resolve the conflict. The Commission shall also coordinate its activities with the DRRC.
205. Taking note of the suffering of the individual people of Darfur, and the customary practices of tribal restitution in Darfur, the Commission shall work out principles for appropriate restitution or other compensation. In doing so, the Commission shall take into account, among other considerations:

(a) International principles and practices, national law and customary law and practices;
(b) The principle of providing fair and just restitution for loss or damage suffered;
(c) The principle that if restitution is impossible, other compensation shall be provided;
(d) The needs of vulnerable groups such as women and children;
(e) The principle that persons should not be compensated twice for the same loss;
(f) The principle that the award of restitution or other compensation under this Article is distinct from the issue of punishment under criminal law;
(g) The capacity of the perpetrator or perpetrators to pay monetary compensation.

206. The Commission shall have powers including, but not limited to, the following:

(a) To make binding awards for restitution or other compensation within its competence;
(b) To resolve claims informally, or by applying traditional or customary laws and practices;
(c) To make an order apportioning liability to make restitution or pay compensation between persons who in the Commission’s opinion share the responsibility for compensable loss or damage;
(d) To determine the time within which any award of monetary compensation shall be paid.

207. Awards of compensation made by the Commission may include the following:

(a) Restitution of stolen, lost or destroyed objects;

(b) Monetary compensation;

(c) Provision of inputs (crops, livestock, veterinary medicines, agricultural tools, etc.);

(d) Rehabilitation including medical and psychological care;

(e) Legal assistance and social services;

(f) Acknowledgment and acceptance of responsibility;

(g) Guarantees of non-repetition;

(h) Traditional forms of compensation.

208. The Commission shall not entertain any claim for compensation made to it more than ten (10) years after the date of entry into force of this Agreement.

209. The Presidential Decree establishing the Compensation Commission shall make provision for:

(a) Mechanisms for review, on matters of law, of the decisions of the Commission;

(b) Mechanisms for enforcement of the Commission’s decisions of awards of monetary compensation, restitution, or payment of other forms of compensation.

210. The Parties agree that, within three months after the signing of this Agreement, a Compensation Fund on which the Commission may draw to make interim
awards of monetary compensation without proceeding to a full hearing of the claim shall be established.

211. Any such payment awarded by the Commission shall be made within 60 days after the award is made. Any amount already paid to the claimant from the Compensation Fund shall be deducted from the award of monetary compensation made by the Commission after a full hearing of the claim.

212. The Commission shall determine the modalities of its operation (for compensation), taking into account, among others, traditional dispute settlement mechanisms.

213. The GoS has indicated that it will put US $ 30,000,000 (Thirty Million U.S. Dollars) as an immediate contribution to the compensation fund.

CHAPTER THREE: COMPREHENSIVE CEASEFIRE AND FINAL SECURITY

ARRANGEMENTS

SECTION A: COMPREHENSIVE CEASEFIRE

ARTICLE 22

GENERAL PRINCIPLES

214. Cognizant of the debilitating effects of armed conflict, and appreciating the need for a Comprehensive Ceasefire in Darfur, the Parties hereby;

(a) Reaffirm their commitment to implement all Agreements and Protocols signed. In particular, the April 2004 N’Djamena Agreement, the May 2004 Addis Ababa Agreement, the November 2004 Abuja Protocol on the Enhancement of the Security Situation in Darfur, as well as the July 2005 Declaration of Principles (DoP).
(b) Affirm that lasting peace in Darfur shall be achieved and consolidated through, among other things, a comprehensive Ceasefire Agreement and final Security Arrangements that address the root causes and different aspects of the armed conflict.

(c) Undertake to refrain from acts such as mobilization, recruitment or initiatives that are likely to jeopardize the peace process including offensive military actions, movements, deployment of forces and engaging in hostile propaganda campaigns as a reaffirmation of commitment to create and maintain a conducive atmosphere.

(d) Guarantee the free movement of people, goods and services in Darfur.

(e) Undertake to refrain from any act that may jeopardize the humanitarian operations in Darfur and re-state commitment to create appropriate security conditions for the unimpeded flow of humanitarian assistance and goods, guarantee security in the camps hosting IDPs and the creation of conducive atmosphere for their voluntary return and refugees to their areas of origin.

(f) Undertake measures to neutralize and disarm the Janjaweed/armed militias in line with UN resolutions 1556 and 1564, the AU Summit Resolutions, the N’djamena Agreement and the November 2004 Abuja Protocol, such that security in Darfur is assured.

(g) Undertake confidence and trust building measures including the release of detainees as a result of the conflict in Darfur, other than those persons convicted through the due process of law upon signing the Comprehensive Peace Agreement.

(h) Undertake to ensure a strong Sudanese Armed Forces such that it is professional, inclusive, and an institution that is capable of maintaining the sovereignty and territorial integrity of the Nation.

(i) Establish a mechanism whereby law enforcement is effective, the internal security of Darfur is assured and acknowledging that the prime responsibility for enforcement of the law and maintenance of public peace
rests with a recognised police authority acting in accordance with the law to accepted standards;

(j) Design a process that allows all political forces and civil society organizations to play an effective role in achieving a comprehensive peace.

(k) Put in place proper mechanisms for the demobilization, rehabilitation and social reintegration of former combatants returning to civilian life.

(l) Undertake that all the troops and forces under their command at all levels ensure observance, implementation and protection of the present Agreement.

ARTICLE 23

Purpose of this Comprehensive Ceasefire

215. This Chapter constitutes among other things, the Comprehensive Ceasefire and Final Security Arrangements.

216. The Agreements signed by the Parties are the 2004 N'djamena Agreement on Humanitarian Ceasefire on the Conflict in Darfur; the 2004 Addis Ababa Agreement with the Sudanese Parties on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in Darfur; the 2004 Abuja Protocol Between the Government of Sudan, the Sudan Liberation Movement/Army and the Justice and Equality Movement on the Improvement of the Humanitarian Situation in Darfur; and the 2004 Abuja Protocol Between the Government of Sudan, the Sudan Liberation Movement/Army and the Justice and Equality Movement on the Enhancement of the Security Situation in Darfur in accordance with the N'djamena Agreement, hereinafter called “the existing ceasefire agreements.” Aims of this Comprehensive Ceasefire

217. The aims of this Chapter are as follows:

(d) To ensure that a ceasefire prevails in Darfur.
(e) To ensure that civilians are not subjected to violence, intimidation, threats and forced displacement.

(c) To ensure that protection of the civilian population is given the highest priority by all parties, particularly the women and children are not subjected to gender-based violence.

(d) To ensure that humanitarian assistance is provided safely to internally displaced persons (IDPs) and other civilians in need.

(e) To help create the environment that would enable IDPs and refugees to return voluntarily and safely to their places of origin.

(f) To ensure that the Parties co-operate with AMIS and the other ceasefire monitoring and verification bodies. Scope of this Comprehensive Ceasefire

218. This Comprehensive Ceasefire covers the following main topics:

(a) General Principles (Article 22)

(b) Purpose (Article 23)

(c) Prohibited Activities (Article 24)

(d) Strengthening the Ceasefire Monitoring and Verification Mechanisms (Article 25)

(e) Protecting IDPs and Humanitarian Supply Routes (Article 26)

(f) Disengagement, Redeployment and Limited Arms Control (Article 27)

(g) Non-Military Logistic Supplies to the Movements (Article 28)

Status of this Comprehensive Ceasefire

219. This Agreement is intended to strengthen the existing ceasefire Agreements. Where there is any contradiction or inconsistency between this Agreement and the existing ceasefire Agreements, this Agreement shall take precedence and shall prevail.
220. Nothing in this Agreement infringes on the ability of the GoS to protect the territorial integrity or sovereignty of Sudan from external aggression.

221. This Comprehensive Ceasefire shall come into force 72 hours after the signing of this Agreement. Interpretation of this Comprehensive Ceasefire and Resolution of Disputes

222. Where there is any dispute among the Parties over the interpretation of this Comprehensive Ceasefire or any of the existing ceasefire agreements, the Parties shall endeavour to resolve the dispute by consensus in the Joint Commission.

223. If the Parties are unable to resolve the dispute through consensus, the Chairperson of the Joint Commission shall consult with the international members of the Joint Commission and issue a final Ruling. The Parties shall be bound by the ruling.

Promotion of this Comprehensive Ceasefire

224. The Parties shall promote awareness and understanding of this Comprehensive Ceasefire, and adherence to its provisions, among their commanders, members and allied forces.

225. AMIS shall design and, in conjunction with the Parties, run awareness programmes in Darfur to ensure that local communities and the Parties’ commanders, members and allied forces understand the mandate of AMIS, the ceasefire obligations of the Parties and the activities that constitute violations of the ceasefire. The programmes shall include the use of meetings and print and electronic media in local languages.
ARTICLE 24

PROHIBITED ACTIVITIES

226. In light of the existing ceasefire agreements, the Parties shall scrupulously refrain from the following activities:

(a) All attacks against the members and locations of another Party, including acts of sabotage, hostage-taking, detention, laying of mines and seizure of property and materiel belonging to another Party.

(b) All attacks, harassment, abduction, intimidation and injury to civilians, including IDPs, humanitarian workers and other non-combatants, and any seizure of their equipment and property.

(c) Any actions that impede or delay the provision of humanitarian assistance or protection to civilians.

(d) Any restrictions on the safe, free and unimpeded movement of humanitarian agencies.

(e) All acts and forms of gender-based violence.

(f) Any restrictions on the free movement of people and goods.

(g) All attacks on AMIS personnel and installations and seizure of its equipment.

(h) All activities that obstruct the efforts of AMIS and amount to a failure to co-operate with AMIS, including the prohibition of AMIS patrols and flights over any locations, even in the event that curfews and no go zones are imposed in emergency situations.

(i) Any attempt by a Party to disguise its equipment, personnel or activities as those of AMIS, United Nations Agencies, the International Committee of the Red Cross/Crescent or any other similar organisation.
(j) All offensive military flights in and over Darfur.

(k) Any attempt to redeploy military forces and equipment or occupation of any positions out of their respective deployment positions or deploy additional military forces into Darfur by the GoS without the consent of the Ceasefire Commission.

(l) Any recruitment into the military forces of a Party in Darfur.

(m) Any recruitment or use of boys and girls under age 18 years by Parties.

(n) All hostile propaganda and incitement to military action.

227. The Parties shall also refrain from all activities that are prohibited elsewhere in this Agreement and in the existing ceasefire agreements.

228. The Parties shall refrain from all activities that AMIS, the Ceasefire Commission and the Joint Commission determine to be violations of the ceasefire based upon this Agreement and existing ceasefire agreements.

ARTICLE 25

STRENGTHENING THE CEASEFIRE MONITORING AND VERIFICATION MECHANISMS

General Provisions

229. The Parties:

(a) Recognise the importance of AMIS, the Ceasefire Commission, the Joint Commission and the Joint Humanitarian Facilitation and Monitoring Unit (JHFMU) for maintaining the ceasefire, building confidence and resolving disputes among the Parties.

(b) Reaffirm their commitment to co-operating with the ceasefire monitoring and verification mechanisms.
(c) Support efforts to strengthen the capabilities and operation of the mechanisms.

(d) Support the provision of training to members of the mechanisms, including the members who are delegates of the Parties, in order to enhance their participation in the mechanisms.

(e) Support the participation of a greater number of women in the mechanisms.

(f) Call urgently on the AU to improve co-ordination between AMIS, the Ceasefire Commission, the Joint Commission and the JHFMU.

(g) Call urgently for these mechanisms to develop a quicker, more efficient and more decisive process of investigating complaints, issuing reports and making decisions on violations of the ceasefire.

**AMIS**

230. The Parties request the AU and its international partners to ensure that AMIS has the appropriate force levels and resources, including land and air capabilities, to fulfil its mandate.

231. The GoS, in co-operation with the AU and its international partners, shall ensure that landing facilities in Darfur are maintained and extended for the purpose of AMIS strategic air transport.

232. The manpower and technical capabilities of AMIS Civilian Police shall be strengthened to enable it to perform its functions.

233. AMIS shall increase the number of its military observers, particularly from the Parties, and shall also increase its military observer sites, so that it is better able to cover the territory of Darfur, reach remote areas and investigate all complaints promptly.

234. AMIS Civilian Police shall be deployed in IDP camps and areas of civilian habitation controlled by the Movements and shall develop a deployment plan in coordination with the Movements Police Liaison Officers.
235. AMIS shall increase the number of its local language translators, with special attention to female translators, in order to enhance its capacity to gather information related to the conflict and law enforcement and interact with local communities.

236. AMIS shall not tolerate gender-based violence and abuse of women and children.

237. AMIS Civilian Police shall be permitted to visit persons detained in relation to the armed conflict in Darfur in prisons and detention centres without hindrance.

238. The Parties shall allow AMIS unimpeded freedom of movement in all areas and at all times of the day and night in Darfur.

239. AMIS shall communicate to the Parties’ representatives in the Ceasefire Commission and commanders in the field that any Party that denies AMIS access to any area under its control is in violation of the ceasefire.

**Ceasefire Commission**

240. The Ceasefire Commission shall be chaired by the AMIS Force Commander.

(a) The AMIS Deputy Force Commander shall be the first Vice Chair of the Ceasefire Commission and shall in the absence of the AMIS Force Commander, deputise for him/her as the Chairperson of the Commission. The European Union representative shall be the second Vice Chair of the Ceasefire Commission. The AMIS Civilian Police Commissioner shall be a member of the Ceasefire Commission.

241. Representatives of the European Union, the United States of America and the United Nations shall serve as Observers.

242. The Parties shall give the Force Commander the necessary support to enable him/her to perform his/her function as Chairperson of the Ceasefire Commission and give the requisite authority to their representatives in the Ceasefire Commission to make all necessary decisions.
243. The AMIS Force Commander shall establish Ceasefire Sub-Commissions in each AMIS military sector in Darfur in order to ensure a quicker cycle of investigation and reporting. The Ceasefire Sub-Commissions shall be chaired by the AMIS Sector Commanders.

244. The Chairperson of the Ceasefire Commission shall submit weekly reports to the Joint Commission.

245. The Chairperson of the Ceasefire Commission shall properly establish the Commission’s Secretariat, equip it and staff it with suitably qualified persons, after informing the GoS in accordance with the Status of Mission Agreement.

246. When the Parties are unable to reach consensus on a matter before the Ceasefire Commission, the Chairperson shall refer the matter to the Joint Commission. The Parties shall be obliged to adhere to the ruling of the Joint Commission.

247. The Chairperson of the Ceasefire Commission shall issue regular press statements on violations of the ceasefire, following investigations of the incidents, and shall post these statements on the websites of the AU and AMIS and give copies to the Parties.

**Joint Commission**

248. Until such time as conditions are conducive to hold its meetings in El Fashir, the Joint Commission shall hold its meetings at the AU headquarters in Addis Ababa. The Joint Commission shall be chaired by the Special Representative of the Chairperson of the AU Commission.

249. The Joint Commission shall meet on a monthly basis; it shall issue a report after each meeting; and its members shall receive the agenda and documentation at least seven days before each meeting. The Joint Commission shall call emergency meetings when these are needed.

250. The Joint Commission shall take decisive action in relation to ceasefire violations. Such action shall include one or more of the following:
(a) Publicising the violation and the name of the Party that committed the violation.

(b) Recommending that individuals who violate the ceasefire be prosecuted through appropriate national disciplinary procedures, including court martial or criminal trial procedures or through international procedures, as appropriate.

(c) Recommending appropriate action in cases of grave violations.

(d) Making further recommendations on punitive action to the AU for its consideration.

251. The Parties shall implement the Joint Commission’s recommendations on disciplinary measures relating to the ceasefire violations.

252. The Joint Commission shall submit all its reports to the AU for consideration and further action as appropriate.

253. The Parties shall distribute to their members and constituencies, the reports of the Joint Commission.

254. The Joint Commission shall endeavour to make decisions by consensus. Where consensus cannot be reached, the Commission shall issue a report with each party’s views.

255. In addition, where the Joint Commission is unable to reach consensus, the Chairperson of the Commission shall consult with the International Members in accordance with the established rules and procedures and issue a ruling on the matter if he/she deems this to be necessary in the vital interest of maintaining the ceasefire. The Parties shall be obliged to adhere to the ruling.

256. The Chairperson shall issue regular public statements on ceasefire violations and progress towards implementing this Agreement and shall post these statements on the websites of the AU and AMIS and give copies to the Parties.
Joint Humanitarian Facilitation and Monitoring Unit

257. Without duplicating or impeding existing international coordination and assistance efforts, in the manner stipulated in the 2004 Abuja Protocol on the Improvement of the Humanitarian Situation in Darfur, AMIS shall establish the JHFMU in El Fashir and finalise its terms of reference and modalities within 14 days of the signing of this Agreement.

258. The JHFMU shall comprise AMIS, the UN, the Parties’ representatives and other representatives of the international community as may be invited by the AU.

259. The Head of AMIS or her/his Deputy shall be the Convenor of the Unit. The Convenor shall call regular meetings; determine, in consultation with the Parties, the agenda of the meetings; and issue invitations to the members of the Unit to attend the meetings.

260. The roles and responsibilities of the Unit shall include the following:

(a) To monitor humanitarian assistance and welfare conditions.

(b) To observe safety and respect for human rights in relation to IDPs, other civilians and humanitarian supplies.

(c) To submit monthly reports to the Joint Commission, through the Ceasefire Commission, on progress made and difficulties encountered.

(d) To make recommendations as appropriate to the Joint Commission, the Ceasefire Commission, AMIS, Camp Managers and Humanitarian Coordinators of the IDP camps, humanitarian organisations and the Parties.

(e) To provide support to existing international and national humanitarian coordination mechanisms for assistance in IDP camps and the United Nations (including in consultation with representatives of IDPs).

(f) To provide support to the AMIS Force Commander as requested by him/her.
(g) To support the UN and all humanitarian organisations working in Darfur.

(h) To support the UN High Commissioner for Refugees in facilitating the voluntary and safe return of refugees to their places of origin.

(i) To facilitate relevant humanitarian organizations as requested by them in facilitating the voluntary and safe return of IDPs to their places of origin.

(j) To support efforts by relevant organisations to solve the problems of child soldiers, children who have disappeared, children who have been detained, and other children in Darfur.

(k) To identify ways of defusing tensions among communities and building confidence and trust in Darfur.

261. The Unit shall review its functions and terms of reference within 90 days after its establishment.

ARTICLE 26

PROTECTING IDPS AND HUMANITARIAN SUPPLY ROUTES

General Commitments

262. Consistent with the existing ceasefire agreements, the Parties reaffirm the following commitments:

(a) To respect the rights of IDPs.

(b) To refrain from activities that undermine the safety, security and welfare of IDPs.

(c) To refrain from activities that undermine or jeopardise humanitarian operations in Darfur.
(d) To create a conducive, non-intimidating environment for the voluntary return of IDPs and refugees to their places of origin.

(e) To provide special protection for women, children, the vulnerable and disabled persons.


**Demilitarised Zones around IDP Camps**

263. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Demilitarised Zones around IDP camps in Darfur, bearing in mind the Secure Areas determined in the August 2004 Plan of Action signed by the GoS and United Nations.

264. A Demilitarised Zone shall be an area in which the following rules apply:

   (a) There shall be no forces of any Party and other armed groups or militia, except with the permission and escort of AMIS.

   (b) There shall be no carrying of weapons by any person who is not a member of AMIS except with the permission and escort of AMIS.

   (c) In areas of GoS control, policing shall be conducted by GoS Police and monitored by AMIS. In areas in which this Agreement recognizes the Movements' control, policing shall be conducted by the Movements' Police Liaison Officers and monitored by AMIS.

265. The perimeter of a Demilitarised Zone shall not include any urban area, approaches to an airport or urban security plan locations. In GoS-controlled areas, these perimeters shall be specified on maps agreed by AMIS and GoS. Where this Agreement recognizes the Movements' control these perimeters shall be specified on maps agreed by AMIS and the Movements.
266. No Party or other persons shall deviate from the rules mentioned in paragraph 278 except with the written permission of the Chairperson of the Ceasefire Commission or her/his delegate and only to the extent provided for in that permission. A Party or any other person that has a valid reason for obtaining such permission may apply for it in writing.

267. The Ceasefire Commission shall have the following responsibilities in relation to the Demilitarised Zones surrounding IDP camps:

(a) The Chairperson of the Commission shall determine the boundaries of the Demilitarised Zones and shall consult, the AMIS Police Commissioner, the GoS, the Movements, and when necessary the existing international and national humanitarian coordination mechanisms for assistance in IDP camps and the United Nations (including in consultation with representatives of IDPs).

(b) The Chairperson of the Commission shall, in consultation with the members, determine whether any redeployment of the forces of any Party is required in the light of the boundary determinations. He/she shall also determine the procedures for any required redeployment and the timeframe for such redeployment.

(c) The Ceasefire Commission shall regard any violation of the rules of the Demilitarised Zones as a ceasefire violation.

268. AMIS shall have the following responsibilities in relation to Demilitarise Zones surrounding IDP camps:

(a) The AMIS Force Commander, in coordination with the AMIS Civilian Police Commissioner, the GoS Police, in the GoS areas of control and the Movements’ Police Liaison Officers, in areas where this Agreement recognizes the Movements’ control, shall develop a plan for patrolling and monitoring the Demilitarised Zones around IDP camps and shall oversee the implementation of the plan.
(b) Demilitarised Zones falling within areas of control of GoS shall be patrolled by units comprising AMIS Military Observers, AMIS Civilian Police, AMIS Force Protection, and GoS Police. Executive policing functions shall be carried out by GoS Police under the monitoring of AMIS.

(c) Demilitarised Zones falling within areas where this Agreement recognizes the Movements' control shall be patrolled by units comprising AMIS Military Observers, AMIS Civilian Police, AMIS Force Protection, and Movements’ Police Liaison Officers.

269. The Parties shall have the following responsibilities in relation to the Demilitarised Zones:

(a) The Parties shall abide by the rules of the Demilitarised Zones.

(b) The Parties shall ensure that their commanders are familiar with the boundaries and rules of the Demilitarised Zones.

(c) The GoS Police shall exercise powers of executive policing in Demilitarised Zones in areas of GoS control. These powers shall be exercised under AMIS monitoring in accordance with the provisions of this Chapter.

(d) In areas in which this Agreement recognises Movements’ control, Policing functions shall be carried out by the Movements Police Liaison Officers under the monitoring of AMIS.

Internal Security of the IDP Camps

270. Security in IDP camps shall be monitored by AMIS Civilian Police.

271. AMIS Civilian Police and the GoS Police shall draw up security arrangements in each camp in GoS-controlled areas in coordination with the existing international and national humanitarian coordination mechanisms for assistance in IDP camps and the United Nations (including in consultation with representatives of IDPs). In IDP camps in areas in which this Agreement recognises the Movements’
control, AMIS Civilian Police in coordination with the movements’ Police Liaison Officers shall draw up similar plans based on the same principles.

272. In IDP camps in GoS controlled areas, AMIS Civilian Police, in coordination with GoS Police shall draw up a plan for establishing, training and building the capacity of community police. The plan shall be based on the principles that community police are selected by the IDP community itself, work in close cooperation with the community leaders, are granted authority by the GoS Police, and shall refer cases to the investigative or judicial authorities under monitoring by AMIS. In areas in which this Agreement recognises the Movements’ control, AMIS Civilian Police in coordination with the Movement Police Liaison Officers shall draw up similar plans based on the same principles above.

273. AMIS Civilian Police, in coordination with the Parties, shall train community police in IDP camps to enable them to effectively perform policing functions in the camps as the basis for a community police force for those IDPs on their return to their home areas.

274. The AMIS Civilian Police in each camp shall submit regular reports to the Joint Commission via the Ceasefire Commission. The reports shall cover the level of security in the camp and a summary of the cases registered and investigated under the monitoring of AMIS civilian police.

**Protection of Women and Children**

275. The Parties shall release all boys and girls associated with armed forces and groups. UNICEF, UNHCR, and the ICRC shall be called upon to assist in the identification, removal, family unification and reintegration of children associated with armed forces and groups.

276. The Parties, in coordination with the AMIS Civilian Police, the existing international and national humanitarian coordination mechanisms for assistance in IDP camps and the United Nations (including in consultation with representatives of IDPs) shall ensure that women and children in the camp are protected from all forms of violence.
277. In areas of GoS control, the GoS Police shall investigate all crimes, including those committed against women and children, and ensure the prosecution of the perpetrators and the protection of the victims. They shall give the AMIS Civilian Police unimpeded access and information to monitor these activities.

278. AMIS Civilian Police together with GoS Police and Movements’ Police Liaison Officers in their respective areas of control, shall establish separate police counters for the reporting of crimes committed against women, and women police personnel should staff these counters.

279. A significant number of GoS Police, Movements’ Police Liaison Officers and AMIS Civilian Police officers shall be women; they shall have specialist gender units to work with women and children; and all their investigations and monitoring shall include at least one woman.

Review by the Joint Humanitarian Facilitation and Monitoring Unit

280. One hundred days after the signing of this Agreement, the JHFMU shall evaluate the effectiveness of the security measures presented in the previous sections on IDP camps and protection of women and children.

281. In conducting this review, the JHFMU shall assess conditions in the camps and consult the relevant humanitarian agencies with a view to overcoming obstacles to the provision of humanitarian assistance and essential services.

Demilitarisation of Selected Humanitarian Supply Routes

282. The Parties shall not obstruct the free movement of humanitarian vehicles, personnel or goods within Darfur.

283. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Demilitarised Zones along selected humanitarian supply routes in Darfur. A humanitarian supply route shall be selected for demilitarised status based on the criterion that it runs through, or adjacent to, the areas of control/Redeployment Zones of different Parties. The security of a humanitarian
supply route that falls exclusively within the area of control/Redeployment Zone of one Party shall be the responsibility of that party.

284. The selected demilitarised humanitarian supply routes shall be indicated clearly on maps agreed by the Parties.

285. The rules governing Demilitarised Zones specified in Paragraphs 264, 265 and 267 of this Chapter shall apply. If requested by humanitarian organisations, the AMIS Force Commander may provide military escort to humanitarian vehicles on demilitarised humanitarian supply routes.

286. The Chairperson of the Ceasefire Commission may establish additional demilitarised humanitarian supply routes as and when he/she deems necessary, in consultation with the Parties.

**Nomadic Migration Routes**

287. The Parties shall not impede the freedom of peaceful movement of people, goods and services in Darfur, or interfere in any way with the ability of the people of Darfur to pursue any peaceful, traditional form of livelihood.

288. AMIS, in coordination with the Parties, shall develop a plan for the regulation of nomadic migration along historic migration routes. This plan shall fully address security so as to ensure the safety of nomadic migration for the people of Darfur, including traditional nomads, and shall include detailed maps showing such routes.

289. AMIS, in coordination with the Parties, shall monitor the implementation of the plan referred to in paragraph 288 and on the basis of such monitoring take any additional steps necessary to ensure the safety of nomadic migration for the people of Darfur, including traditional nomads.
ARTICLE 27

DISENGAGEMENT, REDEPLOYMENT AND LIMITED ARMS CONTROL

General Provisions

290. The Parties understand that this ceasefire, to be credible, requires appropriate processes of military disengagement, redeployment of forces and limited arms control.

291. In order to achieve a credible ceasefire, which shall enhance security and build confidence, these processes shall take place in incremental steps; in a reciprocal fashion; with appropriate security guarantees; through agreements reached in the Ceasefire Commission; and with verification by AMIS.

292. The Chairperson of the Ceasefire Commission shall be responsible for planning, co-ordination, management and supervision of the processes. He/she shall oversee the implementation of decisions and agreements.

293. The processes shall occur in the following sequence:

(a) Preparation for disengagement and redeployment including verification.

(b) Phase 1: Disengagement.

(c) Phase 2: Redeployment.

(d) Phase 3: Limited Arms Control.

294. The Parties shall inform their commanders of all aspects of the plans and rules related to these phases and shall ensure compliance with the rules.

295. The Parties shall inform the Chairperson of the Ceasefire Commission of the exact locations of their forces and shall indicate these clearly on maps. These locations shall be subject to verification by AMIS. This information shall not be disclosed to the Parties.
296. The Parties shall be bound by the Master Map as determined in the first instance by the African Union Mediation and agreed by the Parties, and as may be modified thereafter by the Chairperson of the Ceasefire Commission in consultation with the Parties.

297. The Chairperson of the Ceasefire Commission shall provide the Parties with adjusted maps of the Parties' respective areas of control, Demilitarized Zones, Demilitarised Humanitarian Supply Routes and Redeployment Zones.

298. The Parties shall be bound by the main rules for movement of troops, arms, munitions and supplies in accordance with the following matrix:

   (a) For the movement of armed soldiers, rotation and relief of units, and withdrawal of units from the area, a notification shall be given 2 hours in advance to AMIS and shall be approved by AMIS.

   (b) For the movement of Class V and Class VII (munitions and weapons systems) to, within and from the area a notification shall be given 72 hours in advance to AMIS and shall be approved by AMIS.

   (c) For ordinary supplies to and from the area, Class I (food and water), Class II (equipment and medical), Class III (fuel, oil and lubricants) and Class IV (construction materials) only notification to AMIS 72 hours in advance is necessary.

299. Any breach of the rules relating to the disengagement, redeployment and limited arms control processes presented in this Chapter shall be a violation of the ceasefire.

300. Concentration and deployment of forces and utilisation of access routes for the purposes of border protection in Darfur shall be unhindered, subject to notification to and monitoring by AMIS.

**Timeframe**

301. The phases shall be undertaken according to the following deadlines:
(a) Preparations including verification shall commence one week after the signing of this Agreement and shall be completed within 30 days.

(b) Phase 1 on disengagement shall commence immediately after the completion of the preparations and shall be concluded within 45 days.

(c) Phase 2 on redeployment shall commence immediately after the completion of Phase 1 and shall be concluded within 45 days.

(d) Phase 3 on limited arms control shall commence immediately after the completion of Phase 2 and shall be concluded within 30 days.

302. AMIS shall be responsible for verifying completion of the phases.

303. The Chairperson of the Ceasefire Commission, in consultation with the Parties, may modify the commencement dates and the deadlines where he/she considers this to be necessary. This may include accelerating the implementation of the phases in any specific sector and implementing the phases continuously where this can be achieved.

304. The Chairperson of the Ceasefire Commission shall attach deadlines to the various activities that must be undertaken in each of the phases.

Preparation for Disengagement and Redeployment

Decision-making and communication

305. In preparing for disengagement and redeployment, the Ceasefire Commission shall endeavour to make decisions and resolve disputes by consensus.

306. Where the Parties are unable to reach consensus, the Chairperson of the Ceasefire Commission shall raise the dispute to the Joint Commission to make a decision in the best interest of disengagement and the security of civilians in Darfur. The Parties shall be bound by these decisions.

307. The Chairperson of the Ceasefire Commission shall ensure that all decisions and agreements relating to Demilitarised Zones, Buffer Zones and the Parties’
respective areas of control and Redeployment Zones are demarcated clearly on maps with precise GPS co-ordinates. He/she shall ensure that the Parties have the same maps with the same demarcations.

308. The Ceasefire Commission shall record its decisions in annexures that it shall attach to this Agreement.

309. The AMIS Force Commander shall establish a communications system and procedures for effective and reliable communication between AMIS and the Parties.

Verification

310. AMIS shall verify the information provided by the Parties as disclosed to the AU Mediation and the Ceasefire Commission concerning the locations of their forces. The exact position of each unit shall be verified. This information shall be confidential throughout the preparatory and disengagement phases, with access within the Ceasefire Commission restricted to the Chairperson of the Ceasefire Commission.

Plans

311. The AMIS Force Commander shall form an Implementation Team consisting of AMIS, representatives of the Parties, and international partners as appropriate. The Team shall visit all positions (with the appropriate Party member only) occupied by GoS forces of a battalion size or larger, and all command posts of the Movements, in order to provide information to GoS officers and Movements’ commanders, and plan for the implementation of this Agreement.

312. The Parties shall submit to the Ceasefire Commission a list of the other armed groups and militia that are aligned to them and subject to their influence and shall indicate the location of these groups and the measures taken to control and/or neutralise the undisciplined militia.

313. The GoS shall present a redeployment plan to the Ceasefire Commission for all phases of the implementation of the Ceasefire.
314. The GoS shall present to the Ceasefire Commission a comprehensive plan for neutralising and disarming the Janjaweed/armed militia specifying actions to be taken during all phases of the Ceasefire. This plan shall be presented before the beginning of Phase 1 (i.e., within 37 days of the signing of this Agreement) and implemented within the timeframes specified in this Agreement.

315. This plan shall include milestones to be achieved by the GoS and certified by AMIS in accordance with the timelines in this Agreement. These milestones shall include, but not be limited to, the following:

(a). The GoS shall restrict all Janjaweed/armed militia and PDF to their headquarters, garrisons, cantonment sites or communities and take other steps to contain, reduce and ultimately eliminate the threat posed by such forces.

(b). The GoS shall completely disarm the above forces of heavy weapons.

(c). Consistent with Article 30, paragraph 417, the GoS shall ensure that no Janjaweed/armed militia pose a threat to the Movements’ assembly and disarmament.

316. This plan shall include the responsibility of the GoS to prevent violations of the Ceasefire by the above forces, including through immediate disarmament and demobilization of such forces.

317. The GoS, with support from AMIS, shall take all other steps required to completely eliminate the threat posed by Janjaweed/armed militia to the civilian population and ensure compliance with the Ceasefire.

318. The Ceasefire Commission shall draw up maps that indicate the exact positions of Buffer Zones, Demilitarised Zones and respective areas of control and Redeployment Zones for the various phases of the implementation of the ceasefire.

319. In consultation with the UN and the Parties, the AMIS Force Commander shall develop a plan for demining during disengagement and redeployment.
Policing

320. The GoS, in coordination with AMIS shall develop a plan for policing of GoS controlled areas of Darfur. The AMIS Civilian Police Commissioner in coordination with the Movements Police Liaison Officers shall develop a plan for the policing of the areas in which this Agreement recognizes the Movements’ control. AMIS in coordination with the GoS Police and Movements’ Police Liaison Officers shall develop a plan for the policing of Buffer Zones and Demilitarized Zones. These plans shall be monitored by AMIS.

321. The plans shall include the following:

(a) Policing strategies considering the social, economic, and political factors in Darfur.

(b) Arrangements for providing police service to the community during the implementation phase of this agreement.

(c) Strategies to deal with the problem of violence against women and children.

(d) The roles and training requirements of the GoS Police, Movement Police Liaison Officers, AMIS Civilian Police, AMIS Force Protection, community police and other bodies in relation to these strategies.

(e) A strategy for dealing with armed bandits and outlaws.

(f) The functions to be taken by community police in IDP camps.

(g) The roles of traditional leaders and local authorities.

322. In the following Zones, executive policing shall be conducted in the following manner:

(a) In Demilitarised Zones in areas of GoS control, GoS Police shall exercise powers of executive policing, under AMIS monitoring. Movement Police Liaison Officers shall perform policing functions in Demilitarised zones in areas in which this Agreement recognizes the Movements’ control.
(b) In Buffer Zones that separate the GoS and the Movements, GoS Police shall exercise powers of executive policing in coordination with the Movements’ Police Liaison Officers and in accordance with the agreed plan, under AMIS monitoring. There shall be joint patrols of GoS and Movements’ Police Liaison Officers under the monitoring of AMIS Civilian Police.

(c) In Demilitarised Zones in areas in which this Agreement recognizes the Movements’ control, and Buffer Zones that separate the forces of different Movements, AMIS Civilian Police shall mount patrols in coordination with the Movements’ Police Liaison Officers.

Phase 1: Disengagement

Summary of Main Steps

323. The process of disengagement shall encompass the following main steps:

(a) The movement and activities of the Parties’ forces shall be limited to the Parties’ respective areas of control.

(b) As described in Article 26 of this Agreement, the Chairperson of the Ceasefire Commission shall establish Demilitarised Zones around the IDP camps and along selected humanitarian supply routes.

(c) In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Buffer Zones in the areas of most severe conflict.

(d) AMIS shall monitor and patrol the Buffer Zones.

(e) The Parties shall ensure that the armed groups and militia in their respective areas of control comply with the ceasefire.

324. These steps are described more fully below.
Limitation to Respective Areas of Control

325. In the interests of disengagement, confidence-building and enhanced security, the Parties shall limit their forces and military activities to their respective areas of control.

326. Within their respective areas of control, the Parties shall establish a command post with responsibility for command and control over the forces in that area. The command post shall have the necessary communication and liaison capabilities.

327. During the preparations for disengagement and redeployment, the Chairperson of the Ceasefire Commission, in consultation with the Parties, shall determine the boundaries of the Parties’ respective areas of control. The boundaries shall be indicated clearly on maps.

Establishment of Buffer Zones

328. In the interests of disengagement, confidence-building and enhanced security, the Chairperson of the Ceasefire Commission, in consultation with the Parties, shall establish Buffer Zones in the areas of most intense conflict. The boundaries of the Buffer Zones shall be indicated clearly on maps.

329. A Buffer Zone shall be an area in which the following rules apply:

(a) There shall be no forces of any Party and no other armed groups and militia.

(b) There shall be no military activities conducted by any Party or any armed group or militia.

(c) There shall be no carrying of weapons by any person who is not a member of AMIS, except in accordance with the provisions for policing contained in this Agreement.

(d) AMIS shall monitor GoS Police policing activities, except in Buffer Zones specifically established to separate the forces of different Movements, in which case policing shall be performed by the Movements’ Police Liaison Officers and monitored by AMIS Civilian Police.
Responsibilities of AMIS

330. AMIS shall monitor the Parties’ compliance with the rules of disengagement and the rules of the Buffer Zones.

331. The AMIS Force Commander shall develop a plan for patrolling and monitoring the Buffer Zones and shall oversee the implementation of the plan.

332. The Buffer Zones shall be patrolled and monitored by Joint Monitoring Teams comprising AMIS Military Observers and Party Monitors.

333. The GoS Police in coordination with the AMIS Civilian Police and Movements’ Police Liaison Officers shall develop the plan for policing in the Buffer Zones and AMIS police shall monitor the implementation of the plan.

Compliance with the Ceasefire by Other Armed Groups and Militia That Are Not Parties to This Agreement

334. Within their respective areas of control, the Parties shall endeavour through non-military means to ensure compliance with the ceasefire by other armed groups and militia that are not parties to this Agreement, including negotiations, mediation and traditional forms of conflict resolution; enlisting the support of traditional leaders and local authorities; and arms control methods, including registration of arms, storing of arms and restrictions on carrying of arms.

335. The Parties shall submit monthly reports on their endeavours to the Ceasefire Commission. They shall indicate which armed groups and militias have agreed to comply with the ceasefire and which have refused to comply with the ceasefire.

336. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall determine the most appropriate strategies for dealing with the armed groups and militia that do not comply with the ceasefire and present this plan to the Joint Commission for approval and submission to the AU Peace and Security Council for its decision.
337. In addition to the non-military means described above, these strategies shall include interdicting supplies of arms and ammunition; the creation of additional buffer zones; concentrated deployment of AMIS personnel; strengthening the capabilities of AMIS; forcible disarmament; and robust protection by AMIS of civilians, humanitarian organisations and humanitarian supply routes.

**Actions with Respect to Janjaweed/armed Militia**

338. The GoS shall neutralise the threat posed by the Janjaweed and armed militia in areas of GoS control. This shall include confining them and controlling their movement within strictly limited locations. Details of these activities shall be provided to AMIS.

339. In coordination with AMIS and the Ceasefire Commission, the GoS shall take the necessary robust action against Janjaweed/armed militia according to the approved plan.

340. AMIS shall verify the neutralisation of these Janjaweed/armed militia in conformity with the agreed plan.

**Foreign Combatants in Darfur**

341. The GoS shall fulfil its responsibility to ensure that any foreign combatants present on Sudanese territory respect this Agreement at all times when they are present in Darfur.

342. The Parties take note of the provisions of the Tripoli Agreement of 8 February 2006 and especially Article 4, which provides that the GoS should ban the presence and stay of rebel elements from the Republic of Chad on the Territory of Sudan.

   (a) The Parties appreciate the threat and menace that foreign insurgency groups pose on the security and stability of Sudan and neighbouring countries.
(b) The Parties shall work together to disarm, repatriate, or expel these groups as soon as possible.

343. AMIS shall investigate any reports of violations of the ceasefire by foreign combatants. The Tripoli Mechanism shall be notified of these investigations.

344. In conformity with the decision of the African Union Peace and Security Council, AMIS shall support the Task Force established to implement the Tripoli Agreement.

Phase 2: Redeployment

Summary of Main Activities

345. The process of redeployment shall encompass the following main activities:

(a) In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Buffer Zones and Redeployment Zones.

(b) The Parties shall redeploy their forces and weapons away from the Buffer Zones and into their respective Redeployment Zones.

(c) AMIS shall monitor and patrol the Buffer Zones.

(d) Persons detained in relation to the armed conflict in Darfur and child soldiers shall be released.

(e) Control of the Janjaweed/armed militia shall continue, and disarmament of the Janjaweed/armed militia shall begin.

(f) Restoration of basic services shall begin.

346. These activities are described further below.

Redeployment Zones and Buffer Zones

347. The Redeployment Zones and Buffer Zones shall be indicated clearly on maps agreed by the Parties.
348. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall exactly determine and subsequently may adjust the boundaries of the Parties’ respective Redeployment Zones.

349. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall establish Buffer Zones between the Parties’ Redeployment Zones. The rules of the Buffer Zones are described above.

350. The GoS shall withdraw its forces to battalion-size positions, except for strategic/key installations/infrastructure and specified urban security perimeters. The Movements shall withdraw any positions that fall outside their Redeployment Zones.

351. The Parties shall redeploy their forces and weapons away from the Buffer Zones and into their respective Redeployment Zones.

352. The GoS shall ensure that in any area in which the Movements are required to redeploy, the Janjaweed/armed militia are fully neutralised, which shall be verified by AMIS.

353. A Redeployment Zone shall be defined as a geographic area in which a Party limits its forces and weaponry for a temporary period pending the completion of all phases of the final security arrangements. A Redeployment Zone may not be entered by another Party without prior permission, and is subject to the following rules:

(a) No Party may deploy its forces and weaponry outside its Redeployment Zone without the written permission of the AMIS Force Commander or her/his delegate.

(b) No armed or uniformed individual from one Party may enter the Redeployment Zone of another Party without the express consent of that Party and the AMIS Force Commander. The Force Commander may insist that such entry be accompanied by an AMIS escort.
354. The GoS shall redeploy its artillery, armoured personnel carriers, anti-tank weapons and mortars to Brigade Headquarters. AMIS shall monitor these sites. The SLM/A and JEM shall withdraw their artillery, anti-tank weapons and mortars to their respective sector Command Headquarters. AMIS shall monitor these sites.

355. GoS has undertaken to disarm the Janjaweed/armed militia in accordance with this Agreement. In the case where GoS is required to move the equipment referred to above in paragraph 354 for these purposes, it shall provide prior notification to AMIS.

356. Within their respective Redeployment Zones, the Parties shall establish a command post with responsibility for command and control over the forces in that Zone. The command post shall have the necessary communication and liaison capabilities.

**Determination of the Boundaries of the Zones**

357. When determining the exact boundaries of the Redeployment Zones and the Buffer Zones, or adjusting those boundaries, the Chairperson of the Ceasefire Commission and the Parties shall take account of the following:

(a) The placement of major human settlements, humanitarian supply routes, historic nomadic migration routes, the placement of IDP camps and Demilitarised Zones, and other humanitarian considerations.

(b) The necessity for the Redeployment Zones of different Parties to be separated by Buffer Zones of adequate distance.

(c) The necessity to minimise any security risks posed by redeployment.

(d) The necessity to build the Parties’ confidence in redeployment.

358. The boundaries of the Redeployment Zones and the Buffer Zones shall be fixed clearly on maps.
AMIS

359. AMIS shall verify the Parties’ compliance with the agreements and decisions relating to redeployment.

360. AMIS shall monitor the Parties’ compliance with the rules of the Redeployment Zones and the Buffer Zones.

361. The AMIS Force Commander shall develop a plan for patrolling and monitoring the Buffer Zones and shall oversee the implementation of the plan.

362. The Buffer Zones shall be patrolled and monitored by Joint Monitoring Teams comprising AMIS Military Observers and Party Monitors.

Regulation of Border Activities

363. Mindful of the obligations of the Government of Sudan and its neighbouring States to respect all relevant provisions of international law, including especially the prohibition on allowing the national territory to be used for launching military attacks against another State, and the prohibition on the passage of arms across the international border, the sovereign right of the GoS to control its national borders is affirmed. This right shall be exercised in a manner consistent with the obligations in this Agreement. Actions taken by GoS to protect its international borders shall require prior notification to AMIS.

Release of Detainees

364. The Parties shall unconditionally release all persons detained in relation to the armed conflict in Darfur, other than persons convicted through the due process of law as stipulated in paragraph 6 of UN Security Council Resolution 1556 of 2004.

365. The Ceasefire Commission shall facilitate the release of all persons detained in relation to the armed conflict in Darfur and shall request the assistance of the International Committee of the Red Cross.
**Disarmament of Janjaweed/armed Militia**

366. The GoS shall ensure that Janjaweed/armed militia in areas of GoS control shall not be active in areas of civilian habitation and IDP camps or move into the areas in which this Agreement recognizes the Movements’ control to disrupt their redeployment.

367. The GoS shall implement the relevant stages of its plan for neutralising, controlling and disarming the Janjaweed/armed militia in its areas of control. Its operations shall be conducted in coordination with AMIS and with prior notification to the Ceasefire Commission. This stage of the plan shall include:

(a) Enforcement operations in selected localities with the intent of apprehending and disarming.

(b) Confiscation of heavy and long-range weapons systems, crew operated weapons and motor vehicles.

(c) Prosecutions and punitive actions against criminal elements.

(d) Any other such actions as are contained in the plan and agreed by the Ceasefire Commission.

368. AMIS shall verify the above measures.

**Restoration of Essential Services**

369. GoS shall restore personnel and funding of governmental services in areas in which they have been interrupted due to the conflict, including education, health, water, veterinary services, agricultural extension, forestry, road maintenance and posts and telecommunications, with special attention to the specific needs of women. This shall be consistent with the provisions of the Chapter on Wealth-Sharing. The Movements shall cooperate in the restoration of such services.
Phase 3: Limited Arms Control

370. Following the Parties’ redeployment into their respective Redeployment Zones, and the implementation of the relevant stages of the plan for neutralisation and disarmament of the Janjaweed/armed militia, the Parties shall hold their longrange weapons systems, heavy artillery, crew-assisted weapons and related ammunition in designated secure locations subject to inspection by AMIS at the unit level. GoS Brigade and Division Headquarters shall be visited. The Movements’ main headquarters and sector headquarters shall be visited.

371. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall oversee this arms control process; identify precisely the weapons and ammunition that have to be held subject to the inspection of AMIS; designate the locations and determine the requirements and procedures for holding and inspection/visiting.

372. In consultation with the Parties, the Chairperson of the Ceasefire Commission shall select assembly areas for the Movements’ forces and shall begin preparations for assembly of the Movements’ combatants, as specified in detail in Section B of this Chapter.

Verification by AMIS

373. In all the phases of preparation, disengagement, redeployment and limited arms control, AMIS shall be responsible for verifying compliance by the Parties with the agreements and decisions of the Ceasefire Commission and the decisions of the Chairperson of the Commission.

374. AMIS shall present verification reports to the Ceasefire Commission on a regular basis and shall immediately alert the Commission to any breach of the rules and any violation of the ceasefire.

375. AMIS shall monitor the obligations of the GoS to refrain from any offensive military flight in or over Darfur. For this purpose the SOMA is applicable, governing access to all airports and related facilities in Darfur.
376. The Parties shall be committed not to use AMIS insignia and flags. The Ceasefire Commission shall regard any breach of obligations in this regard as an extremely serious violation of the ceasefire.

ARTICLE 28

NON-MILITARY LOGISTIC SUPPORT TO THE MOVEMENTS

377. When the forces of the Movements have been redeployed, the Movements may request non-military logistical support and communications equipment for their forces. Such requests shall be considered by the Ceasefire Commission.

378. At the request of the Joint Commission, the AU shall solicit and garner support from the international donors and organisations for non-military logistic supplies, communications equipment and funding for such supplies for the forces of the Movements.

379. The Movements may request non-military logistic support when they have undertaken the following activities to the satisfaction of the AMIS Force Commander:

(a) Redeployed their forces and weapons.

(b) Held their long-range weapons systems, heavy artillery, crew assisted weapons and related ammunition to designated secure locations subject to the inspection of AMIS.

(c) Registered with AMIS their combatants and determined the number, age and gender of the combatants requiring support.

380. The AMIS Force Commander may suspend supplies to any zone or area where a faction or Movement committed a reported and verified ceasefire violation. The matter shall immediately be referred to the Ceasefire Commission for resolution.
381. AMIS shall establish a Logistics Co-ordination Committee (LCC) that shall be responsible for supervising and co-ordinating logistic support to the Movements’ forces. The LCC shall report to the Ceasefire Commission.

382. The terms of reference of the LCC shall include the following:

(a) Gather and collate data on the logistic and communications requirements of the Movements’ forces.

(b) Receive and store logistic supplies from international donors.

(c) Place orders for logistic supplies in appropriate quantity and quality with the AMIS Chief Administrative Officer, who shall be responsible for procurement.

(d) Distribute logistic supplies to the Movements’ forces through distribution points or centres in the Redeployment Zone.

(e) Determine the rules and procedures that govern the provision of non-military logistic supplies and communications equipment to the Movements’ forces.

383. The LCC shall comprise the Deputy Force Commander (DFC), the Chairperson, Chief Joint Logistic Operation Centre (CJLOC), Chief Administrative Officer, Representative of Parties, the donors and the UN.

384. The Parties shall co-operate with the LCC, AMIS and any other body agreed by the Parties that is involved in the provision of logistic support to the Movements.

385. The LCC shall determine and verify the Movements’ logistic requirements in relation to the following:

(a) Rations.

(b) Water.

(c) Shelter.
(d) Medical supplies.

(e) Clothing.

386. In order to facilitate the delivery of logistic support, the LCC shall establish distribution points and centres in the Movements’ Redeployment Zone.

387. The Parties shall ensure that the logistic supply routes established by the LCC are free from hostilities. The LCC shall give the Parties due notice of the movement of supplies.

388. AMIS shall provide an escort for supply convoys moving from depots to distribution points and centres.

SECTION B: FINAL SECURITY ARRANGEMENTS FOR DARFUR

ARTICLE 29

Purpose

389. This Section provides for integration, disarmament, demobilization and social and economic reintegration and the reform of selected national security institutions.

Integration of Former Combatants into National Security Institutions

Darfur Security Arrangements Implementation Commission

390. The Transitional Darfur Regional Authority (TDRA) shall immediately establish a Darfur Security Arrangements Implementation Commission (DSAIC), which shall be a subsidiary body of the TDRA and coordinate the implementation of this Section.

391. The DSAIC shall establish such subsidiary bodies as it deems necessary to fulfil its functions for security forces integration; former combatant disarmament and demobilization; and social and economic reintegration of former combatants.
392. DSAIC members shall include the Governors of the three Darfur States, a representative of the Chief of Staff of the SAF, a representative of the National Council for DDR Coordination, three representatives nominated by the Movements, a representative of the Joint Commission, representatives of the AMIS and the Chairperson of the Security Advisory Team referred to below and other persons required to implement integration. The Chairperson of the DSAIC shall be appointed accordance with Article 8, paragraph 66 (e) of Chapter 1.

393. Any subsidiary bodies established by the DSAIC shall include representatives from the groups that make up the membership of the DSAIC.

394. Women shall be fairly represented on the DSAIC and any subsidiary bodies it establishes. These bodies shall develop mechanisms to ensure that their work incorporates appropriate input from women on issues of special concern to women and children.

**Security Advisory Team**

395. In order to build confidence and guarantee fairness, the GoS, in coordination with the other Parties, shall establish a Security Advisory Team (SAT) staffed by technical experts from a country or countries acceptable to the Parties, or from an international or regional organization, to support the integration of former combatants and the restructuring of selected security institutions.

396. The GoS shall provide adequate financial and logistical support to the SAT and may seek to mobilize international community to assist in providing such support.

397. The SAT shall be led by a General Officer to support and advise the DSAIC in its designing, planning, implementing, managing, monitoring, and verifying of the integration of former combatants into selected security institutions. The SAT shall conduct its activities in consultation with AMIS and other appropriate bodies.

398. The SAT shall be available to help DSAIC mediate any disputes among the Parties regarding the integration of former combatants.
Principles for Integration of Former Combatants into Security Institutions

399. The DSAIC, in consultation with the Parties, shall establish the Technical Integration Committee (TIC) to design, plan, implement, manage, and monitor the integration of former combatants. The TIC shall develop the Integration of Former Combatants Plan (ICP) within 60 days of its establishment. The TIC shall comprise representatives from the Movements, the SAF, the SAT, AMIS, and other technical advisors chosen by the DSAIC. Representatives of the Movements and the SAF shall serve as co-Chairpersons of the TIC.

400. The integration process shall be designed and undertaken in a manner that contributes to the professionalism, inclusiveness, and capabilities of Sudan’s security institutions, without discrimination on the basis of gender. The integration process shall be completed within sixteen months covering conventional training, but not post basic or upgrade training.

401. The GoS shall make positions available to former combatants on the basis of a rank structure, and senior positions shall be included as appropriate. Taking into account the availability of accelerated officer training, the TIC shall recommend a specific number of former combatants to fill senior and supporting positions at SAF General Staff HQ, SAF Western Command HQ, the Ministry of Defence, the Directorate of Military Intelligence, and equivalent police HQ on the basis of qualifications, experience, and institutional needs. Special attention shall be paid to the integration of female former combatants.

402. The GoS shall arrange for or provide former combatants with support and training, including accelerated training where necessary, to ensure that they meet the requirements of their rank, functions and potential promotion.

403. The GoS may request the African Union, its member States, and international partners to offer training in their training institutions to former combatants, including senior officers, non-commissioned officers, soldiers and other specific security force training as appropriate for their functional expertise.
404. Following their integration, former combatants shall be posted to units serving in Darfur for at least five years immediately following their integration.

405. Newly integrated former combatants shall not be released from government service as a result of any reductions of force levels coincident to security sector reform or other downsizing requirements during their first five years of service.

406. Former combatants who have previously served as Police officers shall be given preferential treatment for returning to the Police force at their former rank.

407. Former combatants and non-combatants under the age of 18 shall not be accepted into any of the Sudanese national security institutions.

**The Integration of Former Combatants Plan (ICP)**

408. The Parties agree that the ICP shall provide for integration, subject to reasonable and fair eligibility criteria relating to age and fitness for service:

   (a) 4000 former combatants from the Movements’ forces shall be integrated into the SAF. Integration shall take place on a sequential basis by AMIS sector, in accordance with sequencing procedures to be developed by the TIC. These procedures shall prioritise integration in those areas where the majority of current IDPs and refugees previously lived.

   (b) Priority shall be given to the re-absorption of former combatants who previously served in the SAF and who left service or were dismissed as a result of the conflict in Darfur. These former combatants shall enter the SAF at their former rank.

   (c) 1000 former combatants from the Movements shall be integrated into Sudanese National Police Force and other security institutions of the Sudan, particularly the Border Guards and the Popular Defence Forces (PDF). In exceptional circumstances, formed units may be integrated into such security institutions.
409. In addition to the numbers above, 3000 former combatants shall be supported through specific education and training programs developed in coordination with the Movements. Such programs shall be established and operate consistent with the provisions on economic and social support for reintegration contained in this Chapter.

410. Former combatants shall comprise approximately 33% of newly integrated battalions. In areas to be agreed, former combatants shall comprise up to 50% of newly integrated battalions. All former combatants shall be integrated into such battalions in groups of approximately 100-150 former combatants.

411. Integrated Division, Brigade and Battalion HQs shall be established through the assignment of individual officers, NCOs and soldiers. Former combatants shall comprise approximately 20% of HQ personnel.

(a). One Brigade commander shall be a former combatant.

(b). One of every three Battalion commanders shall be a former combatant; each battalion commanded by current SAF personnel shall have a former combatant as the deputy commander, and vice versa.

412. Personnel assigned to each battalion shall be provided four to six months of individual and collective training.

413. Total SAF personnel strength in Darfur shall not be increased as a result of integration. The size, capability, and mandate of the SAF shall be reviewed in accordance with paragraphs 446 and 447.

414. The ICP shall specify that appropriate security forces shall provide integration plans, guidance and timelines. Integration plans provided by the specified security forces shall require review and approval by the DSAIC.

415. If formed units are integrated into the security institutions referred to above, the ICP shall include implementation guidance and timelines for the restructuring of formed units into conventional units and deployment to GoS garrisons.
416. The ICP shall take into account the special needs of female former combatants.

Assembly, Disarmament, and Demobilization of Former Combatants

General Provisions

417. Assembly of the Movements’ forces shall begin immediately after the completion of Phase 3 of the Comprehensive Ceasefire and Final Security Arrangements, subject to AMIS’s verification of the disarmament of the Janjaweed/armed militia. Assembly shall be completed in 60 days after the completion of Phase 3.

418. The Assembly of the Movements’ forces for disarmament and demobilization shall be conducted in parallel with the initiation of programs for reform of selected security institutions.

419. During Phase 3, AMIS, in consultation with the Parties, shall develop a plan for Assembly sites to include:

(a) The size, number and locations of Movement Assembly sites.

(b) Desired characteristics of the Assembly sites, taking into account the specific needs of female former combatants.

(c) Logistical support of the Assembly sites.

420. The GoS shall provide adequate funding and non-military logistics to support Assembly of former combatants, and may seek to mobilize appropriate international organizations in order to help secure financial, technical, logistical and other support for the Assembly, Disarmament, and Demobilization processes.

421. Former combatants’ relocation to final Assembly sites, and the Assembly sites themselves, shall be monitored by AMIS. The Parties agree to provide AMIS with unhindered access to all Assembly sites.
422. The Movements shall be responsible for the administration, discipline and internal security of former combatants in the Assembly sites.

423. Prior to completion of disarmament, individual former combatants shall not travel outside the Assembly sites with weapons. Travel outside of Assembly sites by former combatant units shall require at least 72 hours advance notice to AMIS and approval by AMIS.

**Disarmament and Demobilization**

424. The DSAIC or other subsidiary body established by DSAIC shall develop a plan that specifies the timing, sequencing and processes of disarmament and demobilization of former combatants.

425. The Movements shall conduct disarmament and demobilization with the assistance of AMIS and other international partners.

426. The Parties shall ensure that while former combatants are assembled, disarmament and demobilization shall take place in accordance with the following:

(a) Awareness orientation, sensitisation and training of commanders and their forces on DDR, the peace process and their respective roles and responsibility.

(b) The Parties agree to the eligibility criteria for the disarmament process annexed to this Agreement for those combatants that will not be integrated.

(c) Before their destruction, storage of weapons shall be in containers at designated locations under dual lock, with the Movements in control of one key and AMIS in control of the other key.

(d) Registration, screening and categorization of Movement Forces shall be conducted prior to demobilization.

(e) Demobilization and reinsertion of disabled combatants shall commence immediately.
427. The demobilization process shall start after the disarmament process and be linked to integration and social and economic reintegration. The process shall be executed in the Movements’ Assembly sites and shall be conducted under the control of AMIS.

428. The demobilization shall include former combatants, including female former combatants.

429. The GoS shall fully complete the downsizing it began in August of 2004 of the PDF and Border Guard units that were inducted into service in response to the conflict in Darfur and shall disarm and demobilize the members of the downsized units. The GoS shall disclose the size and strength of these forces as of August 2004 to the CFC as a benchmark for its monitoring.

430. The Parties agree that former combatants under the age of 18 shall not be moved to Assembly sites but shall instead be disarmed and demobilized separately and that child disarmament and demobilization shall commence immediately after the signing of this Agreement.

Social and Economic Reintegration of Former Combatants

General Provisions

431. With the assistance of international partners, the GoS shall ensure that all former combatants who wish to return to civilian life or do not meet the eligibility criteria for entry into the SAF and selected security institutions are properly supported through social and economic reintegration programs.

432. The GoS shall ensure that all demobilized members of the SAF and demobilized members of the reformed security institutions who are from Darfur are also properly supported through social and economic reintegration programs.

433. Fairness, transparency and consistency shall be ensured in determining the eligibility of former combatants targeted for assistance.
434. Former combatants shall be treated equally irrespective of their previous Movements’ affiliations. They shall also be empowered by provision of training and information to voluntarily choose their path to reintegration. The reintegration process shall be community based and benefit both returnees and local communities.

435. Reintegration efforts shall be designed to be sustainable over the long-term and include follow-up monitoring and continuing support measures as needed.

436. The reintegration program shall encourage the participation of the communities and civil society organizations with the view to strengthening their capacity to play their role in improving and sustaining the social and economic reintegration of former combatants.

437. The GoS shall provide adequate financial and logistical support to reintegrate former combatants and may seek to mobilize such support from the international community.

438. Specific resources shall be mobilized and set aside to address the special reintegration needs of women, and these resources shall be administered separately by a mechanism capable of effectively performing this function.

**Institutions and Planning for Reintegration**

439. The DSAIC or a subsidiary body established by the DSAIC shall develop a Reintegration Plan, which is closely linked to the plans for disarmament and demobilization of former combatants.

440. The Reintegration Plan shall address:

(a) Objectives of the reintegration program as a component of the national strategic plan for reconciliation, reconstruction and development.

(b) Program framework, mechanisms, timelines, and technical support for the reintegration processes.

(c) The reintegration special needs specified below.
441. DSAIC or a subsidiary body established by it shall coordinate its efforts with the Darfur Rehabilitation and Reconstruction Fund and may seek support from international donors.

Reintegration Special Needs

442. The Reintegration Plan shall develop specific programs for former combatants under the age of 18; female former combatants; and disabled former combatants.

443. Specific programs shall be developed to address the particular reintegration needs of children, especially orphans of combatants.

444. UNICEF and other child protection organizations shall be called upon to support and assist in the identification, removal, family reunification and reintegration of children associated with armed forces and armed groups.

445. Specific programs shall be developed to address the particular reintegration needs of women, especially widows of former combatants.

Reform of Selected Security Institutions (RSSI)

General Provisions

446. Reform shall include, but not be limited to, the following security institutions, particularly those that have expanded or changed composition or mandate during the conflict in Darfur:

(a) The Popular Defence Forces;

(b) The Border Intelligence Units;

(c) The State (GoS) Police and its subsidiary departments including but not restricted to:

(i) The Popular Police;

(ii) The Nomadic Police.
(d) Sudan Armed Forces

447. Reform of selected security institutions shall be in accordance with the following:

(a) Their size, capability and mandate shall be commensurate with the tasks to be performed by them and shall give special consideration to the needs of Darfur.

(b) They shall be administered on the basis of impartiality and professionalism.

(c) Their membership shall be based on merit and fitness without regard to ethnicity or political leanings, with fair representation from all groups.

(d) They shall be subject to civil oversight and legal accountability.

(e) They shall include women in all ranks and shall have specific sections to address the particular needs of women and children with respect to personal security and law enforcement.

(f) Their members shall perform their duties in a manner designed to gain the confidence of all the communities that they serve and the people of Darfur.

Institutions and Planning for Reform

448. With a view to reducing lawlessness and strengthening the rule of law in Darfur, DSAIC shall review and make recommendations to the TDRA for each security institution.

449. The GoS, in coordination with the Movements, shall implement those recommendations approved by the TDRA.

Police Capacity Building

450. The GoS Police Force for the three States of Darfur shall be professional, impartial and representative of the communities of Darfur and operate in accordance with accepted (international) standards.
Within 60 days of the signing of this Agreement, the DSAIC shall initiate a comprehensive review of policing in Darfur, with the aim of making specific recommendations to the TDRA to improve the effectiveness and professionalism of the police, in particular their ability to respond to, take into account, and address the special needs of women.

The comprehensive review shall address police organizational structures, management, command and control, selection, recruitment, training, professional development, human rights issues, accountability and the relationship between police and communities. Recommendations from this review shall be submitted to the TDRA and State Governments for action.

Control of Civilian and Community Arms

As part of their commitment to a lasting and stable peace in Darfur, the Parties shall advance and continue long term efforts in the area of control of civilian and community arms. This shall be included as an item for consideration as part of the Darfur-Darfur Dialogue and Consultation.

ARTICLE 30

SEQUENCING AND TIMELINES

Sequencing and Timeline Guidelines

The correct sequencing of activities is essential to ensure mutual confidence building among the Parties.

Darfur communities have an important role in the implementation and shall be consulted extensively.

The detailed plans developed by the DSAIC shall provide the final sequencing and timelines to accomplish the programs outlined in this Agreement.

Phases and Timelines:
(a) Phase 4 (begins immediately upon completion of Phase 3 and is completed within sixty days)

(i) Disarmament of the Janjaweed/armed militia is verified to be complete.

(ii) Assembly of the Movements’ forces.

(b) Phase 5 (begins immediately upon completion of Phase 4 and is completed within 16 months)

(i) Integration of former combatants into SAF and GOS security institutions.

(ii) Reform of selected Darfur security institutions, including the downsizing and reintegration of former members.

(iii) Initial recruitment and training of reformed GoS police forces to improve effectiveness and professionalism.

(iv) Initiation of disarmament, demobilization, and social and economic reintegration.

(c) Phase 6 (begins immediately upon completion of Phase 5 and is completed within 12 months)

(i) Completion of social and economic reintegration of former combatants.

(ii) Completion of processes of reform of selected security institutions.
CHAPTER FOUR: DARFUR-DARFUR DIALOGUE AND

CONSULTATION

ARTICLE 31

Definition

458. The Darfur-Darfur Dialogue and Consultation (DDDC) shall be a conference in which representatives of all Darfurian stakeholders can meet to discuss the challenges of restoring peace to their land, overcoming the divisions between communities, and resolving the existing problems to build a common future.

General Principles

459. In light of the fact that a just and durable solution to the conflict in Darfur requires communal reconciliation above and beyond what is possible at the Intersudanese Talks on the Darfur Conflict, convened in Abuja, and the resulting Agreement, the DDDC provides a mechanism to connect this Agreement to social and political issues in Darfur so that social mechanisms traditionally established to resolve conflicts can play their role in creating and sustaining social peace. The DDDC is an opportunity for the Movements to present their political agenda to the people of Darfur and thereby make an investment in peaceful political processes. Furthermore, the DDDC broadens the insufficient representation of Darfurians in Abuja, providing an opportunity for other parties to become involved in the process of the implementation of this Agreement.

460. The DDDC shall be organized pursuant to the Declaration of Principles of 5 July 2005. The DoP reads: “Agreements reached by the Parties shall be presented to the people of Darfur to secure their support through Darfur–Darfur Dialogue and Consultation.”

461. The DDDC shall serve as a mechanism for mobilizing support for this Agreement and implementing it by:

(a) Publicizing this Agreement and not to reopen it for further negotiation;
(b) Deepening this Agreement by addressing challenges of local peace and reconciliation issues;

(c) Discussing and building consensus on the main outstanding issues concerning the citizens of Darfur regarding the causes of conflict, insecurity, restoration of social fabric and a common future for all;

(d) Providing a forum for the Parties to jointly address their responsibilities in implementing their commitments to this Agreement; and

(e) Bringing other stakeholders into the Darfur peace process with special consideration for active and visible participation by women and the youth.

462. The DDDC shall seek to mobilize support for this Agreement and to secure mechanisms for implementing it among the people of Darfur through providing ownership of this Agreement.

463. The DDDC shall lay the foundation for ongoing democratic participation for representation for the people of Darfur.

464. The Parties underscore that the DDDC is an integral part of the Abuja peace process. The Parties shall accord the DDDC due respect by ensuring its autonomy; they shall resist from using it as a means for pursuing short-term political gains for political expediency. The Parties shall ensure that the DDDC is organized in a manner that preserves its integrity.

465. The DDDC shall serve as a consultative mechanism. Its decision-making powers shall be limited to specific areas laid down in the Agreement. It shall consult and advise on a range of other issues not addressed in the Agreement, seeking consensus among stakeholders.

466. The DDDC shall seek to be truly representative of all Darfurians irrespective of their political affiliation and thereby enjoy moral and political authority.

467. The Parties agree that women shall be fairly represented on all bodies and committees established in relation to the DDDC.
Mandate

468. The mandate of the DDDC is derived from the Declaration of Principles of 5 July 2005. It is also in conformity with the spirit of the CPA of 9 January 2005.

469. The DDDC is an advisory and facilitation mechanism.

470. The DDDC shall make recommendations and observations to the Darfur and national authorities, including community leaders.

471. The DDDC shall be convened under the auspices of the AU. Preparatory Committee

472. Within 30 days of the signing of this Agreement, the African Union, in consultation with the Parties, shall establish a Preparatory Committee for the DDDC.

473. The Preparatory Committee shall not exceed 25 members. It shall consist of representatives of GoS, the SLM/A and the JEM, and representatives of civil society organizations and tribal leaders, and representatives of the AU, the UN, EU and the LAS. The Preparatory Committee shall be chaired by the representative of the AU.

474. The Preparatory Committee shall conduct an extensive consultation among a wide range of Darfurian stakeholders in appropriate phases. The process will facilitate the drawing up of a broad agenda. The Preparatory Committee shall make a recommendation for a Chairperson of the DDDC, who shall be appointed in consultation with the Parties and who shall be a prominent African personality.

Roles of the Parties

475. The Parties shall each nominate members of the Preparatory Committee, who shall play a role in the formulation of the agenda and have a role in selecting Chairs, Committee of Experts and the Secretariat. The Parties are obliged to strive for fair representation of women in their nominations.
476. The Parties shall nominate delegates to the DDDC, both as observers and participants as appropriate. Fair representation of women and youth is mandatory.

477. All parties have an important role in making sure that the DDDC has integrity and is not manipulated. They are obliged to cooperate and make the DDDC authentic.

Terms of Reference

478. The DDDC shall focus upon two areas, namely (1) political and (2) socioeconomic and traditional. The DDDC shall have an organizing theme, “Building Peace and Reconciliation in Darfur.”

Political Function

479. The first function of the DDDC shall be to popularise this Agreement and obtain support for it from all stakeholders in Darfur. This shall include discussing, understanding and disseminating the various component parts of this Agreement.

480. In addition, specific articles within this Agreement may provide the DDDC with the authority to consider or take action, when necessary, on particular issues. Such actions include:

(a) Acting as a mechanism of last resort to break the deadlock on specific issues, and

(a) Establishing local mechanisms for conflict prevention and promotion of reconciliation.

481. The DDDC shall provide an early opportunity in which the Parties can present their vision to the people of Darfur in an open forum.

482. The DDDC may advise how best to implement specific elements within this Agreement.
Social and Traditional Function

483. Community representatives shall be invited to take responsibility for intertribal reconciliation and community harmony in rebuilding society damaged by war.

484. Issues to be addressed by the DDDC shall include:

   (a) Measures for popularising and implementing this Agreement;

   (b) Inter-communal and inter-tribal reconciliation;

   (c) Safe return of refugees and IDPs;

   (d) Land, water and natural resources, locations and regulation of nomadic migration routes;

   (e) Human security and socio-economic issues

   (f) Small arms control and the interim regulation of community defence groups pending final disarmament;

   (g) Ensuring that political differences are addressed through civil political processes and not through violence;

   (h) The status and powers of Native Administration;

   (i) Measures to preserve the multi-ethnic character of Darfur and

   (i) Measures to address the special issues and concerns of women.

485. In the event that these issues cannot be concluded in the time available, the DDDC may recommend that the Darfur State Assemblies (or Committees thereof) consider them, or that they are handled by peace and reconciliation entities to be established.

486. The DDDC shall seek to achieve consensus on all issues.
Committee of Experts

487. The Chairperson of the Preparatory Committee, in consultation with the Parties and international partners, shall establish a Committee of experts for the DDDC.

488. The members of the Committee of Experts shall consist principally of Sudanese experts and shall also include as appropriate international experts. Special attention shall be made to include conflict resolution and gender experts.

489. The Committee of Experts shall meet to contribute proposals for all aspects of the DDDC to the Preparatory Committee, and to the DDDC when it is in session.

Venue, Logistics and Funding

490. The Preparatory Committee shall, in consultation with the Parties, decide on the location for the DDDC and the preparatory consultations within Darfur.

491. Logistical support to the DDDC shall be organized on a tripartite basis between the GoS, the African Union and international partners including the UN.

492. Security for the DDDC shall be provided by the GoS in cooperation with AMIS.

493. The GoS shall contribute part of the cost of the DDDC. The Darfurian community shall be invited to contribute additional funds. The AU and its Member States as well as International partners shall be invited to contribute. Funds shall be held in a special trust fund established for purposes of the DDDC.

Representation

494. Representation at the DDDC shall be decided by the Preparatory Committee according to the following guidelines:

(a) The DDDC should consist of approximately 800 to 1000 delegates in addition to observers.

(b) 60% of delegates shall be selected on the basis of community and tribal representation. All tribes in Darfur shall be represented. This representation
shall include recognized tribal leaders, representatives chosen by all localities including refugees and internally displaced persons. Special mechanisms shall be established to ensure that small tribes and non-Darfurians resident in Darfur are represented.

(c) 40% of delegates shall be selected to represent other stakeholders, including political parties, civil society organizations, religious leaders, business leaders, members of the diaspora, trade unions and professionals.

(d) Adequate and effective representation of women and youth shall be ensured.

(e) Observers shall be drawn from other parts of Sudan, AU Mediation and Facilitators, League of Arab States and Organisation of the Islamic Conference, CENSAD, IGAD, UN and international community.

Chairpersons

495. For the political function of the DDDC, the AU, in consultation with the Parties, shall nominate a prominent African to serve as Chairperson.

496. For the social and traditional function of the DDDC, the Chairperson may designate a team of elders who shall serve as co-chairpersons on a rotational basis.

Secretariat

497. On the recommendation of the Preparatory Committee, the AU, the UN and other international partners, as appropriate, shall set up a Secretariat consisting of a group of technical experts and resource persons. The Secretariat shall initially serve the Preparatory Committee and Committee of Experts. During the DDDC itself, the Secretariat shall serve the Chairs. International partners shall be invited to cooperate in supporting the Secretariat.
498. The Secretariat shall ask experts to prepare guidelines for the issues to be discussed.

499. The AU shall take responsibility for providing a briefing on this Agreement and related issues.

500. The AU in conjunction with the Chairpersons shall develop the agenda for discussion of these issues including identifying lead speakers.

501. The Secretariat shall have a communication strategy to ensure that information about the DDDC is widely disseminated and available within Darfur, other parts of Sudan, and internationally.

**Outcome**

502. The outcome of the DDDC shall be referred to the relevant Darfur and national authorities.

503. The DDDC shall establish the Peace and Reconciliation Council as a standing mechanism for peace and reconciliation in Darfur.

**CHAPTER FIVE: GENERAL PROVISIONS**

**ARTICLE 32**

504. This Agreement shall be incorporated into the INC. For that purpose, the National Constitutional Review Commission shall, as a matter of priority, prepare a text in the constitutionally appropriate form for adoption in accordance with the procedures specified in the INC.

505. The Parties agree to establish upon the signing of this Agreement, the Darfur Relief and Rehabilitation Commission (DRRC) in this regard the Parties call upon the international community to provide technical, material and financial support to enable the DRRC to become operational as soon as possible.

506. The Parties call upon the international community to also provide seed money to the DRDF in order to initiate quick start impact programs, capacity building in the
key areas of economic governance, and relief-related institutional and physical infrastructures.

507. The Parties jointly appeal to the entire international community, including in particular the organizations and States involved in the negotiation of this Agreement, to affirm their full support for the Agreement, to participate fully in the activities described in the Agreement in the manner contemplated, and to help provide the resources and expertise necessary for the complete and successful implementation of this Agreement.

508. The Parties agree to settle any disagreement or dispute arising under this Agreement by peaceful means. The Parties further agree that in the event of a dispute concerning the interpretation or application of this Agreement, they shall refer the matter to the AU Commission.

509. This Agreement shall enter into force upon its signing by the Parties. Accordingly, the Parties shall take immediate steps to implement their obligations hereunder, including appropriate steps to give legal effect to the arrangements agreed herein. The Parties commit themselves to ensure that all of the institutions, bodies, commissions, committees and other entities under their control, including their members, shall observe the terms of this Agreement.

510. The Chairperson of the AU Commission shall register this Agreement with the Secretary General of the United Nations.

CHAPTER SIX: IMPLEMENTATION MODALITIES AND TIMELINES

ARTICLE 33

IMPLEMENTATION MODALITIES FOR POWER SHARING

Assessment and Evaluation

511. There shall be established within three months from the date of the signing of this Agreement an independent Darfur Assessment and Evaluation Commission (the
Commission) in order to promote the full and timely implementation of this Agreement.

512. The Commission shall consist of:

(a) Three representatives from the GoS, including the Advisor to the President on matters relating to Darfur,

(b) Three representatives from the SLM/A and the JEM.

512.1. In addition, the Parties invite the following states and organisations to designate representatives as members:

(a) One representative from the African Union,

(b) Five representatives from the observer states and organizations,

(c) Up to three additional representatives from such other states, or regional or international bodies, as shall be agreed by the Parties.

513. The Commission shall be chaired by one of the representatives referred to in the paragraph above, as agreed by the Parties.

514. The Commission shall determine its own rules of procedure and may engage such staff as necessary to carry out its work.

515. The Commission shall exercise the following functions:

(a) Monitor the implementation of this Agreement on an ongoing basis,

(b) Assess and evaluate difficulties that may arise in the course of implementation and facilitate the timely resolution of any such difficulties,

(c) Consult and coordinate as appropriate with other monitoring bodies or implementation mechanisms provided for in this Agreement,
(d) Maintain close contact with the Parties to promote full compliance with all provisions of this Agreement and facilitate the Parties' efforts toward that end,

(e) Maintain liaison as appropriate with regional and international organizations and agencies involved in implementation of this Agreement, and

(f) Promote full cooperation of the Parties with each other and with the regional and international organizations and agencies involved in the implementation of this Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed this Agreement, in the presence of the witnesses hereunder.

DONE AT ABUJA, NIGERIA, this 5th day of May, 2006 in three original texts in the Arabic, English, and French languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE SUDAN (GOS)

Dr. Magzoub Al Khalifa
Chairman of the Sudan Government Delegation

FOR THE SUDAN LIBERATION MOVEMENT/ARMY (SLM/A)

Minni Arkou Minawi
Chairman

FOR THE SUDAN LIBERATION MOVEMENT/ARMY (SLM/A)
FOR THE JUSTICE AND EQUALITY MOVEMENT (JEM)

WITNESSED BY:

Dr. Salim Ahmed Salim
AU Special Envoy and Chief Mediator

His Excellency, President Denis Sassou-Nguesso
Current Chairman of the African Union

His Excellency, President Olusegun Obasanjo
President of the Federal Republic of Nigeria

His Excellency, Professor Alpha Oumar Konaré
Chairperson of the African Union Commission

Dr. Ali Treki
Representative of the Leader of the Libyan Arab Jamahiriya

Mr. Robert Zoellick
Deputy Secretary of State
United States of America

Mr. Hilary Benn
Secretary of State for International Development
United Kingdom

His Excellency, Jan Pronk
Special Representative of the Secretary-General of the
United Nations in the Sudan

Pekka Haavisto
European Union

Counsellor Zeid Al Sabban
League of Arab States

Ambassador Ahmed A. Haggag
Special Envoy of the Arab Republic of Egypt

Ambassador Allan Rock
Representative of Canada
Dr. Kjell Hodnebo
Representative of Norway

Ambassador Henri de Coignac
Special Envoy
France

Mrs. Agnes Van Ardenne
Minister for Development Cooperation
Netherlands
APPENDIX III - DOHA DOCUMENT FOR PEACE IN DARFUR (DDPD)

AGREEMENT BETWEEN THE GOVERNMENT OF SUDAN AND THE JUSTICE AND EQUALITY MOVEMENT - SUDAN ON THE BASIS OF THE DOHA DOCUMENT FOR PEACE IN DARFUR

Preamble

The Government of the Republic of Sudan and the Justice and Equality Movement - Sudan, (hereinafter referred to individually as “GOS” and “JEM”, respectively, and collectively as the Parties”), meeting in Doha, Qatar, under the auspices of His Royal Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, and through the mediation of H.E. Ahmad bin Abdullah Al Mahmoud, Deputy Prime Minister and Minister of State for Cabinet Affairs, and H.E. Ms. Aichatou Souleymane Mindaoudou, African Union – United Nations Joint Chief Mediator ad interim for Darfur, as part of efforts towards finding a lasting, just and comprehensive solution to the conflict in Darfur;

Reiterating their commitment to the Interim National Constitution of Sudan and the principles enshrined therein;

Recalling the relevant paragraphs of Security Council resolutions 2003(2011), 2035(2012), 2063(2012) and 2091(2013) in which the Council invariably welcomes “the Doha Document for Peace in Darfur as an important step forward in the African Union (AU)-United Nations (UN) Darfur Peace Process”; “reiterates its full support for efforts to reach a comprehensive and inclusive solution to the conflict in Darfur”; “demands that all parties to the conflict, including in particular all the non-signatory armed groups engage immediately and without preconditions to make every efforts to reach a permanent ceasefire and comprehensive peace settlement on the basis of the Doha Document for Peace in Darfur (DDPD), in order to bring a stable and durable peace in the region”; stresses “the necessity articulated in the Doha Document for Peace in Darfur that all parties to the armed conflict in Darfur shall fully and unconditionally accept their obligations under international humanitarian law, international human rights law and relevant Security Council resolutions”; and “urges (the DDPD parties) to deliver on the commitment made in the Doha Document for Peace in Darfur”;

Recalling further the relevant paragraphs of the African Union Peace and Security Council (PSC) Communiqués which welcome the DDPD “as a positive development that will greatly contribute to the promotion of peace and security in Darfur”; call on the “Parties to the DDPD to spare no efforts in expediting the implementation of the Agreement”; “express serious concern at the continued refusal of the hold out groups to engage in the peace process, in spite of the efforts made by the Joint AU/UN Mediation; and demand that these Movements join the peace process without any
further delay and adhere to the DDPD, which has been endorsed by the AU and the larger international community as available basis for achieving lasting peace and stability in Darfur’’;

**Affirming** their commitment to a durable settlement of the conflict on the basis of the DDPD and to the promotion and protection of human rights and fundamental freedoms;

**Reaffirming** their profound commitment to achieving peace, security and development in Darfur, and **Recognizing** that the conflict cannot be resolved militarily and that the only viable and sustainable solution is peaceful, comprehensive and inclusive political settlement;

**Expressing** their full conviction that this Agreement augurs well for the realization of the purposes and principles of the United Nations Charter and the African Union Constitutive Act related to the maintenance of peace and security, and **Acknowledging**, in this regard, the value and importance of the broad assistance and contribution of the African Union-United Nations Joint Mediation and international partners;

**Welcoming** the continuing support for the DDPD by the United Nations, the African Union, the League of Arab States, the Organisation of Islamic Cooperation, the European Union and the international community in general;

**Further Welcoming** the concrete support of the international community towards peace process and the protection of civilians, development and reconstruction, as well as economic recovery in Darfur, manifest in the work of the African Union United Nations Hybrid Operation in Darfur (UNAMID), the United Nations country team and other relevant agencies, as well as in the Darfur Joint Assessment Mission (DJAM) and the contributions made to the Muni-Donor Trust Fund through the International Donors’ Conference for Darfur in Doha;

**Reiterating the** pressing need for the full and timely implementation of the DDPD;

**Have agreed to the following:**

**Article 1: Adoption of the Doha Document for Peace in Darfur**

1. The Parties hereby adopt the DDPD and all its annexes, which constitute an integral part thereof, namely the implementation modalities and timelines, and the Protocol on the Participation of the Justice and Equality Movement-Sudan at the Different Levels of Government and on the Integration of its Forces, as initiated by the Parties and the Mediation and which constitutes an integral part of this Agreement.
2. The Parties undertake to faithfully deliver on the commitments they made in the DDPD and in this Agreement, to fully implement their provisions and to abide by the timelines thereof.

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 2: Promotion and Protection of Human Rights and Fundamental Freedoms

3. The Parties shall protect human rights and fundamental freedoms of all citizens of Sudan including Darfur, and shall fulfil their obligations under international human rights law and international humanitarian law.

4. GOS shall, in accordance with relevant provisions of the DDPD, promote general welfare and economic growth in Darfur through the provision of basic services and infrastructure including water, education, health, electricity and roads as well as enhanced livelihoods.

5. Within one year after the signing of this Agreement, GOS shall, in collaboration with the Darfur Regional Authority (DRA), review the security situation in Darfur with a view to lifting the state of emergency if the situation warrants.

6. GOS shall review all laws and regulations and shall repeal those found to be in contravention with any provision of the National Constitution of Sudan.

7. GOS shall take urgent steps to fully empower the National Human Rights Commission and to ensure that its composition and functioning are in accordance with the Paris Principles;

POWER SHARING

Article 3: General Principles and Criteria for Power Sharing

8. The Parties reaffirm their commitment to the general principles and criteria enumerated in the DDPD, upon which power sharing shall be based.

Article 4: The National Judiciary

9. The recommendations of the Panel of Experts made pursuant to paragraph 46 of Article 6 of the DDPD shall be urgently implemented by GOS in collaboration with the relevant bodies.
Article 5: The National Civil Service

10. The recommendations of the Panel of Experts made pursuant to paragraph 51 of Article 7 of the DDPD shall be urgently implemented by GOS in collaboration with the relevant bodies, including the DRA.

11. Affirmative action related to the training and recruitment of people from Darfur into the national civil service, as provided for in paragraph 54 (i-iv) of the DDPD shall be implemented after the signing of this Agreement according to the agreed implementation timelines.

Article 6: Armed Forces and Other Regular Forces

12. A follow-up committee composed of GOS and relevant bodies shall be established to ensure the timely implementation of the provisions contained in paragraphs 57 and 58 of the DDPD related to the representation of the people of Darfur in the Sudanese Armed Forces, military academies and other regular forces.

Article 7: Participation of JEM in Power, and in Constitutional and Electoral Processes

13. JEM shall, in accordance with the provisions of the Protocol on the Participation of the Justice and Equality Movement-Sudan at the Different Levels of Government and on the Integration of its Forces, referred to in Article 1, participate in all the tiers of Government: at the national level, the Darfur States level and the locality level, as well as in both organs of the DRA.

14. JEM shall take all necessary measures to transform itself into a political party in accordance with the existing legal arrangements.

15. JEM shall participate, through adequate representation, in the forthcoming constitutional review process for the drafting of the Permanent Constitution of the Republic of Sudan.

16. GOS, in collaboration with DRA, shall, within the stipulated time in the DDPD, ensure that all provisions on affirmative action aimed at redressing
imbalance, and those related to adequate representation of the citizens of Darfur in the civil service, State institutions, are fully implemented.

Article 8: Assistance to Students in Need

17. By virtue of this Agreement, the Ministry of Higher Education shall instruct public universities to establish committees to consider exempting needy students, in particular those from Darfur states, from the payment of education fees. The DRA shall establish a follow-up mechanism in this regard.

Article 9: DRA Staff

18. After the end of the DRA's tenure, the staff thereof, except those on fixed contract appointments, shall be reabsorbed into the Federal and Darfur State Governments' services as appropriate.

WEALTH SHARING

Article 10: General Principles

The Parties reaffirm their commitments to the general principles enumerated in the DDPD upon which wealth sharing shall be based, and further agree on the following:

19. The economy shall be built to, among other objectives, ensure poverty mitigation and social justice, as well as address administrative imbalance that led to uneven infrastructural development and distribution of wealth in Darfur;

20. The national economic policy shall promote even development in all parts of Sudan, and shall give priority to sections of the country, including Darfur, that are most disadvantaged because of the conflict and historical injustice.

21. Special attention shall be paid to displaced people, refugees and all victims of the conflict including through the creation of a conductive environment enabling them to return voluntarily, in safety and dignity, to their places of origin or choice.

22. The development of human resources including equal opportunities to free education shall form part of the economic and social development policies.
23. The people of Darfur shall benefit from the promotion and improvement of
decent and dignified living conditions.

Article 11: Payments of Seed Money by GOS

24. GOS undertakes to pay the entire amount of the seed money for Darfur
reconstruction and development as provided for in the DDPD during the period
of implementation of the development plan approved by the International
Donors' Conference for Darfur in Doha in accordance with DDPD timelines.

25. GOS and the DRA, in collaboration with international development partners
shall assess the performance of the Darfur Reconstruction and Development
Program after six years. In case Darfur states fail to achieve the average
development rate in Sudan, GOS shall, in consultation with development
partners, come up with a strategy to meet the remaining reconstruction and
development needs. GOS shall, in this regard, allocate additional financial
resources.

Article 12: Reconstruction and Development

26. The DRA shall carry out the review exercise of the development projects as
enumerated in paragraph 174 of the DDPD, to assess their feasibility and revive
them as appropriate. Other feasible development projects shall be added on the
list for execution.

27. Further to paragraph 212 of the DDPD, the Parties shall ensure that the benefits
to the local communities affected by the development and exploitation of
natural resources, including the employment of local residents and the provision
of social services, are incorporated in all contracts to be concluded with
investors and development partners in Darfur.

28. Without prejudice to the national privatization policy, GOS shall give priority to
the establishment of heavy and manufacturing industries in Darfur, and shall, in
this regard, encourage and promote private sector investment.

29. GOS shall comprehensively execute the Western Ingaz Highway project within
a period not exceeding two years after the signing of this Agreement.

30. Darfur States shall be connected to the national electricity network within a
period not exceeding three years after the signing of this Agreement.
Article 13: Darfur Herders and Nomads Development Council

31. By virtue of this Agreement, a Darfur Herders and Nomads Development Council (DHND) shall be established under the DRA, with the strategic objective of creating an enabling environment to promote the activities of herders and nomads in order to contribute to economic growth, peaceful coexistence and stability in Darfur. The Council shall undertake the following functions:

i. Coordinate with the competent authorities to open nomadic routes in Darfur States.
ii. Improve production environment and promote animal exports.
iii. Address the specific needs of nomad women and empower them including through nomadic education
iv. Disseminate the culture of peace and peaceful coexistence between herders and farmers.
v. Promote the provision of basic services for herders and nomads in Darfur.
vi. Promote the concept of modern herding in Darfur.

32. GOS shall source an initial payment of US $20,000,000 (twenty million US dollars) in funding to the Council. Another sum of US $30,000,000 (thirty million dollars US dollars) shall be sourced by GOS within a period not exceeding one year after the first instalment.

Article 14: The Micro-Finance System

33. The Parties agree to expeditiously establish a micro-finance system in Darfur, as provided for in the DDPD, and to develop it into a viable financing institution.

34. Without prejudice to their rightful entitlements from the DDR process, a minimum of 5% of the established institution's financing portfolio in Darfur shall be allocated to the demobilized combatants of all the signatory movements, including JEM.

35. Without prejudice to paragraph 136 of the DDPD, GOS and the DRA shall mandate the institution to develop its internal regulations and procedures.

36. The small producers referred to in paragraph 131 of Article 19 of the DDPD, shall include returning IDPs, refugees and all the victims of the conflict.
37. GOS shall, through the Central Bank, encourage commercial banks to allocate part of their financing portfolio to micro financing. Priority shall be given to applicants from Darfur States, in particular the IDPs, returnees, victims of the conflict and former combatants.

38. Priority in providing micro-financing shall be given to grass-roots productive and service associations and those with urgent needs, according to the regulations and procedures specified by the established micro-finance institution.

39. The productive associations, especially agricultural and animal production associations and the grassroots productive and service associations, may be transformed into micro-finance institutions subject to fulfilling the Central Bank requirements.

Article 15: Social Welfare Fund

40. The Parties agree to establish a Social Welfare Fund under the DRA with the following objectives:
   i. Address social problems of the people in need and all victims of the conflict including families of those who lost their lives in it.
   ii. Initiate and implement social programs and projects.
   iii. Assist women, orphans, and people with special needs.

41. GOS shall source for a funding of not less than US $50,000,000 (fifty million US dollars) for the Social Welfare Fund to carry out its activities.

COMPENSATION AND RETURN OF INTERNALLY DISPLACED PERSONS AND REFUGEES

Article 16: General Principle

42. The Parties reaffirm their commitment to the general principles enumerated in the DDPD, which shall guide the achievement of durable solutions for the IDPs and refugees, as well as all other victims of the conflict.
Article 17: Compensation and Durable solution

43. The Parties shall expeditiously take measures to commence the payment of compensation to returning IDPs, refugees as well as all other victims of the conflict, in accordance with relevant paragraphs of Articles 43, 52 and 57 of the DDPD.

44. GOS and the DRA shall, upon the signing of this Agreement, empower the VRRC to enable it to start implementing its mandate as stipulated in the DDPD. GOS shall, in this regard, immediately allocate funds for the VRRC to commence payment of the lump sum of $250.00 to returning families as part of the return package provided for in the DDPD.

45. GOS shall assist in erecting fixed shelters in the return villages for IDPs and refugees and shall also mobilize necessary support from the international community, as well as development and other organizations to this effect.

46. Returning refugees shall be exempt from customs duties, tariffs, and any other such levies on their personal effects, in accordance with International Law;

Article 18: Personal Documentation

47. GOS shall issue, free of charge, personal documents to returning IDPs, refugees and all victims of the conflict who may have lost them.

Article 19: Family Reunification

48. In coordinating and cooperating with humanitarian organisations engaged in family tracing and assisting in family reunification, the VRRC may establish such committees as it deems necessary to ensure smooth reunion processes.

JUSTICE AND RECONCILIATION

Article 20: General Principles

49. The Parties reaffirm their commitment to the general principles enumerated in the DDPD, upon which justice and reconciliation shall be based.
Article 21: National Judicial System

50. Without prejudice to Article 60 and further to paragraph 295 of the DDPD, GOS shall immediately lift immunities enjoyed by persons by virtue of their official status or functions when requested by the national justice institutions.

51. No special/extraordinary courts other than the Special Court for Darfur provided for in Article 59 of the DDPD shall be established because of the conflict in Darfur. Any such existing court shall be closed.

Article 22: Native Administration

52. The Native Administration shall be strengthened through training and capacity building to enable it to effectively and efficiently perform its social and reconciliatory role in an impartial manner.

53. Leaders of the Native Administration shall be selected strictly in accordance with established tribal custom and tradition.

Article 23: The Special Court for Darfur

54. GOS shall assign and empower a special unit to provide adequate protection to the Special Court for Darfur.

55. The observer role of the AU and UN experts for the Special Court shall also cover the functioning of the Office of the Prosecutor for Darfur.

Article 24: Amnesty

56. Without prejudice to paragraph 330 of Article 60 of the DDPD, GOS shall, upon the signing of this Agreement, issue general amnesty for JEM combatants and members, in accordance with the Constitution and national law.

57. GOS, in consultation with JEM, shall establish a committee to review, in accordance with national law, the situation of military personnel, civilians, prisoners of war, and those sentenced who are members of JEM, with a view to releasing them.
PERMANENT CEASEFIRE AND FINAL SECURITY ARRANGEMENTS

Article 25: General Principles

58. The Parties reaffirm their commitment to the Ceasefire Agreement signed in Doha on 10 February 2013, and to the general principles enumerated under Article 62 of the DDPD, upon which the Permanent Ceasefire and the Final Security Arrangements shall be based.

Article 26: Provision of Non Military Logistic Support to JEM Combatants

59. The Parties stress the necessity for the provision of Non Military Logistic Support (NMLS) to JEM combatants. In this regard, GOS undertakes to provide such support, covering the period from the signing of this Agreement to the conduct of the verification of JEM forces locations and strength. This initial support shall be provided through an arrangement agreed upon by the Parties. After the conduct of the verification, NMLS shall be provided on the basis of paragraphs 393 and 394 of the DDPD.

60. The Parties shall be adequately represented in the Joint Logistics Coordination Committee (JLCC) as provided for in paragraph 410 Article 69 of the DDPD.

Article 27: Establishment of the Joint Coordination Mechanism (JCM)

61. The Parties stress the necessity to establish, without further delay, the Joint Coordination Mechanism (JCM) as provided for in paragraph 403 Article 67 of the DDPD and shall, in this regard, agree on its composition.

Article 28: Disarmament of Armed Militia Groups

62. The Parties reiterate the critical necessity for the disarmament of armed militia as a key element of the Final Security Arrangements and that the process shall expeditiously take place as provided for in paragraph 399 Article 76 of the DDPD.

Article 29: Reform of Some Military Institutions

63. The Parties reiterate the importance of reforming and restructuring some military institutions in accordance with paragraphs 463 and 464 Article 74 of the DDPD, and agree that the process shall be expedited.
Article 30: The Disarmament, Demobilisation and Reintegration Commission (DDRC)

64. JEM shall be adequately represented in the Disarmament, Demobilisation and Reintegration Commission (DDRC) in Darfur, taking into account the exigencies of the prevailing situation.

Article 31: The Darfur Security Arrangements Implementation Commission (DSAIC)

65. JEM shall be represented in the Darfur Security Arrangements Implementation Commission (DSAIC) as well as in its subsidiary body, the Integration Technical Committee (ITC) which designs, plans, implements, manages and monitors the integration programs for former combatants.

Article 32: Rights of JEM

66. GOS, upon completion of the implementation of all the phases of the Final Security Arrangements, shall pay adequate compensation to JEM for its weaponry and equipment except personal weapons as determined by a joint committee to be established by the Parties.

67. Families of fallen combatants, as well as disabled and sick combatants from JEM shall, in addition to benefits from the DDR programs, draw special benefits from the Micro Finance Institution and the Social Welfare Fund as provided for in Articles 14 and 15 of this Agreement. Sick former combatants shall be entitled to medical treatment.

Final Provision

68. This Agreement shall immediately enter into force upon its signature and can only be amended upon mutual agreement by both Parties.

69. This Agreement is an integral part of the DDPD and shall, therefore, have constitutional status in accordance with paragraph 487 thereof.
Done in Doha, Qatar, this 25th Jumada al’awal 1434 Hijri, being the 6th day of April 2013 AD, in the Arabic and English languages, both texts being equally authentic. In case of discrepancies between the versions, the Arabic version shall prevail.

For the
Government of the Sudan

Dr. Amin Hassan Omar
Minister of State in the Presidency

For the
Justice and Equality Movement-Sudan

Mr. Mohammad Bashar Ahmad
President

Witnessed by

For the State of Qatar

H.E. Ahmad bin Abdallah Al Mahmoud
Deputy Prime Minister and Minister of State for Cabinet Affairs

For the AU-UN Mediation

H.E. Alchatou S. Mindaoudou
Deputy Joint Special Representative (Political)

MOHAMED IBN CHAMAS
JOINT SPECIAL REPRESENTATIVE