

Full Length Research Paper

Exogenic factor and the futility of conflict resolution in Africa: The Darfur experience

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Accepted 14 February, 2012

This paper studies intractable conflict in Africa using the Darfur experience as case illustration with the primary goal of evaluating the place of exogenous factor(s) in the persistence of such conflict. With the aid of alternative dispute resolution theory, the paper discovered that there is a strong relationship between the dynamic interests of external forces and the intractability of the Darfur conflict. The use of power, threat and deadline diplomacy to impose an alien peace agreement on the factions in the conflict was instrumental to the continual nature of the conflict after the comprehensive peace agreement (CPA). Consequently, alternative dispute resolution (ADR) characterized by democratized negotiations and agreement is recommended as a solution to the crisis.

Keys words: Darfur, conflict, conflict resolution, exogenous, supra-national, alternative dispute resolution (ADR).

INTRODUCTION

Africa is characteristically conflict ridden with decades of experiences in conflicts like Somalia, Sudan, Rwanda, Democratic Republic of Congo (DRC), Sierra Leone, and Liberia etc. The spill-over effects of these conflicts into neighbouring states, necessitates the involvement of other countries and global institutions and regional governments like the African Union (AU), the United Nations (UN), European Union (EU) among others in what may be conventionally called domestic affairs of such conflict ridden countries. In most of the cases, there efforts have been futile.

Theoretically, scholars established four major theses; namely: different identities such as ethnic, religious, national and civilization groups; economic resources, colonial impact and lack of charismatic leaders as the major causes of such conflicts in Africa. Expanding each of these theses is irrelevant for this paper because of its focus.

However, it is important to note that the external penetration by Arabs into Darfur and absence of charismatic leadership in Sudan laid the foundation of the conflict in Darfur. On the one side of the conflict is the Janjaweed militia from the Arab Abbala tribes of the northern Rizeigat camel herding nomads while the other

side are varieties of rebel groups recruited primarily from farmers in the non-Arab Fur, Zaghawa and Masalit ethnic groups (Johnson, 2003).

The bone of contention was the Arab penetration into and the marginalization of the aborigine farmers by Sudanese government in favour of the Arab nomads who are non-indigenes in pursuit of the policy of arabianization (ICG, 2004; SOAT, 2004; Straw, 2006; USSD, 2003). The conflict began with the killing of lesser non-Arabs and looting of their farms in the 1980s (ICG, 2004: 10), and the Fur in the 1987 to 1989 war with the aim of destroying their economic base and resettling their land with Arab tribes (ICG, 2004: 6). As these attacks progressed into the early part of 1990s, the Arab controlled Sudanese government redrew Darfur's administrative boundaries at the expense of black African aborigine groups. This led to the emergence of the Sudan Liberation Army (SLA) who took up arms against Khartoum's policies of marginalization and racial discrimination, and its failure to protect farmers from attack.

The Sudanese government promulgated the National Security Emergency Law (NSEL) and suspended the basic liberties and rights of key sections of the population

(UN, 2003). Consequently, in May, 2001 the government used the NSEL to clamp down on Darfurians by creating Special Courts under the premise of trying alleged acts of banditry, armed robbery, possession of weapons as well as anything else considered a crime by the Governor of the State or the Head of the Judiciary (ICG, 2004: 2).

This first attempt to resolve the conflict was made by none neutral umpire (the Sudanese government) while the process failed either to account for aborigine interest (that is, safety of their farms lands and homes) or involve their participation in the peace process. Rather, it was an exercise in repression and emasculation of the aborigines. Darfurians were detained incommunicado without charge and when finally charged, defendants are refused legal representation; and confessions are legitimate sources of evidence even if later withdrawn by the accused (SOAT, 2004: 5). SOAT (2002: 1,2) noted that Arab militia attacks in Darfur between 1998 and mid-2002 left 5,000 people dead and destroyed 40,000 houses, burnt down 600 houses and killed 17 in May, 2002, killed 13 and destroyed 279 houses in September, killed 15 in November, killed 25, ten of whom were thrown into fires by the attackers.

Then Darfur rebels retaliated against government installations, attack on Al-Fasher airport on 25 April, 2003, which killed 70 government soldiers and destroyed planes and helicopter gun-ships (Amnesty International, 2004). From March, 2002 to March 2003 alone, the number of people sentenced to death in Sudan significantly increased with nearly all of them occurring in Darfur: approximately 19 were executed while another 133 awaited execution (SOAT, 2003: 3). Extra-judicial killings characterised the process (Amnesty International, 2003). The NSEL censored and suspended newspaper and magazine publications, and detained journalists at will (USSD, 2001).

The escalation of the conflict with the attendant monumental human rights abuses, government complicity in the conflict and serious humanitarian needs led the AU, fully support by EU, UN, US and other countries to intervene. It is paradoxical to adduce that in spite of the widely publicised contributions, peace talks, agreements and efforts by these global institutions and regional organisation, the conflict has continued till date. This paper therefore explores these external interventions and the various strategies that were adopted to resolve the conflict with a view to explain their contributions to the conflict's intractability.

MATERIALS AND METHODS

This paper adopts archival method of data gathering, which enables it to explore related and relevant initiatives and studies carried out at national and international levels on conflict resolution, the various initiatives to resolving the Darfur conflict particularly by global institutions and

regional organizations. Therefore, the paper through content analysis extrapolated the factors that hindered or made these efforts fruitless.

Consequently, the main sources of data collection for this paper are the internet, public and private libraries wherein textbooks, journals, conference proceedings, workshop/ seminar papers, official government gazettes-nationally and internationally, non-governmental organization (NGO)/ Civil Liberty publications, newspapers and magazines form the main sources of data. Our method here is to explore the origin of the conflict and the various theoretical explanations to its continuity, study and analyze external involvements in the processes to resolve it and then identify the weaknesses in these interventions with a view to make recommendations.

REVIEW OF LITERATURE

Conflict

The literature is replete with works on the concept of conflict such as Burton (1990), Diez et al. (2004), Sandole (1998), Davies (1973) and Smith (2005) among others. Their findings and opinions are not the primary focus of this paper, however, Harbom and Wallensteen (2005) is of interest to this research. In their study of conflicts around the World, they observed that there is a shift away from interstate conflicts toward "internal" or "intrastate" wars and armed conflicts, involving armed factions or contending social groups (sometimes receiving direct or indirect assistance from a third state).

These intrastate conflicts, according to Rapoport (1960) have always evolved through: debates (that is, attempts to convince and convert the opponent), games (that is, attempts to outwit the opponent), and fights (that is, attempts to harm or destroy the opponent). Differing from this typology, Alker et al. (2001) developed a conflict dynamic trajectory consisting of six phases, namely:

1. Dispute phase, (opposing claims expressed through existing institutional processes);
2. Crisis phase, (opposition use existing institutional processes, but their substitution with violence is openly threatened or expected);
3. Limited violence phase, (legitimacy of institutional processes is question, and systematic and regular use of force is considered justified);
4. Massive violence phase (regular, systematic, and unrestrained use of force; institutional processes for peaceful settlement are disabled or avoided);
5. Abatement phase (actions leading to temporary suspension of opposition, use of violence, and expectations), and
6. Settlement phase (resolution of opposing claims and establishment or reestablishment of mutually recognized institutional processes).

This typology exhibits the thesis that conflict resolution is part of or an extension of the phases or course of conflict. This has a serious consequence for the resolution of any conflict.

Clearly, there are a number of reasons why conflicts exist between two or more parties, and these can be classified into three main sociological categories: wealth, power, and prestige. Understanding this is fundamental to achieving conflict resolution under any situation. Deutsch (1991) classified the factors that can generate conflict into five basic issues as; control over resources, preferences and nuisances, beliefs, values, or the nature of the relationship. Expanding on this, Signer (1996) identified territory, ideology, dynastic legitimacy, religion, language, ethnicity, self-determination, resources, markets, dominance, equality, and, of course, revenge as the major factors that cause conflict.

However, from the perspective of interstate conflicts, nine factors were identified as the most disputed conflict issue between states. These are: territory (border), secession, decolonization, autonomy, system (ideology), national power, regional predominance, international power, resources and other. This typology is essential to this paper as it explores the role of external forces in the resolution of Darfur conflict.

Nevertheless, of all these, Fearon (1994) argues that minority, ethnic and government-power conflicts are the dominant factors that necessitate intrastate conflicts. Such conflicts according to Fearon (1994) mostly take the form of separatist warfare, as a consequence of the minority's fear that the state system governed by the majority will not respect minority rights. Thus, Lake and Rothchild (1996) noted that ethnic conflicts and wars are produced by the feeling of insecurity emerging when one ethnic group is unsure of the intentions of the other ethnic group and the two are already mutually hostile.

On the contrary, it is a truism that the competition among the political class and the actions of 'ethnic entrepreneurs' are the cause of such conflict as the political elites manipulate the situation using ethnic identities in their quest for power.

Consequently, Gurr (1994: 348) defines ethnic conflict as; ... groups that define themselves using ethnic criteria (to) make claims on behalf of their collective interests against the state or against other political actors.

Therefore, intrastate conflict in Africa is fundamentally caused by the struggle for state power and its use in the distribution of the ophelimities of life (Wallenstein and Sollenberg, 2001).

The struggle for access to and control over important resources (such as water, oil, gold, diamonds, productive land etc.) is also another serious factor that generates intrastate conflict. Inequities in the distribution, use, needs, desires, and consequences of resources management have been sources of tension and international and intrastate disputes. Scholars who share this view include among others Ehrlich et al. (2000) and

Homer-Dixon and Percival (1997). Other factors were identified as colonial legacies (Anarfi, 2004); ethnicity (Asiwaju, 2003; Irobi, 2005) and cold war legacies (Johnson, 2003).

However, Rugumamu (2002) points out that among the structural causes of conflict in Africa, political, economic and structural patterns such as state repression, lack of political participation, poor governance performance, the distribution of wealth, the ethnic make-up of the society and the history of the inter-group relations, top the list.

Darfur conflict

The conflict in Darfur is not unconnected with its recorded history, which dates back to the 14th century. In the Keira dynasty of the seventeenth century, the Daju group that dominated others was displaced by the Tunjur group; a non-aborigine Arab that reached Darfur by way of Bornu and Wadai. The death of Bukr, its leader initiated a long running conflict over succession that opened the way for external interference. Consequently, and compounding the situation, Egypt (a British colony) conquered Darfur in the autumn of 1875. However, the Darfurians were restive under the rule of Egypt. The British General Gordon (then governor-general of the Sudan) suggested in 1879 the reinstatement of the ancient royal family.

This was done in 1881 although the pro-Anglo-Egyptian government in Sudan later installed Alli Dinar as a puppet sultan of Darfur, on the payment by that chief of an annual tribute of 500 British Pounds. Darfur enjoyed a period of peace and a de facto return to independence until Britain became convinced during World War I that Darfur was falling under the influence of Turkey. Thus, they invaded, and incorporated the region into Sudan in 1916 (Johnson, 2003). Two contending and external forces that compete to control Darfur emerge here, namely; British and Turkey blocs. The competition between them led to the emergence of three main rivalry groups in Sudan, sponsored by the two blocs and the aborigine front.

To the rivalry groups and domestic political tension was added the instability in Chad wherein the FROLINAT, the guerrilla movement trying to overthrow Chadian President Francois Tombalbaye, was allowed by Premire al-Mahdi to establish rear bases in Darfur in 1969. The FROLINAT factional infighting killed dozens within Darfur in 1971, leading the Sudanese President to expel the group. This was further complicated by the interest of the Libyan President, Col. Muammar al-Gaddafi in the Chadian conflict. President Gaddafi with the vision of creating a band of Sahelian nations that were both Muslim and culturally Arab, made an offer to Mimeiry (the Sudanese President) to merge their two counties in 1971 (Johnson, 2003). He turned the offer down.

Consequently, Libya claimed the Aozou Strip, began to support the FROLINAT (a guerrilla group that was

expelled from Darfur), welcomed al-Mahdi (Sudanese exiled opposition leader), and supported the Arab supremacist militants, "Arab" nature, to achieve his goals by force. Then, Nimeiry on his part began to encourage the fragile administration of Felix Malloum, the new Chadian president after Tombalbaye's 1975 assassination. In retaliation, Gaddafi sent a 120-man force across the desert to assault Khartoum directly (UN, 2005). These external events buffeted the traditional structure of Darfur society.

In 1979, Nimeiry appointed the Nile Valley walad albeled to Darfur as the only provincial governor who was not of the local population. The appointment was to support Habre of Chad, and it sparked riots by Darfuri across Sudan in which three students were killed. Nimeiry relented due to fears that his anti-Libyan bases were being jeopardized (Flint and de Waal, 2006). Nevertheless, the incompetence of the regime, combined with the start of the second Sudanese Civil War in 1983, led to the overthrow of Nimeiry on 5 April 1985. Sadiq al-Mahdi (Labya ally) came out of exile, made a deal with Gaddafi to turn over Darfur to Labya if he was supplied with the funds to win the upcoming elections (Flint and de Waal, 2006). In August 1985, Libya sent military/humanitarian convoys from Benghazi, including an 800-strong military force that set up base in Al-Fashir and armed the local Baggara tribes, whom Gaddafi considered to be his local Arab allies.

By that time, Libya was providing key logistical and air support to Sudanese offensives against the Sudan People's Liberation Army in the rebel south. In December 1991, a Sudan People's Liberation Army force that included Darfur Daud Bolad entered Darfur in the hopes of spreading the southern rebellion to the West. Before Bolad's force could reach the Marrah Mountains they were attacked by a combined force of regular army and Beni Halba militia mounted on horses. Dozens of Fur villages that had not registered with the SPLA force were burned in reprisal (HRW, 2004).

In 1994, Darfur was divided into three Federal states within Sudan: Northern (Shamal), Southern (Janub), and Western (Gharb) Darfur. This division was to split the population of Fur so that they did not form a majority in any state that it would allow Islamist candidates to be elected (Flint, 2006). The contest for power among these people first resulted in clashes in West Darfur in 1998, followed by that of 1999 where hundreds of people were killed, including a number of Arab tribal chiefs. The government brought in military forces in an attempt to quell the violence and took direct control of security. A reconciliation conference held in 1999 agreed on compensation. Many Masalit intellectuals and notables were arrested, imprisoned, and tortured in the towns as government-supported Arab militias began to attack Masalit village. In 2000, a clandestine group comprised mostly of Darfuris published the Black Book, a dissident manuscript detailing the domination of the north and the

impoverishment of the other regions. The group helped to found the rebel Justice and Equality Movement. The region became the scene of a rebellion in 2003 that has culminated in the lasted Darfur civil war.

Conflict resolution

These conflicts, according to some scholars like Jurgen et al. (2006) are not inherently bad or unproductive because they lead to progress and development. Thus, the literature on conflict resolution centres on three themes namely; principled negotiation, consensus building and mediation (Fisher and Ury, 1981; Heinz-Jurgen, 2006). Central to the philosophy of these themes is; The need for a searching dialogue to identify the essential needs and interests of the parties that lie behind their public positions and demands; they also elaborate a process of pragmatic problem-solving, in which stakeholder representatives seek solutions that address the core interests of the parties and are acceptable to as many stakeholders as possible. Participants invited to the processes are chosen based on their stake in the decision, and often on their ability to block any agreement as well (Heinz-Jurgen, 2006: 3).

However, Reimann (2005) gave three approaches to dealing with conflicts as; conflict settlement, conflict resolution, and conflict transformation. Conflict settlement aims at a definite end to all forms of the direct violence, without necessarily coping with the basic causes of the conflict (Zartman, 1989; Fisher, 1981). This form considers conflict a zero-sum game, a deficit and anti-development phenomenon. Thus, most strategies used incorporate a range of peaceful measures like negotiation, mediation or facilitation, as well as coercive measures like military, political or economic sanctions and threat.

The conflict resolution approach on its own part considers on-going conflicts as a result of unsatisfied human needs (Kelman and Fisher, 2003). This approach differentiates interests that are changeable or negotiable, from needs, which are quasi natural phenomenon. Here, security, justice and recognition are to be mentioned among the others' needs and values. The approach intends not to end the conflict as such, but to transform it into a non-violent conflict (Burton, 1990). Burton outlined a wide spectrum of methods (like mediation, negotiations, or arbitration) in order to convert the respective conflict into a situation acceptable for both sides. This approach aims at improving communication between the conflicting parties and the development of mutual understanding for the interests of each side.

The ability for mutual respect and reciprocal understanding in respect of the interests in conflict is required to lead both parties toward sustainable and acceptable solution. This mutual respect and reciprocal understanding bothers on the socio-economic and

cultural life of the group concerned. Unfortunately, research on conflict management framework in Africa has shown that regional actors lack objectivity, neutrality and impartiality (Olonisakin, 2000: 32). Given that they may have vested interests in the resolution or course of the conflict in their neighbourhood. This is almost always true of individual or group actors, whether they are acting alone or under the umbrella of an organisation. As a result, their credibility may be in question when they respond to conflict or crises in their backyard.

Fossati (1998) excellently summarised all the twelve conflict resolution alternatives as enumerated by Galtung (1987) in the following manner:

- (1) Transcendence. Both actors simultaneously reach their objectives.
- (2) Persuasion. Only one actor reaches its objective and the other renounces its own, whether through coercion or not.
- (3) Compromise. Neither actor reaches its own objective; both agree on an alternative and complementary solution.
- (4) Exchange. Each actor has two goals and only one is achieved.
- (5) Separation. The actors cease to interact or divide the territory, object of their incompatibility.
- (6) Integration. There is a fusion in which the actors unify their territory.
- (7) Diversion. The actors overcome the conflict and start a new relationship: negative (second conflict) or positive (cooperation).
- (8) Multilateralization. The actors forget their conflict and start to interact with a new actor: together (old two versus new one) or not (old one versus a new one and one old together).
- (9) Segmentation. One actor divides the other one into two actors and has a positive interaction with only one of them.
- (10) Subversion. One actor promotes a change of *élites* in the other one and has a positive interaction with the new *élite*.
- (11) Incapacitation. One actor eliminates or physically neutralizes the other one, for example through "ethnic cleansing".
- (12) Domination. One actor imposes its objective and the loser does not agree.

The application of any of these alternatives by actors depends therefore on the type of conflict involved and the factor(s) that caused it. For instance, separation or integration is used when conflict is over territory (Horowitz, 2002; Diamond and Plattner, 1994; Lijphart, 2002). Thus, Buzan and Little (2000) argues that it is essential to understand the sociological actors that is, nations [language, religion and race (Goio, 1994)] and civilizations (Galtung, 1981) that are involved in armed conflict, in order to identify the different and appropriate resolution processes to be adopted.

However, the fundamental defect associated with the entire conflict resolution strategies discussed previously is that they are all western typologies, which can not be applied to non-western cultures and values successfully. Mohamed (2009) and Irani (1999) correctly argued that Western models of conflict resolution that succeeded in resolving conflicts in modern, Western communities would not succeed in resolving conflicts in non-Western communities due to differences in conceptions and practices. In the West argues Iran, "conflict is commonly perceived to occur between two or more individuals, acting as free agents pursuing their own interests", while in the non-western setting, "individuals often belong to communities and abide by rules and rituals collectively defined in those communities" notes Mohamed. Thus, conflict resolution in non-western countries must fundamentally look into the rituals that govern individual attitudes and behavioural patterns. Thus, in the case of Darfur in Sudan, the Arab-Islamic culture and that of the Darfur aborigines together with the Western culture must be explored while pursuing peace. While the West resort to official legal institutions and instruments to resolve conflicts, Arabs and African resort to socio-cultural formations and values.

It is important to note that the sociological factors that are involved in the Darfur conflict, which are Islamic versus African civilizations, and later, western versus Islamic versus African civilizations can not be resolved through the application of western typologies of conflict resolution. This is because of differences in culture and values, the irreconcilability of these civilizations, and the unmitigated effort by each to subdue the other, that eventually led to the emergence of hatred and phobism on the part of local actors; skepticisms, suspicion and lack of trust on the part of external forces that intervened in the conflict. This paper therefore explores the interplay of these variables in the various efforts to resolve the Darfur conflict with the purpose of explicating the role played by external forces in the intractability of the conflict.

Framework of analysis

Traditionally, Southern Sudan resolves conflict through people to people discussion and dialogue for peacemaking, known locally as *Judiyya* (Mohamed, 2009). Secondly, there exists suspicion and hatred among the factions to the conflict and their various sponsors that ranges from the Sudanese government to other Arab and Western countries seeking to perpetuate their own interests in Sudan. It therefore requires that for any successful conflict resolution programme to be implemented, all the parties [even by extension] to the conflict must be involved in the entire process and each's culture and values accommodated. Consequently, this paper adopts the theory of alternative dispute resolution

(ADR) as its framework of analysis. The principles of this theory are synonymous with this requirement.

According to the protagonists of this theory like Fischer (2006), Forester (1999), Fung and Wright (2003) and Walzer (2005); ADR as a field is generally concerned with solving problems within current political regimes to create a better regime, one that either emphasizes the public good and the victory of the best argument or that creates the conditions in which disempowered groups can more productively and equally participate in defining problems, identifying options, influencing others, and making decisions.

The theory focuses on the tension between trading of values among conflicting groups to harmonize them, and the exploration and definition of an overall public good or value with the aim of addressing power imbalances and underdevelopment in any society. ADR theory proposes that the more fundamental differences in the conceptions and values of conflicting groups and that of the society at large should be discussed and explored, but with the purpose of defining a practical problem that all parties can agree to work on. Usually these groups proceed with the understanding that the process will not seek to change any parties' fundamental values (Forester, 1999). In essence, ADR applies the natural fundamental principles of conflict resolution, which include dialogue, negotiation, compromise, trade-in and agreement. This typology is alien to the western types that pursue victory and gain, which characterize the capitalist regime.

Therefore, the choice of ADR as framework of analysis is quite apt to the tacit examination of the present protracted crisis in Darfur which is a non-western setting. Through the exploration and analysis of the various stages of the peacemaking efforts in Darfur, potency of ADR lies in its ability to the pro-conflict aspect of the western typology that was adopted. ADR enables the researcher to assess whether the external forces that intervened in the conflict appreciated in real terms the place of various civilizations, conceptions and values in the conflict; and the consequences or implication of this for resolving the conflict.

The potency of the theory lies fundamentally on its power to explore the peace process, its democratic nature, the configuration of the factions that participated in the process, the freedom with which they dialogued and agreed on values that serve the overall good of the public, the atmosphere of negotiation that may have led to compromising of factional values for the purpose of peace. In this mechanism lies the explanation on why the conflict has remained intractable. In other words, if the principles of ADR were adhered to during the peace process, relative peace would have been achieved. Therefore, the theory is appropriate for this paper.

DATA GATHERING AND ANALYSIS

Here, this study specifically examines the various peace

processes adopted to end the Darfur conflict only with the intent to establish the role of external factors in their failure. First, the parties to the processes and their interests can be summarised as follows:

- (a) The Moslem dominated Sudan government (pursues Arab domination in Darfur and prevention of perceived international efforts towards regime change under the guise of humanitarian intervention, and the neutralization of Chadian threat);
- (b) Darfur Aborigines (pursues political emancipation from Khartoum military oppression and marginalization, secularism together with reclaiming their farm lands);
- (c) Darfur's Arabs (pursues arabianization and acquisition of aborigines' farm lands for grazing);
- (d) Neighbouring states like Chad, Libya etc., (pursues oil, hegemony, regime stability and arabianization);
- (e) Major Global powers like US, Britain, China, etc (pursues economic interest);
- (f) Global institutions and regional organisations like UN, EU and AU (pursue humanitarian assistance and relief). These interests structured the peace process.

The second attempt after that of the Sudanese government to resolve the conflict was initiated by Chad- a neighbouring country. Under the mediation of the Chadian government talks between the conflict parties started in the early part of 2003, leading to the first ceasefire agreement that was signed by the SLM/A and the Government of Sudan (GoS) in September 2003 in Abéché. The agreement was not implemented because Darfur rebels had no confidence in the Chadian government because they perceive Idriss Déby of Chad as a loyal ally to the GoS.

Consequently, in spring 2004, the Chadian government, the AU and a range of other facilitators arranged another peace talk in N'Djamena leading to a Humanitarian Ceasefire Agreement on April 8, 2004 that established a Ceasefire Commission and the AU Mission in Sudan (AMIS). This set the stage for the intervention of regional organisations, global institutions and world powers in the conflict.

The USA had of course made a variety of political interventions prior to mid-2004 in an effort to stop the violence. In April 2004, US efforts at the UN Human Rights Commission to get a robust resolution 'expressing deep concern about the human rights situation in Darfur' were rebuffed. The European Union, led by France, supported a resolution expressing concern about conditions in Darfur. On 26 July, 2004 the EU called for the Security Council to pass a resolution threatening sanctions if Khartoum failed to meet its commitments set out in its communiqué with the UN to disarm and neutralize the Jingaweit (ABC Online, 2004). While in July, 2004 the US circulated a draft resolution before the Security Council concerning international sanctions against Sudan. A critical study of the proposed sanctions reveals that it was solely against the Darfur militia and not

the Sudanese government. On 13 May 2004, Kofi Annan wrote to the Sudanese President, urging him to disarm the Arab militias and improve humanitarian violations and access in the Darfur region (BBC Online, 2004).

On 24 June, 2004 Kofi Annan embarked on an official trip to Darfur and Khartoum to meet with its President about the crisis. The government agreed to 'immediately start to disarm the Jingaweit and other armed outlaw groups' (UN, 2004). This agreement was neither implemented nor enforced and there was no effective or even barely credible international response to the genocide in Darfur. As one activist put it; 'Early warning is useless without early response. In Darfur, as in Bosnia and Rwanda, Global institutions and regional organisations spoke loudly but carried no stick at all during the early stage of the conflict (Stanton, 2004). The main political responses came from the USA, EU and AU. At the very start of 2004, the EU played out the humanitarian alibi, that is, EU focused on humanitarian programmes alone. Within a few weeks, it had stiffened its resolve by announcing arms and military equipment embargo on Sudan and a public condemnation of the attacks by the Jingaweit militias.

Finally, when the Addis Ababa ceasefire was signed in 28 May, 2004, the AU, with financial support from the EU's African Peace Facility, mobilized military observers to monitor the ceasefire's provisions and verify any violations (EU, 2004). Unfortunately, these moves are unlikely to have any effect on the motivations of the perpetrators of the war. The number of observers (40 monitors and 300 troops) fell considerably short of the numbers required if the AU mission was to carry out its mandate effectively (BBC Online, 2004). The AU later sent 7,000 (though ill equipped) troops to Darfur.

On 31 August, 2004, the United Nations Security Council approved Resolution 1706 which called for a new 20,600-troop UN peacekeeping force called UNAMID to supplant or supplement a poorly funded and ill-equipped 7,000-troop African Union Mission in Sudan peacekeeping force. Sudan strongly objected to the resolution and said that it would see the UN forces in the region as foreign invaders. The next day, the Sudanese military launched a major offensive in the region. On 18 September, 2004, the UN Security Council passed Resolution 1564, which called for a Commission of Inquiry on the Darfur conflict; and in March 2005, the Security Council formally referred the situation in Darfur to the Prosecutor of the International Criminal Court, taking into account the report of the International Commission of Inquiry on Darfur, authorized by UN Security Council Resolution 1564 of 2004. Two permanent members of the Security Council, the United States and China, abstained from the vote on the referral resolution.

In April 2007, the judges of the ICC issued arrest warrants against the former Minister of State for the Interior, Ahmed Haroun, and a Militia Janjaweed leader, Ali Kushayb, for crimes against humanity and war crimes.

The Sudan government says that the ICC had no jurisdiction to try Sudanese citizens and that it will not hand the two men over (BBC Online, 2007).

On 14 July 2008, prosecutors at the ICC, indicted al-Bashir. Most Arab and African governments condemned the indictments as politically motivated while the African Union demanded the ICC suspend the indictment against the Sudanese President (People's Daily Online, 2008). China expressed "serious concern" over the indictment and urged the parties concerned to avoid complicating the situation in Sudan.

With an increasing intensity in the Darfur crisis, Inter-Sudanese Peace Talks were arranged in Abuja, Nigeria in 2005, under the auspices of an African Union (AU) mediation team led by Salim Ahmed Salim and supported by the UN, UK, the US and other international partners. The UN, UK and AU mediators adopted the style and strategy used during the negotiations between North and South Sudan in Kenya that led to the comprehensive peace agreement (CPA) in January 2005. The fundamental principle of this orthodoxy was for the mediator to act as formulators who guide the peace process and the drafting of peace agreements, but to leave the negotiating to the parties. Another strategy adopted was to get the parties to agree to a series of broad principles before tackling the nitty-gritty of a comprehensive peace agreement.

Thus, in July 2005, guided by the mediators the parties to the conflict adopted a Declaration of Principles (DoP) with negative consequences as a faction of the SLM/A disagreed with the imposition leading SLM/A to split into two factions. The negative impact of this development led the UN, major European powers and the US together with AU and the financial backers of the Abuja negotiations to mount pressure and impose deadlines on the parties.

The mediation team divided the negotiations in three areas: power-sharing, wealth-sharing, and security and using experts attached to them, the mediators moved to draft a comprehensive peace agreement. The draft was presented to the parties on 25 April, while its Arabic translation only arrived on 28 April. The deadline expired only two days later, which meant that there was very little time for the parties to understand and discuss the 86-page draft, let alone to consult their constituents. There were also no direct negotiations between the parties about the content of the agreement (Toga, 2007).

At this point, the US Deputy Secretary of State Robert Zoellick, British Minister for International Development Hilary Ben, and Nigerian President Olusegun Obasanjo took over the mediation process, used manipulation, threats and inducements to secure the parties' signatures with little or no regard to the process, the content of the agreement, or its implementation (Nathan, 2006; de Waal, 2007). Therefore, the contents of the DPA did not emanate from the parties. On 5 May, 2006 the Darfur Peace Agreement (DPA) was signed by the government

and by Minni Minawi, the leader of one of the two SLM factions, but was rejected by JEM and Abdel Wahid al Nur, the leader of the other SLM faction.

The agreement did not achieve peace, and arguably heightened the conflict as violent protests against the DPA in Darfur followed. More ominously, the government and Minawi formed an offensive military alliance and attacked communities that support Abdel Wahid, while the Janjaweed's rampages continued unabated (Flint, 2006). There was widespread opposition to the deal within the Minawi group, with some commanders announcing a suspension of the DPA. Conversely, four senior officials from JEM and the Abdel Wahid faction signed a declaration of support for the Agreement and several leaders in Abdel Wahid's grouping broke away because of his stance. As the International Crisis Group (ICG) put it, the DPA "accelerated the break-up of the insurgency into smaller blocs along ethnic lines". The DPA did not resonate with the people of Darfur and met growing resistance from internally displaced persons (IDPs) in particular. They believed that the Agreement "has been forced upon them and, rather than meeting the interests of all parties somewhere halfway, only strengthens the position of the government and (Minawi's) minority tribe, the Zaghawa" (Pronk, 2006).

The DPA contains provisions on power-sharing and political representation; wealth-sharing, compensation for the victims of the conflict; ceasefire arrangements and long-term security issues; and a Darfu-Darfur Dialogue and Consultation designed to facilitate local dialogue and reconciliation. The content of the DPA has been criticized by a number of analysts (Flint, 2006) including the ICG whose commentary sparked a heated exchange of words with the AU (ICG, 2004; March 25). These arguments and criticisms strengthened the position of the opposition groups and the conflict continued after the DPA.

Conclusion

This paper observes that external penetration into/ contacts made by the Darfur region in the 1897 with the West and other Arab nations laid the foundation for the Darfur conflict. This made the resolution of the conflict difficult as these external forces, though, imperial powers manipulated the peace process to favour their allies inside the Sudan. The Sudanese government favoured the Darfur Arabs against the Darfur aborigines, while Chad worked for GoS during the peace process.

The intervention of the UN, EU, UK, US and the AU in the early part of 2004 aggravated the conflict due to conflict resolution orthodoxies they adopted. First, these world powers and regional organizations adopted the theory of incapacitation and domination through the use of ICC to indict government officials, supply of arms and ammunitions to the various parties in the conflict and sanctions targeted against the Darfur militias as methods

to resolve the conflict. These methods though employed at different times only escalated the conflict established anger, suspicion and phobism among the actors and mediators. The methods disregarded the reasons for the conflict, the conceptions and values attached to them by the factions and the consent of the factions.

Secondly, when the incapacitation and domination alternative failed, mediation followed. However, in the mediated Abuja peace talks that produced the DPA, the negotiating parties were unwilling to engage in negotiations due to multiple historical, structural, political, social and economic causes of the conflict that have been re-enforced greatly by the protagonists' mutual hatred and suspicion that have arisen out of years of hostilities and marginalization. This made the mediators to pursue a counter-productive strategy of imposition of agreements, threat (AFP, 2006), the use of deadline diplomacy that were never observed (Straw, 2006) and an absence of negotiations (Prendergast, 2006) to secure the signatures of the factions. Consequently, the implementation of the DPA became difficult and it failed.

Thirdly, an enduring peace agreement cannot be forced on the parties. It has to be shaped and owned by them since it cannot be implemented without their consent and co-operation and its sustainability requires their adherence to its provisions in the long term. This factor of democratized peace process has been frequently ignored by states, global institutions and regional organizations that seek to end the conflict through power-based diplomacy rather than confidence-building mediation (Laurie, 1999). It was five days before the 2006, 30 April deadline that the mediation team presented the DPA to the parties on a take-it-or-leave-it basis, giving them less than a week to read, comprehend and debate within their ranks and then endorse an 86-page English-language document. Abaker Mohamed Abuelbasha, one of Abdel Wahid's negotiators, puts the case as follows:

Above all the (rebel) movements have been given an ultimatum of five days to sign the document or leave it and this is clearly against the prevailing understanding of negotiation norms world-wide which allow the parties to negotiate every issue and reach a compromise position, where everybody is a winner (Abaker, 2006: 8).

The rebels asked the mediators to give them three weeks to study and comment on the document (Abaker, 2006). Their request was turned down and consequently, they rejected the DPA. In addition to these problems, a peace agreement that did not include Abdel Wahid, whose faction represented the largest ethnic group in Darfur and the majority of the IDPs, was never likely to achieve its goals. To protest and drive their interest home, they intensified their struggle. These showcases the procedural and commensurate political weakness of the DPA, which was a product of externally imposed deadlines, international pressure and the mediators' drafting efforts rather than a product of negotiated

compromises and agreements reached by the parties themselves that culminated in the failure of AU's effort to resolve the conflict. Thus, exogenic factors that laid the foundation for Darfur crisis equally hindered its resolution.

In the light of the foregoing, the paper recommends a fundamental overhaul of AU's approach and responses to the conflict in Darfur. First, all factions in the conflict should be subjected to unpressured free dialogue, negotiation and agreement that will usher in a comprehensive federal arrangement. Though this might pose a threat to external interests in Darfur and Sudan, but on it lays the part to peace in the region. The January 2011 Referendum in South Sudan and subsequent independence is a good example.

Further, the warrant of arrest issued against the Sudanese leaders and some government officers should be withdrawn to enable a viable peace accord to emerge, while the South Sudan government should form a broad based government where all the factions are holding at least one important position.

Finally, the broad based government should set up a national reconciliation/peace panel and a sovereign national conference to discuss a federal equation for the country.

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