

## CHAPTER 6

# FROM PROMISE TO PRACTICE? THE AFRICAN UNION IN BURUNDI AND DARFUR

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The inauguration of the AU has ushered in far-reaching changes to the continental peace and security agenda and architecture. The UN, the G8 – including Canada – and the EU have offered substantial support to this emerging regime. However, there is a paucity of research on how these declared commitments to peace and security, including through the protection of civilians will be implemented. Indeed, the AU's security regime is in early stages of development. The AU's PSC Protocol entered into force in December 2003 and the Peace and Security Council was launched on 25 May 2004. Moreover, the ASF will not be fully developed for at least another six years. But even an early analysis of the AU-led peacekeeping mission to Burundi and the AU's ceasefire monitoring mission in Darfur elucidates opportunities and challenges facing the AU and other members of the international community in delivering on their responsibility to protect in Africa.

### **The African Mission in Burundi**

#### ***Background to the conflict***

Violent conflict in Burundi has a long and complex history. The latest cycle of violence erupted in 1993 when Melchior Ndadaye, Burundi's first democratically elected president and leader of the Hutu Front pour la Démocratie au Burundi (FRODEBU), was assassinated by the Tutsi-dominated army, resulting in open warfare between Hutu rebels and the military. The ensuing ethno-political violence has claimed the lives of over 300,000 Burundians – many of them civilians – and has displaced millions more. A number of African leaders, including former Tanzanian president Julius Nyerere, former South African president Nelson Mandela and former South African deputy president Jacob Zuma, have sought a resolution to the conflict. These efforts culminated in the 2000 Arusha Agreement signed by 17 Burundian political parties, the government and the National Assembly. However, the agreement was not signed by the main rebel groups, the Conseil National pour la Défense de la Démocratie – Forces pour la Défense

de la Démocratie (CNDD-FDD) and the Parti pour la Libération du Peuple Hutu – Forces Nationales de Libération (PALIPEHUTU-FNL). It also failed to provide ceasefire agreements, which were subsequently negotiated between the government and the other Arusha signatories in October and December 2002.

In November 2003, after intense negotiation, the CNDD-FDD signed a ceasefire agreement and joined the transitional government. However, at the time of writing, the FNL (Rwasa faction) comprising some 2,000 combatants had still not signed a formal ceasefire and was continuing to launch attacks on the transitional government. In October 2004, the three-year tenure of the transitional government created in the Arusha Agreement was extended by an additional six months and elections, originally scheduled for November, were postponed. Although a country-wide referendum to pass an interim constitution proceeded peacefully in February 2005, the political and social environment in Burundi remained volatile as the country prepared for a series of elections between June and September 2005.

### ***International responses to the conflict***

The OAU/AU has been actively engaged in efforts to resolve the conflict in Burundi since 1993. The pan-African organisation has accompanied ongoing negotiations coordinated by the regional powers and is a co-signatory to all major political agreements. In April 2003 the AU deployed its first peacekeeping mission to support the peace process in Burundi. While the 2000 Arusha Agreement originally called for a UN peacekeeping operation to assist with the implementation of the peace agreement, the UN would not authorise a mission in the absence of a comprehensive ceasefire agreement. Consequently, the AU, regional leaders and the Burundian parties agreed to the deployment of the African Mission in Burundi (AMIB) to operate under the auspices of the AU. At full capacity, AMIB consisted of some 3,335 troops from South Africa, Ethiopia, and Mozambique with additional military observers from Burkina Faso, Gabon, Mali, Togo and Tunisia.<sup>80</sup>

AMIB's central objective was to create conditions sufficiently stable for the UN Security Council to authorise a UN intervention. AMIB was deployed based on an understanding that the UN would take over peacekeeping responsibilities in Burundi after twelve months. It constituted what de Coning refers to as a "hybrid mission" inasmuch as AMIB was deployed for peacekeeping in the absence of a comprehensive ceasefire but lacked the civilian functions that usually form part of such complex peace operations.<sup>81</sup>

AMIB essentially provided the security dimension of the UN's political mission in Burundi. It was through this political mission that it was officially linked to rest of the UN system. AMIB was specifically mandated, among other tasks, to:

- establish and maintain liaison between the parties;
- monitor and verify the implementation of the ceasefire agreements;
- facilitate movement of combatants toward assembly areas;
- facilitate and provide technical assistance to the disarmament, demobilisation and reintegration (DDR) process;
- facilitate the delivery of humanitarian assistance, including to refugees and internally displaced persons; and
- coordinate mission activities with the UN presence in Burundi.

It is important to note that the mission was not given an explicit mandate to protect civilians. However, after several months on the ground, senior AMIB officials drafted rules of engagement (ROEs) to allow their troops to use force to protect civilians in "imminent danger of serious injury or death". According to these ROEs, troops could intervene with force to protect civilians in cases of genocide and mass killings along ethnic lines, although they required prior authorisation from military and civilian officers.

A number of factors help explain why key African leaders and AU Commission were eager to support the deployment of AMIB. At the Regional Summit held in Arusha in December 2002, regional leaders and the AU recognised the importance of securing peace in Burundi in order to bring some stability to the conflict-prone Great Lakes region. The AU also situated the deployment of AMIB within the context of its Constitutive Act. It acknowledged its responsibility for the management and resolution of conflicts on the continent and recognised its right to intervene in grave circumstances in accordance with Article 4 (j) of the Constitutive Act, particularly in situations where the international community was not willing to provide robust support.<sup>82</sup> Moreover, the then chairperson of the AU, South African president Thabo Mbeki, and other African leaders saw the deployment of AMIB as a crucial opportunity for the pan-African organisation to demonstrate its departure from the OAU and to assign itself a prominent role in delivering on a peace and security agenda in Africa.

At the same time, however, African decision-makers anticipated receiving widespread support from the international community for AMIB's role in Burundi, especially in light of the perceived similarities to the conditions preceding the 1994 genocide in Rwanda.<sup>83</sup>

In May 2004, the UN Security Council passed Resolution 1545 (2004) authorising the deployment of a UN peacekeeping operation in Burundi. One month later, after 14 months on the ground, AMIB was officially taken over by and absorbed into the UN Operation in Burundi (known by its French acronym, ONUB). The UN Mission comprises 5,650 troops from the three AMIB contributing nations as well as Kenya, Nepal, and Pakistan. It has an annual operating budget of close to US\$333.2 million. ONUB has been provided with a Chapter VII mandate and has been deployed to ensure respect for the ceasefire agreements, to carry out disarmament, demobilisation and cantonment activities, and to contribute to the successful completion of the electoral process. It is also authorised to protect civilians under direct threat of physical violence.

### ***Assessment of international responses to the conflict***

The deployment of AMIB represents a critical moment for the development of a continent-wide security architecture in Africa. Not only is sustainable peace in Burundi essential for controlling the spread of violent conflict in the already volatile Great Lakes region, but AMIB's performance in Burundi can also provide an early indication of the contribution the AU is likely to make to promoting peace and security on the continent, including through the protection of civilians. Moreover, the AU's willingness and capacity to implement the provisions in the PSC Protocol could have far-reaching implications for the future of the organisation and could influence the willingness of African leaders, civil society and donors to support its new continental security architecture.

AMIB received a great deal of international attention and has been heralded as a possible model for an "African solutions to African problems" approach to peace and security on the continent. For example, regional leaders and the AU stated in a communiqué of the 20<sup>th</sup> Summit of the Great Lakes Regional Peace Initiative on Burundi in November 2003 that AMIB serves as a "shining example and model of African solutions to continental security challenges". A March 2004 communiqué issued by the AU's Peace and Security Council acknowledged "the crucial role played by the African Mission in Burundi in the consolidation of the peace and reconciliation process".<sup>84</sup>

AMIB did play an important security role in Burundi inasmuch as it helped stabilise certain parts of the country. The mission helped to protect certain cantonment sites and was even successful in repelling an attack on the part of the CNDD-FDD. It also contributed to creating conditions sufficiently stable for a UN mission, which was finally deployed following the signing of a ceasefire between the CNDD-FDD and the government. However, ceasefire violations persisted under AMIB's watch and fighting continued between the Burundian army and the FDD, on the one hand, and PALIPEHUTU-FNL, on the other.<sup>85</sup> AMIB was also not able to fully support disarmament, demobilisation and reintegration of former combatants as per its mandate. Moreover, all sides continued to target civilians, even in areas where AMIB was present.<sup>86</sup> A December 2003 Human Rights Watch report found that government soldiers and rebels were "responsible for deliberate attacks on civilians in violation of international humanitarian law, including killings, rape and other violence to persons, looting and causing forced flight". This pervasive sense of insecurity also compromised the capacity of humanitarian agencies to deliver aid to large portions of the population.<sup>87</sup> Based on his first-hand experience, Festus Aboagye notes that "the contribution of the mission to political and economic stability in Burundi was limited".<sup>88</sup>

The inability of AMIB to fully realise its mandate and to deliver on its revised ROEs to protect civilians is a result of a number of factors. First, AMIB was assigned a "nearly impossible mission".<sup>89</sup> With fewer than 3,500 personnel and in the absence of a comprehensive ceasefire, AMIB was tasked with quartering some 25,000 combatants and assigning 45,000 more to barracks. Indeed, the difficulty of the mission is underscored by the fact that when the UN finally agreed to deploy, it did so with close to twice the personnel and financial resources, more sophisticated equipment, and a more secure context in which to carry out its tasks.

Secondly, AMIB lacked the requisite financial resources to carry out such a robust mandate in the context of continued insecurity. When the AU and the South African negotiators first submitted a budget for AMIB to members of the UN Security Council, they were told that the budget was too large and the personnel numbers and equipment requests set for AMIB – although based on UN standards – were too ambitious for an African mission. In response, the AU drastically reduced its requests for financial and equipment assistance and lowered its personnel estimates.<sup>90</sup> However, even with a reduced budget, funds were slowly disbursed and ultimately inadequate. Of the African countries contributing to AMIB, South Africa bore the greatest financial burden of sustaining AMIB and also supplied most of the logistics, including fuel, transport and medical supplies. Ethiopia and Mozambique

did not have the financial resources, transportation capacity and guarantees of reimbursement required to deploy as scheduled and were only able to do so with assistance from South Africa, the US and the UK.<sup>91</sup> The EU, which committed €25 million, provided the most significant external contribution to AMIB.<sup>92</sup> Yet, owing to delays in decision-making at the EU, as well as a lack of absorption capacity on the part of the African Union and AMIB headquarters, these funds were only released close to a year after AMIB had been deployed. Moreover, the funds committed were not sufficient to cover AMIB's total costs, which amounted to US\$134 million. Such financial constraints, augmented by delays in the disbursement of pledges on the part of donors, impacted on the operational performance of AMIB throughout the mission.<sup>93</sup>

Thirdly, AMIB was hampered by a lack of capacity. For example, the Peace and Security Council, and the Peace and Security Department, which were only coming into being when AMIB was deployed, did not have the institutional capacity to organise the financing or deployment. Consequently, South Africa had to assume primary responsibility for running the mission.<sup>94</sup> Moreover, the mission was generally unable to fulfil its mandate and follow through on its revised rules of engagement for protecting civilians, because it lacked the equipment to move out of the relative security of urban areas. Human Rights Watch also suggests that most AMIB troops lacked the proper training to protect civilians.<sup>95</sup> The result, as Kofi Annan noted in a March 2004 report to the UN Security Council, was that even under AMIB's watch "the Burundian population continue[d] to live in fear".

The transition to ONUB in June 2004 helped resolve many of the resource and capacity issues plaguing AMIB. The transition was a smooth one and may highlight important lessons for future AU-UN operational relations.<sup>96</sup> From the beginning of its engagement in Burundi, the OAU/AU worked closely with the UN and the two organisations developed a common understanding of the dynamics of the conflict in Burundi. As a result, they were able to reach consensus on the requirements for resolution and their respective roles for delivering on this agenda. AMIB itself was deployed based on prior agreement that the UN would eventually assume responsibility for the mission, and the June 2004 transition was in direct response to a request from the AU. Consequently, AMIB headquarters and the UN political office in Burundi were keen to coordinate efforts and developed informal mechanisms for sharing information, analysis and best practices throughout AMIB's tenure. Furthermore, when the UN finally took over the mission, it kept AMIB's command structure largely intact and absorbed the African troops already on the ground. This "re-hatting" served not only to facilitate

a relatively seamless transition but also to avoid the highly contentious issue of demotions and troop reductions. The result has been that, after just under a year on the ground, ONUB has helped to improve the security situation in Burundi, to build confidence in the peace process among key stakeholders, and to signal the international community's resolve to find a definitive solution to the conflict.<sup>97</sup>

Yet, despite improvements in security and progress on the political front, most Burundians continue to live in extreme poverty, a situation that could seriously undermine peace efforts in the country.<sup>98</sup> Unless the population sees a meaningful improvement in their lives as a result of the anticipated peace dividend, they will be less likely to support the peace process. These dynamics have become increasingly prominent as the country prepares for elections. One senior ONUB official recently underscored the link between successful elections and socio-economic progress: if there are no alternatives to a life of poverty, there is little incentive for political actors to give up power should they lose the elections. Moreover, Burundi, along with other countries in the Great Lakes region, is undergoing a large-scale demobilisation, reinsertion and reintegration process, funded by the World Bank and other donors, including Canada.<sup>99</sup> Yet, this initiative will only be effective if reintegrated former combatants are provided with viable income-generating opportunities. Otherwise, they will remain particularly vulnerable to "re-recruitment" by the remaining armed groups or to become involved in criminal activity in order to make a living.<sup>100</sup> While the programme does provide a modest salary and business training for demobilised combatants, Burundi requires other elements of development, including a more viable private sector, better infrastructure and rural development, for reintegration to be successful.<sup>101</sup>

At an international donor conference in January 2004, donors dramatically increased their commitments to Burundi and pledged over US\$1 billion in assistance. Yet, at the time of writing, only 30% of these funds had been released. This is due in part to the fact that the transitional government is principally occupied with the elections and has not devised a clear strategy for development in the post-transition period. Donors have not developed sufficient policy approaches or delivery mechanisms to channel assistance in the absence of a coherent country strategy.<sup>102</sup> Donors have also assumed a "stability first" approach in Burundi and are reluctant to release funds without an all-inclusive peace agreement lest assistance inadvertently undermine peace efforts.<sup>103</sup> Indeed, Canada has found itself caught in this calculus. While Burundi has never been a country of concentration for Canada, even modest Canadian bilateral assistance to Burundi decreased from C\$11.6

million in 1992/93 to C\$5.8 million in 2003/04, in large measure because the government was concerned development funds might be misused or wasted in the context of war and ensuing instability.<sup>104</sup> However, Burundi requires development assistance that helps address the social and political vulnerabilities that contributed to the conflict in the first place. Without progress in these domains, post-transition peace may well remain elusive.

## ***Conclusions***

The experiences of AMIB highlight a number of important lessons pertaining to the opportunities and constraints facing the African Union as it develops its capacity to promote peace and security on the continent, including through the protection of vulnerable populations. AMIB played a critical security role in Burundi in a situation where the UN was initially unwilling to provide a peacekeeping force in the absence of a comprehensive ceasefire. The mission's deployment signals a willingness on the part of at least some leaders in Africa to provide resources and political support to a continent-wide peace and security initiative under the auspices of the AU. Furthermore, it confirms that there is support among some key decision-makers to enable the AU to assume a responsibility to provide physical protection to populations at risk. However, the AU faced a number of profound challenges while trying to meet its peace and security objectives in Burundi. For example, AMIB was tasked with a mandate that it could not possibly fulfil given its limited personnel. Moreover, inadequate financing and lack of capacity delayed AMIB's deployment and limited its ability to fulfil its mandate. The AU's experience in Burundi therefore reveals that the organisation requires sustained and meaningful support from the international community in order to actualise its peace and security agenda, including its commitment to protect vulnerable populations.

The transition from the AU to the UN – although delayed – was largely successful, due at least in part to the fact that both organisations had reached a consensus about their respective contributions to resolving the conflict. However, this division of labour may reveal a troubling double standard. The fact that AMIB was deployed to an insecure environment with half the resources and personnel as ONUB risks creating a two-tiered system of international security where the lives of some peacekeepers and the people for whom they are keeping the peace are implicitly accorded less value than others. In addition to providing assistance to the security role played by AMIB, and now ONUB, donors have increased their pledges for assistance to Burundi. However, donors' commitments to development in Burundi beg questions of

how to appropriately sequence immediate post-conflict needs like elections as well as disarmament, demobilisation and reintegration with investment in poverty reduction and longer-term sustainable peacebuilding. The dynamics behind donor commitments to Burundi also underscore the need for donors to devise strategies for effective engagement in conflict contexts or where the state is not willing or able to produce a viable development strategy. Indeed, it is precisely in these difficult environments where sustainable development and structural conflict prevention are so urgently needed.<sup>105</sup>

## **The African Union and the crisis in Darfur**

### ***Background to the crisis***

The crisis in Darfur has been described by the UN as “the worst humanitarian and human rights catastrophe in the world”.<sup>106</sup> The current conflict is anchored in long-standing struggles over resources (primarily land and water) between farming and nomadic communities. These tensions have been expressed violently in the past and have been exacerbated since the droughts of the mid-1980s. A number of analysts have suggested that close to thirty years of marginalisation by governments in Khartoum also lies at the heart of the conflict and that the Darfur region has been systematically denied services and has received minimal development support from Khartoum.<sup>107</sup> These pervasive inter-communal tensions incited and exacerbated by a lack of development in Darfur prompted the mobilisation in 2001 of two loosely aligned Darfuri rebel groups, the Sudan Liberation Army/Movement (SLA/M) and the Justice and Equality Movement (JEM).

The current phase of the conflict was triggered in February 2003, when the SLA/M attacked government institutions in El Fashir, the capital of North Darfur State. In response, the Government of Sudan (GoS) mounted a brutal campaign that involved arming Arab militias or ‘Janjaweed’ to fight a counter-insurgency war on the part of the government. The ensuing violence has killed close to 70,000 people and displaced up to two million. With military and political support from the GoS, the Janjaweed began intentionally targeting civilians from the Fur, Masaalit, Tunjur, Zaghawa and other tribes in reprisal for their apparent support of the rebels, but also to gain access to land and water occupied by non-Arab farming communities. Their tactics include mass killings, rape, looting, intentional starvation and the destruction of vital infrastructure. The rebels have also been implicated in violent acts, reportedly attacking police and aid convoys as well as abducting and killing civilians.<sup>108</sup>

## ***International responses to the crisis***

### *The African Union*

The scale and brutality of this complex crisis have compelled some observers to call for international intervention in accordance with the principles underpinning *The Responsibility to Protect*, claiming that the threshold conditions for international response have been met (and exceeded) in Darfur and the international community is obligated to initiate robust action to curtail the violence.<sup>109</sup> A number of steps have been taken to end the violence and mitigate the humanitarian crisis it has created, as well as to find an enduring resolution to the conflict. The AU has played an active role in these efforts. The AU Commission, according to its chairperson, Alpha Oumar Konaré, has made the crisis in Darfur a central priority, as it poses “the first major challenge to the recently established Peace and Security Council”. Konaré has further noted that “[t]he AU is duty bound to play a leading role in resolving [the] crisis”.<sup>110</sup> This sense of responsibility and activism on the part of the AU represents a clear shift from the OAU's *de facto* policy of “non-intervention” to the AU's commitment to “non-indifference” – to use the words of Commissioner Djinnit cited at the beginning of this paper. A central concern here is how the AU's firm words have been translated into action. An investigation of the AU's response to the crisis serves to highlight some of the opportunities and challenges facing the AU and the rest of the international community in delivering on pan-African peace and security objectives, including the protection of civilians.

In March 2004, the AU began issuing public statements expressing its concerns over the “grave humanitarian situation in the Darfur region”, condemning the Janjaweed militia for its campaign of attack and destruction against the civilian population.<sup>111</sup> These early declarations were reinforced by concerted action on the part of the AU to play a lead role in the political negotiations between the government and the rebel groups in the Chadian capital of N'djamena, beginning in March 2004. The process produced a Humanitarian Ceasefire Agreement signed by the parties to the conflict on 8 April 2004. This agreement calls on the parties “to cease hostilities for renewable 45-day periods, to free ‘prisoners of war’ and to facilitate humanitarian access to IDPs and other civilian victims”.<sup>112</sup> The GoS also agreed to neutralise the militias.

In addition to playing a key role in drafting and implementing the ceasefire agreement, the AU has taken the official lead in finding a political solution to the conflict. The peace talks have been taking place in Abuja since October

2004. Before stalling in December 2004, these negotiations had made some progress, including producing signed (and subsequently violated) protocols on the improvement of the humanitarian and security situations. However, they collapsed before the AU mediation team could present its draft Declaration of Principles for resolution of the conflict. Negotiations restarted on June 12 in Abuja under the chair of Dr Salim A Salim but a political settlement continues to remain elusive.

The ceasefire agreement calls for the creation of a Ceasefire Commission (CFC) consisting of representatives from the parties to the conflict, the Chadian mediators, and the international community. The AU agreed to operationalise and lead the CFC, with the first ceasefire monitors beginning their work in El Fashir in June 2004. At its July 2004 Summit, the African Union agreed to deploy over 300 troops from Nigeria and Rwanda to provide protection for the AU observers in Darfur. However, in a July 27<sup>th</sup> communiqué from the Peace and Security Council, the AU signalled its willingness to transform this force into a peacekeeping mission with greater presence on the ground and a more robust mandate, if necessary, to ensure effective implementation of the ceasefire agreement. Critically, the PSC explicitly stated that “protection of the civilian population” would be a primary objective of this invigorated mission, along with the disarmament and the neutralisation of the Janjaweed and the facilitation of the delivery of the humanitarian assistance.<sup>113</sup>

In October 2004, the PSC released another communiqué, expounding the revised mandate of the expanded AU deployment. The communiqué envisioned a larger African Union Mission in Sudan (AMIS) to be deployed for a one year, with the possibility of renewal, consisting of over 3,320 personnel, including military personnel, observers, civilian police, as well as civilian personnel. AMIS has been given the following mandate:

- to monitor and observe compliance with the April 8<sup>th</sup> Ceasefire Agreement, and any future agreement;
- to assist with confidence building;
- to help create conditions sufficiently secure for the delivery of humanitarian relief and, beyond that, the return of internally displaced persons (IDPs) and refugees to their homes, in order to assist in increasing the level of compliance of all parties with the Humanitarian Ceasefire Agreement and to contribute to the improvement of the security situation throughout Darfur.

It is important to note that while AMIS is a ceasefire monitoring mission – not a peace enforcement or disarmament mission – it is still expected to undertake measures to protect civilians. However, these provisions are weaker than those originally articulated in the July 2004 PSC communiqué, primarily because the GoS rejected the extension of the AU's mandate to include the protection of civilians, insisting that it had the primary responsibility to fulfil this obligation.<sup>114</sup> Consequently, AMIS has not been provided with an explicit protection mandate; rather, it is charged with the task of protecting civilians it “encounters under imminent threat and in the immediate vicinity, within resources and capability” and formally acknowledges that “the protection of the civilian population is the responsibility of the [Government of Sudan]”.<sup>115</sup> By the end of May 2005, AMIS had just over 2,500 personnel on the ground with headquarters in El Fashir, Khartoum and Addis Ababa. At full deployment, which has been delayed considerably, the AU plans to have over 600 ceasefire monitors, more than 800 civilian police and 1,900 soldiers to protect the monitors. The ceasefire monitoring teams generally consist of observers from the AU, the GoS, the rebel groups, representatives from the EU (with representation rotating on a regular basis), the US and Chad. Each team is protected by approximately ten armed AU soldiers.

A number of factors guided the AU's decision to play a leading role in trying to respond to and resolve the conflict. On the one hand, key African leaders and the AU Commission were eager to “do something” about the egregious human rights violations taking place in Sudan and to demonstrate the organization's willingness and capacity to respond meaningfully to crises situations on the continent.<sup>116</sup> On the other hand, the AU was one of the few actors in the position to take action. The Government of Sudan would not allow any other international player to assume a central role in political negotiations or ceasefire monitoring.<sup>117</sup> At the same time, the GoS was not pushed by the UN to accept more active international engagement because members of the Security Council were not able to come to a consensus on the role of western powers in responding to the crisis. These dynamics will be discussed in more detail below.

#### *Other members of the international community*

Key members of the international community have drawn on a range of strategies to engage in Darfur and have offered political, humanitarian, financial and technical assistance to the AU to manage and resolve the conflict. For example, the UN Security Council has passed a number of resolutions related to the crisis in Darfur which call on the GoS to disarm the Janjaweed and/or to bring to justice those who have committed grave human

rights violations.<sup>118</sup> The resolutions underscore the UN's support for the AU's efforts to resolve the conflict, but they also acknowledge that the GoS has primary responsibility for the protection of civilians in Sudan, a highly problematic conclusion given that the GoS has been directly implicated in targeting civilians and supporting the Janjaweed to do the same. Moreover, it was not until March 2005 that the Security Council passed resolutions that call for any meaningful punitive action against the government of Sudan. Resolution 1590 of 24 March 2005 extends an arms embargo originally imposed on non-state actors in Darfur to the government of Sudan. It also establishes a Security Council Committee to monitor the arms embargo and to identify candidates for targeted sanctions. Resolution 1593 of 31 March 2005 referred the situation in Darfur (since July 2002) to the International Criminal Court in accordance with the findings of the UN's International Commission of Inquiry.<sup>119</sup>

In addition to engaging at the political level, key members of the international community have provided substantial humanitarian relief.<sup>120</sup> Donors have also provided financial and technical assistance to AMIS' first phase of expansion. By May 2005 donors' pledges had amounted to US\$300 million of the requested US\$466 million for AMIS' second phase of expansion. For its part, Canada is pursuing a multi-track response to the conflict with engagement of a number of government departments, including the Department of National Defence (DND), the Prime Minister's Office (PMO), Foreign Affairs Canada (FAC) and the Canadian International Development Agency (CIDA). Canadian contributions include:

- C\$20 million in non-ODAable funds to AMIS to provide helicopters, in addition to CA\$1.5 million in basic army supplies for AMIS offered in kind.<sup>121</sup> DND has also sent rotating force planners to AU headquarters in Addis Ababa to provide technical assistance to AMIS.<sup>122</sup> On 12 May 2005 Canada announced an additional contribution of C\$170 million over two years to AMIS to assist an expanded mission.
- Through a series of public declarations and high profile visits to Sudan by Canadian officials, the government of Canada has attempted to bring pressure to bear on the GoS to facilitate access by humanitarian organisations and to improve the security situation.<sup>123</sup>
- The Prime Minister created an Advisory Team on Darfur comprising the Prime Minister's Personal Representative for Africa, Ambassador Robert Fowler; Canada's Special Envoy for Peace in Sudan, Senator Mobina Jaffer; and Senator Roméo Dallaire.

- Canada, along with the League of Arab States, the UN, and the US, has observer status at the Abuja talks with Libya and Nigeria assuming facilitation responsibilities.
- Through FAC's Human Security Programme, Canada also contributed C\$500,000 to the International Criminal Court investigations in Darfur.
- Through CIDA, Canada has provided over C\$25 million in humanitarian assistance directly to the Darfur region. Canada will also contribute a percentage of the C\$90 million pledged at the Oslo Donors' Conference for the North-South Comprehensive Peace Agreement for humanitarian and peace support in Darfur and Chad.

### ***Assessment of international responses to the crisis in Darfur***

The African Union and other key members of the international community have undertaken a variety of initiatives to respond to the crisis in Darfur over the past year. The AU's performance in Darfur is widely understood as the "litmus test" of the AU's capacity and willingness to serve as a regional force for peace and to implement its peace and security agenda.<sup>124</sup> AMIS has contributed to improving conditions on the ground. While it is not yet fully deployed, AMIS regularly reports on ceasefire violations by all sides and frequently issues press releases that circumvent formal violations reporting process. As one commentator on Sudan has noted: "AMIS is possibly the most outspoken monitoring mission in history."<sup>125</sup> Moreover, AMIS teams have broadly interpreted the mission's protection mandate. For example, the mission has frequently responded to NGO requests to be present when women leave the IDP's camps to collect firewood or water in order to deter attack, although it is left to individual field commanders to decide how, when and whether to take on this and other protection tasks.<sup>126</sup> In short, AMIS has deterred ceasefire violations and managed to create safe zones where it is present.

However, the mission continues to face enormous challenges. It still encounters problems with command and control, and logistical support. AMIS' delayed deployment is at least partly attributable to weak planning capacity in Addis Ababa. In addition, the mission lacked accommodations structures, particularly for the police, due in part to delays by the western sub-contractors assigned this task.<sup>127</sup> Until receiving an equipment contribution, the AU did not have adequate communications capacity to relay information from the field-level to headquarter-level.

In addition, some donated troops lack the expertise to carry out AMIS' complex mission.<sup>128</sup>

Furthermore, AMIS has far too few troops on the ground. Even at full deployment (over 3,000 personnel in Phase I), vast amounts of territory will remain unmonitored, particularly in rural areas. It is important to note that on 28 April 2005 the AU PSC agreed to expand AMIS to 7,500 military, police and civilian personnel by August 2005 (Phase II) and may eventually expand to 12,300 personnel to assist with the return of IDPs (Phase III). Other challenges include the fact that AMIS does not have the mandate to enforce the ceasefire, but instead attempts to deter violations through monitoring. In addition, the mission protects civilians on an *ad hoc* rather than formalised basis within its limited capacity. This means many civilians are left with few guarantees of protection against on-going and widespread human rights violations.<sup>129</sup> It is important to note that this type of analysis "shifts the goal posts" for assessment inasmuch as it measures AMIS' performance against desired (albeit minimalist) outcomes of its presence rather than against its own mandate. However, this analysis may prove helpful to the extent that it provides insight into what is required for the AU and the rest of the international community to deliver on the responsibility to protect in Darfur.

Donors have provided broad support for AMIS. One AU official remarked that sustained donor commitment was due in large part to the fact that representatives from the EU and the US actually serve on the monitoring teams and therefore "keep their capitals and their embassies engaged on Darfur".<sup>130</sup> Moreover, donor support is fairly well coordinated, at least compared to contributions to AMIB in Burundi.<sup>131</sup> However, beyond providing financial and technical assistance to AMIS, the international community's responses to the crisis have been delayed and ultimately inadequate.

The United Nations was slow to respond to early warning signals that the crisis was mounting and continued to issue weak resolutions months after the conflict had erupted. The Security Council delayed acting on Darfur in part because military engagement on the part of Western powers was and continues to be "politically contentious in Sudan and very unpopular at home".<sup>132</sup> There were also concerns among member states that a decisive response on the part of the UN and others would serve to derail the Naivasha peace process that was on the verge of concluding a Comprehensive Peace Agreement (CPA) to end the 21-year war between the GoS and the Sudan People's Liberation Movement (SPLM). "At the time, some thought that Darfur had to be sacrificed in the short-term so that the CPA could live."<sup>133</sup> A recently released UK House of Commons report noted:

“... [t]he evidence shows that the international community – including the UK – chose to treat the CPA and Darfur sequentially, with the priority given to securing the North-South peace through the CPA, in the hope it would in turn provide a template for peace in Darfur. Governments, including our own, felt that highlighting events in Darfur, and pressurizing the Sudanese government in relation to Darfur, might throw the CPA process off-track.”<sup>134</sup>

As a result of these weak responses on the part of the international community, the conditions in Darfur have deteriorated in many areas and have only modestly improved in others.<sup>135</sup> Violations of the ceasefire agreement continue and the number of armed groups active in the region is on the rise. Many people have not been able to return to villages – many of which have been completely destroyed – and their land due to insecurity and the fact that in some areas the Janjaweed are claiming confiscated territory as their own. In addition, humanitarian agencies are still not able to provide assistance to thousands of people, due to continued violence. As a result, the possibility of large-scale famine looms.<sup>136</sup> In some areas, particularly South Darfur, people continue to live in conditions of extreme physical insecurity perpetrated by the GoS, armed militias, the rebels and/or bandits. Women and girls remain particularly vulnerable to sexual abuse inside the IDP camps and face the threat of attack while moving outside the camps to collect wood and water. This pervasive insecurity and deterioration of conditions have served to frustrate and politicise populations in Darfur, potentially serving to exacerbate the conflict. As one interviewee remarked, “the people of Darfur are not isolated from the rest of the world. They listen to the BBC and watch CNN. They know what people do in Iraq and Chechnya when their rights are not recognized and they are desperate.”<sup>137</sup>

The most urgent requirement in Darfur is physical security. In the short term, the AU needs to expand its mandate to be able to enforce the ceasefire, rather than monitor violations. One AU official noted that “our experiences in Burundi taught us that monitoring is not enough. We will need to have an enforcement capacity.”<sup>138</sup> It also needs to accelerate its deployment of additional and better equipped troops in order to provide improved protection to civilians. A more robust AU mission will require sustained support from international actors. Donors will need to ensure that financial and technical support – including air transport capacity, helicopter gunships, armoured personnel carriers, sophisticated intelligence gathering capability, communication equipment as well as planning and mission management capacity – is sufficient to match the expanded size of the deployment. Canada's May 2005 contribution may be a good example in this regard. In

addition, at the time of writing, NATO had agreed to provide air transport, materiel and some military training (command and control and operational planning) for an expanded mission and was working out the modalities of this support.

The AU may also need to coordinate more closely with the UN. The UN's Security Council Resolution 1590 adopted on 24 March 2005 does call for better coordination between AMIS and UNMIS, the UN force that will monitor the comprehensive peace agreement negotiated between the GoS and the SPLM. This may eventually create space for UNMIS "to identify ways in liaison with the AU to utilize UNMIS's resources, particularly logistical and operations support elements, as well as resource capacity toward this end".<sup>139</sup> However, it is not clear how this type of coordination might work in practice. The shift from AU to UN command in Burundi revealed that successful transitions require a shared understanding of the nature of the conflict and a common agenda for its resolution, as well as a prior consensus on the appropriate role for each organisation in fulfilling this agenda. However, it is not clear these conditions exist in Darfur. While the AU has officially recognised that it is acting on behalf of the UN in Darfur, AMIS officials demonstrated a certain sense of ownership over this mission, particularly since AMIS troops were risking their lives under very difficult conditions in a situation where the UN would not act decisively.<sup>140</sup> Furthermore, the AU and the UN have charted out very distinct courses for action in Darfur. For example, the AU has led on the political negotiations and has provided a presence on the ground in a situation where the UN Security Council was paralysed. If the lessons from Burundi apply, the fact that the AU and UN have not developed a harmonised agenda or clear division of labour may compromise coordination efforts.

Ultimately, however, the crisis requires a political solution. Key members of the international community – Canada included – need to move beyond rhetoric to better coordinated and more robust action. Engaged international actors need to pressure all sides to participate meaningfully in political negotiations and to honour their ceasefire commitments. The international community also needs to apply consistent pressure on the GoS to live up to its numerous commitments to protect civilians as well as disarm those elements of the militias over which it continues to exercise control.<sup>141</sup>

These security and political initiatives need to be complemented with a national development strategy that begins to address the root causes of conflict and charts out a course for equitable development in Darfur. Donors have generally not looked to Darfur for development funding focusing instead

on providing immediate relief. "For the past decade and a half, international aid programmes in Darfur have focused more on the provision of relief and basic services than to enhancing the ability of Darfur communities to stand up to repression, exploitation and neglect."<sup>142</sup> While providing relief is critical, stakeholders also need to start planning for longer-term development in Darfur and other marginalized areas of Sudan.

For its part, Canada did pledge generously at the Oslo Donors' Conference following the signing of the CPA. Through CIDA Canada will provide Sudan with C\$90 million over two years. A significant percentage of this will be directed to Darfur as a "whole of Sudan" approach to engagement. However, only C\$10 million of Canadian pledges have been specifically earmarked for non-relief/immediate recovery activities such as peacebuilding and governance reform. In addition, while Canada is committed in principle to providing support to Sudan throughout the interim period, the government has only provided a two-year financial commitment. These dynamics are not altogether surprising. Many donors drastically decreased development contributions and level of engagement in Sudan in protest of political changes at the end of the 1980s. As a result, donors like Canada are not well positioned to find appropriate methods of channelling sustainable resources in ways that might help transform the underlying conflict conditions throughout Sudan.<sup>143</sup>

## **Conclusions**

The conditions in Darfur closely resemble those envisioned in *The Responsibility to Protect* to prompt action on the part of the international community in situations where a large number of human lives are at risk. For its part, the AU is playing critical political and security roles in Darfur where the UN Security Council would not act decisively. In deploying AMIS and leading the political negotiations, the AU has signalled its willingness to promote its peace and security agenda. AMIS is helping to improve the security situation, albeit with a limited presence and a weak mandate. Key members of the international community have provided significant support to AMIS, but the UN Security Council's diplomatic response to the crisis has been slow and inadequate. This is due in part to the fact that the Comprehensive Peace Agreement was prioritised over resolution in Darfur and points to the need to devise more comprehensive strategies for addressing multiple conflicts in a single state.

The international community will need to continue to pressure all sides to honour the ceasefire and to protect civilians. It must also provide adequate

technical and financial backing to any expanded AU mission. The UN – through UNMIS – may be in the position to provide significant support to the AU, but it is not clear how this coordination might work in practice, given that each organisation has pursued a distinct course of action in Sudan. However, AMIS can only play a limited role in restoring peace to Darfur. The crisis ultimately requires a political solution backed by concerted and coordinated action on the part of key members of the international community. A sustainable resolution to the conflict also requires that local, national and international actors plan for and pursue development strategies that address the marginalisation, inequality and exploitation that contributed to the conflict in the first place.