

The Techniques and Challenges of Conflict Resolution in Contemporary Africa: Glimpse from Darfur

Bayo Asala

Abstract

Member states of the Organization of African Unity (OAU) signed a new memorandum transforming the organization into what is now called the African Union (AU), following a decision reached in Sirte Declaration in Sirte on 9th September 1999. This was later formalized at the Durban summit in South Africa on 9th July, 2002. The AU is expected to carry on from where the OAU stopped and adopt the full economic and political integration of African states. It is expected to fight poverty, eliminate human rights abuses, provide good governance, promote peace and security, and resolve conflicts within the African continent. This paper, in line of the above AU's objectives, examined the challenges of AU in finding relative solution to conflicts in Africa, using Darfur as a case study. It also, explored the roles which other international institutions are playing to resolve conflicts in Africa, and Darfur in particular, which has been a protracted civil crisis in East Africa. This paper adopted the descriptive and analytical historical research methods.

Keywords: African Union, Challenges, Darfur, Good Governance, Solution

Introduction

The AU, like its predecessor, is saddled with promotion of democracy and good governance, and the right of intervention in the internal affairs of member states. A case in point is that of human rights abuses and genocide, in which the issues in Darfur is explicit (O.A.U. Charter, Article iii, 1963). However, conflicts in Africa and in the international community currently, are dynamics of either intra-states or inter-states. They are very rampant within a given region, and they therefore, divert attention from the basic issues of development and the promotion of the aspiration of the people that are usually the primary concern of organized societies. In most cases, especially where such conflicts escalate into open violence or wars, they actually consume substantial quantities of human and material development resources. The essence of AU within a conflict-ridden region can hardly be ignored. And if it must be involved, it must design a mechanism that allows conflicts to be dealt with promptly and efficiently, thereby freeing the organization to concentrate on other pressing issues. In short, AU has a basic interest in duty of evolving measures that could help to prevent, control and resolve conflicts among its members, thereby creating a climate of relative peace and harmony within which it can seek to meet the minimum expectations of its member states.

At present the African Union has adopted the under mentioned techniques in Darfur:

- J **Conciliation:** This is a technique used by the third party to provide a communication link between antagonists to assist in identifying major issues, lowering tension and moving them towards direct interaction in Liberia, Mali, Chad, among others. The AU has employed this means to reduce tension in Darfur and bring the warring actors to a round table for negotiation in various summits and congresses e.g. Arusha summit in Tanzania, Abuja, Nigeria among others.
- J Another technique employed is by the consultation means, in which a knowledgeable and skilled third party attempts to facilitate problem solving through communication and analysis using social-scientific understanding of conflict processes.
- J Furthermore, peace keeping has also employed by the ALP it is one by which the third party provides military personnel to supervise and monitor a ceasefire between antagonists. At present, the antagonist in Darfur-Sudan have agreed to allow a mixed force of 19,000 UN and AU troops while the joint continent policing Darfur will number between 17,000 and 19,000 soldiers.

J **Pure Mediation:** This is a skill intermediary that attempts to facilitate a negotiation settlement on a set of specific substantive issues through the use of reasoning, persuasion, control of information and suggestion of alternatives. (O.A.U. Charter, Article iii, 1963).

The power or control of third party is seen as the primary distinguishing feature of the varying techniques. These analyses generally show that conciliation and consultation show how to moderate levels of control, while mediation shows a high degree of control. But the only technique left, which the third parties have in control but have not use it is the arbitration. (K. I. Weldesellase, 2011). This is a legitimate and authoritative third party intervention that provides a binding judgment through considering the merits of the opposing positions and imposing a settlement deemed to be fair and just.

The African Union Initiative and Conflict Resolution in Darfur

In its 1990 declaration, the O.A.U. Heads of State and government recognized that the prevalence of conflicts in Africa was seriously impeding their collective and individual efforts to deal with the continent's economic problems. Consequently, they resolved to work together toward the peaceful and rapid resolution of conflicts. During the O.A.U. summit held in Cairo in 1993, African leaders established a mechanism for conflict prevention, management and resolution (MCPMR). In doing so, they recognized that the resolution of conflicts is a precondition for the creation of peace and stability and a necessary precondition for social and economic development (Ahmed, 2000 a).

From the outset, the issue of peacekeeping on which the OAU mechanism was predicated, was controversial. It was widely felt within the OAU political leadership that peace and security were the preserve of the UN, which is mandated to keep peace globally and which possesses more resources than the OAU.

The OAU then defined its objective narrowly as that of primarily anticipating and preventing conflicts and left large-scale peace-keeping to the UN and Africa's sub-regional organizations. Ahmed (2000) asserted that, specifically, the continental body identified three aims; first, to anticipate and prevent situations of potential conflict from developing into full-blown wars; second, to undertake peace-making and peace building efforts if full-blown conflicts should arise and third, to carry out peacemaking and peacebuilding activities in post-conflict situations. While this initiative thrust the OAU into the centre of conflict management efforts in Africa, the reality is that the Pan-African organisation never became a principal player in peace processes in Africa due to lack of adequate materials or resources to control conflicts when it surface. Despite its deficiencies, the OAU had the potential to coordinate the evolving Early Warning Systems in Africa's various sub-regions. It also developed the potential to act as an information bank with sub-regional desks or other alternative systems where information about the activities of each sub-region and its organizations could be coordinated.

However, on July 9, 2001, the OAU took the decision to transform itself into a continental African Union following the signing and ratification by fifty Heads of States and government, of the constitutive Act of the African Union in Lusaka, Zambia (OAU DOC AHG/AHG/AU/DEC (1) 2002). It remains to be seen whether the AU will build on the capacity of its predecessor in the area of conflict management, resolution and prevention. Unlike the OAU charter, the constitutive act of the AU allows for interference in the internal affairs of member states in cases of unconstitutional changes of governments, genocide and conflicts that threaten regional stability, example of where AU conducted such operations are in Liberia in (2003), Cote d' Ivoire (2002-2004). D. Hoile, (2000).

The act also provides for the participation of African civil society actors in the activities of the organization. It calls for a Pan-African parliament, and provide for an economic and cultural commission for adequate enforcement and implementations. Revitalizing the OAU/AU will require political will and a commitment to address conflicts in African. A strong institutional structure that has financial and logistical resources will also be needed to facilitate decision making. After the establishment of peace and Security Council in Durban, South

Africa in 2002 the Peace and Security Council replaced the former OAU mechanism for conflict prevention, management and resolution incorporating relevant structures and methods in order to serve as the continent's collective security and Early-Warning Systems (Udombana, 2006).

Challenges of the AU Intervention Efforts

With the Darfur Peace Agreement (DPA) the state is still at the stage of peril. The current crisis facing the AU is directly related to the exclusive process through which it was created. The negotiations held in Abuja, Nigeria brought together only the government of Sudan and armed movement leaders who represented less than 20 percent of the population of Darfur. Key stakeholders, including the Baggarda Rizeigat Arabs, civil society leaders and women were largely excluded. The movement leaders and their negotiating teams made decisions that would affect the future of Darfur, but failed to communicate effectively with the populations they claimed to represent. Now, with only Minin Arkoi Minani and the government of Sudan as signatories, violence, in many places is on the increase, Darfurians feel further alienated from the agreement.

Given the overwhelming evidence of collaboration between the GoS and the Janjaweed militia, it is no wonder that calls on the GoS by the international community to disarm the militia have gone unheeded. It does appear, however, that the international community is too optimistic in expecting the GoS to shoot itself in the foot as long as it has a pretext in the reprisal attacks and operations of the SPLA/M-JEMS. This can be simply analyzed that GoS cannot and will not disarm the Janjaweed satisfactorily, or at all. Against this background, outstanding operational challenges to AU operations include:

-) Failure of the rebels and the Janjaweed to reveal their positions to AU.
-) The imposition of a no-fly zone on the GoS to restrict its use of aircraft (Antonov and gunships) on the traumatized civilian population.
-) Mechanisms for engaging the non-signatories to the HFCA, such as the janjaweed and NMRD.
-) The rampant banditry and activities of the rebels, ostensibly to support the civilian populations under their control.
-) The difficult of security hotspots/flashpoints through the deployment of AMIS; and
-) The deployment of AMIS forces in emergency situations the like Labado, Marla and Graidia, 20 bogging down troops and impacting heavily on personnel availability for other core AMIS tasks (Fredland, 2001).

Munchia (2001) argued further that other challenges facing AU are logistics, security, humanitarian, political-leadership finance and non standing army to enforce the resolution or to act promptly at the time of need.

The Role of the United Nations

Mukhtar and Badawi (1989) stressed that UN was in a terrible position regarding the Darfur crisis for a number of reasons. First, it was deeply involved in the Naivasha process where it had to boost the Intergovernmental Authority on Development (IGAD) capacity and resolve in what ended up being a saga of endless procrastination and obfuscation. Khartoum kept playing Darfur against Naivasha in order to win at both levels or, if a choice had to be made at least to keep Darfur out of the military reach of the international community. Second, the UN was at the forefront of the humanitarian effort both in southern Sudan (through OLS) and in Darfur. Third, Kofi Annan knew that the US administration hated him and the UN in general and would do anything in its power to make the world body and its secretary general take potentially fatal false moves.

Fourth, the Arab/Black African split which was implicit in the Darfur crisis had many echoes inside the UN; and finally, the European Union member states and American kept pushing the world body to act as if they themselves were not responsible for it. Kofi Annan knew that the December 1994 genocide convention only obliged the members to the UN but that once the world body had accepted the challenges it had become mandatory for it to act. Therefore, his permanent nightmare over Darfur was that the member states would corner him to saying "genocide" thereby forcing him to act and failure to give him the necessary financial, military and political means to do so. For the UN, which has been shaken by the US by-passing it on the Iraq question, such a debacle would

have been a catastrophe. In many ways, the UN striving after 2002, to maintain its credibility and its secretary-general wanted to avoid both US traps and EU passivity (Mukhtar and Badawi, 1989).

Caught on the horns of so many dilemmas Kofi Annan tried to act upsetting things, to scold without being threatening, and to help without intruding too much. The result was that he appeared weak and irresolute at a time when the US and some of his own staff were insisting on more “action,” even if it was no more than symbolic. In June 2004, after he had been booed by demonstrators in Harvard square, he declared. Based on reports “I have received I cannot at this stage call it genocide or ethnic cleansing yet.” This was the worst of both words he had uttered the big taboo words, but prevaricated over their relevance.

The pressure kept building up on the UN to come up with some radical solution. And the more the pressure built up the more the secretary resisted it because he knew only too well that those who were applying it had not real intention of doing anything. When in Wely July 2004 he signed a common communiqué with Khartoum’s foreign minister Mustafa Osman Ismail promising (not for the first time) to disarm the Janjaweed, he remarked we can’t go and say “send in the cavalry and then not be able to go through with it” (Chand, 1999).

This was tantamount to admitting that whatever he signed, nobody should take it seriously. The more the crisis developed, the less the UN seemed capable of doing anything political about it, even though at the humanitarian level it carried over 60% of the financial burden. In many ways this situation came demonstrate in crises over which the heavy weight member states do not want to act. Blaming the UN was easy for those who were responsible for its inaction and passing the buck to the African Union was another favourite resort to sophistry. The report of the UN commission of inquiry on the Darfur violence was the latest but perhaps not the final example of the world’s body and the US each acting their parts in a coordinated show of egregious disingenuousness. The report documented violations of international human rights by people who might have acted with genocidal intentions, yet the situation was not a genocide although it was definitely “war crimes.” But the United States did not like the international criminal court (ICC) because it feared that some of its own human rights violations, particularly in Iraq, might make it liable to prosecution, and it therefore did not favour the UN suggestion that the Darfur war crimes should be brought to the ICC, suggesting instead that a special tribunal might be set up like that of the Rwanda tribunal.

The record everyone was worried about was naming names in an eventual prosecution because the perpetrations of the Darfur war crimes were the same people who, according to the 9th January 2005 peace agreement, were now supposed to implement the Nairobi decision and turn Sudan into a brave new world of peace and prosperity. Once again, as with the Naivasha negotiations in 2007, the hope of global peace in the price of renewed war and massacres in Darfur (Chand, 1999). Altayyib (2000) pointed further the cogent roles which UN played was that it was able to make the government of Sudan and the Sudanese people’s liberation army signed a power-sharing agreement in Naivasha, Kenya on May 26, 2004 in a step to and Africa’s largest civil war. The accord consisted of three key protocols on wealth sharing in the contested regions of Abyei, the Nuba Mountains and Southern Blue Nike, critical to a comprehensive peace agreement. Technical committees would work to implement the protocols and resolve details of a comprehensive cease fire agreement. While progress was made between the government and insurgency groups, the United Nations continued to appeal for humanitarian assistance in Darfur, warning that thousands of people in the province and refugees in neighbouring Chad would die without urgent aid. The UN made an emergency appeal for \$236 million at a major donor’s conference in Geneva on June 3rd 2004. A week later the Security Council unanimously approved secretary general Kofi Annan’s proposal to send a UN advance team to Sudan with a three months mission of assessing peacekeeping needs in the south of the country.

It is not only the impact of A.U. and U.N. that has a firm hold in the resolution of Darfur crisis. France has immensely contributed her own quota. However, the humanitarian disaster that is UN folding in Darfur, western,

makes a far-reaching and active mobilization necessary and required strong action from the international community.

For the past month, French soldiers based in Chad have been sending humanitarian relief by air, two to three times a day, to exiles that have had to abandon their homes in Darfur. The world food programmes, the United Nations High Commissioner for refugees and non-governmental organizations have also been able to deliver food to thousands of traumatized families.

As early as 30th July, after the UN Security Council passed resolution 1556, President Jacques Chirac of France decided, in agreement with the government humanitarian action. So far, more than 450 (metric) tons of aids have been delivered by French troops present in Chad, who continuously devoted all their energy to this job. The crisis in Darfur is a key issue for the stability of the whole region and can only be solved through a political settlement. At a time when security challenges were increasingly undermining Africa's economic and social developments. Joint patrols along the border between Chad and Sudan, led by 200 French troops with units from Chad, have prevented the crisis in Darfur from expanding, which would bring the risk of further instability and endanger civilians across the whole region. Based in Chad through bilateral agreements, these military capabilities were quickly deployed and then supported on the ground. This illustrated the crucial role of French forces deployed in Africa to defence and cooperation agreements with various African countries.

Through its presence, France has been able to contribute to the settlements of several regional crises, in cooperation with the African Union and local organizations in western and central Africa and also in the horn of Africa. France takes part in joint training activities and the RECAMP (Reinforcement des capacités africaines de maintien de la paix) programme, which aims at strengthening African peacekeeping forces (Sudan Tribune, July 2004).

Since February 2004, France has backed the mediation by President Idriss Deby of Chad and the AU that led to the 8th April ceasefire agreement signed in Ndjamena. France has played an active role in the ceasefire commission, whose deputy commander is a French officer.

Challenges of Conflict Resolution in Sudan

The Darfur conflict has provided sufficient opportunity for a more serious and pragmatic assessment of the practicality of the principles of state sovereignty and intervention. On the one hand, while the international community, the UN, the AU and IGAD has engaged with the parties to the conflict, the security situation on the ground in Darfur has changed very little and, indeed, took a turn for the worse in early 2005. Darfur Integrated Task Force (DITF), observed that troop movements, the illegal occupation of new positions, kidnapping acts of banditry, including carjacking, armed robbery, theft of livestock, rapes of women by armed militias increased. (UNMIS).

If further noticed, host of violations from armed militia, particularly banditry, armed robbery, inter-militia tacks, fights and communal violence resulting in fatalities in the Darfur had not duly resolved. In the final analysis, the DITF reports to the fact that the holding of the peace talks and deployment of AMIS troops did little to improve the humanitarian situation in Darfur. That raises the question of whether the magnitude of the human insecurity warranted military intervention and because of the complexity of the GoS or its inability or unwillingness to protect populations within its territorial borders.

In spite of the persistent violence and civilian insecurity, the GoS has not shown substantive commitment towards the prosecution of the perpetrators. To the contrary, it has even failed to conduct investigations or effect arrests of alleged perpetrators were known and there was sufficient and credible evidence to bring perpetrators to trail. The unwillingness of the GoS to bring perpetrators to book was emphasized by human right when it noted Khartoum has feigned lame efforts to hold those responsible to account. The climate of impunity is nothing new in Sudan.

Impunity for massive abuses of human rights committed by the army and ethnic militias in the separate twenty-one year civil war in southern Sudan undoubtedly contributed to the use of similar tactics in Darfur.

As already mentioned, AMIS' ability to resolve the Darfur crisis was constrained by the nature of its mandate-hence, parties continued to violate the agreements and AMIS remained powerless to enforce them. As AMIS resources dwindled, the AU peace and Security Council began in January 2006 to consider handing the mission to the UN. That led to the extension of the AU mandate until March 2006, after which the mission will be converted into a UN mission. The conversion of the mission provided sound ground for the application of chapter vii of the UN.

While the humanitarian situation in Darfur continued to decline, Sudan hosted the AU's Annual Assembly of the host country serves as the new chair of the union until the next assembly. The GoS's record of human rights violation, especially its role in the Darfur crisis, compromised its chances of taking over the AU chair. This vacancy was filled by Congo-Brazzaville consensus among African heads of state not to hand the AU chair to Sudan served to confirm their opposition to the GoS's repressive activities. They felt that allowing the GoS to lead the AU could damage the AU's credibility, especially its commitment to respect human rights, democracy and good governance.

Conclusion

The continued deterioration of human security in Darfur has been blamed on the lack of involvement of civil society groups in the talks, as well as the increased incidence of famine and disease, non-participation by the vulnerable local communities means their inputs were absent from the final agreement. A possible reason for this is that some of the leadership of the negotiating parties might not adequately represent the affected communities. Nevertheless, the involvement of such communities could help to address pertinent issues on the ground and thereby gain grassroots acceptability, which has posed an immense challenges to the government of Sudan, for failing to look into the right direction and thereby neglected its role to address the pertinent issues.

Recommendations

In the light of the above, we recommend or suggest the following for the improvement of the organization.

- The African leaders should have more political will and commitments in solving African problems.
- The organisation should develop the required capacity to enhance its operations, particularly in the areas of finances and trained personnel.
- The AU should implement and be committed to its proposed African Standby Force.
- African countries should also be committed to paying their dues as when due in order to make the organization more functional.
- AU should develop a good and functional early warning and early response capacity before conflicts turn into full blow war.
- Lastly, African leaders should purge itself of corruption and their hegemonic tendencies.

References

- Altayyib, A.A. (2000). History of search for peace and unity in southern Sudan. *Journal of Peace and Development Research*, Vol.2 No. 1.
- Ahmed, A. A. (2000, a). A Sudanese Regimes Advance the War. Unpublished MSc dissertation. African University in Khartoum. 10-11.
- Chand, D. (1999a). Khartoum Peace Agreement and the Prospect for Peace. *Journal of Peace and Development Research*, Vol. 2. No. 1 University of Juba.
- Fredland, M. (2001). The OAU after Ten Years: can it survive. *African Affairs* Vol. 72.
- Hoile, D. (2002). The Search for Peace in the Sudan: A Chronology of the Sudanese Peace Process 1989-2001 (London: The European-Sudanese Public Affairs Council). 4-25.
- Mukhtar, A. and Badawi, A. (1989 a, October). The National Dialogue for Peace. *Sudan Now*, Vol. 14 Issue No. 3. 6-7.

- Munchie, E. (2001, September). African Union-Forward Ever, Backward Never. *New African*, 17-19.
- North and South armies to probe alleged troop buildup on border. Sudan Tribune, October 28, 2010. Retrieved from <http://www.sudantribune.com/North-and-South-Sudan-armies-to,36752>
- Organisation of African Union, (O.A.U.) Charter*, Article iii of May 25th, 1963. Addis Ababa, Ethiopia.
- UNMIS, "United Nations Media Monitoring Report." January 29, 2008. Retrieved from <http://unis.unmissions.org/Portals/UNMIS/2008Docs/mmr-jan29.pdf>.
- Udombana, N.Y. (2006). The unfinished Business: Conflict. The A.U. and the New Partnership on Africa's Development, the George Washington International Law Reviews Vol. 35.
- Weldesellassie, K. I. (2011). IGAD as an International Organization: Its Institutional Development and Shortcomings. *Journal of African Law*. vol.55, No.1. 1-29.