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INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

***THE ROLE OF THE AFRICAN UNION IN MEDIATING INTRA-AFRICAN
CONFLICTS: CASE OF DARFUR, SUDAN***

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DECLARATION

“This research project is my original work and has not been presented for a degree in any other University.”

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DEDICATION

This research project is dedicated to my mother, Margaret Wamuyu for her encouragement and support throughout my academic endeavors. May God truly bless you.

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My sincere gratitude to my supervisor Dr. Anita Kiamba for her guidance and support throughout the period I was undertaking this research project.

ABSTRACT

More than ten years since the Darfur conflict erupted, there is hardly any comprehensive peace agreement involving the different rebel groups and the Government of Sudan. The African Union under the auspices of the African Peace and Security Architecture has been undertaking mediation efforts between the different factions of the Darfur rebels and the Government of Sudan. It has been contended in this study that the methodology of bringing lasting peace in the Darfur region is at the core of the challenge facing the African Union (AU). Despite the forthright initiatives of the AU in conflict resolution, incidents of violent conflicts have persisted in Darfur.

The general objective of the study was to analyse and document the gains and limitations of mediating processes in the African conflict resolution in Darfur, in Western Sudan region. The research was guided by the human needs theory which entailed mutual combination of factors used by the African Union and other actors on the relevance of mediation by dealing with the conflict cycle from the structural causes of the struggle to its resolution and the assurance of a peaceful conflict resolution in the Darfur region.

The study concludes that the African Union lacks the institutional capacity to mediate the Darfur conflict and that competing mediation initiatives hinder peace processes in Darfur. Mediation deadlines to peace agreements were also identified as an obstacle to lasting peace in Darfur.

The study recommends the need for the establishment of an AU Mediation Unit, which should give prominence to restoring security in Darfur region and compliment the Continental Early Warning Systems. Other recommendations included adoption of a problem –solving approach in negotiations, inclusive future Darfur peace talks as well as getting other external actors such as China to weigh in any future mediation attempts. In multiethnic society, the African Union as well as other actors should ensure they use a comprehensive peace approach that appreciates the diversity of cultural world views.

LIST OF ABBREVIATIONS

AMIS	-	African Union Mission in Sudan
AMU	-	Arab Magreb Union
ASF	-	African Standby Force
AU	-	African Union
CEWS	-	Continental Early Warning System
CPA	-	Comprehensive Peace Agreement
CRT	-	Conflict Resolution Theory
CSO's	-	Civil Society Organizations
DDDC	-	Darfur-Darfur Dialogue and Consultation
DPA	-	Darfur Peace Agreement
DPA	-	Department of Political Affairs
DPAIT	-	Darfur Peace Agreement Implementation Team
DRC	-	Democratic Republic of Congo
ECCAS	-	Economic Community of Central African States
ECOWAS	-	Economic Community of West African States
EU	-	European Union
GoS	-	Government of Sudan
GoSS	-	Government of Southern Sudan
HNT	-	Human Needs theory
ICG	-	International Crisis Group
IGAD	-	Intergovernmental Authority on Development
JEM	-	Justice and Equality Movement

NATO	-	North Atlantic Treaty Organization
NRA	-	National Resistance Army
OAU	-	Organization of African Unity
PSC	-	Peace and Security Council
RECs	-	Regional Economic Communities
RPF	-	Rwandese Patriotic Front
SADC	-	Southern African Development Community
SPLA/M	-	Sudan People Liberation Army/Movement
SSG	-	Southern Sudan Government
UN	-	United Nations
UNAMID	-	United Nations/African Union Mission in Darfur
UNESCO	-	United Nation Educational, Scientific and Cultural Organization
UNSC	-	United Nation Security Council
US	-	United States

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CHAPTER ONE

INTRODUCTION

1.0 Background of Study

The methodology of bringing to the barest minimum, the number of violent conflict situations in Africa, is to core of the challenges facing the African Union (AU). Despite the forthright initiatives of the AU in conflict resolution, incidents of violent conflicts have persisted in Africa. The African Union, which is the successor-body to the Organization of African Unity (OAU), was born in 2001¹. Earlier, the precursor OAU in its declarations acknowledged that the scourge of conflicts must be controlled, for Africa to achieve socio-economic progress. For instance, the OAU declaration, establishing a Mechanism for Conflict Prevention, Management and Resolution, had admitted that no single internal factor has contributed more to the present socio-economic problems in the continent than internal conflicts in and among African countries. They have brought about death and human suffering, hatred and have divided nations and families. Conflicts have forced millions of African people into refugee camps and led to internally displaced persons, with deprived livelihood, human dignity and hope. The scarce resources used on conflicts have undermined the ability of African countries to address the many competing needs on the continent.

The establishment of the African Union (AU) in 2002 was received with guarded optimism and its activity in human rights and peacekeeping represents an improvement over the performance of the Organization of African Unity (OAU), its predecessor

¹ Mathiasen, F. (2006) "The African Union and Conflict Management". A Strategy Research Project, United States Army War College

institution². Under the auspices of the AU, the continent's paramount Pan-African institution, Africa is seen to be moving to a new era where as a continent it is committed to conflict resolution and peace building. The formulation of the AU in 2002 and the Peace and Security Council (PSC) in 2004 firmly established institutions dedicated to the promotion of peace, security and stability in Africa³. The Protocol Relating to the Establishment of the PSC includes mediation as a specific function of the PSC (AU, 2004: Article 6, 3). The adoption of the Constitutive Act of the AU in July 2000 signified the dawn of a new era in Africa. The AU's Constitutive Act articulates a strong commitment to human rights. The charter also gives the AU the authority to back up that commitment with action, explicitly providing for "the right of the Union to intervene in a Member State, in respect of grave circumstances, namely war crimes, genocide and crimes against humanity" (Article 4h).

The AU has a formal mandate to engage in mediation as a form of peacemaking, which is legislated in the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union. The primary role of the PSC is to promote sustainable peace, security and stability in Africa. The PSC is the AU's standing decision-making organ for the prevention, management and resolution of conflicts. The different elements of the said Protocol include the Continental Early Warning System (CEWS), the Panel of the Wise, the Peace Fund and the African Standby Force (ASF). The Protocol refers to

² Juma, M. K. (2006). *Compendium of key documents relating to peace and security in Africa*. Pretoria: Pretoria University Law Press (PULP)

³ Mottiar, S. & Van Jaarsveld, S., 2009, *Mediating peace in Africa, securing conflict prevention*. ACCORD. Durban

mediation as one of the specific functions of the African Peace and Security Architecture (AU, 2002: Article 6, 3)⁴.

Mediation under the AU, as exemplified by its efforts in Darfur, has been described as active as compared to the past inaction of the OAU⁵. For instance through a PSC decision, the AU assumed the political responsibility of mediating between the government of Sudan and armed resistance movements the Justice and Equality Movement and the Sudan Liberation Army.

Despite this commitment by the African Union, mechanisms and processes for mediation at the AU still need to be defined, institutionalized and consolidated. Currently the principal operational mechanism of mediation at the AU is the AU Commission, which implements mediation interventions and takes decisions regarding their composition and nature. Mediation efforts have so far taken the form of ad hoc deployment of special envoys in identified conflict areas on the continent. The AU Commission also takes advice on mediation envoys from the Panel of the Wise. The Panel is also able to make decisions on conflict mediation and act upon them. Support for mediation comes from the Conflict Management Directorate of the Commission. AU is yet to come up with mechanisms and institutions which are dedicated in management and supporting mediation processes in Africa.

The Darfur crisis has put these expectations to the test, and the results have been mixed. The institution's failure to halt the human rights violations in Darfur has confirmed that

⁴ African Union, 2002, Protocol relating to the establishment of the peace and Security Council of the African Union 2002/2003. Addis Ababa., October 2009

⁵ Gomes, S., 2008, "The peacemaking role of the OAU and the AU: a comparative analysis", in Akokpari, J., Ndinga-Muvumba, A. & Murithi, T. (eds), The African Union and its Institutions, Jacana Media,

its shortage of resources and political will are a real hindrance to its effectiveness in protecting human rights. The dynamics in Darfur case especially the government's active support for the violations being committed intensify these shortcomings in ways that may not apply in other peace processes. The shortage of experience, expertise, capacity and resources at the AU, has, to date, meant that conflict prevention and mediation efforts have taken an ad hoc rather than a systematic, professionalized form. The problem of capacity is starkly felt when mediation efforts are aided by countries, organisations and experts for only short periods of time and then left to fare on their own after a critical period. Mediation is an integral component of peacemaking and has the potential to be instrumental in preventing, managing and ending conflicts.

This study focuses on the Darfur Conflict and the peace processes attempts by the African Union through its mediation processes. Darfur, an arid region in Western Sudan has become synonymous with genocide, though many have been reluctant to describe the situation as such, especially the AU⁶. As the conflict between, the Government of the Sudan and the Sudan People's Liberation Army/Movement (SPLA/M) raged on for over two decades, long-standing tensions in Darfur were neglected. There have been various attempts by the international and regional communities to restore peace and security in the Darfur region. The conflict in Darfur was the AU's first prominent intervention after the formation of the PSC. Although the African Union has been involved in peace processes in the conflict between the government of Sudan and the Darfur conflict, the conflict is yet to be resolved.

⁶ Gompert D, et al (2009) "Learning from Darfur: Building a Net-Capable African Force to Stop Mass Killing." National Defense University, Center for Technology and National Security

1.2 Statement of the Problem

Many African countries continue to experience armed conflicts arising from political and ethnic disagreements. The lack of trained human capacity, financial resources and adequate frameworks and mechanisms at the AU, often means that mediation processes have taken an adhoc approach rather than a more structured and institutionalized approach. Whereas the African Union's response to conflict resolution has notably improved with time, the specific use of mediation as a process of conflict resolution has not achieved consistent results in Africa and particularly in the Darfur conflict. To achieve peace and security in the region, it is important that the AU develops capacity to fulfill its mandate of mediation in resolving conflict in and among nations. The study uses Darfur as a reference case. The conflict in Darfur has been going on for decades and any peace settlement attempt has ironically resulted into more violence.

1.3 Research Objectives

To analyze and document gains and limitations of mediating processes in the African Union conflict resolution in Darfur, in Western Sudan region. The research will be guided by the following specific objectives:

- i. To assess the contribution of AU mediation process in resolution of Darfur conflict
- ii. To analyse the impact of mediation by the African Union in Darfur
- iii. To establish what the AU must do for the union to remain relevance in African conflict resolution.

1.4 Literature Review

This section will review the literature consulted during the research process and focus on the concepts important for this study such as mediation, main actors in the Darfur peace process, mediating conflicts in Africa and the Darfur conflict Resolution. The chapter will utilize books, academic journals, various reports and websites that analyses the history of Sudan, Darfur and the current conflict in Darfur.

1.4.1 Literature Review on Mediation

Mediation is a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behavior, and do so without resorting to physical force or invoking the authority of law⁷. It is the practice of settling disputes through intermediaries. The potential application of mediation is truly limitless. According to Bercovitch in the "International Journal of Peace studies", as a form of international conflict management, mediation is likely to occur when a conflict has gone on for some time, the efforts of the individuals or actors involved have reached an impasse, neither actor is prepared to countenance further costs or escalation of the dispute, and both parties welcome some form of mediation and are ready to engage in direct or indirect dialogue. Mediation must in essence be seen as an extension of the negotiation process whereby an acceptable third party intervenes to change the course or outcome of a particular conflict. As a form of conflict management, mediation is distinguishable from the more binding forms of third-

⁷ Jacob Bercovitch, "Mediation in International Conflict: An Overview of Theory, A Review of Practice" *Peacemaking in International Conflict: Methods and Techniques*, eds. I. William Zartman and J. Lewis Rasmussen, Washington DC: United States Institute of Peace Press, 1997, pp. 125-154.

party intervention, such as arbitration and adjudication, in that it is initiated upon request and it leaves the ultimate decision-making power with the disputants⁸.

Mediation is a very important tool that can be widely employed in conflict resolution, particularly when parties are unable or unwilling to compromise from their position and negotiate directly. Moreover, it is usually needed when there is a great deal of distrust between parties regarding the other's intentions, or where there are cultural differences which present an additional barrier, or where at least one of the parties refuses to recognise the other⁹. Indeed in May 2012, the United Nations in a day-long meeting of the General Assembly concluded that 'mediation plays a vital role in preventing conflicts', and should receive greater focus¹⁰.

The role of mediation and facilitation is to create a platform to address issues through dialogue and political means rather than relying on violence, the use of force and mutual coercion. It helps mitigate the parties' attitudes of mutual distrust and hostility while encouraging them to accept certain principles of fairness, justice and sustainability.

Mediation can help the parties to re-examine their positions, which in turn may steer them towards a more reasonable and flexible position, exploring options and solutions that had not previously been considered. The mediator can focus the parties on the

⁸ Folberg, J. and Taylor, A. (1984). *Mediation: A Comprehensive Guide to Resolving Conflicts Without Litigation*. San Francisco: Jossey-Bass

⁹ G. R. Berridge (2010), *Diplomacy: Theory and Practice* (Basingstoke: Palgrave Mac- Millan

¹⁰ United Nations, 'Mediation Plays a Vital Role in Preventing Conflict, Settling Disputes', 23 May 2012, <http://www.un.org/apps/news/story.asp?NewsID=42067&Cr=mediation&Cr1#.UE2wgbJIRbw>, accessed 10 September 2012

process and the need to find common ground and mutual interests, to steer the conflict to a peaceful resolution¹¹.

The fundamental point to consider with regards to mediation is that the protagonists must be willing to enter into the mediation and be ready to talk to the other side; part of this decision rests on the protagonists' perspective of the mediator.

1.4.2 Characteristics of a Mediation process

These characteristics are the features that define or guide a mediation process. These are some of the things that have to be in place during a mediation process. The characteristics of a mediation process will touch both on the mediation process as well as on the mediator or parties involved in the mediation process.

1.4.2.1 Acceptability of Mediators to the Parties to the Conflict

The acceptability of the mediator to all parties to the conflict is a key condition for a successful mediation effort. When the parties to a conflict do not trust or fail to accept a mediator from the start of the mediation process, the success of the peace process is unachievable. A mediator should not appear to be taking sides or show any favour during a mediation process. It is advisable that all parties to a conflict get to agree on a mediator from the time the peace process is embarked on.

1.4.2.2 Neutrality and Impartiality of Mediators

One of the central debates surrounding mediation is whether the mediator should be impartial, or whether it is acceptable for them to carry their own agenda. As mentioned

¹¹ Hizkias Assefa (2004), 'The Challenges of Influencing Policy in Conflict Situations', in Mari Fitzduff and Cheyanne Church (eds.), *NGOs at the Table: Strategies for Influencing Policies in Areas of Conflict* (Oxford: Oxford University Press), pp.45-56 (p.51)

previously, every conflict situation is different, and either may be acceptable in a given situation. Mediators can be broadly grouped into two categories; Neutral mediators and principled mediators¹². The former often refers to NGOs, charities and other civil society groups, whereas the latter mainly refers to governments and inter-governmental organisations (IGOs), such as the United Nations or the European Union¹³. Nevertheless, these groupings are not clearly defined and individuals groups or states may fall into both category.

It is generally believed that neutrality helps mediators establish trust, credibility and respect from both sides and mediating attempts are overall more successful. It is moreover important because both parties must believe that the mediator will convey messages between them without distortion and that their confidentiality can be maintained¹⁴. However, it is important to underline that in reality, complete neutrality of the mediator remains an ideal which is often quickly broken when attempting to effectively manage a conflict. Even though the ideal may not be achievable, generally speaking it is important that there is not a clear favouring of one side by the mediator during the process and that they are substantially impartial regarding the issues at hand. When a mediator's neutrality is brought into question, it may take more time to establish effective talks because time will need to be taken to demonstrate this quality¹⁵.

¹² James Larry Taulbee and Marion V. Creekmore Jr. (2003), 'NGO Mediation: The Carter Centre,' *International Peacekeeping*, Vol.10, No.1, pp.156-171 (pp.157-58)

¹³ Michelle Maiese (2005), 'Neutrality', <http://www.beyondintractability.org/bi-essay/neutrality>, accessed 06 September 2012

¹⁴ G. R. Berridge (2010), *Diplomacy: Theory and Practice* (Basingstoke: Palgrave MacMillan)

¹⁵ Organisation for Security and Cooperation in Europe (2011), 'Perspectives of the UN and Regional Organisation on Preventative and Quiet Diplomacy, Dialogue, Facilitation and Mediation', <http://www.osce.org/cpc/76015>, accessed 06 September 2012

1.4.2.3 Importance of a Lead Mediator during Mediation

While Civil Society Organisations can play a key role in facilitating mediation between warring parties, it is important to have a degree of leadership and an individual that both parties can look to as an authoritative third party. President Al-Nasser of the United Nations General Assembly encapsulates this idea in stressing that the essential elements for successful mediation are strong leadership and coordinated action. He moreover emphasises that for the sake of coordination and efficiency, there should be one lead mediator and one lead mediation team for each specific case, which is supported by others where necessary¹⁶.

Mediators are often leaders in their own right and the outcome of a mediation effort is often linked to their prestige. While there are many contributing factors to successful or unsuccessful mediation, the mediator will take a degree of responsibility and the subsequent consequences depending on the outcome. This gives the individual mediator a greater incentive to try to ensure success as opposed to larger contact groups or collective civil society where the blame can be passed to another more easily. As one of many activities a state will be involved in, a failed mediation effort may not drastically damage their standing. Failure for a civil society leader may be more detrimental to their local influence so once they commit to being a mediator; they may have more incentive to go to extra lengths to guarantee success.

¹⁶ G. R. Berridge (2010), *Diplomacy: Theory and Practice* (Basingstoke: Palgrave MacMillan)

1.4.2.4 Skills of the Mediator

A proven track record of successful mediation will undoubtedly instil confidence in both parties that they are investing their trust in a valuable third party¹⁷. This may be either through previous conflict resolution successes demonstrated through the mediator's profession.

States have more opportunities to demonstrate their abilities by drawing on past efforts, but civil society is not excluded from doing so as well. Yet given the large number of personnel employed by the state, a state's reputation may not match the mediator's skills depending on the individual that is representing the state. In both cases, a lack of skill may worsen the conflict. Nevertheless, new mediators may bring a fresh approach to the process without any past judgements being made on their performance by the parties. This will largely depend on their legitimacy and authority, especially in the case of civil society leaders, and the skills the civil society mediator can draw from their profession to the negotiating table. Faith-based actors for example, are well suited for mediation as this is a key part of their everyday job.

Language skills are especially important in any mediation effort and can ease the process. Local civil society has an advantage over international organisations and external states because they are more likely familiar to the native language with greater ease. On the whole, it is bad practice to conduct peace-making, or any relations, purely through translation as it can impede communication.

¹⁷ Faure, G. O. (1989). "The Mediators as Third Negotiators" In E. Mautner-Markhof *ed.*, *Process of International Negotiations*. Boulder, Colo.: Westview, 415- 426.

Personal skills are also important for successful mediation, and include attributes such as empathy, analytical ability, excellent political judgement and problem-solving skills. Excellent communication and facilitation skills and a sense of quiet confidence and authority will go a long way in encouraging good communication among the warring parties. These skills can be fostered by individuals from within and outside civil society. All mediators need to keep on improving on this skills and learning and acquiring new skills through trainings, workshops and day to day peace and mediation activities.

1.4.2.5 Mediation Deadlines

Governments, inter-governmental organisations (IGOs) and regional organisations generally have little opportunity to specialise in specific regions or conflicts because they have to respond to a number of crises and issues simultaneously, each of which may vary considerably. Civil society on the other hand, in particular NGOs and charities, has the luxury of being able to specialise in specific areas and can thus dedicate a more comprehensive effort to mediation efforts¹⁸.

Continuous involvement and attention to negotiations is essential for any mediation effort. This produces familiarity with the problems and the personalities involved. It enables relationships of personal trust to develop, that reinforce calculations of interest, and fosters a routine that reduces the likelihood of false expectations being generated. This is generally where civil society has an advantage over states. States may have the capabilities of pursuing consistent policies over long periods, but electoral cycles tend to condemn their mediations to being periodic rather than continuous affairs. High profile

¹⁸ Laurie Nathan, 'Towards a New Era in International Mediation (2010), <http://www2.lse.ac.uk/internationalDevelopment/research/crisisStates/download/Policy%20Directions/Towards%20a%20new%20era%20in%20international%20mediation.pdf>, accessed 10 September 2012

state mediators will also find it more difficult to commit themselves on a full time basis due to the multitude of other commitments they have. Former U.S. President, Jimmy Carter, for example had only thirteen days, an unusually long time for a President, to secure the Camp David Accords between Egyptian President Anwar El Sadat and Israeli Prime Minister Menachem Begin. Specialist CSOs will not have the same demands on their time, and will often be able to focus more fully on one area.

Deadlines are a common feature of mediation processes and can often be beneficial in a process to encourage progress. However, sometimes there needs to be greater flexibility regarding deadlines to ensure a comprehensive agreement that has been thoroughly negotiated. State mediators are likely to be more rigidly bound to these deadlines due to their political masters and general domestic pressures, whereas civil society actors often do not have the same time pressures and can allow for greater flexibility and appropriate deadlines¹⁹.

Generally a mediator's timeframe tends to expire once an agreement has been signed, but the mediator can, if the conditions allow, perform a continued and essential mediating role in the implementation period of an agreement to ensure that no misunderstandings or misinterpretations of the agreement arise.

This may be especially beneficial during a transition as the roots of the causes of conflict are often being targeted, which will inevitably create new tensions. Those that have

¹⁹ Human Security Baseline Assessment, "No Dialogue, No Commitment: The Perils of Deadline Diplomacy in Darfur," *Sudan Issue Brief*, No. 4 (December 2006), 3-4.

unduly benefited from unequal access to resources are likely to resist some of these changes, while those that have been denied access may lose patience with the slow pace of transition.

Civil society mediators, especially at the local and national level, are usually better equipped to sustain mediation following a peace process because they have greater access to the situation unlike an external state or inter-governmental organisation (IGO), for instance. These states would also be more reluctant to stay in the region as they have constituents to answer to. Some INGOs do have long-term engagements with post conflict countries that work well with local civil society partners²⁰.

Furthermore, principled mediator, which tend to be states, have constituents to answer to so, which makes them more reluctant to stay in the region as third-parties because of the costs and political implications involved.

1.4.2.6 Resources of the Mediator

The resources needed for a peace process are a very important consideration which can often fall on the mediator if a process is being pursued independently from government efforts, or if resources are finite in an official peace process. States undoubtedly have greater access to resources, but depending on the size and scope of a CSO, the latter may be able to provide the necessary resource for a sustained process. The costs involved can be vast in a formal mediation effort, ranging from venue hire, accommodation, travel, catering and materials, additional personnel costs for research, logistics, and administration amongst other areas.

²⁰ James Larry Taulbee and Marion V. Creekmore Jr. (2003), 'NGO Mediation: The Carter Centre,' *International Peacekeeping*, Vol.10, No.1, pp.156-171 (p.158)

Informal mediation processes can also be successful to bring about an arrangement and may only require a venue, which could be free of charge if a community or religious building is used; and the representatives of the parties to the conflict take the burden of transportation costs or are local enough to convene easily.

Civil society has many avenues available to it to raise the necessary funds, including private donations, trusts and foundations, self generated activities and prizes. Faith-based actors for example can draw resources from the wider faith community and can bypass the localism inherent in faith-based efforts. Likewise INGOs can draw on international resources to support local efforts. Civil Society also has the option to seek direct and indirect government funding for projects which is the most common avenue for funding, while this blurs the lines of separation between civil society and the government, the autonomy and impartiality of the CSO can still hold.

Civil society faces many restrictions by seeking funding however, including the possibility of conditions being dictated by the funder, for example specific deadlines. Independent funding sources cannot be relied on to sustain a process until an agreement is reached, which may lead it to break down. It may be beneficial where these circumstances prevail for a civil society mediation effort to run alongside a formal state-driven process, so that resources can be drawn from this official process and so that a duplication of efforts is avoided.

One of the key resources of civil society is the knowledge that they can share with the peace process, and the utilisation of this knowledge to guide the mediation process. President Al-Nasser of the UN General Assembly underlined the need for a mediator to

have ‘deep knowledge and a sound understanding’ of the parties, the situation, the history of the conflict, as well as relevant cultural and other values²¹. Unlike governments, IGOs, and regional organisations that rarely specialise due to a vast number of simultaneous conflicts, civil society often has a greater opportunity to consider conflicts and issues in more depth. Moreover, the capacity of civil society to specialise in the intricacies of specific conflicts provides governments and organisations with a ready repository of expertise; often mediators and mediation support staff will move between governmental and non-governmental worlds with ease²²

1.4.3 Mediation of Conflicts in Africa

Processes of conflict resolution in Africa are characterized by three dimensions which include the nature of conflicts, conflict resolution mechanisms and the outcome of such mechanisms. In understanding the nature of conflicts, first there is need to identify types of conflicts. There have been different ways of identifying types of conflicts. One way is in terms of complexity. It has been observed that in Africa there exist simple and complex types of conflicts²³. Most of the conflicts have been and continue to be complex. The second way is in terms of duration. In this context there are short- lived and protracted conflicts. Protracted conflicts are the most common in most countries in Africa. Wars of liberation in Southern Africa and civil wars that came after independence

²¹ United Nations, ‘Mediation Plays a Vital Role in Preventing Conflict, Settling Disputes’, 23 May 2012, <http://www.un.org/apps/news/story.asp?NewsID=42067&Cr=mediation&Cr1#.UE2wgbJIRbw>, accessed 10 September 2012

²² Shauna Mottiar and Salome van Jaarsveld (2009), ‘Mediating Peace in Africa: Securing Conflict Prevention’, http://www.accord.org.za/downloads/reports/ACCORD_Mediating_Peace_Africa.pdf, accessed 06 September 2012

²³ Fisher, R. (2013) “Third Party Consultation as a Method of Intergroup Conflict Resolution.” *Journal of Conflict Resolution* 27:301-344.

in Mozambique were protracted conflicts. This is also true of civil wars in Sudan and Somalia. The Rift Valley conflicts in Kenya in 1991/92 and again in 1997 constitute few examples of short-lived conflicts. The third way is in terms of violence. There are conflicts which are violent and those which are non-violent. Some people have characterized the non-violent conflicts as latent or structured conflicts.

The fourth way of identifying types of conflicts is in terms of the scale of the conflict. In this context conflicts in Africa have been categorized into internal, interstate and internationalized conflicts. Purely internal conflicts are said to be few in Africa. There have been a good number of interstate conflicts such as wars between Tanzania and Uganda in 1978/79. Internationalized conflicts are the most common. These are conflicts, which in one way or another have involved other countries or affected neighboring countries such as the influx of refugees and their implications. Given this conception, most conflicts in Africa have been or are internationalized conflicts. The fifth way is in terms of necessity or legitimacy of conflicts. While some conflicts are regarded as necessary and legitimate, others are unnecessary and illegitimate²⁴.

Legitimate conflicts are mainly concerned with struggles for liberation from an oppressive and exploitative regime. The first stage when such conflicts took place in Africa was during struggles for national independence from colonialism. Colonized people, who could not achieve independence through peaceful means, had to resort to armed struggle. In his speech to the University of Toronto, Canada, in October 1969, the Late Mwalimu Julius K. Nyerere, emphasized the fact that although the principle was to

²⁴ Kirchhoff, L. 2008, *Constructive interventions: paradigms, process and practice*

struggle for independence through peaceful means, under situations where peaceful means were not possible the use of violence became inevitable²⁵. The second phase of legitimate conflicts through armed liberation began in the 1980s and gained more momentum during the 1990s. This is the time when people in some of the independent African countries found it necessary to fight against dictatorial and oppressive regimes. The Great Lakes Region provides us with typical examples of such struggles. Museveni (1997) noted the necessity for him to establish the National Resistance Army (NRA) which carried out armed liberation against the dictatorial and oppressive regimes of Obote from 1981 to 1985 and Okello from 1985 to January 1986. The objective was to struggle for freedom and democracy in Uganda. Having failed to use peaceful means of reaching reconciliation with the Government of President Habyarimana, Kagame, using the Rwandese Patriotic Front (RPF), decided to carry out an armed struggle against the Habyarimana regime from 1990 to 1994. With similar objectives, Laurent Kabila waged war against the Mobutu regime in the Democratic Republic of Congo (DRC)²⁶.

Illegitimate conflicts are not guided by the objectives of liberating societies from dominating, oppressive and exploitative state systems. In most cases such conflicts are a product of competing for political power and economic resources. In some situations those who are in power use force to suppress the people or certain sections of the people in order to perpetuate their position of power for the advancement of their personal interests. In most cases such conflicts are characterized by divisive ideologies of ethnicity, racialism, regionalism and religious antagonism. Periodic violent conflicts in

²⁵ Mack, A. & Cooper, T., 2008, A new peace in Africa? *Conflict Trends*, 4, ACCORD, Durban

²⁶ Murithi, T. & Hudson, J., 2006, *United Nations mediation experience in Africa*. Policy Advisory Group Seminar, Centre for Conflict Resolution, Cape Town.

Rwanda and Burundi since the period of struggles for independence, clan wars on Somalia and the post-independence civil war in Mozambique and Angola provide us with typical examples of such conflicts. They are based on reactionary rather than progressive motives.

Another aspect in understanding the nature of conflict is identification and analysis of causes of conflicts. Various studies which have been carried out in Africa tend to point out at economic, political, ethnic, ideological, resources and religious causes (Mwagiru, op.cit). Of these, economic followed by political causes have the highest ranking as the most common causes. Resources and ethnicity are ranked third and fourth respectively. Ideological and religious factors have the lowest ranking. It should be noted that in discussing causes of conflicts in Africa it is not enough simply to enumerate the six or so factors. These need to be examined in the context of historical origins.

Parties in a conflict are those who are involved in a conflict. In most conflicts in Africa the parties include rebel groups, governments, the military, militias, foreign governments and multi-nationals. Among the various parties, rebel groups are involved in 93 percent of the conflicts in Africa, followed by foreign governments 78 percent, the military 70 percent and militias 40 percent²⁷. Multinationals are the least involved constituting only 28 percent. The involvement of the military goes together with that of governments, while the militias go together with ethnic groups²⁸. An understanding of the nature of conflict is important and necessary in order to determine the most appropriate and

²⁷ Mwagiru, 2001, *Conflict Management in Africa: Lessons Learnt and Future Strategies*; Nairobi: Centre for Conflict Research (CCR) and Friedrich Ebert Stiftung (FES)

²⁸ Murithi, T. & Hudson, J., 2006, *United Nations mediation experience in Africa*. Policy Advisory Group Seminar, Centre for Conflict Resolution, Cape Town

workable approaches and mechanisms of conflict resolution²⁹. This is because the understanding of the type of causes and the parties will be a very useful tool for that purpose. The most common conflict resolution approaches or mechanisms include peace negotiations, mediation and/or facilitation, traditional or indigenous methods, peace agreements and their implementations and peace keeping. Peace negotiations and mediations always go together because most negotiations are carried out through a mediator or facilitator. The mediator can be a respected wise individual or an institution. It has been noted that among the various conflict resolution mechanisms, peace negotiations and mediation have been the most common in most conflicts in Africa.

Peace negotiations can be internal based or external based. Internal based negotiations are those that are carried out within the country where the conflicting parties are negotiating with an internal mediator. The peace negotiations in Sudan from April 1996 to April 1997 provide a good example of an internal based peace negotiation. It was a peace negotiation between the Government of Sudan and five rebel groups (The Sudan Peace Agreement, 1997:4). External based peace negotiations are those carried out through an external mediator or facilitator. Such a negotiation can be carried out within the country or outside the country. The current peace negotiation in Sudan is external-based carried out outside Sudan in Kenya through the mediation of the Government of Kenya. Besides peace negotiations another mechanism of conflict resolution is the use of traditional

²⁹ Faure, G. O. (1989). "The Mediators as Third Negotiators" In E. Mautner-Markhof ed., *Process of International Negotiations*. Boulder, Colo.: Westview, 415- 426.

methods. These are methods taken from the way traditional African societies resolved their conflicts in the past.³⁰.

1.4.4 Conflict Resolution in Darfur

The conflict in Darfur has been an ongoing conflict for decades and although in 2003 the international community disagreed about the Darfur conflict, the appalling human suffering in the region gradually gained regional and international attention³¹. Since then, neighboring countries, the African Union (AU) and the United Nations (UN) have worked to bring Darfur's rebels and the government of Sudan to the negotiating table. Chadian President Idriss Deby led the first peace initiative largely because he feared a spill-over effect in Chad if the conflict in Darfur escalated. Through the mediation of President Deby, the SLM/A (one of the rebel factions) and the government of Sudan signed a 45-day ceasefire in N'Djamena in September 2003. Nevertheless, both sides violated the ceasefire. In April 2004, Chad, with AU assistance, mediated a ceasefire agreement to allow humanitarian access to Darfur. However, further Chadian attempts failed because the rebels questioned the impartiality of President Deby as a mediator.

In May 2004, the AU assumed leadership of the process and through its mediation the government of Sudan and the rebels signed an "Agreement on the Modalities for the Establishment of the Ceasefire Commission and Deployment of Observers" in Addis Ababa. This agreement formed the basis for the establishment of the African Union Mission in Sudan (AMIS), which, in July 2004, the AU converted into a full-fledged

³⁰ Faure, G. O. (1989). "The Mediators as Third Negotiators" In E. Mautner-Markhof *ed.*, *Process of International Negotiations*. Boulder, Colo.: Westview, 415- 426.

³¹ Gross-Stein, J. (2007) "Structures, Strategies, and Tactics of Mediation: Kissinger and Carter in the Middle East." *Negotiation Journal* 1: 331-347.

peacekeeping force. After the Addis Ababa agreement, direct negotiations between the government and the rebels-JEM and SLM/A-began in Abuja, in August 2004, under the mediation of the then AU chairman, former Nigerian president Obasanjo. Despite the fact that the two sides signed a protocol on security and the humanitarian situation in November 2004, the Sudanese government's refusal to meet its security obligations significantly strained the negotiations that followed. Finally, in December 2004, the rebels suspended their participation in the negotiations due to a full-scale offensive by the government forces against the rebels on the ground. The peace talks did not resume until June 2005.

Until the year 2005, the UN and key western countries, such as the U.S., Britain, and Norway did not involve themselves in the Darfur peace process³². However, these did place a great deal of attention on the negotiations between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) to end the conflict between the North and South in Sudan. As Alex de Waal puts it, "fearing the north-south peace would be held hostage to an intractable conflict in Darfur, the international community made the talks between the Government of Sudan and the Sudan People's Liberation Movement (SPLM) the priority." However, after the signing of the Comprehensive Peace Agreement (CPA) in January 2005, the attention of the international community switched to the Darfur peace process, and under the leadership of the UN and AU, the Abuja peace negotiations re-commenced in June 2005. After exhaustive and repeatedly extended negotiations, the peace talks finally concluded with the signing of the Darfur Peace Agreement (DPA) by the government of Sudan and SLM/A in Abuja in May 2006.

³² Kolb, D. M. (2013) "Strategy and Tactics of Mediation." *Human Relations* 36: 247-268.

Although the international community hailed the DPA as a major success, and even though many people hoped that it might finally put an end to the crisis in Darfur, nothing substantial has changed in Darfur. DPA implementation fell far short and consequently it has failed to fulfill the expectations of the people of Darfur. Laurie Nathan, a member of the AU mediation team that produced the DPA, says "The Darfur Peace Agreement (DPA) of 5 May 2006 has not led to peace and stability and in certain respects has heightened conflict in Darfur." The International Crisis Group (ICG) also reports that "almost a year after Sudan's government and one of three rebel factions signed the Darfur Peace Agreement (DPA), the humanitarian and security situation has deteriorated in the troubled western region of Sudan"³³ Thus, the proliferation and changing nature of the violence, mass displacement, and the deterioration of the humanitarian situation has characterized the post-Darfur Peace Agreement period.

With the aim of bringing an end to the conflict in Darfur, widely publicized UN and AU backed Darfur peace talks opened in Sirte, Libya on October 27, 2007. From the beginning, the Sirte peace negotiations had been shaky because of the absence of key rebel leaders. The negotiations could not make progress without the presence of the major rebel leaders and, finally, the mediators postponed the negotiations to an unspecified time. Distressingly, since the postponement of the Sirte peace negotiations, the Darfur peace process has been waning and the prospects for its revival appear dim. It is worth noting that peace is not attained when the parties sign an agreement. They must implement the agreement and adhere to its provisions and to do this they invariably need

³³ Crisis Group Africa Report N°125, Darfur: Revitalising the Peace Process , 30 April 2007; Africa Briefing N°43, Getting the UN into Darfur , 12 October 2006.

the support of mediators and other actors for considerable period. Mediation should thus be regarded as an integral component of implementation and subsequent post-war reconstruction and state-building. It is also a valuable tool in observer missions and peace operations. Lack of a follow up mechanism is also another reason that has been halting AU's effort in its mediation process. In the context of peacemaking there is no coherent concept and doctrine of mediation. The style of mediation is largely dependent on the personality of the mediator. The African Union remains the key mediating institution in the Darfur conflict.

1.5 Justification of the Study

The situation in Darfur continues to worsen as different institutions of influence such as the Government of Sudan, various rebel groups, the civil society, the African Union and the United Nations trade accusations and counter accusations. This study sets out to explore conflict situation in Darfur and propose expedient strategies for adding value to the Africa Union led Mediation process in Darfur. It will assess internal gaps in the Peace Building Unit of the Africa Union and discuss practical ways of jump starting for deeper efficiency. For any mediation process to be meaningful, different partners in conflict must at least perceive the mediator to be impartial. This study will appreciate the efforts the Africa Union has done so far, interrogate the impact of AU's intervention, highlight where the different interventions undertaken did not work and propose alternative intervention that have worked elsewhere and could yield better results in Darfur. It is guided by the conviction that Africa conflicts are unique calling for unique strategies of conflict resolution.

1.6 Theoretical Framework

The Human Needs theory (HNT) operates on the premise that a pre-condition for the resolution of conflict is that fundamental human needs be met³⁴. John Burton adopted eight fundamental needs from the basis of the work by the American sociologist Paul Sites and introduced one further need of his own. Those adopted needs included control, security, justice, stimulation, response, meaning, rationality and esteem/recognition. Burton's additional need was 'role-defence,' the need to defend one's role. Burton called these "ontological needs" as he regarded them as a consequence of human nature, which were universal and would be pursued regardless of the consequence.

Antecedents to human needs theory came from a variety of disciplines. In the biological and sociobiological disciplines conflict is perceived to result from competition over scarce resources as a result of common needs. In social psychology Henry Murray, Erich Fromm and Abraham Maslow describe needs as important in understanding factors for human motivation.

Burton distinguishes ontological needs from values and interests. He defines ontological needs as non-negotiable while values as offering some limited opportunities for negotiation; and interests as negotiable issues. Burton distinguishes conflict from the related term of 'dispute'. He defined 'conflict' as an action over these non-negotiable human needs, whereas a 'dispute' was over negotiable values. Burton distinguishes conflict resolution, from the related terms of conflict management and conflict

³⁴ John W. Burton and Dennis J. D. Sandole, "Generic Theory: The Basis of Conflict Resolution", *Negotiation Journal*, 2(4), October 1986

settlement. To Burton conflict resolution solved deep seemingly intractable issues, whereas settlement only addressed the superficial factors of conflict.

Like the aggression-frustration theory, Burton's theory received criticisms from scholars such as Kevin Avruch and Peter Bla who were resistant to the notion of universal needs. Despite this, Burton had many supporters who applied his methods in other international conflicts. These included people like Herbert Kelman in Palestine-Israel, Edward Azar in Lebanon and Vamik Volkan in Cyprus. These are scholars who held to the notion that in attempting to resolve any conflict, it is imperative that the mediators get to understand the competing needs of all the parties to a conflict and try to address this needs which creates a conducive environment for peaceful settlement to a conflict.³⁵

Human needs theorists argue that conflicts are caused by unmet human needs. Violence occurs when certain individuals or groups do not see any other way to meet their needs or when they need understanding, respect and considerations for their needs. This theory is relevant to this study in that the conflict situation in Sudan with the people in Darfur can be viewed as a case of unmet needs for both parties and especially for the people in the Darfur region. Though overall, the mediation mission of the AU has been unsuccessful, the union has received some credit in trying to provide humanitarian assistance to the people of Darfur. The AU should integrate a strategy in their mediation framework which should focus on addressing the unmet needs of the parties in the Darfur conflict even as it seeks to find sustainable peace in the region.

³⁵ Ibid

1.7 Hypotheses

- i. African Union's mediation process is the cause of limitations and lack of gains in the resolution of the Darfur Conflict.
- ii. Mediation process is the cause of gains in resolution of the Darfur conflict by the African Union
- iii. Relevance of the AU in its peace and security mission in other African conflicts will be enhanced by the success in mediating the Darfur peace process.

1.8 Methodology

1.8.1 Nature of Data

This study will rely on both published and unpublished data which has been used by previous researchers. The study will rely on data targeting written and documented information on Darfur conflict and different peace processes and parties to the conflict with a closer look at the African Union mediation efforts in the Darfur conflict. Among the sources to be utilized shall include reports, text books, journals, news articles, workshops reports, institutional publications and relevant websites. This combination will promote accuracy on conclusions recommendations.

1.8.2 Research Design

The study will make use of descriptive research design to enable proper understating of the study findings under investigation.

1.8.3 Sample Design

Data will be collected through literature analysis on large volumes of data ranging from reports, academic books, and journals to news articles, interviews, institutional reports to relevant websites.

1.8.4 Tools / Instruments

The research instruments to be used in this study will be existing secondary data. The study will rely on published and unpublished data which other researchers have utilized. Literature analysis will be used for attaining different arguments and perspectives.

1.8.5 Data Analysis and Interpretation Procedures

To analyze the data collected in this study, the grounded theory approach will be utilized. This approach is a data analysis method used primarily in qualitative social research. It is one of the most common methods used in qualitative data analysis.

1.9 Chapter Outline

Chapter One- Introduction

This chapter introduces the topic of research study by first setting the broad context of the research study, the statement of the problem, literature review, justification, hypotheses and the theoretical framework. It briefly discusses the research methodology.

Chapter Two- An Overview of Mediation in Intra-African Conflicts

This chapter delves more into the literature review and its linkage to the Human needs theory. It also gives an analysis on the relevance of the theory provided in connection with the research study. It analysis the mediation efforts in the Darfur conflict by the African Union.

Chapter Three- The Role of the African Union in Mediating Intra-African Conflicts

This chapter will explore the background of the Darfur peace process. It will delve into the genesis of the conflict, and discuss further the AU peace process as well as other actors in the Darfur conflict.

Chapter Four-African Union's Mediation in the Darfur

This chapter will provide a context analysis on the role of the African Union in mediating the Darfur conflict. It will look at some of the reasons why the peace process failed. This section will relay on data provided throughout the study.

Chapter Five- Conclusion and Recommendations

This chapter will reflect on the study and the process of data collection and analysis, present the summary of the research findings, and discuss the limitations and significance of the study. The author will give recommendations for further research on the Darfur peace process.

CHAPTER TWO

AN OVERVIEW OF MEDIATION IN INTRA-AFRICAN CONFLICTS

2.0 Introduction

The chapter builds on the background information on African Union as a regional body and its role in conflict management provided in the previous chapter. Focus was laid on the concept of mediation. This chapter reviews typologies of mediation and intra-African conflicts and provides a linkage between the Human Needs theory and the Darfur conflict.

2.1 Mediation

Mediation is one of the most common conflict resolution mechanisms in most conflicts. When mediation is applied within the right context and in right timing it can help to manage or settle a conflict. Many questions may arise in regard to the mediation process, but one of the most interesting questions relates to the need to understand when a mediation effort succeeds or fails to settle or resolve a conflict.

Mediation is a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, a trusted third party who is not a part of the conflict. This party could be an individual, a group, an organization, or a state. The third party helps the conflicting parties to change their perceptions or behaviour, and do so without invoking the authority of law or resorting to physical force or³⁶.

³⁶ Jacob Bercovitch, "Mediation in International Conflict: An Overview of Theory, A Review of Practice" *Peacemaking in International Conflict: Methods and Techniques*, eds. I. Washington DC: United States Institute of Peace Press, 1997, pp. 125-154.

Mediation has also been defined as an activity undertaken by a third party with the primary intention of achieving a compromise or a settlement of issues at stake between conflicting parties at least ending disruptive conflict behaviour. Mediation is an extension and elaboration of the negotiation process that involves the intervention of an acceptable, impartial and neutral third party who has no authoritative decision making power to assist contending parties in voluntarily reaching their own mutually acceptable settlement .³⁷

The basis of a mediation process is that it does not use force nor is it aimed at helping one or other participants to win. It is therefore emphasized the need for mediators to remain impartial. For instance, the rebels who had agreed to the April 2004, ceasefire agreement to allow humanitarian access to Darfur which had been mediated by the Chadian President, with AU assistance failed because the rebels questioned the impartiality of President Deby as a mediator along the way.

Mediation is a dynamic process. When a mediation process begins, it is impossible to tell what it will look like in the end. Regardless of the mediators' competence, the success of mediation fundamentally depends on how well the warring parties receive and take ownership of the peace process. In this regard, mediation becomes a very limited tool in the sense that it does not force the warring parties into a binding outcome. For instance, a mediator can show belligerents a way out of a conflict, but it is up to the parties to be committed to the process and make way for sustainable peace.

³⁷ Moore, Christopher W. 2002. *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: Jossey-Bass Publishers.

Mediation process takes form in different phases mainly from pre-talks phase to the implementation phase. Mediation is most required when there is a high level of animosity and mistrust between disputant parties. As an intermediary peacemaker and an impartial third party, the mediator serves as a bridge between the antagonists, ameliorating the anger and suspicion that prevent them from addressing in a cooperative manner the substantive issues in dispute³⁸. Thus, a core function of the mediator/ mediation teams is to assuage mutual mistrust between warring parties and raise their confidence in negotiations, in turn enabling the parties to reach agreements they find satisfactory and are willing to implement.

Mediation processes have often been employed in an attempt to resolve conflicts on the African continent and if these processes can be contextualized, refined and institutionalized they may prove a formidable strategy for conflict resolution. It is therefore a vital element to consider within the African peace and security architecture.

2.2 Benefits of Using Mediation as a Method of Conflict Resolution

There are certain reasons why most parties to a conflict prefer mediation as a method of conflict resolution. The African Union is the continental body with the mandate to prevent, manage and resolve conflicts in Africa. During mediation, parties to the conflict keep control over the outcome of their own problem. The parties to the conflict are responsible for the outcomes of the mediation process. When mediation is applied within the right framework and through the right mediators, mediation can promote better relationships through cooperative problem-solving and improved communication which

³⁸ Nathan, L., 2005, Mediation and the African Union's Panel of the Wise. In: 'Discussion Paper No 10: A Submission to the Commission for Africa', 2005, Crisis States Research Centre, London School of Economics, London

can be effective in resolving conflicts. Mediation is voluntary, and may be terminated at any time by a party or the mediator. Disputes can be settled promptly if the mediator is impartial and manages to build trust among the conflicting parties.

This study focuses on the role of the African Union in mediating intra-African conflicts with a closer look at the gains and the limitations of the union in its mediation capacity in the Darfur region.

2.3 Human Needs Theory and Conflict Management

Human Needs Theory (HNT) was developed in the 1970s and 1980s as a generic or holistic theory of human behavior. It is based on the hypothesis that human beings have basic needs that have to be met in order to maintain stable and peaceful societies. In relevance to the situation in Darfur, unless the people of Darfur get to a point where they feel as part of the larger Sudan government, the conflict situation has the potential to plague the whole region into a continuous cycle of violence and lawlessness. It's also important to note that the conflict in Darfur is not only a problem for the Sudan but also for the surrounding regions such as the refugee influx situation in Chad. According to John Burton; the human participants in conflict situations are compulsively struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs - needs such as security, identity, recognition, and development. They strive increasingly to gain the control of their environment that is necessary to ensure the satisfaction of these needs. This struggle cannot be curbed; it is primordial.

This struggle for primordial needs is theoretically related to the Frustration-Aggression theory which is based on the stimulus-response hypothesis. The frustration of not satisfying these needs leads to aggression and subsequently, conflict. What distinguishes

Human Needs theory from the Frustration-Aggression theory is that the former is concerned only with absolute requirements (needs) while the later is also concerned with wants and desires.

Burton states that there are fundamental universal values or human needs that must be met if societies are to be stable³⁹. That this is so thereby provides a non-ideological basis for the establishment of institutions and policies. Unless identity needs are met in multi-ethnic societies, unless in every social system there is distributive justice, a sense of control and prospects for the pursuit of all other human societal developmental needs, instability and conflict are inevitable. This remains the AU's main challenge, in employing their mediation strategy. A strategy that should be aimed at meeting the needs of both the conflicting parties.

The significance of this theory is that it recognizes and legitimizes the needs of the people of Darfur as well as those of the Sudan government. The needs of both conflicting parties must be met, not the needs of one at the expense of the other. This helps to move the conflict from zero-sum to win-win. The concept of human needs helps to eliminate the sense of mutually exclusive goals. Rather than fighting over cessation claims by the people of Darfur, both parties can work together towards the future of the larger, a more unified Sudan with the mutually exclusive goals of maintenance of the whole country. The situation shifts to one in which both conflicting parties seek to fulfill their needs such as security, identity, recognition and development. These needs are not satisfied at the expense of the other party, but are realized along with the other party's needs. These needs are not mutually exclusive or gained at the expense of another; they are universal.

³⁹ John Burton (1990). *Conflict: Practices in Management, Settlement and Resolution*. New York: St Martin's Press

There are two bold assumptions in this theory; “that struggle cannot be curbed and that instability and conflict are inevitable”. These are contentious statements with far reaching implications. If the hypotheses of this theory are correct, if there are certain human needs that are required for human development and social stability, then the solution to conflict must be the ability to create an environment in which these needs can be met by all segments of societies. This is where Human Needs theory meets the Conflict Resolution Theory (CRT).

According to Kelman, conflicts should be considered as a process driven by collective needs and fears rather than motivated by rational calculation and national interest⁴⁰.

2.4 Unfulfilled Needs and Violence

All human beings have basic needs. Part of these needs are physical, like the need for food, water or shelter, but essential needs go beyond these few elements because they cover the psychological sphere. Needs theorists like conflict scholar John Burton defined four needs in particular that are universal and non-negotiable and therefore, should be primarily addressed as a basis for negotiating peace settlements. These needs are not hierarchical but rather sought all together: security or safety, meaning both stability and freedom from fear; identity, defined by needs theorists as a sense of self in relation to the outside world; recognition, including the recognition of one’s identity and recognition from the others; family and community; and personal development which includes a dimension of personal fulfillment and the need to reach one’s potential in all areas of

⁴⁰ Herbert C. Kelman, “A Social Psychological Approach to Conflict Analysis and Resolution,” in *Handbook of Conflict Analysis and Resolution*, ed. Dennis J.D. Sandole et al. (London and New York: Routledge, 2009) 171-183.

life⁴¹. Commonly, these needs are naturally fulfilled through the community, or through the policies, public goods and services provided by the state. However, if these needs are unfulfilled because the state fails to properly address them, or if a group feels that these needs are unmet or perceives a threat to these needs, violence can emerge. The perception, rational or not, of any injustice regarding the distributive system can quickly lead to an identity based struggle.

This extends far beyond dialectic greed versus grievances. Because it is a matter of universal needs, it is similarly a matter of survival, so “people will go to great lengths to satisfy them. According to Celia Cook Huffman, professor of peace studies and researcher on the impact of social identity on conflict. The term survival can be understood literally, for instance in cases of genocide, to mean where extreme violence aims to destroying whole or in part a specific group; survival can also be understood in its symbolic meaning, as when elders feel their culture or language is disappearing or can no longer be transmitted from generation to generation⁴².

Having raised the question of needs fulfillment, it is relevant to underscore the psychological dimension of conflicts, particularly analyzing the weight of fear in escalating violence. Fear, in its literal definition, is “an unpleasant emotion caused by the threat of danger, pain, or harm. Fear is a natural and common feeling that allows people to identify a potential danger. However, “healthy fear (or fear that has a protective

⁴¹ John W. Burton, *Conflicts: Human Needs Theory* (New York: St. Martin’s Press, 1990)

⁴² Celia Cook- Huffman, “The Role of Identity in Conflict,” in *Handbook of Conflict Analysis and Resolution*, ed. Dennis J.D. Sandole et al. (London and New York: Routledge, 2009) 19-31

function) can evolve into unhealthy or pathological fear, which can lead to exaggerated and violent behavior.

Therefore, collective fears, which are fuelled by the denial of basic needs, can lead to violent reactions, as an ultimate attempt of a people to secure the necessities of life and rectify the perceived injustice. In addition violent actions are reinforced by massive mobilization. The larger the group that takes up arms, the more legitimate the violence appears to be to the rest of the population. This can create a rapid effect and provoke large scale struggles; deescalating violence then becomes even more challenging.

Identity is one of the most crucial needs identified by the basic needs theory because it is an extremely strong catalyst for social mobilization. Many scholars stress identity salience as a key factor in conflict context. Security just as the likeliness identity has to be invoked when handling political and societal challenges. According to Daniel Rothbart and Rose Cherubin, identity relies on a common set of narratives, symbols, and a shared sense of group differences. For these scholars, causes of identity based violence often include the shared normative commitments of the protagonists' groups, commitments that center on notions of ingroup purity and out group vice. This distinction between 'us' and 'them' represents a potential societal fracture⁴³. In that sense causal analysis views conflict as the product of a strong competition among different players.

⁴³ Daniel Rothbart and Rose Cherubin, "Causation as a Core Concept in Conflict Analysis," in *Handbook of Conflict Analysis and Resolution*, ed. Dennis J.D. Sandole et al. (London and New York: Rout ledge, 2009) 59-70

2.5 Human Needs Theory and the Darfur Conflict

Implied in conflict resolution, therefore, is the proposition that aggressions and conflicts are the direct result of some institutions and social norms being incompatible with inherent human needs.⁴⁴ The argument is that aggressions and anti-social behaviours are stimulated by social circumstances. There are human limits to abilities to conform to such institutions and norms. On the contrary, the needs that are frustrated by institutions and norms require satisfaction. They will be pursued in one way or another. These needs would seem to be even more fundamental than food and shelter. Needs such as personal recognition and identity that are the basis of individual development and security in a society. Denial by society of recognition and identity would lead, at all social levels, to alternative behaviors designed to satisfy such needs, be it ethnic wars, militia gangs or mass protests. Such has been the results of a number of Conflicts in Africa and even in other parts of the world. Darfur is such a case of unmet human needs.

Darfur and Northern Darfur in particular are poor, their region is not. It has been argued out that the problem is not resource scarcity by some scholars. It is resource distribution and the feeling of marginalization by the people in Darfur. It is a problem of underdevelopment that has inflicted the region of Darfur⁴⁵. Therefore, the current peace efforts will be futile without putting in place long-term policies to tackle this problem. In a sense, Darfur rebel groups' demand for power and wealth sharing could also be understood as a direct plea for developing the region in order to be able to utilize its development potential.

⁴⁴ John W. Burton, *Conflicts: Human Needs Theory* (New York: St. Martin's Press, 1990)

⁴⁵ Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur", African Union, Addis Ababa, 5 July 2005, at http://www.sudantribune.com/IMG/pdf/DOP_Darfur.pdf

One theory which looks at the root causes of conflicts is the Human needs theory (HNT). HNT may provide important insights into the causes of conflict and the possible resolutions. This section will look into how the human needs theory can be applied by the African union mediation team in the Darfur conflict in addressing the ongoing conflict between the government of Sudan and the different rebel groups.

Rosenberg states that violence is a tragic expression of unmet human needs. This implies that any action undertaken by human beings attempts to meet their needs. If we are able to connect with our needs and the needs of others, we will therefore be able to look at other ways of meeting such needs and thus avoid violence and destruction⁴⁶.

According to Burton's view, the great promise of human needs theory is that it would provide a relatively objective basis, transcending local, political, and cultural differences, for understanding the sources of conflict, or designing conflict resolution processes, and for founding conflict analysis and resolution as a autonomous discipline⁴⁷. The implication is that the needs theory is particularly useful for understanding the causes, resolution, and management of conflict in the developing regions, such as Africa. This theory of understanding conflict in Africa is strikingly crucial because it moves beyond theories that blame conflicts in Africa on a primordial past, such as colonialism or neo-colonialism, global market or Africa's failure to follow Western development culture. It is also different from the theories that attribute the causes of conflicts to the inherent aggressiveness of man. In addition, it is different from the theories that see conflict

⁴⁶ Rosenberg Marshall. *Non-violent Communication. A language of Life*. California, 2003; Puddle Dancer Press; P. 213

⁴⁷ Burton, J. 1990b. *Conflict: Resolution and Prevention*. New York: St. Martins Press.

causation as the natural instinct of human being to aggress and thus concentrate on using the police and other paramilitary agencies for controlling conflicts.

It is worth noting that Africa's new security architecture recognizes the shifts in the sources of insecurity from external to internal and from military to non-military, which would include poverty, diseases, internal displacement and ethnic imbalances⁴⁸. The human basic needs theory emphasizes instead, the problems of the government's inability to meet the basic needs of the population, as the source of conflicts. As argued, Burton pointed out that aggression and conflicts are the direct result of some institutions and social norms being incompatible with human needs. He emphasize the failure of existing state systems to satisfy any of these needs, which is the primary source of modern ethno-nationalist struggles.

In Darfur, the denial or neglect of the basic needs such as material needs; recognition of different ethnic groups, particularly the minority groups; neglect of certain identities, is the major source of conflicts. Just as the theory stipulates, when such non-negotiable basic needs are unmet, conflict is inevitable. There is the need to consider these basic human needs in Darfur as a strategy of preventing conflicts. Unlike the aggression-frustration theory which point to inherent aggressiveness as the source of conflicts, the basic human needs theory grounds political violence and social instability in unmet basic human needs and it focuses on peaceful resolution of conflicts. This is to say, conflict resolution means getting to the roots or remote cause of the problems and resolving them in ways that further the longer-term goals of all concerned. The human needs theory deals

⁴⁸ Akokpari, J, 2008, 'Building a unified Africa', in Akokpari, J, Ndinga-Muvumba, A, Murithi, T, (eds), *The African Union and its Institutions*, Jacana Media, Auckland and Centre for Conflict Resolution (CCR), Cape Town

with these. The African Union should integrate a strategy that should address the needs of the people in the Darfur region without undermining the needs of the government of Sudan.

The human needs theory emphasizes the problems of the government of Sudan unable to meet the basic needs of the population of the Darfur as the source of conflicts. As argued, Burton points out that aggressions and conflicts are the direct result of some institutions and social norms being incompatible with human needs⁴⁹. Failure of the state systems to satisfy any of these needs, which is the primary source of the Darfur conflict. The denial or neglect of the basic needs such as material needs and neglect of certain identities and recognition by the government of Sudan is the remote source of the conflict. Just as the theory stipulates, when such non-negotiable basic needs are not met, conflict is inevitable. The challenge then lies with the African Union in ensuring that any peace attempts in the Darfur region will address the human needs of the conflicting parties. Needs such as wealth sharing, development, material needs, recognition and respect for the population in Darfur need to be addressed while respecting the sovereignty and respecting the government of Sudan.

2.6 Conclusion

This chapter set out to examine the relevance of the Human Needs theory in the Darfur conflict and the application of the theory within the African Union mediation strategy in resolving the conflict. The African Union in its attempts to bring peace in the Darfur region has addressed some needs especially the humanitarian needs of the internally displaced persons and although overall the AU has failed to address the various needs of

⁴⁹ Burton, J. 1990b. *Conflict: Resolution and Prevention*. New York: St. Martins Press.

the conflicting parties, there is hope that future attempts could address most of these needs. By looking at underlying needs such as recognition, safety, autonomy, equality, subsistence, respect and consideration, it becomes possible to look at strategies and solutions which may take all needs into account on both sides. It is key to work on the lack of trust between parties, since it appears both parties expect certain demands to be met by the other party before committing to progress on certain issues.

CHAPTER THREE
THE ROLE OF THE AFRICAN UNION IN MEDIATING INTRA-AFRICAN
CONFLICTS

3.0 Introduction

The previous chapter has analysed mediation in intra African conflicts. This chapter reviews the global perspective of mediation as analysed from the secondary data findings from the view of other researchers. In its forward-looking dimension, the context of Intra African conflict allows the actors to establish a civilized political dialogue and an adequate sharing of power.

3.1 Darfur Conflict- Case study

This chapter delves into the background to the Darfur conflict. It provides the genesis of the conflict in Darfur, discusses the role of the African Union in mediating the Darfur conflict. The section concludes by looking at other actors who have been involved in the conflict.

3.2 Background to the Darfur Conflict

The conflict in Darfur has been going on for close to four decades. In the year 2003, the conflict in Darfur however gained regional and international attention due to the appalling human suffering that was resulting from the conflict.⁵⁰ Since then, neighboring countries such as Kenya and the Republic of Chad, the African Union (AU), the United Nations (UN), the regional economic communities (RECS) and the civil societies have worked to bring Darfur's rebels and the government of Sudan to the negotiating table. Chadian President Idriss Deby led the first peace initiative largely because he feared a

⁵⁰ Johnson, D. (2003). *The root causes of Sudan's civil war*, Indiana University Press, Oxford.

spill-over effect in Chad if the conflict in Darfur escalated.⁵¹ Through the mediation of President Deby, the SLM/A (one of the rebel factions) and the government of Sudan signed a 45-day ceasefire in N'Djamena in September 2003. Nevertheless, both sides violated the ceasefire. In April 2004, Chad, with AU assistance, mediated a ceasefire agreement to allow humanitarian access to Darfur. However, further Chadian attempts failed because the rebels questioned the impartiality of President Deby as mediator⁵².

In May 2004, the AU assumed leadership of the peace process against a backdrop of a number of challenges and complexities. Through AU's mediation the government of Sudan and the rebels signed an Agreement on the Modalities for the Establishment of the Ceasefire Commission and Deployment of Observers" in Addis Ababa. This agreement formed the basis for the establishment of the African Union Mission in Sudan (AMIS), which, in July 2004, the AU converted into a full-fledged peacekeeping force. After the Addis Ababa agreement, direct negotiations between the government and the rebels-JEM and SLM/A-began in Abuja, in August 2004, under the mediation of the then AU chairman, former Nigerian president Obasanjo.

Despite the fact that the two sides signed a protocol on security and the humanitarian situation in November 2004, the Sudanese government's refusal to meet its security obligations significantly strained the negotiations that followed. Finally, in December 2004, the rebels suspended their participation in the negotiations due to a full-scale

⁵¹ Flint and Alex De Waal, *Darfur: A Short History of a Long War* (London & New York: Zed Books, 2005), 119.

⁵² Roland Marchal, "Chad/Darfur: "How Two Crises Merge." (Review of African Political Economy, Vol. 33, No. 109 (September 2006), pp. 467–482

offensive by the government forces against the rebels on the ground⁵³. The peace talks did not resume until June 2005. Since then, the AU has remained the main lead mediator in any peace efforts in the Darfur conflict.

3.2.1 Genesis of the Darfur Conflict

The origin of the conflict in Darfur has been blamed on numerous factors that include ethnic divisions, political, social and economic marginalization as well as historical violence in the region. This causes of conflicts in Darfur are similar to those of conflicts in Eastern and Southern Sudan which are rooted in the constant struggle over power-sharing that weak central governance, under-development and the lack of diverse political involvement structure produced. The Darfur crisis is an outcome of the struggle for power between the government of Sudan and peripherals. The violence in Darfur erupted after many years of marginalization and isolation from the government of Sudan⁵⁴.

Sudan's national government, deeply concerned about the threat to its own survival posed by an uprising in the country's western region of Darfur, mobilized and acted in concert with militias to crush the rebellion and exterminate its civilian base of support. Years later since the conflict began, the threat of this rebellion and other perceived existential dangers continue to drive Sudan's central government to block all effective efforts by outside actors to stop its deadly campaign.

The violence in Darfur is part of a complex history. The Arab-dominated central government in Khartoum fought a long civil war against rebels in Sudan's predominantly

⁵³ International Crisis Group, "Darfur: The Failure to Protect," *Africa Report* No. 89 (8 March 2005), 15.

⁵⁴ Johnson, D. (2003). *The root causes of Sudan's civil war*, Indiana University Press, Oxford.

black South between 1983 and 2005. During this war, the government shored up its western flank, the underdeveloped and marginalized provinces of Darfur, by arming Arab militias known as the *Janjaweed* to supplement its regular army and launch raids on the non-Arab population base of potential rebel supporters.

It is worth noting that the causes of the conflict in the Darfur region have become more complex, confusing and keeps on changing over time. This has posed a challenge in addressing different issues because this changes means adopting new peace and mediation processes, but the progress that has been achieved is actually encouraging. The internal humanitarian community with support from the international community and well-wishers to date continues to keep and sustain hundreds of thousands in Darfur.⁵⁵

Suffice to say, the AU, the UN and other actors committed to bringing the conflict to an end have a tremendous challenge ahead. However, the success of the mission will depend on the political commitment of the protagonists to the peace process. The success of the peace mission depends on the readiness of the parties involved in the Darfur conflict to commit to peace and to make the political compromises inherent to any peace process.

3.2.2 African Union in the Darfur Peace Process

The African Union has remained the main actor in mediating the conflict in Darfur between the different factions of the rebels and the government of Sudan. The African Union (AU) and many of the regional organizations on the continent have a formal mandate to engage in mediation and other forms of peacemaking. This is evident, for

⁵⁵ Communiqué of the 58th Meeting of the Peace and Security Council, Banjul, The Gambia, PSC/MIN/Comm (LVIII), 27th of June, 2006

example, in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002)⁵⁶.

From the start, the AU pushed for a negotiated settlement to the conflict and deployed its peacekeeping mission AMIS to provide security on the ground. Mediation efforts led by the AU and President Idris Dèby of Chad culminated in the first ceasefire agreement between the Government of Sudan (GoS) and the Sudan Liberation Army (SLA) in September 2003.

Two years later, under the auspices of the AU, the peace talks culminated to the Darfur Peace Agreement (DPA) between the GoS and the SLA led by Mini Minnawi. The DPA faced serious challenges from its inception primarily because it was an agreement that did not enjoy the support of the two other parties in the conflict - the JEM and the other SLA faction led by Abdoul Wahid. The DPA was further undermined by the divisions among the armed groups along ethnic lines, pitting the Zaghawa against others most notably, the Fur, the largest ethnic group in Darfur. This rift led to increased friction among the armed groups and their civilian sympathizers in the internally displaced persons camps, and indeed it continues to hinder efforts to reach a political settlement.

Despite its flaws, the DPA attempted to address the contentious issues of security, power and wealth sharing, but it failed as it was rejected by two key faction leaders and their followers in Darfur. Unsurprisingly, the post DPA period witnessed an increased

⁵⁶ African Union, 2002, Protocol Relating to the Establishment of the Peace and Security Council of the African Union, available at www.africa-union.org/root/au/organs/psc/Protocol_peace%20and%20security.pdf

splintering of the rebel groups leading to the emergence of various armed factions with no clear political agenda, further complicating the situation. From the outset, implementation of the DPA proved to be a difficult challenge for the AU, especially as the non-signatories viewed the organization as biased due to its role in negotiating the agreement. This resulted in a marked increase in hostile action towards AMIS, hindering its activities.

Despite these challenges, the AU established the DPA Implementation Team (DPAIT) with a mandate to spearhead implementation of the agreement. The DPAIT was to work closely with the chairperson of the Darfur-Darfur Dialogue and Consultation (DDDC). The DDDC, modelled on the Loya Jirga in Afghanistan, was to address issues ranging from security, claims of marginalization and exclusion and socio-economic development to reconciliation.⁵⁷

It was envisaged as a bottom-up approach to remedy some of the anomalies that resulted from the top-down approach of the Abuja peace process. The central aim was to increase the local population's sense of ownership of the peace process, thereby legitimizing it. Moreover, it was meant to encourage dialogue between the people of Darfur. But, since the vast majority of the people had already rejected the DPA, efforts to convene the DDDC were obstructed, undercutting the bottom-up peacemaking approach that had been envisaged.

⁵⁷ Communiqué of 51st Meeting Peace and Security Council, 15th of May, 2006, Addis Ababa, Ethiopia PSC/MIN.Comm/1(LI)

The Peace and Security Council endorsed the DPA and set a deadline for the non-signatories to sign up or face sanctions. These rebel groups failed to comply, forcing the PSC to impose targeted sanctions including a travel ban and asset freeze of the leadership of the factions who were now viewed as spoilers⁵⁸.

The AU however lacked the leverage and mechanism to enforce the sanctions. Further attempts by the African Union only constrained its relationship with the affected groups who were already skeptical about its role. Further disagreements about the DPA weakened the AU's mediation efforts, plunging the entire peace process into disarray.

In the end, a lack of commitment by the GoS and the armed groups contributed to undermining the security situation with more actors emerging from the fragmenting process, differences only widened. This scenario removed any possibility of implementing what was already viewed as a weak agreement. The signatories of the DPA used it as a license to mount military offensives against non-signatories, while the non-signatories embarked on a propaganda campaign to discredit the agreement, playing the ethnic card as they did so. The end result was greater animosity all round and a poisoned environment for peace and negotiations.

3.3 Other Actors in the Darfur Conflict

In addition to the disputants, there are other parties who could be playing a direct or indirect role in escalating, de-escalating or transforming the conflict. Some may be acting in active intermediary roles, such as mediators, financiers or facilitators. As conflicts

⁵⁸ Communiqué of the 58th Meeting of the Peace and Security Council, Banjul, The Gambia, PSC/MIN/Comm (LVIII), 27th of June, 2006

become increasingly polarized, however, the by-standers tend to be pulled in, being forced to join one side or the other, and polarizing the conflict even further by trying to take sides. Some of these other actors can help play a transformative role.

3.3.1 The Arab League Response

With more than 105 peace initiatives by member states of the Arab League and the League itself, the AL remains active in facilitating peace efforts in Sudan. This is not reflected in public perception though. Since the Darfur Peace Agreement mediated by the African Union in Abuja 2006 failed, joint mediation efforts by the UN and the AU were then perceived as the main channel of communication between the rebels and the government of Sudan. However since the attack on Omdurman by JEM and the arrest warrant against President Bashir, Arab League member states became lead negotiators. The League itself, however, remains fragmented and torn between the competing initiatives of its member states. Among the 105 initiatives, only a small number operate under the auspices of the AL with most being member state initiatives which have sometimes been adopted by the League in retrospect. The competing initiatives undermine the global efficiency of the Arab League as a mediator in the Darfur conflict⁵⁹. The most promising peace initiative on Darfur is the Arab League Initiative currently hosted in Doha. In September 2008, the foreign minister meeting of the Arab League decided on a committee to coordinate peace efforts for Darfur including Libya, Syria, Algeria, Egypt and Saudi Arabia. Even so there are doubts in the League that the Doha meetings will achieve a great breakthrough, the Doha meetings are supported as an Arab League initiative rather than as the initiative of a single Arab country. In comparison to

⁵⁹ ICG Darfur: Revitalizing The Peace Process (African Report No 125, 30 April 2007)

other regional organizations, the League of Arab States has problems with collective decision making, which have become embedded into its structures.

3.3.2 Regional Economic Communities and Regional Partnerships

While a number of AU structures, including the PSC, are responsible for peace and security at the continental level, on the regional level the RECs are the main structures for dealing with peace and security. The AU has eight Regional Economic Communities which include Southern African Development Community (SADC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Arab Magreb Union (AMU). RECs were initially established to facilitate regional economic cooperation but their mandates have broadened to include conflict prevention and peacekeeping. They are now seen as the building blocks of the AU, where the AU provides strategic planning and capacity to manage, direct and coordinate activities. Individual governments take the lead for activities from their respective regional communities.

Despite differing and weak capacities, often dependent on the state of politics in the region, the RECs are ideally placed to provide early warning intelligence and to intervene rapidly at the first sign of conflict, especially because of their proximity to the issues and because they can act faster than the UN which faces political constraints or the AU.⁶⁰ Indeed, RECs have already played important roles in mediation on the continent. For

⁶⁰ United Nations News Centre, 2008, 'Darfur: UN, African Union envoys in Sudan to reinvigorate peace process', United Nations, January 13th, New York. Available at <<http://www.un.org/apps/news/story.asp?NewsID=25281&Cr=Darfur&Cr1=>> accessed on 18 March 2009.

example, IGAD played a key role in the signing of the Sudan Comprehensive Peace Agreement.

There is a need to clarify the mandates of both the AU and RECs, however, and to deepen ways of working together, including a greater level of knowledge sharing between the various organisations and bodies involved in peacekeeping on the continent.⁶¹ Collaboration between African Union and regional actors is vital to the AU's role in conflict prevention and mediation in Africa. The new African peace and security architecture is evolving in an era where Africa's relationship with regional organisations emphasises partnerships drawing on different synergies. To this end, equal partnerships are imperative, first and foremost between African states, the AU and RECs.

3.3.3 The Southern Sudan Government

The success of Southern Sudan to succeed from the Sudan government has had a lot of spill-over effect on the Darfur crisis and vice-versa. Darfur rebel groups are more determined to an autonomous Darfur. An autonomous Darfur brings comparative strength to the Government of Southern Sudan against the Government of Sudan. The SSG, SPLM and Darfurians are interested to see a Comprehensive Peace Agreement being implemented in Darfur, as this would mean a weak Government of Sudan in Khartoum for the SSG and autonomy for the Darfurians. The GoSS is a strong force in changing Sudan but unfortunately, the Southern Sudan government has not been able to consolidate peace and the security in the newly acquired independence as witnessed in the ongoing conflict in Southern Sudan.

⁶¹ Juma, M., (ed). 2006, *Compendium of key documents relating to peace and security in Africa*. Pretoria University Law Press, Pretoria.

3.3.4 Republic of Chad and Central African Republic

The Republic of Chad has a strong commitment towards peace talks and sustainable peace in Darfur and Sudan at large. This is because continued conflict in Darfur will have a spill over in Chad. The Republic of Chad and Sudan have a 600 km common border inhabited by Darfur ethnic groups. Caught in Darfur crisis, millions were internally displaced and hundreds of thousands fleeing into neighboring Chad. Chad hosts more than a million refugees displaced as a result of the conflict in Darfur. Chad's internal peace and stability is now threatened due to the influx of refugee from Darfur. Northwest Central African Republic troubled because of Darfur crisis due to attacks on its own towns and government forces by rebel groups armed by GoS. Reciprocally Chad and Central African Republic support of Darfur rebel groups. Chad has been actively participating in Darfur dispute settlement efforts as Darfur causes serious threats to its own security and stability.

3.3.5 Chinese Government's Oil Interest in the Sudan and Its Support to GoS

China is another actor that could have serious economic leverage in pressurizing the GoS. As in the Southern Sudan, potential oil exploration is complicating the conflict in Darfur.⁶² China is the spoiler in this case. Its petroleum companies are the major trading partners with Sudan. Two-third of oil is bought by China. Since 1999, Sudan's oil revenue has increased four times; in 2006 reaching 2.6 billion USD. Parallel to this revenue increase, its military expenditure mainly used in Darfur conflict has doubled reaching half billion USD. China has been objecting any sanction, and seems to be ready to veto any such measure by the UN Security Council.(UNSC).

⁶² Reeves, Eric. 2006. Push China, Save Darfur. *Boston Globe*, December 17.

The opposition and lack of cooperation from China emanates from its interest of oil imports from Sudan. Sudan was one of the African destinations of Chinese President Hu Jintao's visit in January 2007. China indeed could look at Darfur as a turf fight for oil resource territory. China will understand that Darfur crisis is obstacle to its long-term interest in Sudan and Africa. If China attach some conditionality of the conflicts to its oil import from, and investment in, Sudan, it could have huge impact on the behaviour of the GoS. Nonetheless, a cautionary note is in order here. It is reported that President Hu Jintao has implored the Sudanese President Al Bashir to accept deployment of an AU-UN Hybrid force in Darfur.¹ China may continue to resist but the recent slight changes of positions in pushing the GoS is very encouraging. China, also Russia, both members of the UN Security Council, have been accused of arming the GoS. However, at the same time both have been willing to send troops as part of the UNMIS-Darfur. China has already appointed an envoy to Darfur. This is a step in the right direction.

3.3.6 The United Nations

The relationship between the UN and Africa has been described as a mixture of 'paternalism and partnership'⁶³. Following the formation of the AU, this relationship has been recharacterised however with Africa working to forge an identity as a collective entity capable of functioning as an equal partner in the international sphere. The new African peace and security architecture has already made significant efforts to conduct peace operations on the continent, with ongoing activities in Sudan and Somalia. Further to securing the idea of partnership, there has been an emergence of what is known as a

⁶³ Murithi, T., 2007, 'Between paternalism and hybrid partnership: the emerging UN and Africa relationship in peace operations', Dialogue on Globalisation, Briefing Paper, New York.

'hybrid relationship' between the AU and the UN regarding mediation and peacekeeping initiatives in Africa. This involves joint action plans, such as the United Nations/African Union Mission in Darfur (UNAMID), the embedding (by mutual consent) of UN staff within the AU Commission and joint cooperation on mediation.

Cooperation between the UN and AU on mediation in particular had been limited until AU/UN mediation efforts in Sudan by Special Envoys Salim Ahmed Salim and Jan Eliasson, which led to the North-South Peace Agreement. (As early as January 2008, the envoys were redeployed to Darfur to regenerate peace efforts in the region⁶⁴. The UN's Department of Political Affairs (DPA) in New York has since become the focal point for the organisation's conflict prevention and mediation efforts in Africa and beyond. With regard to mediation, it has a dedicated Mediation Support Unit, established in 2006 to strengthen the work of the UN in mediation and conflict prevention, which serves as a centre of expertise and knowledge management for the DPA on mediation-related activities. It is also a repository for lessons learned and best practices, and it coordinates training and guidance for mediators.

3.3.7 European Union

In December 2005 the EU adopted a new strategy for Africa 'The EU and Africa: Towards a Strategic Partnership', which was intended to give Europe a comprehensive, integrated and long term framework for relations with Africa⁶⁵. This policy document was developed, however, with minimal input from Africa. The Joint Africa-EU strategy

⁶⁴ United Nations News Centre, 2008, 'Darfur: UN, African Union envoys in Sudan to reinvigorate peace process', United Nations, January 13th, New York. Available at <<http://www.un.org/apps/news/story.asp?NewsID=25281&Cr=Darfur&Cr1=>> accessed on 18 March 2009.

⁶⁵ European Union Committee, 2006, 'The EU and Africa: towards a strategic partnership', 34th Report of Session 2005-06, Volume I Report, House of Lords, London.

and its action plan that was approved at the Lisbon Summit in December 2007 thus represent an important turning point. However, it is still to be seen whether the resources and political will underpinning it will be mobilised to achieve its ambitious strategy. The Lisbon Summit noted that the new strategy, in terms of peace and security, is located along two axes. Firstly, on political collaboration between the UN and the AU; secondly, to support and help build a uniquely African capacity to deal with conflicts.

3.3.8 North Atlantic Treaty Organization (NATO)

NATO has been assisting AMIS in logistics and training of AMIS forces. More than 60% of the resources of AMIS come from EU. EU and NATO have been major economic, humanitarian and diplomatic power in pushing the global response to the Darfur crisis. NATO has not been involved intensely in the Darfur conflict.

3.3.9 Civil Society in Supporting Mediation Efforts

Civil societies play a very crucial role during conflicts and even after especially on humanitarian and advocacy work. Partnerships between the AU and civil society organisations (CSO's) are important in order to ensure that there is cooperation, coordination, joint solutions and support between and within the actors in the field of conflict prevention and mediation.⁶⁶ Mediation is a long-term process, thus it is necessary for the relationships between external and internal actors to be one of equitable partnership, synergy and complementarity. An entrenched and vibrant civil society is intrinsically linked to democratic consolidation in that it facilitates the participation of citizens in development and governance, conflict management, resolution of conflicts and

⁶⁶ Jago Salmon et al., *Drivers of Change: Civil Society in Northern Sudan* (Khartoum: UK Department for International Development [DFID], 2007).

peace building processes⁶⁷. Civil society organisations as grass-roots agents of mobilisation ensure that governance includes the voice of local level citizens and all participating actors.

Civil society also plays a critical role in the maintenance of peace and security as well as in the process of post-conflict reconstruction and mediation. Civil society has two specific advantages that further its vital role in peace and mediation. The first is its ability to reach people at the grass-roots level in African communities. The second is its advocacy capacity often resulting in bringing to bear the voice of the marginalised on policy development.⁶⁸ The civil society has assumed an increasing role in mediating and negotiating peace agreements across Africa. Religious organisations, youth and women's groups continue to play an important role in promoting peace especially at the grass roots communities' levels. The importance of the role of civil society in Africa was formally recognised under the OAU in February 1990 when the OAU, UN agencies and African civil society organisations convened the International Conference on Popular Participation in the Recovery and Development Process in Africa in Arusha, Tanzania. The conference sought an understanding of the role of popular participation in the development and transformation of Africa. The outcome, which resulted in the Arusha Charter on Public Participation, highlighted the need for African governments to integrate African civil society into governance structures of key institutions to ensure their

⁶⁷ Ibid

⁶⁸ Mutasa, C., 2008, 'A critical appraisal of the African Union – The African Union and its Institutions, Jacana Media, Auckland and Centre for Conflict Resolution (CCR), Cape Town

participation in defining long term development policies. The space for civil society only officially opened up however after the establishment of the AU.

3.3.10 The Role of Women in Mediation

Women are central actors in any process that addresses peace, security, human rights and sustainable development (Women's Organisations, 2008). Due to the gender-specific consequences of war, women have a vested interest in participating in peace processes. There is an urgent need to increase the participation of women in formal peacemaking processes in Africa. There has been a concern on gender equality within the AU when it comes to the selection of mediators with a concern that very few cases of women are involved. For instance, during periods of intense conflict, existing inequality between women and men are exacerbated. As a result of violent conflict, women and girls are often forced to migrate and are subjected to heinous gender-based crimes such as rape and other violations of their human rights and dignity (UNESCO, 2003). Rape is a brutal weapon of war, widely used across Africa. Women organise for peace in their communities and possess a wealth of experience and knowledge, but in general they are still marginalised from formal decision-making structures. Globally, in post-conflict countries, "after the fighting and conflicts have ended, and despite their active participation in bringing the conflict to a halt, women are often relegated to the background and marginalised both in formal peace negotiations and in the rebuilding of war-torn societies"⁶⁹. Yet, when women have been included in formal peacemaking processes, they have made a substantive contribution.

⁶⁹ UNESCO (2003). *Women and Peace in Africa: Case Studies on traditional conflict resolutions practices*. Paris: UNESCO Workshops.

3.3 Conclusion

This chapter has explored historical background to the conflict in Darfur. The first part of the chapter has focused on reasons and background to the conflict. The other part discusses the peace processes by the African Union as well as other actors in the Darfur conflict.

CHAPTER FOUR

AFRICAN UNION'S MEDIATION IN THE DARFUR

4.0 Introduction

The study of conflict resolution reveals the mechanisms, methods and conditions that the rivaling parties use in order to resolve their conflict peacefully. This chapter attempts to give some of the reasons why the Darfur peace processes may have failed to achieve sustainable peace. Since the conflict in Darfur erupted, the African Union has been at the core of finding a resolution to the conflict. Although there have been various attempts to resolve the Darfur conflict, none of the peace agreements has been able to bring lasting peace in the Darfur region.

4.1 The Limitations of the AU Mediation Process in the Darfur Conflict

Since the peace efforts began in 2003, every peace effort has been followed by increased violence, and ultimately, the peace process has failed. These peace initiatives have not made substantial progress towards sustainable peace. The key research question that this study seeks to answer is why has the AU mediation process failed in the Darfur peace process.

This study argues that the Darfur peace process has failed because of the following five factors: 1) mutual mistrust between the government of Sudan and the rebel movements; 2) weakness of the mediation process; 3) inconsistent strategy of participation; 4) the fragmentation of the rebel movements; and 5) the inability of the DPA to address power and resource-sharing, and security issues.

The study explores the Darfur peace process by examining the process of the mediation itself, the participation of actors, and the factors related to the dynamics of the conflict during the peace process. In order to understand the peace process in Darfur, it's important to focus on peace scholars' principles and theoretical arguments that provide useful analytical lenses for understanding the factors that determine the success or failure of a peace process and a peace settlement.

A successful peace process requires five essential criteria which include a willingness of the warring parties to negotiate in good faith; addressing root causes of the conflict; inclusiveness of the process; negotiators commitment to a sustained process and the avoidance of the use of force by the protagonists to achieve their ends as described by peace scholars Darby and MacGinty⁷⁰ The failure to consider these principles might jeopardize prospects of a successful peace process.

4.2 Factors that Undermined the Darfur Peace Process

The Darfur peace process has thus far failed to bring a lasting peace to the violence-plagued region of Darfur. Some of the reasons that may have contributed to this unsuccessful peace process include;

⁷⁰ John Darby and Roger MacGinty, "Introduction: What Peace? What Process?," in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger MacGinty (New York: Palgrave Macmillan, 2003)

4.2.1 Mutual Mistrust Between the Government of Sudan (Gos) and Rebel Movements

Mutual trust is a crucial factor during any mediation process. It ensures confidence between the actors and increases their willingness to negotiate and compromise. The parties negotiate in good faith and are committed to a sustained peace process.⁷¹

In the Darfur peace process, trust and confidence between the GoS and the rebel movements has been unimpressive. From the very beginning, the parties did not negotiate seriously. Lack of trust on all sides hampered the 2004 N'Djamena and Addis Ababa peace efforts. The Abuja negotiations of 2005 and 2006 that led to the signing of the DPA still faced acceptance challenges as the government and the rebels continued to view each other with acute suspicion and loathing. The parties did not engage in serious and flexible negotiations or show any willingness to make concessions. The parties failed to reach a comprehensive and sustainable agreement in the Abuja negotiations as a result of mistrust.

Two factors might have created mistrust between the government and rebels. First, the appalling scale of the violence and atrocities must have incited hatred and broken relationships among various tribes in Darfur who previously had good relations. Characterizing internal conflicts/civil wars. Such conflicts result in breaking up of existing social relationships.⁷² In such internal conflicts, families may be divided, friendships are destroyed and local communities are broken. This social breakup often

⁷¹ Roy Licklider, "Obstacles to Peace Settlements," in *Turbulent Peace: The Challenge of Managing International Conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, D.C.: United States Institute of Peace Press, 2001).

⁷² Peter Wallensteen, *Understanding Conflict Resolution: War, Peace and the Global System* (London: SAGE Publications, Ltd., 2002), 133.

creates psychological wounds among communities that ultimately incite hatred and mutual distrust.

This point has been evident in the Darfur conflict. In a report by the UN Commission of Inquiry for Darfur, assert the Sudanese army and its proxy Arab militias continue to conduct "indiscriminate attacks, including killing civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging, and forced displacement, throughout Darfur."⁷³ This rampage of the government forces and their Arab militias against African tribes worsened social relationships and created a social divide among the Darfur tribes and diminished trust between the rebels, who represent the various tribes, and the government of Sudan.⁷⁴ Therefore, this social divide may have diminished the will of actors to come to the negotiating table in good faith to end the conflict.

Second, the Government of Sudan lacks the political will to resolve this conflict through a political resolution such as forming a coalition government which includes the rebels and the people of Darfur as a key and equal partner in the Government of Sudan. The lack of commitment may stem from the GoS' belief that negotiated settlements that enable rebels to have their demands met might encourage rebellion in other marginalized regions of Sudan in order to get their demands through negotiations. The government has military superiority on the ground and an experienced negotiating team with strong

⁷³ United Nations, "Report of the International Commission of the Inquiry on Darfur to the United Nations Secretary General," (January 2005), <http://www.un.org/News/dh/sudan/com-inq-darfur.pdf> (accessed December 10, 2007), 3.

⁷⁴ Amir H. Idris, *Conflicts and Politics of Identity in Sudan* (New York: Palgrave Macmillan, 2005), 78-89.

bargaining power at the table. With this it has tried to intimidate the rebels and undermine their position in the talks. The government describes the rebels as unrepresentative of the people of Darfur, and instead portrays them as armed bandits fighting for their own self-interests. For example, in the November 2004 Abuja talks, the government negotiators hinted that because the JEM and SLA were not sufficiently representative of the entire Darfur region, they could not reach a comprehensive political settlement with them. The government's negotiating team undermined the credibility of the rebels and thus weakened their negotiating position. Also, the government refused to make concessions to the rebels.⁷⁵

On the other hand, the rebels viewed the government as a perfidious, evil regime that had repeatedly broken its promises. This view developed from the fact that the government ruled out negotiations with the rebels when the rebellion erupted in 2003. On April 2003, SLM/A and JEM mounted an ambitious and successful assault against government forces in El Fashier (capital city of northern Darfur).⁷⁶ After the rebel assault, then-governor of North Darfur, Ibrahim Suleiman, tried to negotiate with the rebels. However, the Khartoum government did not have the political will to negotiate with the rebels, and the central government immediately removed Ibrahim Suleiman from his post. The government believed that crushing the Darfur rebellion militarily would prevent possible rebellion in other parts of Sudan. Thus, the Khartoum government unleashed the proxy-Arab militia-Janjaweed who committed horrendous atrocities on African tribes. This position escalated the conflict and undermined prospects for peace efforts.

⁷⁵ International Crisis Group, "Darfur's New Security Reality," *Africa Report* No. 134, 26 November 2007

⁷⁶ Julie Flint and Alex De Waal, *Darfur: A Short History of a Long War* (London & New York: Zed Books, 2005), 119.

Furthermore, the government had never lived up to its promises such as stopping attacks on civilians in Darfur. This had been one of the issues that had been agreed on when the Government of Sudan agreed to negotiate because of regional and international pressure. The Government has continuously violated the 2003 and 2004 ceasefire agreements and has never neutralized its proxy militia-the Janjaweed and has never stopped attacking civilians. After the Darfur Peace Agreement (DPA) of May 2006, the government partnered with Minni Minawi's SLM/A, the only rebel group that signed the DPA. In mid-September 2006, government forces and Minawi's forces launched a coordinated offensive to crush the rebel groups who did not sign the DPA, and also targeted communities who supported those rebels. Therefore, throughout the Darfur peace process the government has lacked interest in negotiating with the rebels unless pressured to do so by the international community.

Rebel mistrust of the government, therefore, proved a fatal blow to the Darfur peace process. From the early stages of the Abuja talks, the rebel leaders demanded guarantees from the international community that the government addresses security in Darfur and implements the ceasefire agreements of 2003 and 2004. The rebels wanted to ensure that the government would stop attacking rebels and civilians, disarm the Arab proxy militia, and permit humanitarian efforts. However, they could not get assurances from the government or from the international community. As a result, the Abuja talks of 2004 collapsed without producing any political settlement.⁷⁷

⁷⁷ Julie Flint and Alex De Waal, *Darfur: A Short History of a Long War* (London & New York: Zed Books, 2005), 119.

Also, in the Abuja talks of 2005 and 2006 that led to the DPA, the rebel movements demanded a guaranty for the implementation of the agreement. Two key rebel leaders in the Abuja negotiations-Abdel Wahid of SLM/A and Khalil Ibrahim of JEM argued that without implementation assurances the DPA would simply fail. They could not trust the GoS. However, the mediators could not guarantee the implementation of the DPA. Consequently, Abdel Wahid, alongside Khalil Ibrahim, never signed the DPA. Without the signature of those two key rebel leaders, the DPA collapsed before the implementation process began. Similarly, the October 2007 Sirte peace negotiations collapsed, in part, because key rebels refused to attend the talks until the government stopped attacking, upheld its political commitment, and improved security on the ground. In summary, mutual distrust between the GoS and rebel movements undermined the Darfur peace process and compromised possibilities to reach a sustainable and comprehensive peace agreement that would put an end to the suffering of the Darfurians.

4.2.2 Weaknesses in the Mediation Process

In any peace process, mediators and external actors who influence the mediation process play a dominant role in its success or failure. Though often mediators and external actors have a positive role in the peace process, there are times when they have helped to induce failure. According to Licklider, mediators seem increasingly to be oriented toward bringing about peace, which in practice means some sort of negotiated settlement, even if some sort of players want the settlement skewed in favor of one side.⁷⁸

⁷⁸ Ibid

Licklider further adds, "external pressure does not always promote peace, of course. Ostensibly, internal violence is often promoted or made possible by outside assistance of various sorts. Therefore, mediators and external actors may complicate the outcome of a peace process by focusing on a quick outcome rather than a long-term solution-oriented process of mediation or by skewing the outcome to one side⁷⁹.

In Preparing for Peace during mediation, clarity and the adequacy of the framework of the process determines the outcome⁸⁰. The bottom line of this argument is that a hasty and quick-fix-oriented process does not result in a sustainable solution acceptable to all. In the case of the Darfur peace process, the mediators have used ineffective mediation strategies. Partly, if not exclusively, throughout the Darfur process two factors related to the processes of mediation have undermined the outcome of the negotiations. These are incompetence of mediators and misguided mediation strategy.

4.2.3 Incompetence of Mediators

Incompetence of mediators hampered the Darfur peace process at an early stage⁸¹. Mediators may be perceived to be incompetent if they lack basic mediation skills such as impartiality, acceptability, language proficiency, understanding the conflict context among others. First, the Chadians lacked mediation experience and impartiality. While mediating the first ceasefire in September 2003, Chadian President Deby skewed the negotiation process in favour of the GoS. Although the rebels and the GoS agreed to a

⁷⁹ Roy Licklider, "Obstacles to Peace Settlements," in *Turbulent Peace: The Challenge of Managing International Conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela (Washington, D.C.: United States Institute of Peace Press, 2001

⁸⁰ John Paul Lederach, *Preparing for Peace: Conflict Transformation Across Cultures* (New York: Syracuse University Press, 1995), 21-22.

⁸¹ Julian Thomas Hottinger, "The Darfur Peace Agreement: Expectations Unfulfilled," *Accord*, vol. 18 (2006

45-day ceasefire, it soon collapsed partly because president Deby blamed the rebels for complications. President Deby's assertive stance against the rebels undermined his credibility as a neutral mediator. Subsequent negotiations in N'Djamena collapsed because the rebels refused to negotiate further unless international observers were present.

Mediators' incompetence further undermined the April 2004 N'Djamena negotiations. First, the African Union (AU) envoy, Hamid Elgabid, lacked negotiation experience and was ill-equipped to mediate because he did not speak English or Arabic, the languages the protagonists could understand⁸². French translation slowed down every session. In addition, neither Hamid Elgabid nor the Chadian mediators did not craft clear mediating strategies. Despite this problem, the GoS and the rebels signed a humanitarian ceasefire agreement with provisions to allow humanitarian access to the Darfur and deployment of the AU observers. However, this limited agreement did not hold for a long time.

It is troubling that GoS and the rebels received different variations of the agreement, which reveals the lack of impartiality among the mediators. De Waal chronicles this saying, "The Chadian foreign minister ordered an extra sentence to be handwritten into the Sudan government's copy of the agreement, specifying that the rebel forces had to go to camps and disarm. The Sudan Liberation Movement had a signed and stamped version without this provision which they had rejected as suicidal."⁸³ The agreement lacked maps

⁸² Julian Thomas Hottinger, "The Darfur Peace Agreement: Expectations Unfulfilled," *Accord*, vol. 18 (2006)

⁸³ Alex De Waal, "I Will Not Sign," *London Review of Books* Vol. 28, No. 23 (November 30, 2006), http://www.lrb.co.uk/v28/n23/waal01_.html

and details about the areas under control by the adversaries that would have enabled the AU observers to assess the situation on the ground and monitor the ceasefire.

Consequently, the April 2004 N'Djamena ceasefire agreement ended in failure, leading to exacerbated violence. The incompetence and disorganization of the Chadian and AU mediators, therefore, worked to the advantage of the Khartoum delegation who maneuvered the negotiations in their favor. As a result, the subsequent N'Djamena and Addis Ababa negotiations did not make substantial progress.⁸⁴ In May 2004, the African Union took leadership of the peace negotiations from the Chadians. However, the AU mediators also failed to formulate a realistic and workable negotiation process. The Abuja talks dealt only with security and humanitarian issues instead of addressing the daunting political and economic issues that are root causes of the conflict. This brings to light the Human needs theory principles of failure by the AU as a mediator to address the immediate needs of the aggrieved party. Consequently, in December 2004, the Abuja negotiations collapsed. Criticized for incompetence and failure to craft a clear political agenda for the negotiations, the AU appointed the former OAU secretary-general, Salim Ahmed Salim as a new chair of the Abuja negotiations. Simultaneously, the UN joined the mediation efforts. In summary, for almost two years, the Darfur peace negotiations suffered from incompetence of mediators and a lack of a clear mediating political agenda. This hampered the advance of the efforts and prolonged the peace process.

⁸⁴ Julie Flint and Alex De Waal, *Darfur: A Short History of a Long War* (London & New York: Zed Books, 2005), 119

4.2.4 *Misguided Mediation Strategy*

A mediation strategy is a plan which guides the mediation process and outlines the possible outcomes of a conflict settlement. The AU mediators' inconsistent mediation strategy such as deadline diplomacy partly undermined the Abuja peace negotiations that produced the DPA of 2006. Deadline diplomacy is a situation where the conflicting parties to a conflict are coerced into reaching an agreement or peace settlement on a certain fixed period of time or on exact dates. The AU mediator had limited the timeframe of the negotiations by setting deadlines, so that factions did not receive enough time to solve their differences and disagreements and to thoroughly discuss and understand the document before signing it. As (Pierre du Toit observes, "A deadline is a mechanism for imposing time costs on negotiators. As they face a deadline, the options narrow down to two: agree to the proposal, or refuse. Take it or leave it. But in negotiations intended to put an end to deep-rooted conflicts like that of Darfur, deadline diplomacy seems to undermine the peace process⁸⁵. Enough time must be made available to find a quality settlement, that is, one that deals effectively with the basic issues of conflict. When this is not met, and negotiators are forced into rushing a decision, agreements of poor quality may result.

In negotiations intended to put an end to deep-rooted conflicts like that of Darfur, deadline diplomacy seems to undermine the peace process. As Pierre du Toit argues, "Enough time must be made available to find a quality settlement, that is, one that deals effectively with the basic issues of conflict. When this is not met, and negotiators are

⁸⁵ Pierre du Toit, "Rules and Procedures for Negotiated Peacemaking" in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger MacGinty (New York: Palgrave Macmillan, 2003), 66.

forced into rushing a decision, agreements of poor quality may result." ⁸⁶. Therefore, negotiating parties need sufficient time to develop mutual trust and confidence and to address their differences.

Deadline diplomacy is a situation where the mediator in a conflict imposes a mechanism time pressure on negotiators. Deadline diplomacy did not work well in the Abuja negotiations of 2005 and 2006 because of the mistrust and deep suspicion between the rebels and the GoS, and disagreements among the rebels. Instead of giving the rebels' time to solve their differences, the UN and AU mediators rushed to sign a peace agreement overnight. The excessive pressure from the mediators forced key rebel leaders to take a defensive position to avoid signing an agreement that they did not necessarily agree with its provisions. The rebels complained that they lacked ownership of the process⁸⁷. Deadline diplomacy neglected some of the less tangible or more relational aspects of negotiations, which could potentially improve the chances of success of the peace efforts.

The mediator must give the negotiating parties sufficient time to develop mutual trust and confidence and to address their differences. The AU mediators' deadline diplomacy, of limiting time and rushing into a decision, undermined the credibility of the DPA of May 2006.

⁸⁶ Human Security Baseline Assessment, "No Dialogue, No Commitment: The Perils of Deadline Diplomacy in Darfur," *Sudan Issue Brief*, No. 4 (December 2006), 3-4.

⁸⁷ Ibid

4.2.5 Lack of Inclusiveness in the Mediation Process

Inclusiveness in the mediation process involves the engagement of all parties and other stakeholders in peace and mediation processes and also more widely the inclusion of all segments of society. This is crucial towards a more inclusive and more sustainable peace settlements. Mediators and the mediation process plays a vital role in ensuring the inclusiveness of a peace settlement. A mediation process that does not consider the interests and needs of all affected actors, addresses only the symptoms of the problem. In *Preparing for Peace*, Lederach articulates that "mediation can and should facilitate the articulation of legitimate needs and interests of all concerned into fair, practical, and mutually acceptable solutions"⁸⁸. Without all parties, even if a peace agreement is reached, it may not live long.

In reference to the Darfur peace process, the mediators have never ensured the representation of all stakeholders in the Darfur conflict. In the Abuja peace negotiations (2004-2006) that produced the DPA, only the government of Sudan and the three major rebel groups — the two factions of the SLM/A and the JEM participated. Various Arab militias, smaller rebel factions, civil society, civic associations, tribal leaders and religious leaders, representatives of people in IDPs and refugee camps, and the Durfurian diaspora have not participated in the peace process. Since the major Darfur rebels do not

⁸⁸ John Paul Lederach, "Cultivating Peace: A Practitioner's View of Deadly Conflict and Negotiation," in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger MacGinty (New York: Palgrave Macmillan, 2003), 14.

represent all sections of Darfur society, those groups that did not participate in the negotiations have never had their voices heard.

The October 2007 Sirte peace negotiations also failed to be inclusive. The mediators did not draw lessons from the Abuja process, and did not invite key sections of the society to the negotiations. Future Darfur peace process may not have legitimacy and credibility unless all stakeholders participate in the process. Lack of inclusion of stakeholders in the Darfur peace process forced the excluded groups to act as spoilers.

Exclusion of significant groups within Darfur from the Darfur peace process has also created serious problems related to power and resource-sharing, which are important factors for the success of the efforts.

The Darfur peace process will remain artificial and shaky unless all Darfurians participate in the process. This requires representation of the people in the peace process so that their voices can be heard. The AU needs to adopt a mediation strategy that supports inclusiveness of all actors and parties to a conflict in addressing the conflict in Darfur.

4.2.6 Fragmentation of the Rebel Movements

Nilsson argues that multiplication of rebel groups jeopardizes the hope for durable peace⁸⁹. The increasing number of actors entails an increasing complexity of the process as different parties come to the table with different views and irreconcilable strategic problems. In Darfur, the fragmentation of rebels posed a major challenge to the success of the Darfur peace process. When the Darfur conflict broke out into a violent war in 2002-2003, only two rebel groups the SLM/A and the JEM existed in Darfur. However,

⁸⁹ Nilsson, Claes (ed). 2008. Challenges in Multifunctional Approaches. Swedish Defence Research Agency (FOI): Stockholm

these two original rebel groups gradually fragmented into several factions. As of November 2006, twelve rebel factions existed in Darfur. The number of factions has since skyrocketed and as of January 2008, around 27 rebel factions exist in Darfur, more than double the number of rebel factions in 2006.

Disagreements over political agendas for negotiations, power struggles among commanders, and ethnic affiliation have contributed to the fragmentation of rebels. Seeking to undermine rebel unity, the government of Sudan also has incited rebel divisions by infiltrating the rank and file of the rebel groups. The government has used buy-out tactics through separate deals with some factions, igniting further divisions and weakening organized rebel resistance⁹⁰.

For instance while the leader of the SLM/A, Abdel al-Wahid Nur, negotiated in Abuja, his second commander, Minni Minawi, defected and formed his own faction, SLM/Minawi. When efforts to reconcile the factions failed, the AU recognized Minnawi's faction and gave it a place in the Abuja negotiations. AU's later recognition of splinter groups encouraged divisions because factions wanted to participate in the negotiations as independent bodies and bargain for their own interests. In early 2006 several of Wahid's field commanders defected and demanded recognition from the AU. While the AU later refused to recognize them fearing further rebel mutation in order to get recognition and bargaining power in the negotiation, the union has been blamed for failing to contain the rebel groups. This is a challenge that the AU as a mediator in the

⁹⁰ Human Security Baseline Assessment, "No Dialogue, No Commitment: The Perils of Deadline Diplomacy in Darfur," *Sudan Issue Brief*, No. 4 (December 2006), 3-4.

Darfur peace process faced throughout the process. The AU may have encouraged rebel fragmentations because the mediators invited splinter rebels to the negotiations. And yet, excluding the splinter factions from the negotiations may have led the excluded groups to spoil the outcome of the peace process.

4.2.7 The Inability of the DPA to Address the Power and Resource-sharing Problems and Security Issues

Power, resource-sharing and security dilemma of the actors in the conflict must be considered for a successful peace settlement. Addressing issues of power and resources-sharing, and security needs of negotiating parties in peace processes helps in achieving a comprehensive and sustainable peace agreement. He states very forcefully that "ending violence in a way which removes this security dilemma has to be part of any settlement. Without the parties being secure, subjectively and objectively, a peace agreement is unlikely to be sustained"⁹¹. The DPA of 2006 did not properly address the security dilemma of most of the parties that participated in the Abuja negotiations. The power and resources-sharing and the security provisions of the DPA, which determine the security dilemma of the actors, left most of the rebels worse-off and consequently the two major rebels refused to sign the agreement

The AU mediated the DPA of May 2006 which is the major agreement in the history of the Darfur peace process. The agreement includes four key areas: power-sharing, wealth-sharing, security arrangements and the Darfur-Darfur dialogue. The first three are the most contentious areas and the parties disagreed in most sections. The discrepancies and flaws in its provisions turned the DPA into a self-defeating agreement. The agreement failed to achieve peace and its aftermath witnessed continued conflict, worsened security

⁹¹ Wallenstein, Peter (2007) *Understanding Conflict Resolution, 2nd Edition*, London: Sage

and humanitarian crisis. The problem with the DPA partly rests with its weak power and resources-sharing provisions and security arrangements that did not fulfil expectations of the rebels.

In summary, the provisions of the DPA which was an AU mediated agreement could not fulfill the power and resources-sharing and security expectations of the Darfur rebel movements. The DPA included structurally weak power-sharing, resources-sharing and security provisions that did not satisfy the aspirations of the rebel movements. Moreover, the implementation of these provisions depended on good faith and political will of the Sudanese government. However, the government's lack of political commitment revealed that the implementation of the DPA would face real danger

The mediators, eager to hammer out a quick agreement, pushed the parties to sign the DPA with all its flaws⁹². The government of Sudan and only one rebel group; SLM/A of Minni Minawi signed the DPA on May 6, 2008. The two major rebel groups; SLM/A of Abdel Wahid and JEM of Khalil Ibrahim refused to sign the DPA. The JEM argued that the DPA does not address the root causes of the conflict and demanded amending of the DPA to allow a broad-based power and resources-sharing system. Similarly, Abdel Wahid's SLM/A demanded stronger security arrangements and broader power and resources sharing provisions. However, the GoS and the mediators rejected the demands of the rebels. After the official signing of the DPA on May 5, 2006, the mediators made

⁹² John Paul Lederach, "Cultivating Peace: A Practitioner's View of Deadly Conflict and Negotiation," in *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, ed. John Darby and Roger MacGinty (New York: Palgrave Macmillan, 2003), 14.

another deadline hoping that JEM and Abdel Wahid's SLM/A would change their minds and sign the agreement. However, both rebel groups refused to change their position, arguing that the agreement does not adequately address political, economic and security problems that caused the conflict. Without the signature of those key rebels, the DPA could not hold and it lost credibility even before its implementation stage.

4.3 Conclusion

This chapter set out to examine the factors that prompted the failure by the African Union mediation team in addressing the Darfur peace process. It identified five major factors that have contributed to the breakdown of the Darfur peace process. The study referred to important peace research which offered a theoretical framework for the failure and success of peace processes.

Even though the Darfur peace process has failed to bring lasting peace to the region, and although there is very little hope of resuming the peace efforts, the suffering of the innocent civilian population of Darfur shall not continue unabated. Indeed, the people of Darfur need peace and support to rebuild their lives. After so much destruction and untold human suffering, the need to find a peaceful solution to the bloody conflict in Darfur is painfully self-evident and remains a top agenda within the AU peace and Security architecture. Stripped away from their livelihoods and with hundreds of thousands losing their lives, the people of Darfur look for a solution that can bring lasting peace to their conflict-plagued homeland. Thus the African Union and other mediators must understand the complexity of the conflict, examine the factors that have undermined the peace efforts, correct past mistakes, and reformulate and re-negotiate the Darfur Peace Agreement in order to bring lasting peace and stability to the region.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

This chapter presents the summary, conclusion as well as suggested recommendations for implementation on the role of the African Union in mediating intra-African conflicts with specific focus on Darfur South Sudan. Diverse conflicts call for diverse mediation processes. There is no one-size-fits-all mediation model that can be applied to all conflicts, which is why it is imperative that mediation efforts reflect the uniqueness and idiosyncrasies of each conflict.

Although there is no universally applicable style of mediating, similar issues need to be considered in all peace and mediation processes around the world. Drawing from the various literature reviewed, it is clear that there are a number of capacity constraints and other strategic challenges which inhibit effective mediation processes in African conflicts. It is worth noting that undertaking well supported and well managed mediation mission is a difficult task for all key mediation actors. It is only recently that the international community has taken the initiative to professionalize mediation practices. Therefore, the African Union needs to pursue more advanced mediation strategies and tactics in order to prevent, manage and resolve conflicts in the continent. It is imperative for the AU to adopt a specialized and systematic approach to mediation. There is also the need to create a greater diversity of peacekeeping perspectives within the African Union.

Though overall the African Union mediation mission in Darfur has failed, AU has made some progress in bringing the rebels and the Government of Sudan to the negotiating

table. The AU however needs to reflect more on why it has failed before attempting any other peace talks.

This chapter will present research findings collected through an extensive literature analysis. The study employed an extensive literature analysis and consulted a wide range of sources from academic journals, books, news articles, NGO publications and organizational websites in order to get a clear picture of the Darfur conflict and the peace processes with an emphasis on the African Union mediation framework. The literature analysis has been used to compare the different information as well as to help the researcher in bringing in new arguments and views. This section will present the summary of the research findings; provide recommendations for further research and conclusions.

5.1 African Union Lack of Institutional Capacity to Mediate the Darfur Conflict

The African Union still lacks the institutional capacity and human resources necessary to conduct effective mediation and peacemaking initiatives and complex peace operations. According to its own internal assessment, the AU Commission acknowledged that it suffers from weak bureaucratic processes and management systems; poor information technologies; inadequate physical infrastructure; a lack of professional and motivated personnel; weak reputation, presence, and reach; and inadequate sources of funds.⁹³ These challenges limit the effectiveness of the African Union in carrying out its mandate in mediation. Limited finances remains a major hindrance when the African Union is undertaking any peace efforts processes. This challenge also means that the African

⁹³ AU Commission, *Strategic Plan 2009–2012*, p. 17.

Union is largely constrained in carrying out follow up missions after a peaceful settlement.

5.2 Competing Mediation Initiatives

There has been a competing mediation initiative in the Darfur conflict which has hampered the overall peace process as this study found out. For instance, both the United Nations and the African Union had their own mediator which caused confusion as to who was the legitimate mediator and who was leading the peace process.

This study found out that both organizations held separate meetings, wrote their own reports, and had different support teams, which only intensified the confusion on the ground. Although the UN and the AU eventually were able to coordinate their initiatives and create a new framework for joint efforts, the Darfur example demonstrates the need for unified mediation. It is thus important for the African Union to take the lead in any future peace processes in the Darfur Conflict since it remains the main mediator and has been at the centre of the conflict resolution in the Darfur conflict. It is worth noting that the African Union has made some gains in resolving the conflict. For instance the Darfur Peace Agreement which was mediated under the auspice of the African Union remains the only major peace agreement document that came close to resolving the Darfur conflict. Although this document failed to be implemented by the parties to the conflict, the African Union can take lessons on why the agreement failed and work on the reasons to avoid the same mistakes being repeated in any future peace agreements.

5.3 Mediation Deadlines

One of the major failures of the Darfur Peace Agreement was the attempt by the African Union mediators and the international community to get a peace agreement through the “deadline diplomacy.” Too much haste to do a deal was a key reason why the Darfur Peace Agreement failed to deliver⁹⁴. It is impossible to bring about a quick fix to a civil war or a protracted conflict since these conflicts have multiple, complex, and intractable causes and the difficulty of resolution is heightened immeasurably by the protagonists’ mutual hatred and suspicion. There is no point in rushing negotiations and forcing the parties to sign an agreement to which they are not committed. The AU failed by rushing the parties to sign the peace agreement which left key rebel groups out who then acted as spoilers and thus violence increased after the DPA.

Any future peace talks to end the conflict and human suffering in Darfur should be planned and carried out by mediation experts from the conflict management field who are not obsessed with quick fix solutions. Their goal must be an agreement that is accepted by all parties and can be implemented on the ground without angering any of the sides. Future peace talks should also include a strategy to address human needs and not only concentrating on finding a political settlement. A mediation strategy that gives prominence to the needs of the conflicting parties provides a conducive environment for peaceful political settlements.

⁹⁴ Mozersky, D. Darfur Peace Efforts Must Embrace New Reality. 5 December 2007. allAfrica.com. Retrieved from the International Crisis Group: <http://www.crisisgroup.org/home/index.cfm?id=5203&l=1>

5.4 Recommendations

5.4.1 Need for the Establishment of an AU Mediation Unit

The AU's current approach to mediation has been ad hoc, ill-prepared, and based on little more than the hope of forging elite, top down bargains, usually under arbitrary deadlines. To ameliorate this problem. The African Union must give prominence to the establishment of a mediation unit within the commission. Such a unit can coordinate mediation support to AU officials and envoys as well as mediation capacity-building activities.

The African Union should also have a roster with a list of technical mediation experts ready for deployment whenever the need arises. The AU's liaison offices in countries in conflict or at risk of conflict should also have a senior staff member with training and experience in mediation. In addition, it would be beneficial to establish a mediation fund as a complement to the Peace Fund and appoint a mediation adviser to support the Panel of the Wise's efforts to design, manage, and evaluate peace processes, facilitate dialogue, and liaise with parties in conflict and other groups.

5.4.2 Prioritize on Restoring Security in the Darfur Region

A comprehensive and sustainable peace agreement in Darfur requires restoring security in the region. As the International Crisis Group report of November 2007 revealed, after the signing of the Darfur Peace Agreement, human security in Darfur deteriorated even further and the humanitarian situation worsened. (International Crisis Group, "Darfur New Security Reality"). It is worth noting that the Darfur Peace Process cannot bring peace while the security and safety of people is at stake. There is an urgent need to enforce a ceasefire among all warring sides and ensure rapid deployment of the proposed

UN-AU hybrid forces (UNAMID) to protect civilians and lay the ground for mediation and negotiation talks which hopefully will lead to a political solution.

Any attempts for the peace process before deploying the peace keepers and ensuring the safety of civilians could again fuel an escalation of conflict in Darfur. The international community must uphold its commitment to protect civilians and to improve human security before embarking on a meaningful longer term peace process.

5.4.3 Inclusivity in the Peace Process

Unarmed groups including tribal leaders, religious leaders, civil society, women, youth, and Darfurians in the diaspora should be included in any negotiations and consulted and engaged in the peace process⁹⁵. Arab militias and splinter rebel groups should also be included. They have stayed outside of the peace process in Darfur and have acted as spoilers in most of the peace efforts. Participants of the unarmed and armed groups in the peace process will enhance legitimacy and success of the process. All the armed and unarmed sections of Darfur's society must have ownership on any future peace process.

5.4.4 Adopt a Problem-Solving Approach in Negotiations

Burton argues that deep-rooted conflicts are founded in fundamental human needs for security, identity, recognition, and development. They cannot be compromised, but require accommodation through problem-solving rather than power-driven bargaining⁹⁶. The Darfur conflict is a typical example of a deep-rooted conflict where the rebels began fighting over the issues of poor economic conditions, lack of development and security,

⁹⁵ Moore, Christopher W. (2002). *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: Jossey-Bass Publishers.

⁹⁶ Burton, J. 1997. *Violence Explained*. Manchester. Manchester University Press.

and political and social exclusion of their province. Using problem-solving approach to negotiate the end of a deep-rooted conflict calls for a “joint effort to find mutually acceptable solutions” for all parties⁹⁷.

Though the African Union has been applauded for its effort to intervene in the Darfur conflict in terms of humanitarian assistance, a lot more still needs to be done as the humanitarian situation remains one of the worst in the world. The AU needs to apply a problem-solving approach in the next peace talks since it could be the best way to end the Darfur conflict and bring lasting peace.

5.4.5 Including External Actors

China, whose interest in protecting its reputation as a responsible power leaves it open to pressure. No other power holds such potential influence over Khartoum as China. China is Sudan’s biggest trading partner, it purchases 64 percent of Sudan’s oil exports, and its companies have invested billions of dollars in Sudan’s oil industry⁹⁸. Domestic activists in Africa and abroad should apply pressure by broadly communicating the need for the Chinese government to put pressure on Kharhatoum. The African Union should express its dissatisfaction with China’s reluctance to play a more constructive role in the Darfur crisis.

The Chinese government has leverage in the form of Sudan’s economic dependence on Chinese investment and oil purchases, but the dependence is reciprocal: China’s growing economy needs energy and currently draws seven percent of its imported oil from Sudan.

⁹⁷ Kindiki, K. 2007. Humanitarian Intervention to Protect Civilians in Darfur. Pretoria. Institute for Security Studies.

⁹⁸ Reeves, Eric. 2006. Push China, Save Darfur. *Boston Globe*, December 17.

Much of the appeal that China has sought to cultivate among African heads of state comes from its willingness to provide aid with fewer of the governance-related strings that Western donors insist on attaching to their financial assistance⁹⁹. Putting real pressure on Khartoum to shape up on human rights, then, would blur the lines between China's model of assistance and the traditional Western model.

A more damning analysis of the AU's role would conclude that it was not only ineffectual but actually counterproductive, providing Khartoum with a shield to block a more effective UN force¹⁰⁰. President Al-Bashir has insisted, contrary to any reasonable interpretation of the facts, that the AU mission, has been a successful "African solution to an African problem"¹⁰¹. He has also rejected the entry of UN peacekeepers into Darfur, saying that they, would lead to the West's re-colonizing Sudan. But this strategy can only be effective so long as powerful states outside the AU fail to call Khartoum's bluff. Since coercive military options appear largely unavailable, concerned interested parties to the conflict must apply pressure strong enough to persuade the regime to make a change of course that it currently believes to be against its own interest.

China must use its strongest leverage over the Khartoum regime, by putting pressure on the government of Sudan to resolve the Darfur conflict.

⁹⁹ Kurlantzick, Joshua. 2006. "Beijing's Safari: China's Move into Africa and Its Implications for Aid, Development, and Governance," *Carnegie Endowment Policy Outlook* November.

http://www.carnegieendowment.org/files/kurlantzick_outlook_africa2.pdf (accessed March 31, 2014).

¹⁰⁰ International Crisis Group. 2004. Darfur Rising: Sudan's New Crisis. Africa Report 76, March 25.

¹⁰¹ Arieff, Irwin. 2006. China pushes Sudan to let UN troops into Darfur. Reuters, Sept. 14.

http://www.uofaweb.ualberta.ca/chinainstitute/nav03.cfm?nav03=5_0404&nav02=43782&nav01=43092 (accessed March 31, 2007).

5.4.6 Follow-Up Mechanism

It is important to establish a mechanism for settling future disputes between the parties. These mechanisms need to be impartial organs that can objectively resolve disputes and oversee any future amendments to the agreement. The mechanism can be a newly-created institution and, as long as impartiality is adhered to, it can be either domestic or international. In the case of Darfur conflict, the level of mistrust between the conflicting parties is still so high, thus an international body such as the United Nations or an international non-governmental organization, which should be acceptable to all parties¹⁰².

5.5 Further Research Areas

Further research and in-depth discussions is needed to inform the development of the African Union comprehensive mediation strategy in its role in fulfilling its mandate in preventing, managing and resolving conflicts in the African continent.

Further research on follow up mechanisms after a conflict has been resolved to prevent a recurrence of another conflict.

¹⁰² Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur”, African Union, Addis Ababa, 5 July 2005

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