Human Security, the Responsibility to Protect and the Crisis in Darfur

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Abstract

Since 2003, Sudan's central government has used proxy forces to slaughter thousands of civilians belonging to ethnic groups associated with the conflict in Darfur in the western region of that country. Serious outside pressure would likely be required to change the regime preferences for repression, as Khartoum has concluded that, if unchecked, the uprising would threaten the regime's survival. The war in Darfur has attracted reactions from the international community that even in some quarters; it has been labeled as genocide. The way Khartoum has handled Darfur's alleged genocide has also not impressed the international community. The development compelled the International Criminal Court to issue a warrant of arrest on the president for allegedly using the janjaweed militias against the innocent citizens of Darfur. The current conflict is one of the most complex war situations which has defied attempts made by the international community to resolve it. The African Union has been admirably engaged in the Darfur crisis but has ultimately been ineffectual due to poor resources and weak political will. At the same time, Khartoum intransigence and diplomatic protection provided for it by China has blunted the ambitious steps taken by the United Nations Security Council. However, the crisis in Darfur presents the international community with the opportunity of testing its avowed commitment to human security. The introduction of the responsibility to protect principle into the debate on civilian protection gives an added impetus for the international community to act in protection of the Darfurians. This paper attempts to interrogate the applicability of this concept to the resolution of the conflict in Darfur.

INTRODUCTION

Since the United Nations Development Programme (UNDP) in its 1994 report introduced the concept of "human security" in international relations discourse, scholars and policy analysts have been grappling with the concept. In the UNDP's report, the concept of security was expanded to include non-traditional threats like hunger, diseases; lack of access to the basics of life etc.[1] While recognizing the primacy of the state within the international relations discourse, the report established the latent link between state security and security of individuals within the state (human security). However, despite the report's findings, the issue of human security did not gain much currency until a few years later. This was as a result of the military-centric concept of security, the defensive and offensive capabilities of the state, which was at the heart of the security debate.

This paper examines the problems faced by people within states and also emphasises the message that traditional view of security, must have a paradigmatic shift, to make humans the referent objective of security. While recognizing the fact that human security is not only threatened through armed violence, it is trite knowledge that armed violence, either when perpetrated by the state or its agents, or when perpetrated by non-state actors is also a major source of human insecurity. The latest in the international community's "tool kit" is the concept of "responsibility to protect."[2] Simply put, the concept acknowledges that the primary responsibility of protecting the people within a state is that of the sovereign state where the people belong[3].

The core of the concept of responsibility to protect is that where the state is unable or unwilling to protect its people, or is itself the source of threats, the responsibility shifts to the international community.[4] With the adoption of the groundbreaking principle by the UN General Assembly at its 60th Summit in 2005[5], and its confirmation by the Security Council in its Resolution 1674[6], the civilian population in Darfur who have been caught up in a conflict which enveloped the Western part of Sudan since 2003 should have heaved a sigh of relief, however, although the international community had examined the two concepts within the international relations discourse as they are applicable to the current conflict in Darfur. This paper interrogates whether the international community is only desirous of crafting and implementing mechanisms that will offer genuine protection to civilians, or is it reinventing mechanisms that have been tried over time to apply them in present day conflict situations. Therefore, the first section of this paper critically analyses, the concepts of human security and the responsibility to protect, before providing an overview of the Darfur crises, and its implication for human security.

CONCEPTUAL ISING HUMAN SECURITY

The concept of security has been a "contested concept" which in the main evokes the protection of territorial integrity and dignity of the state[7]. This is not surprising given the fact that hitherto, international relations has

been more "state-centric" than "people-centric" and state were the main actor in international affairs. However, given the consequences of the post-Cold War, international system and the impacts of globalization, the concept of security is also expanding to include or to focus more on people than on the state.[8] Security in its traditional sense refers to the security of the state from external aggressors. This concept which was advocated in the 17th Century through the signing of the Treaty of Westphalia ending the Thirty Years' War has dominated international relations discourse for a long time.[9] According to this concept; the state has a monopoly to the rights and means of protecting its citizens.[10]

The modern state was born after the signing of the Treaty of Westphalia. With this concept came the notion of sovereignty and the notion that each state is allowed to do as it pleases within its own domain. However, while sovereignty was seen as absolute, it also tried to "set up a scheme for collective security."[11] The implication of sovereignty especially during the Westphalian period was that there is no higher power above the state and hence a state can treat its citizens without being questioned by any other state.[12] Most states especially the colonial powers, maintained this concept of security in their relations with the colonies and protectorates under their control. It is therefore not surprising that African states had to adopt the colonial model of security structure at the attainment of independence.[13] This was achieved by protecting their newly won independence, and refusing to eliminate their sovereignty by accepting collective approach to even security.

This model treated the issue of security in a very narrow sense of state power over its people and territories. While the Treaty of Westphalia shaped the traditional concept of security, the emergence of the United Nations in 1945 brought new hope for refocusing the emphasis on security. However, this new hope was immediately dashed at the onset of the Cold War. This system therefore maintained "collective security" by limiting the rights of states to use force for the purpose of self or collective defence after an attack[14], following a United Nations Security Council Resolution.[15] Article 51 of the UN Charter, allows members to protect their states. However, what the security system did not anticipate was the new type of threats being witnessed by states—threats from within[16]. During the period immediately after the end of the Second World War, and the end of the Cold War, most states still approached all issues of security from a state-centric perspective.

It was also a period that witnessed a lot of human rights abuses ranging from arbitrary arrests to torture and genocide, in the quest to safeguard the state. It became difficult to actually differentiate the state from the regime, as what affects the regime in power was interpreted by the state agencies to affect the integrity of the state. In the main, the state refers to a defined territory with a population and an organized form of government.[17] Using the above definition of the state as a basis of analyzing security, one can safely argue that any threat that affects the population should be treated as affecting the security of the state since the state cannot exist without any of its component parts. The situation becomes even more problematic when the state uses its powers and agencies to oppress the very people it is supposed to protect.

After the end of the Cold War, the concept of security has been expanded to include other issues hitherto not contemplated as security. One of the main reasons advanced for the shift in focus of security from state centered to people centered approach is the dynamics of international politics and the emergence of the broad conceptualization of security and its wide acceptance. In fact, as early as the 1970s, the United States has expanded its definition of national security to include international economies, when it became clear that the US economy was no longer the independent force it had once been, but affected by economic policies in a dozen other countries.

However, a full fledged debate about the meaning and conceptualization of security did not begin until early 1980s. The other catalyst that catapulted this shift is the political, economic and technological globalization of the world and the emergence of new players in international system. The combination of these technologies that made it possible that events in one part of the world could easily resonate in another part of the globe without accusations of espionage, has also significantly influenced the security discourse.[18] With the dynamics of world politics in the post-Cold War era, states are then faced with more of internal security threats than threats emanating from outside their territorial jurisdictions.

It also became apparent that, not only do agitations for political power and resources pose security threat to states and citizens, other issues like, poverty,[19] environmental degradation, and health are also security issues of great concerns. These issues affect people directly. The emergence of certain diseases (HIV/AIDS, SARS[20]), which is not restricted to particular states, and could easily spread from one country to the other, became a critical factor in the conceptualization of security. Therefore, security is no longer defined in strict military terms. The role the change in the dynamics of conflict played in the understanding and expansion of security needs also to be factored into the new emerging concept.

One of the unique, though negative, characteristics of the post-Cold War African conflict is that they are usually targeted at civilian population since these conflicts are champion by non-state actors with parochial interests rather than fighting to achieve national objectives. In the post-Cold War conflicts, approximately 70%

of the victims are civilians[21]. Approximately 80% of the armed conflicts in the post-Cold War era are also intra-state as opposed to inter-state conflicts witnessed during the cold war era.[22]

With this change in nature of conflicts in the world and particularly in Africa, it became very important that the idea of security should focus on the protection of the people. The non-materialization of the much anticipated peace dividend after the end of the Cold War in some parts of the world prompted some scholars like Bary Buzan and Ken Booths to champion a more people-oriented perspective to security, as against state-oriented security.[23] Part of the compelling reasons that affect the decision to expand the concept of security to include factors such as political democracy, human rights, social and economic development, and environmental sustainability, includes the fact that in most conflict zones, civilians continues to suffer.[24]

For many citizens of the world, security represents protection from the threat of disease, hunger, crime, social conflict, freedom from oppression, and environmental hazards.[26] While there is no definitive meaning ascribed to human security, it has been viewed rather through its inclusiveness. Human security therefore includes the protection of people from severe and prevalent threats, and situations.[27] It is the protection of the vital core of all human lives in such a way that human freedom and human fulfillments are enhanced.[28] However, it needs to be pointed out that the scope of the concept of human security is so vast that virtually any kind of unforeseen or irregular distress could be interpreted to constitute a human security threat. This is one of the major criticisms against the concept. The UNDP Human Development Report of 1994 identified the following specific elements as those that represent human security threat; economic security, food security, health security, environmental security, personal security, community security, and political security. It is therefore so difficult to visualize what, if anything might be excluded from this "definitive" list. This definition has also enabled scholars and policy makers alike in highlighting the reasons between human security issues and development issues.

Concern for global peace has been the focus of man over the ages. Central to this pursuit is the moral obligation to ensure human welfare. Morgenthau notes that since the time of the Stoic and early Christian, there has been alive in Western civilization a feeling for moral unity of mankind which strives to find a political organization commensurate with it. He opines that the Roman Empire was such a political organization of universal scope. In pursuit of universal peace, conferences, agreements, declarations and conventions were field by world powers in the 17th, 18th and 19th Centuries. The First World War compelled the formation of League of Nations in the 20th Century,[28] though it failed to prevent the Second World War. Notwithstanding after the Second World War, the United Nations and regional and sub-regional organizations have sprung up to ensure global peace and the welfare of the human race.

THE DARFUR CRISIS

Sudan is the largest country in Africa, in terms of land mass.[29] Sudan's vast territory is rich in natural resources including oil, gold and various minerals.[30] Its territory is also dominated by the Nile River and its tributaries; therefore, Sudan enjoys major resources for hydropower. In addition, the fertile soil along the Nile is the key hub for agricultural development that has made Sudan the 'bread basket' of the continent.[31] Sudan's administrative central government was established in Khartoum; but recruit labour slaves and exploited resources (mostly agricultural products such as cotton, grains, spices, and later oil revenues) from the southern and western regions of the country. The 'metropole' economy that is located in the North of the country was created by the colonial structure that left a heavy imprint on the modern Sudanese state which inevitably became (labour) matters.[32] Khartoum also relies on regional economic resources to maintain its political and military power.[33]

Darfur was incorporated into Sudan by the British government in 1917 and formerly an independent sultanate named after the Fur tribe ("Dar" means land of the Fur), Darfur. Darfur has suffered from continuous marginalization occasioned by the persistent domination of the center over the peripheral regions in Sudan. Located in the western region of Sudan, Darfur's population is estimated to be about six million people[34] made of numerous ethnic groups but with three major dominating ethnic groups namely; the Fur (from which the name was derived), the Zaghawa and the Masalit. Darfur is prominent for its complexity because of its numerous ethnic groups and cultural diversity. Almost all Darfurians are muslims and dark skinned[35] and it has been argued that "being an Arab or an African is an identity issue more than an ethnic issue and the lines between who is an African and who is an Arab are somewhat fluid". They all speak Arabic as their main language.

Darfur has been one of the peripheral regions which were subjugated, exploited and left in abject poverty. Therefore, the socio-economic developmental policies of the Khartoum left Darfur underdeveloped and this neglect led the Sudan Liberation Movement/Army (SLA/M) and Justice and Equality movement (JEM) to take up arms against the government of Sudan (GoS) in 2003 accusing the central government of marginalization. Darfur's conflict did not emerge overnight but emanated from suspicions that had plagued Sudan even before independence.

The current conflict in Darfur like almost all other conflicts in the Sudan has deep roots. It is but the latest configuration of a protracted problem, yet there are key differences between the 2003-2004 conflict and the

prior bouts of fighting. The current conflict has developed serious racial and ethnic overtones and clearly risks shattering historic but fragile patterns of co-existence. A number of ethnic groups previously neutral are now positioning themselves along Arab/African divide, aligning and cooperating with either the rebel movements, or the government and its allied militias. This has transformed the traditional, low-intensity resources conflict into high intensity, ethnically-driven armed violence.[36] Remaining neutral is becoming impossible, though some groups have tried to do so.

Overtly, the conflict in Darfur pits the government of Sudan and allied militias, the 'Janjaweed' against an insurgency composed originally of two groups, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM). Initially, the rival groups were mainly composed of three ethnic groups: Zaghawa, Fur and Masaalit. Over the past months, however, members of some smaller tribes such as the Jebel and Dorok peoples have also joined the rebellion following Janjeweed militia attacks on their communities.[37] Additional Arab tribes and even some non-Arab tribes have also joined the government backed militia.[38]

The SLM emerged in February 2003. Initially called the Darfur Liberation Front, it captured the town of Gulu and shortly thereafter changed its name to the SLM. Early political demands included socio-economic development for the region, an end to tribal militias, and a power-sharing arrangement with the Sudanese government.

Khartoum called the group 'bandits' and refused to negotiate.[39] In April 2003, the SLM launched a surprise attack on El Fashir, the capital of north Darfur, and damaged several government Antonov aircraft and helicopters and looted fuel and arm depots.[40] The rebels required a captured Sudanese air force colonel to give an interview on the Arab satellite TV station, Al Jazeera. This was followed by another major attack on Mellit, the second largest town in north Darfur, where the SLM rebels again looted government stocks of food and arms. In May 2003, the Sudanese government dismissed the governors of North and West Darfur and other key officials and increased military strength in Darfur.[41]

The Justice and Equality Movement (JEM) emerged later in 2003 and was reported to have a stronger political agenda, while SLM was believed to have greater military force.[42] The JEM group was not a signatory to the Abeche agreement, and had several clashes with the Janjaweed militias during the period of ceasefire. It also expanded its forces, partly through recruitment of some SLM members unhappy with the concessions made by their leaders. Some analysts suspect that the difference between the JEM and the SLM may have been more a matter of negotiating tactics than ideology, however, and recently the two groups appear to be increasing coordinating activities, leading to speculations that they have been or are in the process of merging.[43]

These original factions were unified in the fight against the Janjeweed, and by the goal of attaining economic and political equality for Darfurians. But they were also divided by history, tribalism, internal power struggle and fractured lines of communication. The fragmentation of the rebel movements was a major obstacle to peace in the region. In 2008, the government in Khartoum and the minor faction of the SLA signed the Darfur Peace Agreement (DPA) which called for Janjeweed disarmament and the inclusion of Darfur representatives within the government in Khartoum. Other rebel factions disagreed with the terms and refused to sign, and the groups further splintered

HUMAM SECURITY SITUATION IN DARFUR

In his study of "Final Solutions: Mass Killing and Genocide in the Twentieth Century", Valentino suggests that a 'final solution' is best understood when the phenomenon is studied from a strategic perspective, and he asserted that:

> The strategic perspective suggests that mass killing is most accurately viewed as an instrumental policy – a brutal strategy designed to accomplish leaders' most important ideological or political objectives and counter what they see as their most dangerous threats.[44]

The Sudanese government adopted a policy that could be termed "engineered social collapse". Engineered social collapse is the method of warfare used by the Sudanese government in Darfur. It is a well understood, true and tested strategy in time past by certain African nations. These steps are necessary to accomplish this strategy, each of which is clearly displayed in Darfur:

1) Mobilise racial hatred against the target victims, and promote violence, terrorizing attacks against the populations to be eliminated. The mobilization can be accomplished in weeks, assuming there is an underlying mythology of hatred between groups, combined with political organizations that will make this strategy work.

2) Destroy the ecological, social and economic base of the target population. This requires a few months. In this case of Darfur active destructive of livelihood started in 2003.

3) Allowing starvation and disease to take its toll, usually over a period of many months. Genocidal leaders knew that once the conditions of mass mortality are set in train, there is little that can be done to stop the main thrust of genocide.

The special attractiveness of this strategy is that a genocidal government can initiate collapse through a short, intensive campaign of terror, lasting just a few months, and then sit back as the result unfolds. At the later stages, a genocidal government can even ask the international community for 'help' knowing full well that adequate help including military protections for victim is unlikely to be offered and in any case be rejected under one pretext or another.[45]

For example, international humanitarian organizations could be allowed in, at least on a limited basis, because they will be unable to stem the overall social collapse affecting the victims. A typical non-governmental organisation, for example, may be able to help dispense water purification tablets and help people dig latrines in the camps, but it cannot supply the tons of food required to stave off starvation, nor can it contend with armed raiders who will continue to terrorise the population.

The only effective remedy is one carried out on a massive scale, the 'moral equivalent of war' to stop the raiding, stabilize the surviving people, and resettle and establish the victimized populations in conditions where they can once again thrive on their own. This requires a combination of peacekeeping forces, large scale feeding under the auspices of the World Food Programme, and resettlement and reconciliation initiatives carried out over a period of years.

The government has adopted this strategy because; ceding Darfur to the rebels could be the end to the Arab leadership and Khartoum's legitimacy over the country. As the International Crisis Group (ICG) has observed that:

> Such events would send a clear signal to the Beja in the east, Nubians in the north, and other disenfranchised communities in the periphery that armed revolt is the only mechanism available in Sudan for securing rights and freedom.[46]

In the main, the methods used to accomplish the scorched earth destruction and displacement-attacks on civilians, property and forced movement without warning are not only a violation of international humanitarian law, but has also had a negative impact on the human security of the Darfur people. The deteriorating security situation in Darfur and impending anarchy, and threat to its own hegemony, compelled Khartoum to employ the hands of the militias popularly known as the janjaweed and who had been at dagger drawn with the people of Darfur over grazing and water rights and over local politics and administrative boundaries[47] The janjaweed militias are mostly from the nomadic people of Darfur who were armed by the GoS and fought with the adoption of scorch-earth tactics against the sedentary farmers of Darfur. The disharmony between the nomads and the farmers however was part of the multiplier effect of the environmental degradation that plagued Darfur since the 1970s and became acute in the 1980s.

There is no doubt that this situation affects the human security of the affected target population of Darfur. The number of Internally Displaced Persons (IDPs), refugees and deaths vary depending on the source of the statistics. However, what is clear is that they are in hundreds of thousands. The refugees, who fled across the Chadian-Sudanese border between January and March of 2005, alleged that aerial bombardment of villages and "ethnic cleansing" by pro-government Arab militias was a common occurrence. Attacks by the government army and the *Janjaweed* on Abu Suroj, Sirba, and Suleia villages around the second week of February 2008 where there was no presence of rebels indicates strongly that those attacks were primarily directed against the civilian population.[48]

The source of livelihood of the Darfurian has been threatened as they have been prevented from planting or harvesting crops. They have also been prevented from gathering wood and water for fear of being attacked by the *Janjaweed*. Humanitarian relief agencies still find it difficult to access all regions of Darfur due to the ongoing insecurity.

EXPERIMENTATION OF THE RESPONSIBILITY TO PROTECT PRINCIPLE IN DARFUR BY THE UNITED NATIONS

One of the positive aspects of the end of the Cold War is the seeming determination by the United Nations Security Council not to view matters of international peace and security from the myopic lens of ideological differences. Situations which the UN Security Council would hitherto have dismissed as matters strictly under the preserve of the state are now considered as threats to international peace and security. However, notwithstanding the end of ideological tensions which permeated the Cold War, the UN has failed to protect civilians in a number of situations. A classical example is the 1994 genocide in Rwanda. The apparent failure of the international community and more especially the UN Security Council, to protect the Tutsi and moderate

Hutu population of Rwanda has continued to haunt the collective conscience of the international community. The genocide in Rwanda revealed once more, that atrocities within a state can also have international consequences and that such atrocities when they are of such magnitude, requires an obligated action from the international community.

Controversies still exist as to what the nature of such obligated action would be. While some contend that the international community can intervene on humanitarian grounds. Some scholars have asserted that the situation in Darfur demands prompt intervention from the international community, by invoking the Responsibility to Protect. Others have argued that the UN Charter which prohibits the use of Force and intervention in the domestic jurisdiction of a state expressly prohibits humanitarian intervention. Since the protection of civilians in violent conflict has become paramount, the international community has been in "search" of the best possible approach to intervening in violent conflicts in the globe. Diplomatic means and the use of military force are options open to the international community. However, there has been no consensus on "when" and "if" such military options should be exercised.[49]

For instance, there is a groundswell of opinion amongst analysts, especially from the global south, that had Darfur been in the global north, the UN would have intervened long before now. This is more like the echo of the criticisms leveled against the UN in its failure to intervene in Rwanda. The International Community ignored the killings in Rwanda because "there were no whites dying there," can also be applied to the Darfur situation. There has been the perception of applied racism in the authorization of peacekeeping missions and also the deployment of financial capacity to such missions. The UN Under-Secretary for Peacekeeping alluded to this in his statement that:

> The Democratic Republic of Congo, where millions have died, is 200 times as large as Kosovo, yet that province in the heart of Europe has a larger peacekeeping force that is better equipped, better supported and backed by an aid effort that is, per person, several hundred times more generous than the one that feeds Congo.[50]

A disturbing but true statement was made by Rubinstein W.D that:
> if two collectors had been stationed in any shopping mall in the Western world at the time of the [Rwandan] genocide, one raising money to stop 100,000 Tutsi children from being murdered by Hutus, the other raising money to stop 100 elephants from being slaughtered by poachers, which would collect more? If you had a bet on the elephants, it is safe to say you would have put some change in your pocket.[51]

While the above statement might sound absurd, if not funny, and while many, especially in the West might cringe at the hidden truth, Rubinstein could have spoken the minds of the many in the West. It has often been argued that Africa is not of very strategic importance to the West and other dominant world powers, and so, conflicts in Africa are often neglected. However, Darfur presents another side to the coin. Ironically, the Darfur atrocities are being ignored for the simple reason that Sudan is of strategic importance to the West, China and Russia.[52]

The International Commission on Intervention and State Sovereignty (ICISS) re-conceptualised the concept of the "right to intervene" and introduced the "responsibility to protect" into the debate.[53] The central argument of the concept is that the primary responsibility for the protection of the people lies with the sovereign state. However, if the sovereign state is unable or unwilling to protect its people, or is itself the source of the threats, the responsibility to protect the population shifts to the international community of states.[57] The UN Secretary-General, in furthering his efforts to find lasting peace in the world, and more particularly in many of the conflict prone states/countries, set up a High-Level Panel On Threats, Challenges and Change in 2004.

The Panel in its report to the Secretary-General *inter alia* endorsed the recommendation of the ICISS regarding the concept of the responsibility to protect. The UN at its 60th General Assembly Summit in September 2005 further adopted a declaration in favour of the responsibility of the international community to protect civilians in danger. The UN Security Council in its Resolution 1674 of 28 April 2006 acknowledges the concept of the responsibility to protect. The Resolution also states that the deliberate targeting of civilians during armed conflicts and the deliberate, systematic and widespread violations of international humanitarian and human rights law may constitute a threat to international peace and security. It is hoped that with the adoption of the responsibility to protect, the controversy surrounding the question of intervention will be laid to rest.

However, the adoption of the responsibility to protect concept will not by itself offer protection to civilians caught up in violent conflicts. The question of "right" of intervention into what was hitherto considered to be the domestic preserve of a state has been partially addressed by the adoption of the responsibility to protect

concept. However, the spirit of the concept is not as novel as it sounds. The first Geneva Convention of 1864 was crafted to care for the wounded combatants during armed conflicts.[54] In 1949, the Fourth Geneva Convention on the protection of civilians during war situations came into being.[55] A plethora of international and regional human rights instruments that also seeks the protection of civilians have since been crafted.

The Genocide Convention for instance, makes genocide an international crime and seeks to prevent and punish the act of genocide whether committed in time of peace or during war situations. It will take the political will and commitment of all stakeholders to actualize the spirit of the concept. The principle embedded in the responsibility to protect is that "intervention for human protection purposes, including military intervention in extreme cases, is supportable when major harm to civilians is occurring or imminently apprehended, and the state in question is unable or unwilling to end the harm, or is itself the perpetrator."

The High-Level Panel on Threats, Challenges and Change set up by the UN Secretary-General, proposed five basic criteria of legitimacy to be considered by the Security Council in reaching a decision to endorse the use of force. They are first, the seriousness of the threat, that is, if the threat is harmful to the state or human security is of such magnitude that it justifies a *prima facie* case to use military force. In an internal threat, the question should be whether such threat involves genocide, and other large-scale killings, ethnic cleansing or serious violations of international humanitarian law.[56] Applying this criteria to the Darfur conflict, the conducts of the *janjaweed* and even the regular Sudanese Army of resorting to rape, pillaging, torture, kidnapping and other atrocities, constitute serious violation of international humanitarian law. It is common knowledge that thousands of people have lost their lives and millions have been displaced because of the armed violence. The International Criminal Court (ICC) has thus issued out indictments against President Al Omar Bashir and Ahmed Harun and Ali Kushaib who are officials of the Sudanese government and has been linked to the *janjaweed* militia for various violations of International Humanitarian Law.[57]

Second, the primary purpose of the proposed military action must be aimed at halting or averting the threat in question, despite whatever other purposes or motives may be involved.[58] Notwithstanding the resource undertone of the war and the allegations by the Sudanese government of oil being the US interest in advocating for a UN peacekeeping force to be deployed in Darfur, it must be stated that civilians are dying in their thousands. The proposed military action is primarily aimed at halting the continued killing and displacement of civilians. Furthermore, in order to avert further threats to the peace and security of the state and the region, it becomes very important for the international community to intervene. It is obvious that the Sudanese government is not just unable, but also unwilling to protect the civilians in Darfur. In his briefing to the UN Security Council after his November 2006 visit to the Darfur region, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Jan Egeland stated that:

> for more than a thousand days and a thousand nights, the defenceless civilians of Darfur have been in fear for their lives, and the lives of their children. The Government's failure to protect its own citizens even in areas where there are no rebels has been shameful and continues. So does our own failure, more than a year after world leaders in this very building pledged their own responsibility to protect civilians where the Government manifestly fails to do so.[59]

Third, the use of force must be as the last resort. The international community must have exhausted other non-military options and in the prevailing circumstances, no other option other than military force is necessary.[60] Since the internationalization of the conflict in 2003, there have been various diplomatic and political efforts made either through the UN or through the African Union (AU) to reach a settlement of the conflict. The signing of the Darfur Peace Agreement (DPA) in Abuja in May 2006 notwithstanding, reports of killings, pillage, burning and looting of villages and rapes still make the media headlines.

The continued delay tactics of the Khartoum government to frustrate the full deployment of the 26,000 UN/AU peacekeepers in Darfur in keeping with UN Security Council Resolution 1769 of July 31 2007 is an indication that, political efforts alone might not sway the government's strong resolve to continue its atrocities in Darfur. The Khartoum government has been playing a cat and mouse game with the international community for more than six years now. Omar Bashir's preoccupation is on how he would become the chairman of the African Union. The rejection of the deployment of western peacekeepers and equipment by Khartoum is a mere ploy by it to frustrate the peacekeeping capabilities of United Nations and African Mission in Darfur (UNAMID). Of course, one must recognise that there might be genuine concerns by Al Bashir that the presence of western peacekeepers might lead to a regime change in Sudan.[61]

Fourth, the proposed action must be of such minimum scale, duration, and intensity to address the threat in question. While it might not be easy to determine the duration of a military action in Darfur, especially given the dynamics of racial and religious influences in the country and the region, one can safely assume that since the larger section of the Darfur community would be in support of the action to destabilise the *janjaweed*, the

action would not last for more than two years. However, the military action by the United States of America in Iraq seems to suggest that determination of duration is not an easy feat. Though, one should also recognise the different set of dynamics involved in the US invasion. The continued suffering of the civilians will therefore have to be weighed against the effect of such military action being employed.

Finally, the balance of consequences needs to be considered. That is, does a reasonable chance exist that the military action would be successful in meeting the threat in question, and would the consequences resulting from military action not likely to be worse than the consequences of inaction? This is a difficult criterion to analyse especially when viewed against the backdrop of recent events surrounding the United States invasion of Iraq. However, given the fact that political solutions have not produced any edible fruits in more than three years of the conflict, the argument is; for how long does the international community have to hold on to the hope that it might bear fruit.

However, it is understood that since authorisation of intervention into Darfur rests totally with the UN Security Council, it will not be surprising if the Council does not authorize such an intervention. This is as a consequence of the probable exercise of veto by countries like China and Russia who are largely the beneficiaries of Sudanese oil. For instance, between 65% and 80% of Sudan's 500,000 barrels of oil per day goes to China. Russia has also been linked with the supply of arms to Sudan.

In fact, most of the air planes that the government forces use for the aerial bombardment of Darfur are of Russian made. What is ironical is that while China and Russia do not want intervention in Darfur, apparently due to their oil interests, the Sudanese government accuses the US and Britain of spearheading the call for UN deployment of peacekeepers due to interest in Sudanese oil.

No situation presents an ample opportunity for testing the operationalisation of the concept of the responsibility to protect than the Darfur conflict. The conflict is a classical case of a situation which requires the collective will of the international community to protect civilians at risk. Notwithstanding the above argument advocating for military intervention, the international community might consider the alternative route of serious targeted economic sanctions against the Khartoum government. The US was the leading state in targeted economic sanctions against Sudan. The success of such targeted sanctions would however depend on the full cooperation of all the veto wielding members of the UN Security Council and to a large extent, the Arab League. However, with China and Russia being beneficiaries of business opportunities in Sudan, one doubts the possibility of the UN Security Council passing a resolution to such effect.

THE RESPONSE OF THE AFRICAN UNION TO THE CONFLICT IN DARFUR

The AU's response to the Darfur crisis was not only slow, but timid. The AU did not prescribe any role it should play in the punishment of the violators of international human rights law and humanitarian law. It has also steered clear of the definition game of what is or not 'genocide'. When the then US Secretary of State, Colin Powell[62] announced on September 9, 2004 that the killing, raping and displacement of black Africans by horse-mounted Arabs fighters amounted to genocide, the AU wiggled out of intervention in Darfur by arguing that it will 'call it genocide' after carrying out a 'full investigation'.

After investigation by its new Peace and Security Council (PSC), the AU issued several informed and critical communiqués making known its concern about the violence in Darfur.[63] In a communiqué issued in July 2004, the PSC stated that the crisis in Darfur was grave with unacceptable levels of death; human suffering and destruction of homes and infrastructure, the situation could not be defined as genocide. But the AU should not rest on its laurels by mere issuing of communiqués, and feel that it has been exonerated from intervening in Darfur to protect civilians who are being victimized by the government sponsored janjaweed militia. Of course, the organization has a ground to explore to achieve this noble role. According to Article 4(h) of the Constitutive Act, the AU, has:

> The right to intervene in a member-state pursuant to decision of the Assembly of
> (Heads of States and Government) in respect of grave circumstances, namely war
> crimes, genocide and crime against humanity.[64]

If the findings of the UN Commission report that 'war crimes and crimes against humanity' are taking place in Darfur, then the AU should be urged to invoke Article 4(h) to intervene in Darfur and protect the civilian population. However, for the following reasons, the AU was initially incapable of invoking Article 4(h) to intervene in Darfur:

First, African leaders at the genesis have no political will to authorize the AU to intervene in one of the most important member-states. As the Darfur decisions of the July 2004 and January 2005 summits show, African leaders were not interested in ordering actions that would set precedents. Africa is replete with Darfur's. There are at least half a dozen African states that are currently facing serious political crisis that could lead to civil war. If the AU intervenes in Darfur, it must be prepared to intervene in the near future in Zimbabwe, and

Nigeria which have simmering civil conflicts, and Ivory Coast and Uganda, which are embroiled in seemingly intractable civil wars.

However, as the chaotic deployment of the AU Mission in Sudan has proven, poor logistical planning and lack of trained personnel, funds, and experience in intervening to protect civilians have exposed the AU to be a mere child that has not even learned to walk on his own. It took more than six months after the AU's decision to send 3, 3000 troops to protect its military observers and civilian monitors. The haphazard way in which the AU mission in Sudan was conceived, planned, deployed and operated brought back sad memories of the OAU peacekeeping mission in the early 1980s. The introduction of the hybrid concept – a combination of AU and United Nations peacemakers actualized the twin-concept of human security and the right to protect, to bring an end to the Darfur conflict.

CONCLUSION

While the conflict in Darfur has been due to the peripheralization and marginalization of the Darfur people by the adoption of the policy of exclusion by Khartoum, the resolution of the crisis faced a series of obstacles from the center. Although it is a noticeable paradigm shift of security from state centricism to people centeredness and the dynamism of the international system as reflected in the way issues of security are treated internationally, a different set of dynamics existed during the Westphalian period when the traditional concept of state or national security was ushered in. The issue of security should be addressed in a holistic manner in order to include the excluded. There is the need to define more precisely the issues of human security in order not to create a tension between it and development issues. The precise definition will also assist scholars and policy makers in their research and policy making respectively. People in violent conflict tend to suffer more than people in a relatively peaceful environment, and efforts need to be geared towards the prevention of those underlying factors that lead to conflict in the first place. It may be argued that poverty and denial of human rights may not on their own cause civil wars, terrorism or organized crime but most greatly increase the risk of instability and violence.

In spite of the development of these two concepts the adoption has been selective and in Darfur the intervention to protect citizens and their right to life was not considered so important by the international community until the African Union took the initiative and was later supported by the UN and other international organizations. Thus in Darfur the right to protect and the concept of human security were not totally successful as compared to other regions of the world like Libya, and the former Yugoslavia.

The conflict in Darfur and the failure of the international community to respond adequately has once again exposed the lack of will or capacity for the international community to respond to conflict situations in Africa. After the failure of the world to respond to the situation in Rwanda in 1994, the phrase "Never Again" became a collective song on the lips of the international community stakeholders. The shift in focus of security from state security to human security is a realization that the state is no longer the only unit of analysis in international relations. The focus has been moved forward with the new meaning given to sovereignty— responsibility— and the emerging principle of the "responsibility to protect." Governments will continue to fall back on the traditional defence of infringement on national sovereignty even when it is so obvious that there are cases of large-scale atrocities.

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