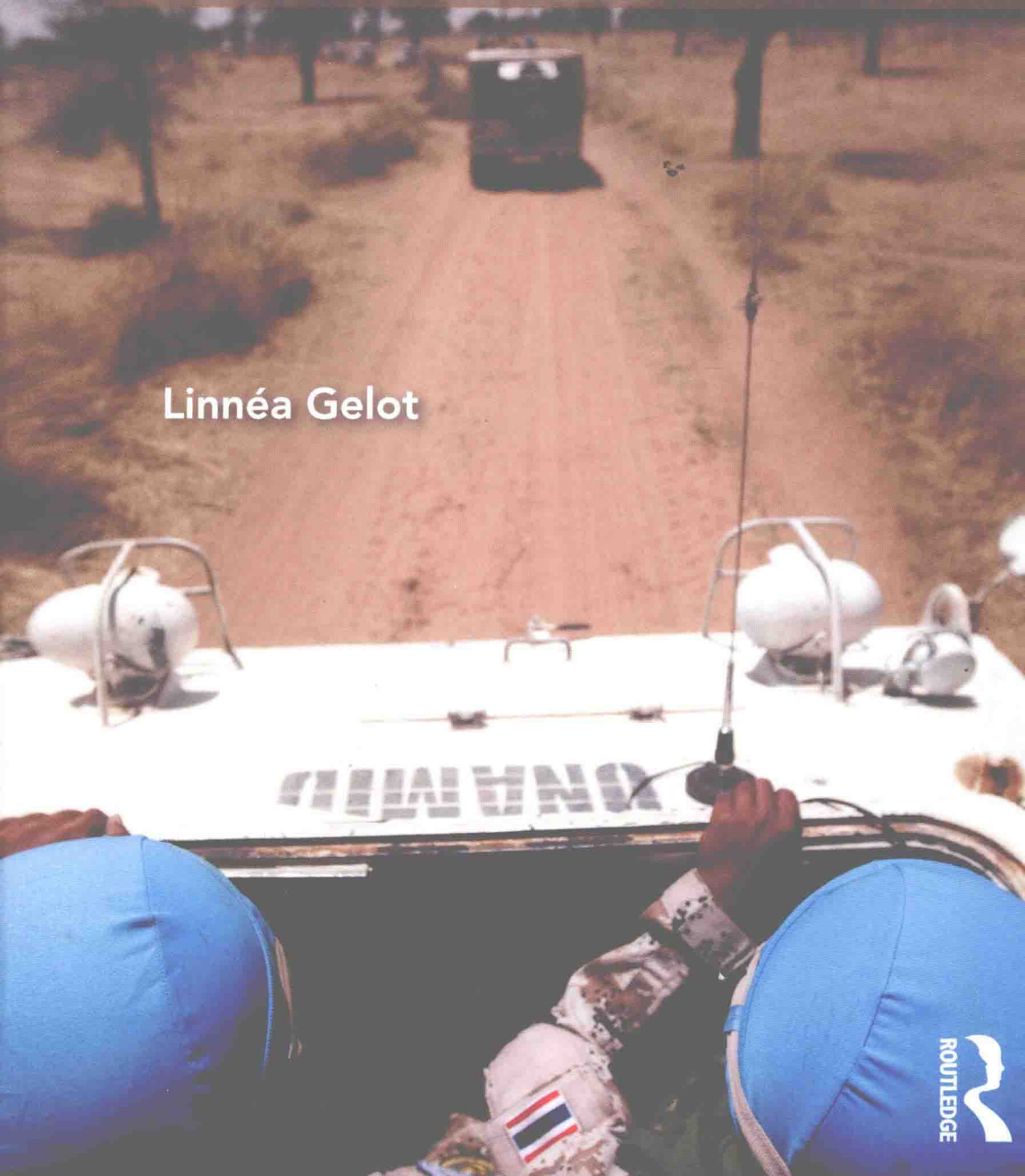


Security and Governance

LEGITIMACY, PEACE OPERATIONS AND GLOBAL-REGIONAL SECURITY

The African Union–United Nations
Partnership in Darfur

Linnéa Gelot



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First published 2012
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon, OX14 4RN

Simultaneously published in the USA and Canada
by Routledge
711 Third Avenue, New York, NY 10017

Routledge is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

Gelot, Linnéa.

Legitimacy, peace operations and global-regional security : the African Union-United Nations partnership in Darfur / Linnéa Gelot.

p. cm. – (Security and governance series)

Includes bibliographical references and index.

1. Peace-building–Sudan–Darfur–International cooperation. 2. Civil war–Protection of civilians–Sudan–Darfur–International cooperation. 3. Security, International–Africa–International cooperation. 4. United Nations–Peacekeeping forces–Sudan–Darfur. 5. African Union. 6. International agencies–Sudan–Darfur. I. Title.

DT159.6.D27G45 2012

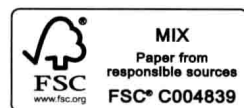
962.404'3–dc23

2011051357

ISBN13: 978-0-415-52653-1 (hbk)

ISBN13: 978-0-203-11317-2 (ebk)

Typeset in Bembo
by Taylor & Francis Books



Printed and bound in Great Britain by
CPI Group (UK) Ltd, Croydon, CR0 4YY

LEGITIMACY, PEACE OPERATIONS AND GLOBAL-REGIONAL SECURITY

At the turn of the century the regional–global security partnership became a key element of peace and security policy-making. This book investigates the impact of the joint effort made by the African Union (AU) and the United Nations (UN) to keep the peace and protect civilians in Darfur.

This book focuses on the collaboration that takes place in the field of conflict management between the global centre and the African regional level. It moves beyond the dominant framework on regional–global security partnerships, which mainly considers one-sided legal and political factors. Instead, new perspectives on the relationships are presented through the lens of international legitimacy. The book argues that the AU and the UN Security Council fight for legitimacy to ensure their positions of authority and to improve the chances of success of their activities. It demonstrates in regard to the case of Darfur why and how legitimacy matters for states, international organisations, and also for global actors and local populations.

Legitimacy, Peace Operations and Global-Regional Security will be of interest to students and scholars of International Relations, African Security and Global Governance.

Linnéa Gelot is a Post-doctoral fellow at the Gothenburg Centre of Globalization and Development (GCGD) and a researcher at the Nordic Africa Institute (NAI) in Uppsala, Sweden.

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Linnéa Gelot

ACKNOWLEDGEMENTS

This book is the final result growing out of a much reworked PhD thesis submitted to the Department of International Politics at Aberystwyth University in 2009. My warmest thanks go to colleagues and friends at the Department. I was privileged to have as my supervisors Associate Professor Rita Abrahamsen and Professor Nick Wheeler. I learned a great deal from these two excellent scholars, both possessing a most inspiring energy, commitment to what they do, and vast experience.

The book was finalised at the School of Global Studies, University of Gothenburg and I am very grateful to the Centre of Globalization and Development (GCGD) for the post-doctoral position which has allowed me to spend the necessary time on research. Special thanks go to my mentor Fredrik Söderbaum for his generous encouragement and support for the project. I am also very happy to be affiliated to the Nordic Africa Institute (NAI) in Uppsala, which links me to the contemporary Africanist debates in the Nordic countries and internationally.

Particular thanks go to all those individuals who agreed to share their time, experiences, feelings and knowledge with me in interviews or who helped me at various stages of the field research. It was incredibly enriching to meet you. Paul Williams deserves special mention, thanks ever so much for your support and involvement at various stages of writing this book.

Many thanks to the Routledge Security and Governance series editors and the anonymous reviewers. The comments, criticisms and engagement with my argument have greatly helped me to develop my thinking on the subject and to write a better book. For assistance in the final stages of editing and proofreading of the manuscript, my sincere thanks go to Megan Graieg, eProduction editor, and Alex Quayle, editorial assistant, at Taylor & Francis Books.

Finally, Ludwig, for all the love of life, dreams and hopes: Thank You! *Say, what is all this sweet work worth, If I am not with thee?*

LG November 2011

ABBREVIATIONS

ANC	African National Congress
AMIB	African mission in Burundi
AMIS	African Mission in Sudan
APC	Armoured Personnel Carrier
APF	EU African Peace Facility
ASEAN	Association of South East Asian States
ASF	African Standby Force
AU	African Union
AUHIP	AU High-Level Implementation Panel on Sudan
CAR	Central African Republic
CIA	US Central Intelligence Agency
CIS	Commonwealth of Independent States
CPA	Comprehensive Peace Agreement
CPE	complex political emergency
CSSDCA	Conference on Stability, Security Development and Cooperation in Africa
DDR	disarmament, demobilization, and reintegration
DFS	UN Department of Field Support
DIA	US Defence Intelligence Agency
DITF	Darfur implementation task force
DLF	Darfur Liberation Front
DPA	Darfur peace agreement
DRC	Democratic Republic of Congo
DPKO	UN Department of Peacekeeping Operations
DPP	Darfur-based political process
ECCAS	Economic Community of Central African States
ECOMICI	ECOWAS mission for Côte d'Ivoire

ECOMOG	ECOWAS Monitoring Group
ECOWAS	Economic Community Organisation of West African States
EU	European Union
GDP	Gross Domestic Product
GoS	Government of Sudan
GoSS	Government of Southern Sudan
HCFA	Humanitarian Ceasefire Agreement
HRW	Human Rights Watch
HRC	UN Human Rights Commission
ICC	International Criminal Court
ICG	International Crisis Group
ICID	UN International Commission of Inquiry on Darfur
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFI	international financial institution
IGAD	Inter-Governmental Development Authority
IHL	international humanitarian law
IMF	International Monetary Fund
INGO	international non-governmental organisation
IR	international relations
JAM	Joint assessment mission
JEM	Justice and Equality Movement
JSR	UN Joint Special Representative
LJM	Liberation and Justice Movement
MAPEX	map exercise
NAM	the Non-Alignment Movement
NATO	the North Atlantic Treaty Organization
NCP	National Congress Party
NGO	non-governmental organisation
NIF	National Islamic Front
NEPAD	New Partnership for Africa's Development
NISS	national intelligence and security services
NMOG	OAU Neutral Monitoring Group to Rwanda
NPLF	National Patriotic Front of Liberia
OAS	Organisation of American States
OAU	Organisation of African Unity
OCHA	UN Office for the Coordination of Humanitarian Affairs
OIC	Organisation of the Islamic Conference
OMIB	OAU Military Observer Mission to Burundi
OSCE	Organisation for Security and Cooperation in Europe
P3	France, the United Kingdom, and the United States
P5	China, France, the Russian Federation, the United Kingdom, and the United States
PAE	Pacific Architects and Engineers

PDF	Popular Defence Forces
PSOD	AU Commission Peace Support Operation Division
REC	regional economic community
ROE	rules of engagement
RPF	Rwandan Patriotic Front
RSS	Republic of South Sudan
SADC	Southern African Development Community
SAF	Sudanese Armed Forces
SLM/A	Sudan Liberation Movement/Army
SLM/A-AW	Sudan Liberation Movement/Army led by Abdel Wahid Al-Nur
SLM/A-MM	Liberation Movement/Army led by Minni Minnawi
SOMA	status of mission agreement
SOFA	status of forces agreement
SPLM/A	Sudan People's Liberation Movement/Army
UN	United Nations
UNAMID	AU-UN Hybrid Operation in Darfur
UNAMIR	UN Assistance Mission for Rwanda
UNDP	UN Development Programme
UNISFA	UN Interim Security Force for Abyei
UNITAF	Unified Task Force
UNMIS	UN Mission in Sudan
UNMISS	UN Mission in the Republic of South Sudan
UNOAU	UN Office to the AU
UNOMIG	UN Observer Mission in Georgia
UNOMIL	UN Observer Mission in Liberia
UNOSOM II	UN Operation in Somalia II
UNPROFOR	UN Protection Force
UNSC	UN Security Council
UNU	UN University
USAID	US Agency for International Development
WB	World Bank
WHO	World Health Organization

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INTRODUCTION

Impacts of AU–UN collaboration

Background

I believe we can develop a new vision of global security. A vision that respects human rights while confronting the threats of our age – including the threat of terrorism. A vision that draws upon the resources and legitimacy of a network of effective and mutually reinforcing multilateral mechanisms – regional and global – which are flexible and responsive to our rapidly changing and integrating world.

Kofi Annan, UN Secretary-General 1997–2006, on 29 July 2003, at the fifth high-level meeting of the UN and regional organisations.

The regional–global security partnership has become a key tenet of the global policy-making on peace and security (Kennedy and Felicio 2006; UNGA-UNSC 2006: para. 3). In the post-Cold War period the relationship between regional organisations and the United Nations (UN) has been developed and strengthened. This tendency has enabled hitherto unimaginable regional involvement and influence in the global body's pursuit of international peace and security. Traditionally, regional actors were relied on by the UN Security Council (UNSC) to manage smaller, localised conflicts or those where it is broadly understood that international involvement might be detrimental.¹ During the Cold War, regional agencies were far less active in conflict management than the framers of the UN Charter anticipated. In cases where strong superpower interests were involved, it happened that the United States or Soviet Union tried to first address conflicts at the regional level to avoid the risk of a rival blocking action by using a veto on the UNSC. However, in recent times regional actors and other arrangements have taken on peacekeeping and peace enforcement roles in intrastate conflicts. On an *ad hoc* basis, they have been asked to respond to conflicts considered threats to international peace and security, often involving mass atrocity crimes against the civilian population committed by non-state parties but frequently also by the sovereign

2 Impacts of AU–UN collaboration

government. More formally, the 2005 UN Summit assigned a role to regional organisations as prospective partners in responsibility to protect situations (UNGA 2005b: para. 139). To date, their involvement in such challenging scenarios has had a mixed balance sheet. This book focuses on the collaboration that takes place in the field of conflict management between the UN and African regional organisations.

The ‘rise in regionalism’ can be seen most clearly in reference to wars in Africa. In recent years the UNSC has chosen to enlist especially the Economic Community Organisation of West African States (ECOWAS) and the African Union (AU) to carry out challenging peace operations on the continent. Also, the effects of regionalism in conflict management have been especially problematic in Africa. During the 1980s and 1990s, regionalisation in line with the principles of the UN Charter became seen by some UNSC members as a legitimate response to the security problems of Africa due to their reluctance to take risks or commit resources there (Boulden 2003b: 28–29). However, the involvement of African organisations in peace and security has included underfunded, reactive, illegal, and poorly supported examples such as the ECOWAS deployments in Liberia, Sierra Leone, Côte d’Ivoire, and the AU’s deployment of the African mission in Burundi (AMIB). The UNSC has in relation to these examples not performed a serious monitoring function and not validated deployments until after the fact. The global body has been accused of detachment in regard to its humanitarian ideals, especially in regard to Africa.

The large-scale human suffering in many wars in Africa makes the situation all the more tragic: these wars required the very best protection of a civilian population the world is capable of. The Darfur crisis exemplifies this problem: the international response falling appallingly short of a comprehensive response to the human suffering in that region.

Darfur and civilian protection

Darfur, a region roughly the size of France in western Sudan,² forms a prime example of the many implications of increasing regionalism of peace and security in general, and of AU–UN collaboration in particular. Since war broke out there in 2003, it has been subject to an unprecedented AU-led political and military response, with substantial involvement from the UNSC and the UN Secretariat. The region has seen a varied and intense international reaction. On 30 July 2004, the UNSC determined in Resolution 1556 that the situation was a ‘threat to international peace and security and to stability in the region’ (UNSC 2004d). Substantial evidence established that the Government of Sudan (GoS), and the other warring parties, was complicit in mass atrocity crimes against the civilian population. The government carried out indiscriminate air bombardments on Darfuri villages. The Janjaweed militias, sometimes in the company of regular units of the Sudanese Armed Forces (SAF), used terror strategies such as sexual violence against girls and women, persecution and discrimination, destruction of property and pillage, forced displacements and disappearances (UN OHCHR 2004: 10–11). The rebel groups were also responsible for many civilian deaths (UNSC 2005h: para. 3). The UNSC expressed grave concern at the ongoing humanitarian

crisis and widespread human rights violations that were placing the lives of hundreds of thousands at risk and leading to a refugee and internal displacement crisis. It recalled, in Resolution 1556, that the GoS bears the primary responsibility to ‘respect’ its civilian population, and that it should disarm the Janjaweed. However, rather than assuming leadership on Darfur, state representatives and senior officials of the UN agreed with their counterparts in the AU that the AU should be the lead political and military actor. This view was almost universally supported by the UNSC, the European Union (EU), the North Atlantic Treaty Organization (NATO), the Non-Alignment Movement (NAM) and the Arab League (Williams 2006: 178; Deng 2004: 36–37).

The UNSC decision to regionalise the response to Darfur’s woes provides an ideal case study to illustrate the dynamics of AU–UN collaboration in peace and security. The UNSC’s July 2004 determination that Darfur was a threat to international peace and security was a sign of recognition of the scale of civilian insecurity in Darfur. Yet, its choice to work through the regional actor, the AU, was not evidently so. Before, regional actors have not traditionally managed conflicts that the UNSC has categorised as a threat to international peace and security, and that involved mass atrocity crimes committed by parties including the sovereign government against the civilian population. The AU was not manifestly capable of assuming such a comprehensive role, partly for lack of substantial political and material support. And such support had not been promised by many of those states that nevertheless wanted to see the AU as lead actor. Once state representatives, in Africa and outside it, had endorsed the regionalist ‘African solutions for African problems’ agenda for Darfur, the reluctance on the part of the UN membership became clear to follow through on some of the proposals by the UN Secretary-General to strengthen and make credible the African Mission in Sudan (AMIS), to take over the mission and to take on a larger role in facilitating comprehensive peace talks (UNSC 2004d,h). Furthermore, the overall relations between the AU and the UN had up until this point been quite strained, in political as well as humanitarian and development areas (O’Brien 2000: 79). The two organisations did not have a history of working closely towards shared political or humanitarian aims, and the AU’s international standing seemed likely to stymie donor contributions. Indeed, the AU’s lead role was encouraged in spite of its known institutional shortcomings and its previous difficulties in the area of deploying peace operations. The AU’s lead role was encouraged in a situation where an African government was guilty of mass atrocity crimes against its civilian population, in spite of the Union’s reputation of not encouraging investigation or intervention into its members’ domestic affairs.

Conflicts in Africa, such as the Darfur war, are especially important to consider against the backdrop of the evolving regional–global relations. The civilian protection needs of this internal conflict – just as in the DRC, Southern Sudan, Somalia, but also previously in Rwanda, Burundi, Sierra Leone and Liberia (and the list could be made longer) – raise hard questions for the relevance and efficiency of current global conflict management structures.³ This book investigates the impacts of the AU–UN relationship for the protection of civilians in Darfur. More broadly, the book also contributes to the debate on what consequences AU–UN collaboration has for the protection of civilians in Africa and for norms and powers in regional–global relations.

Darfur – A protection crisis

It was the acute insecurity of the Darfuri civilian population that captured global audiences and led them to call the war a ‘protection crisis’. The conflict became termed this for two key reasons: the government was a protagonist in the war and the mass killings had disastrous effects mainly on civilian villages and livelihoods (Pantuliano and O’Callaghan 2006). As a result, the protection requirements in Darfur were great. Reliable mortality figures are almost impossible to attain. In October 2004 the World Health Organization (WHO) stated that there had been 70,000 deaths in Darfur between May and October (UN WHO 2004). This figure was thought to be conservative because it did not include violence-related deaths other than those that took place in the internally displaced person (IDP) camps accessible to UN agencies or their partners. Hence, it excluded those who died in villages during attacks or otherwise. In March 2005, the UN Emergency Relief Coordinator Jan Egeland stirred up a lot of attention when he raised the mortality figure to 180,000 (BBC News 2005. See also US State Department 2005; UK House of Commons 2005: 11). Despite research findings from 2003–5 being very tentative, UN agencies and Darfur advocates were eager to raise the mortality figures to strengthen the case towards donors and the UNSC that Darfur had to be prioritised.⁴ The Sudanese authorities vigorously disputed Egeland’s estimate (ABC News 2005).⁵ In 2011, the UN’s estimate of mortality is 300,000.

By 2003, the main rebel groups, Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), were perceived as a military threat to the GoS after launching a series of large-scale attacks starting in 2002. President Omar Hassan el-Bashir stated that the government policy was to defeat this rebellion by using the Janjaweed alongside the Sudanese army.⁶ The effects of the government’s strategy on villages in Darfur were devastating. In 2003, 594 villages were bombed. Most villages were destroyed and damaged in the summer of 2004, 862 of them in total (US Government 2010; Figure 0.1). Several sources have said that the heaviest phase in the killings of civilians was over by the end of the summer 2004 (Williams 2006: 178–79; de Waal and Flint 2005: 115–17). The UN Secretary-General reported that by February 2005, approximately 75 per cent of all villages in Darfur had been damaged or destroyed (UNSC 2005g: 11). In 2003–9 period, a total of over 2,500 villages were bombed. But even as violence-related deaths decreased, the continued attacks and insecurity led to displacement and an increase in preventable diseases and acute malnutrition. This situation led to more deaths.

As of 1 July 2004, there were over 1 million IDPs in Darfur.⁷ By October 2004, there were 1.6 million IDPs and it was estimated that over 2 million people of Darfur’s 6 million people were ‘conflict affected’ and requiring assistance in the region. Some 200,000 people had fled the region and had become refugees in Chad. The bulk of these refugees had not returned home at the time of writing. In April 2006, the total of newly and redisplaced persons was up to 250,000 since the beginning of the year. By October 2006, almost 4 million people were conflict affected. By August 2007, there were approximately 2.2 million IDPs. By September 2007, 4.14 million

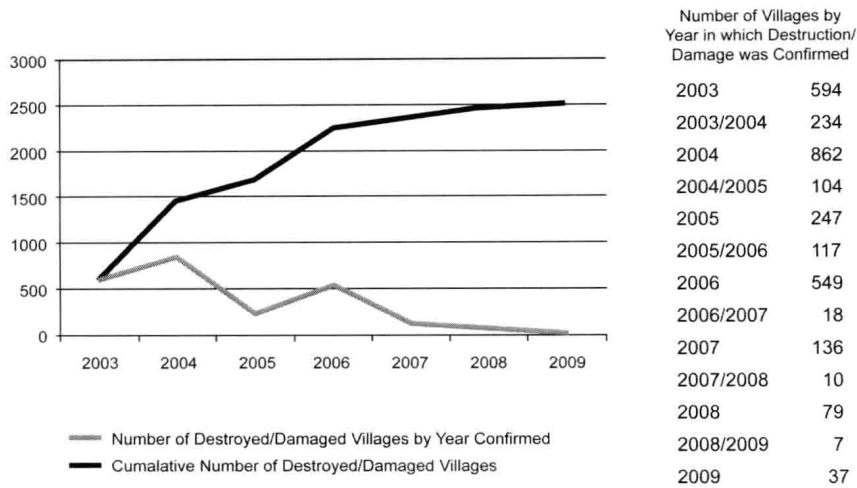


FIGURE 0.1 Darfur, Sudan: confirmed damaged and destroyed villages February 2003–December 2009.

were conflict affected. By October 2007 some 270,000 people were newly displaced. By April 2008, the total number of displaced persons reached 2.44 million. By November 2008, some 2.7 million people were displaced. By January 2009, 4.7 million were conflict affected. By April 2009, the number of displaced went down to 2.6 million (Figure 0.2). In July 2011, there were a total of 1.8 million IDP's in Darfur. Meanwhile, the humanitarian operation has been conducted in an unsustainable environment of insecurity and limited access. From December 2005, UN OCHA reported more incidents of infighting amongst GoS troops, Arab tribes and SLA rebels resulting in new peaks of humanitarian need. Combatants from all parties violated international humanitarian principles. From February 2006, this situation was deteriorating with the purposeful blurring of the line between aid workers through the theft and use of

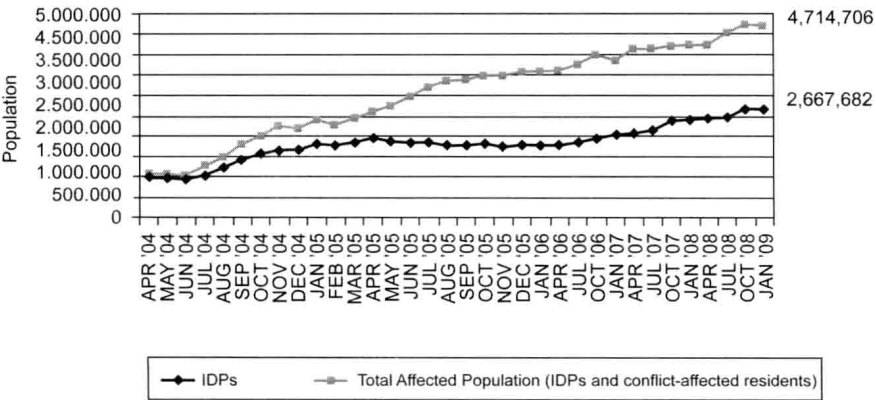


FIGURE 0.2 Estimated number of internally displaced persons and total affected population.