



The role of international community in the protection of civil rights and interests in conflict zones: the case of the Darfur region in Sudan (2003-2016)

By

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Declaration

I declare that this Master's dissertation – “An Investigation into the Role that the International Community Played in the Protection of Civilian Rights and Interests: The Case Study of the Darfur Conflict in Sudan” – is a representation of the original work of the author and has not been submitted in any form for any degree or diploma at any university. Whenever there was use of other authors, acknowledgement was made within the text.

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Dedication

This research is dedicated to the women, children and the rest of ordinary Darfurians who lost their lives in their quest for social, economic and political emancipation in the broader Sudan.

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Abbreviations and acronyms

AJWS	American Jewish World Service
AI	Amnesty International
AL	Arab League
APC	African Peace and Architecture
APF	African Peace Fund
ASF	African Standby Force
AU	African Union
AUCA	African Union Constitutive Act
AUMIS	African Union Mission in Sudan
BI	Border Intelligence
CACF	China-Africa Cooperation Forum
CEWS	Continental Early Warning System
CFC	Ceasefire Commission
CIA	Central Intelligence Agency
CIVPOL	Civilian Police
CNPC	China National Petroleum Corporation
CRP	Central Reserve Police
DDPD	Doha Document for Peace in Darfur
DFD	Dream for Darfur
DPAA	Darfur Peace and Accountability Act
DRA	Darfur Regional Authority
EP	European Parliament
ESDP	European Security and Defence Policy
EU	European Union
EUSP	European Union Special Representative
FDI	Foreign Direct Investment
GCC	Gulf Cooperation Council
HCFA	Humanitarian Ceasefire Agreement
HU	Humanity United
GA	General Assembly
GNU	Government of National Unity
GoS	Government of Sudan

IC	International Coalition
ICG	International Crisis Group
ICID	International Commission of Inquiry on Darfur
ICCPR	International Convention on Civil and Political Rights
IHL	International Humanitarian Law
IHRL	International Human Rights Law
JEM-(B)	Justice and Equality Movement-(Basher)
JSC	Judiciary Service Commission
LJM	Liberation and Justice Movement
NCI	National Commission of Inquiry
NCP	National Congress Party
Nepad	New Economic Partnership for Africa's Development
NGO	Non-Governmental Organization
NIAC	Non-International Armed Conflict
NSIS	National Security and Intelligence Services
OAU	Organisation of African Union
OCHA	United Nations Office for Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organization of Islamic Countries
OTP	Office of the Prosecutor
PDF	Popular Defence Force
PF	Peace Fund
PSC	Peace and Security Council
PW	Panel of the Wise
R2P	Responsibility to Protect
RPG	Rocket-Propelled Grenade
RSF	Rapid Support Forces
SAF	Sudan Armed Forces
SCD	Special Court for Darfur
SDTF	Sudan Divestment Task Force
SDC	Save Darfur Coalition
SGBV	Sexual and Gender-Based Violence
SLM/A-(IM)	Sudan Liberation Movement/ Army-(Inni Minawi)
SCCD	Sudan Court for Crimes in Darfur

SCCED	Special Criminal Court for Events in Darfur
SNHRC	Sudan National Human Rights Commission
TD	Team Darfur
USHMCC	United States Holocaust Memorial Museum Committee of Conscience
UNAMID	African Union-United Nations Hybrid Operation in Darfur
UNCT	United Nations Country Team
UNHRC	United Nations Human Rights Committee
UNICEF	United Nations International Children’s Emergency Fund
UNSC	United Nations Security Council
USAID	United States Agency for International Development
VSF	Victims Support Fund
WCW	Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and their Destruction.

Abstract

This is a study of conflict resolution in the Darfur region of Sudan that underpins the gross human rights violations by both the government forces and militia groups. The Darfur conflict constitute one of the known 21st century civil wars which resulted in the deaths and displacements of mainly the civilian population. In light of these human rights violations by the parties to the conflict, the government of Sudan was roundly condemned by the international community for its failure to protect civilians. The researcher will use the qualitative research method while the Constructivism theory will be used as the theoratical framework in conducting the research. An incisive finding by the research is that both the government forces and the rebel groups (militia) participated in the gross human rights violations during the conflict. On the international intervention, the study found that there is an element of selectivity by superpowers regarding their attention to humanitarian crisis. Little attention was given to the Darfur crisis than both in Cambodia and Afghanistan. The researcher in this context recommends that in order for a lasting peace and stability to be attained in the Darfur, both parties to the conflict have to engage and come up with a comprehensive peace agreement which has to be signed by all. The African Union is recommended to take a leading role in bringing the parties to the negotiation table.

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1. CHAPTER ONE: INTRODUCTION

1.1 Broader Origins of Conflict

The civil conflict in the Darfur region started in February 2003 as a result of two militant rebel groups, the Justice and Equality Movement (JEM) and the Sudan Liberation Movement/Army (SLM/A) who launched a series of military attacks on targeted government institutions such as police stations and military bases (de Waal 2007:17). It is however important to note that various factors that led to the implosion of the Darfur conflict have been chronicled extensively by a number of researchers who exposed the extent of the Sudanese government's negligence to protecting the civilian population during the period of conflict (Ahmed & Manger 2006).

The Government of Sudan (GoS) led by President Omar Hassan al-Bashir in turn reacted by launching an indiscriminate massive counter-offensive attack on both the rebels as well as civilians in their communities by the military in collaboration with the Janjaweed militia (Slim 2004:810-800). The two rebel groups' concerns included the marginalisation from socio-economic and political advancement of the region in spite of the government revenues from the sale of oil (Klay Kieh Jr n.d :48).

The Darfurian population alleged that the country's resources were being channelled to other regions of the country while Darfur was being neglected. The non-Arab population in the region also felt that they were being unfairly treated by the Khartoum government which prioritized the Arab ethnic groups both in the appointments of central government officials as well as in the provincial deployments. This in the end ignited ethnic conflicts which resulted from "superior-inferior myth", between the two groups and ultimately establishing the hegemony of the Arab ethnic groups in the country (Klay Kieh Jr n.d :49).

1.2 Rationale

A number of factors are attributable to the researcher's undertaking of the current study. The researcher firstly intends to critically explore and examine the levels of human rights violations that take place in the context of civil conflicts (Darfur region). The researcher further attempts to investigate on which party between the Government of Sudan and the two major rebel groups, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) could be blamed for the torture, mass killings, sexual abuse on women and children as well as displacements of civilians in the region. The researcher was also motivated by the desire to investigate the participation of the international community in protecting the vulnerable civilian population from violence perpetrated by parties in the civil conflict under study. Can the intervention by the international community (China and the U.S.A.) be presumed as a responsibility to

protect civilians or it could have been a result of some vested national interests within the government of Sudan?

The researcher hopes to establish that the government forces in cahoots with the Janjaweed militia were the ones who violated the civilian rights more than the rebel groups. This presumption is premised on the countless occasions in which the Sudanese armed forces participated in the contravention of the International Humanitarian and Human Rights Laws in the Darfur region during the course of the civil war.

In the intervention of the civil conflict, the researcher also hopes to observe that some international actors had their vested political, economic and security interests in Sudan that such interventions were only meant to protect those interests. Both the Chinese and the United States of American governments have shown military, economic and political interests in Sudan and these are the basis these governments could have participated in the conflict.

1.3 Problem Statement

The Darfur conflict which started in February 2003 between the Sudanese government forces and two major rebel groups , the (JEM and SLM/A) ignited one of the worst humanitarian crisis in modern history. The government of Sudan in the main has been roundly accused of committing acts of torture, rape, killings and looting of civilian property with thousands of refugees fleeing into neighbouring Chad while others were internally displaced (Doha Document for Peace in Darfur 2011:48). The allegations on the Sudanese government abusing its authority on ordinary civilians did not only end on these human rights violations. It also came to the international attention that humanitarian agencies that intended to assist those vulnerable civilians were refused entry into the Darfur region. This was on suspicion that they were spies from the imperialist Western governments intending to effect regime change in the country (Amnesty International 2016).

In the context of the extensive violations of the international humanitarian and human rights laws by the Sudanese government towards the civilians and rights group campaigners, it is relevant to explore the ways in which the international community intervened to protect the rights of civilians.

1.4 Proposition

The intervention by the international community on the Darfur conflict came a bit too late when the government of Sudan had already committed genocide, war crimes and crimes against humanity.

1.5 Research Problem and Objectives: Key Questions Asked

Using the 2003 Darfur crisis as the research's point of focus, the aim of this study is to explore the role that the international community played in order to extricate the civilians from human rights abuses in the hands of the Sudanese regime. In the context of this study, the researcher will be focusing on the following objectives:

- To establish how the Darfur conflict started;
- Establishing how the international community played its role in protecting civilians and ending the conflict; and
- Propose recommendations on resolving the conflict

1.6 Research Questions

The research is intended to answer the following questions:

- What were the short and long term causes of the 2003 Darfur civil war?
- What were the parties that constituted the civil war and how did they abuse the rights of civilian population?
- In what ways did the international community contribute in protecting the rights of civilians and resolving the conflict?

1.7 RESEARCH METHODOLOGY

1.7.1 Description of Research Methodology

Qualitative Method Defined

Qualitative research is basically an exploratory form of research, which has been for a long time used to acquire knowledge of the underlying motivations, reasons and opinions on the research problem (DeFranzo, 2011). A qualitative research method helps the researcher to have a deeper understanding and insight of the research problem, and further uncovers opinions and trends in thought in order to deeply scrutinize the problem under study.

(i) Advantages

The research is a combination of historical and qualitative approaches where serious violations of international humanitarian and international human rights laws were carried out by both government forces and rebel groups in Darfour are unpacked. This is a qualitative research where both primary and secondary

data analysis is conducted to come up with results that will be used for the research recommendations and possible solutions to the problem(s) at hand (Mayring 2000). This is more particularly a desktop review of literature from relevant texts, scholarly articles, the UN Charter, UNSC resolutions, AU reports on Darfur, and the AU's Constitutive Act. The case study on the Darfur conflict within a prescribed time-frame is more appropriate for the researcher as it provides an in-depth study of the problem at hand (Bell 1995). This research is conducted on the events that occurred between 2003 up to 2016.

Information is also sourced from peer-reviewed journal articles, government (reports, press releases), speeches from government officials, regional and international representatives, online articles, published and unpublished theses and dissertations. Since the research will be basically desktop study, the researcher will be confined to information already at hand and the limitations associated with personal interviews and questionnaires are avoided. This also minimizes issues to do with ethical considerations which are of paramount importance where respondents' confidentiality and privacy are not violated (Saldana 2009).

The desktop research has been preferred for a number of reasons, chief amongst them being the geographical location of the research area. With the limited financial and material resources at hand, the researcher could not be able to travel to Sudan. This problem has also been compounded by the restrictions of access by the GoS to the conflict ridden Darfur region. "The government of Sudan does not permit any national or international human rights investigators, journalists, or humanitarian actors to operate inside the areas of Jebel Marra..." (Amnesty International 2016:7). Qualitative desktop research in this context is more ideal and advantageous as the researcher makes do with the already available data to come up with a consolidated research project.

The area of Jebel Mara is one of the regions in Darfur which the Amnesty International confirmed experienced the human rights violations in the history of the Darfur conflict. In an effort to conceal the civilian human rights violations the GoS forces restricted access of the areas to any humanitarian staffers and researchers. The problem of field research would also have been compounded by the serious risk of soliciting information from the victims of rights abuses in the conflict ridden area as they will be afraid of reprisals from the perpetrators.

Both international and local human rights organisations carried out extensive research and published consolidated reports that the researcher would make use of. The researcher would further extract valuable information from various reports of the United Nations Security Council Commission of Inquiries conducted in the Darfur. The 2004 International Commission of Inquiry is one that report which came up with recommendations of referring the the perpetrators of violence both in the GoS and rebel groups to the

International Criminal Court. The researcher would in the same context solicit information from various reports of the Office of the Public Prosecutor in the ICC.

1.8 Background

Sudan is the largest country in the African continent and it covers an estimated geographical area of 2.5 million square kilometres. It is bordered by the Democratic Republic of Congo and Kenya in the South; Chad, Libya and the Central African Republic in the West; Egypt in the North and Ethiopia and Eritrea in the East. The country has an estimated population of 39 million, with rural dwellers constituting 68%, urban population 32% while about 7% is the nomadic constituency. The Black African ethnic group constitutes an estimated fifty-two percent of the total Sudanese population while the Arab African ethnic group is constituted by approximately thirty nine percent of the country's population (Tanagho & Hermina 2009:371).

There are more than 130 languages and dialects in Sudan but Arabic is the widely spoken language in the country. The country is considered a Least Developed Country and is ranked number 139 on the Human Development Index (United Nations Development Programme 2004). Like many other African countries, Sudan's infrastructure such as the road network is not well developed while commercial agriculture and natural resources exploitation has recently become established in the country more particularly after the discovery of oil reserves in the central and southern parts of the country.

Soon after attaining independence from the British-Egyptian rule in 1956, Western, Southern, and Northern Sudan merged together to make a democratic new dispensation. However the democratically elected government did not last for more than two years before it was overthrown in a military coup d'etat. The country tried to restore another democratic rule, but was eventually militarily overthrown between 1965 and 1969, with another military coup taking over from 1985 to 1989. This resulted in the current President Omar al-Bashir being installed by the military and promised citizens that he would bring peace to the troubled country (Sudane Tribune: 2003). The coming into power of Omar al-Bashir resulted in many Sudanese being either imprisoned or forced into exiled and all political organisations banned (Kothari 2010 : 210)

1.8.1 The Darfur region

The Darfur region is situated in the western Sudan and has since 1994 been partitioned into three administrative states of South, North and West Darfur. The region covers a geographical area of 250 000 square kilometres with an estimated population of more than 6 million people (Amnesty International 2016:10). The province is constituted by both the African and Arab people with the Muslim population

accounting for the majority inhabitants (Sidahmed et al.: 2010). The three administrative states are each governed by a Governor appointed by the Khartoum central government.

The economic activities in the Darfur states are based on some subsistence farming together with cattle herding. There are numerous tribes in the region, amongst them are agriculturalists which include the Fur and the Tama while the sedentary cattle herders are constituted by the southern Rhezeghat and the Zaghawa. The life expectancy is at about fifty years, with the annual population growth rate tagged at two percent (CIA The World Fact Book: 2009).

The land issue in the region has for the past been the heart of political discontent and its ownership was traditionally communal. The tribal leadership took control of land appropriation to the population for agricultural, dwelling and pastoral purposes. However, during the 1970s, the government changed the land laws to make individual land ownership through the state. The change of land ownership to the state made it easier for government officials to apportion pieces of land to individuals on the basis of their loyalty to the government, (International Commission of Inquiry on Darfur 2005:21).

Communities in Darfur practice the shadoufing, a simple irrigation system where water is channelled to the farms through terracing and concentration of runoff water in which crops such as millet, sorghum, citrus, onions, chillies and okra are cultivated by the Fur, Berti and the Masalit tribes (Manger 2006:5). The northern Darfur is an occupation of the pastoralist Zagahwa and Meidod tribes whose livelihood is dependent on the rearing of camels, goats and sheep, while in the south the Baggara, Rizeigat, Habbaniya and Beni Halba are more preoccupied with cattle ranching.

The history of Darfur's tribal rivalry is best explained by the region's proximity to the Great Sahara region where the effects of desertification resulted in huge pieces of both agricultural and pastoral land becoming increasingly arid and unsuitable for farming. Tension between tribes particularly in the Jebel Marrah plateau was a result of cattle herders in search of water and pastures invading the land of agriculturalist and in the end caused bloody conflicts (ICID, 2005).

It is also important to highlight that the effects of desertification and drought did not only affect the Darfur region, but the entire Sahara region. This in effect resulted in the migration of nomads from as far as Libya and the Chad into Darfur. Because the Darfur region was considered to be relatively fertile, and as the influx of immigrants continued, the land increasingly became scarce, tensions escalated between the immigrants and the Darfurians (Jerome Tubiana 2911:12).

The conflict between tribes in Darfur became difficult to contain as some Darfurians were accessing weapons and arms from the neighbouring Chad and Libya as well as South of Sudan. This became increasingly more easier for the villagers to formally organise themselves into military groups in the hope of defending their territories. In the late 1980s, the clashes were more pronounced between the Fur tribes who had later created a group called the African Belt and the Arabic nomadic tribes who also had created their alliance named the Arabic Gathering (ICID, 2005:22). The government intervened in some of the clashes that erupted between the tribes but the Darfurians felt that there was little the government was doing to address the fundamental problems faced by the people of Darfur. The differences between the ‘African’ and ‘Arab’ tribes was indeed a result of the competing social and economic interest, deliberate marginalizations as well as the politically polarized atmosphere that had existed in the region.

1.9 Organization of the Study

The dissertation is constituted by four chapters. The first chapter is the introduction of the research and also gives the broader origin of the conflict. It is the first chapter that examines the problem statement, defines the researcher’s proposition of the problem at hand as well as the research objectives and questions. This chapter is concluded by the methodology used to collect data.

Chapter two reviews the literature on how the international community contributed to the protection of civilian rights in the conflict. The international community under review will be constituted by the United Nations Security Council, the African Union, the South African Government, the government of United States of America, the European Union, the Chinese government, the International Criminal Court and the constituency of non-state actors. The theoretical framework is also discussed in the second chapter.

The third chapter covers the scope, nature of the conflict as well as the extent of gross human rights violations during the period of conflict. The research is concluded by chapter four which covers the study findings, conclusion and the recommendations suggested.

2 CHAPTER TWO: LITERATURE REVIEW

2.1 The International Community's Intervention

The outbreak of violence in the Darfur region in 2003 coincided with the Rwandan genocide's tenth anniversary. This ultimately prompted human rights activists to see this conflict as a litmus test for the international community's response and readiness to give protection to civilians under threat from conflicting parties. The UN Secretary General Kofi Annan on the 7th of April 2004 on his memorial address for the Rwandan genocide in Geneva gave an account of how the international community had to engage the parties to the Darfurian crisis. He further portrayed that the ethnic cleansing that was taking shape in the Darfur region was taking toll and emphasised that the international community should not stand aside while human rights violations of such magnitude unfolded (Slim 2004:811).

In the context of the Secretary General's concerns about the plight of the Darfurian population, a number of questions have to be answered regarding the role that was played by the international community to avert the imploding Crimes against Humanity, War Crimes and Genocide by the GoS armed forces. How did the international community respond to the Darfur crisis? Has there been any decisive actions, or there was mere inaction as what occurred in the Rwanda genocide? If there was action taken on the crisis, was it timely and effective to protect the vulnerable communities?

In order to fully establish the extent of the international community's participation and intervention in the Darfur conflict, the researcher will identify the different constituencies of the global community. In this research the international community is comprised of the United Nations Security Council, the African Union, the South African government, the Chinese government, the European Union, the government of United States of America, the International Criminal Court (ICC), the various local and international humanitarian agencies as well as some influential independent states across the globe.

(i) The Responsibility to Protect: Intervention as a Duty of Care

The principle of the Responsibility to Protect (R2P) is premised on the international community's commitment and dedication to saving the lives of ordinary civilians. It further includes the clause in defending the human rights of innocent citizens who are at the mercy of undemocratic governments. The ascertation was highlighted by the former UN Secretary General Kofi Annan in his September 1999 General Assembly speech when he said, "If the collective conscience of humanity cannot be found in the United Nations its greatest tribunal, there is a grave danger that it will look elsewhere for peace and for justice" (Annan, 2012:116). In this speech, the Secretary General intended to bring to light how the international

community, in the UN could contribute in intervening in the protection of civilian population from wholesale slaughter by governments which did not observe the rights of citizens.

The government of Canada in September 2000, moved a step further by taking over the 1999 Kofi Annan's UN General Assembly R2P campaign. The campaign by the Canadian government brought together distinguished scholars and diplomats who included the former Australian foreign affairs minister Gareth Evans together with Mohamed Sahnoun from the Algerian foreign ministry (Annan 2012:116). The objective was to draft a report for the implementation of the Annan's new norm of international community interventionist approach that had to be reframed to the "responsibility to protect".

The principle of the R2P was a culmination partly of events that took place in conflicts involving the 1994 Rwanda Genocide. During the 1994 conflict, there was an estimated 800 000 civilians killed by a government sponsored violence while the international community failed to protect. This failure to prevent or halt the Rwandan genocide was described by the UN secretary-general as a "sin of omission", while the former British prime minister indicated that "if Rwanda happens again we would not walk away as the outside has done many times before". The prime minister further stated that the international community has a moral obligation to provide military and humanitarian assistance to Africa whenever it is needed (Bellamy 2005: 31). In the same context of the international society's participation in the protection of civilians in conflict ridden countries, the American government labelled as "rogues" those states that brutalize their citizens in order to undemocratically cling to power while spluandering state resources.

2.2 Responsibility to Protect the Darfurians: United Nations.

The mounting evidence of massive human rights abuses in the Darfur region that started in the early 2003 came as a litmus test for the capacity of the international community's will to halt the ethnic cleansing by the GoS. In response to the crisis in the region, the UN and member states committed themselves to intervene by flurry of missions, humanitarian assistance and calls for negotiations. The United Nations further demanded that the GoS should act on the perpetrators of violence, threatening the imposition of sanctions to the government, putting in place a commission of inquiry as well as supporting the AU peacekeeping mission in the country (Clough 2005:1).

However the commitment of the UNSC on the Darfur crisis came into question in late 2004 on the steps taken at a special session on Sudan in Nairobi, Kenya, to follow through the earlier commitments and resolutions on the crisis. This further showed that the suffering of the civilian population in the region would continue as had happened to the Rwandan people in the 1994 genocide.

It is important to note that the approach that the international community took, in particular the UN to protect civilians in Darfur was complicated by its involvement in the negotiations of the north-south civil conflict in Navasha, Kenya between the early 2003 and mid-2004 (Clough 2005:4). There was an overwhelming expectation and optimism that such negotiations would immediately bring a lasting solution to the crisis in the north-south conflict but there was evidence of serious violence and human rights abuses taking place. The Security Council in the meantime tried to take the Darfur crisis off the agenda during the north-south negotiations fearing that the Khartoum government would completely pull out of the Naivasha talks (Slim 2004:822). This is evidenced by the failure by the SC to even mention the Darfur conflict in June 2004 when member states met to pass Resolution 1547. The resolution that came out of that meeting went on to establish a UN mission in Sudan in preparation for monitoring the final agreement between the GoS and the SPLM/A (Cloughh 2005:4).

The UN's role in the Darfur crisis was more diplomatic intervention than military, where both parties were urged to settle their differences through negotiations. It was also the responsibility of the UN to participate in the passing of resolutions by the SC to address pertinent issues to do with violations of human rights during the conflict. There are a number of resolutions passed by the SC as a way of intervening in the conflict to give pressure to the Khartoum government and its allies to end the gross civilian rights violations.

In 2004, after repeated appeals from both humanitarian and human rights activists as well as visits by the UN Secretary General Kofi Annan in Darfur together with representatives from the United States of America and Europe, the UNSC was convinced that the GoS and its Janjaweed militia were indeed participating in the gross violations of civilian rights (International Commission of Inquiry on Darfur:2005)

The concern of the international community, UNSC in particular was that the GoS had indeed failed to carry out its constitutional duty to protect ordinary civilians and that the international community's intervention was warranted (Bellamy & Williams 2006:150). This resulted in the SC passing Resolution number 1556 which required the GoS to dissociate itself from the Janjaweed militia, disarm them and bring those leaders who incited violence against civilians to the country's judiciary system. The resolution imposed a thirty-day deadline for the government to comply, failure to which the Security Council would impose economic, political and military sanctions. The government of the United States of America further threatened to unilaterally impose its own arms embargo and travel bans on Sudanese government officials.

Although China and Pakistan abstained on the passing of Resolution 1556, the resolution was approved by a 13-0 vote. This in the end prompted the SC to further approve the deployment of an AU mission that would

monitor the ceasefire agreement between the rebel groups and the GoS. Some council members such as Pakistan were opposed to the imposition of sanctions in principle against the Sudanese government, citing the violation of the principle of sovereignty on the party of Sudan, while the Arab League issued a similar statement to oppose sanctions in principle (Khan & Addellah 2004).

The UN's concern of the unfolding events in the Darfur region was highlighted in the early 2004, when Mukesh Kapila, the UN's coordinator for Sudan clearly blamed the GoS for backing the Arab aligned militia to conducting an "ethnic cleansing" exercise in the region. Kapila went on to warn that if that remained unchecked, the humanitarian catastrophe would be comparable to the 1994 Rwanda genocide (BBC 2004a). In the same context, the Secretary General Kofi Annan was equally worried that the events in the region left him with, 'a deep sense of foreboding', and that the international community had to swiftly intervene before the region degenerated into another Rwanda.

With the above mentioned concerns of a humanitarian crisis in the Darfur, the UN Commission on Human Rights in April 2004 sent a mission to the region to ascertain the claims of human rights violations by the government armed forces with the Janjaweed militia. The mission's investigation came up with 'a disturbing pattern of disregard for basic principles of human rights and humanitarian law' (UN High Commissioner for Human Rights 2005:3). The team in the end concluded that the GoS and its proxies were responsible for the widespread violations. However, some officers in the commission leaked the draft report to the press before the Commission could vote on a resolution based on the draft report (Bellamy & Williams 2006:149)

Having noticed that the conflict in the Darfur region was escalating with no solution from both parties being anticipated in the near future and that the situation would constitute a threat to international peace and security, the UNSC in March 2005 at its 5158th meeting adopted Resolution 1593. This resolution was passed when the Security Council was acting under Chapter VI of the UN Charter. In essence, the resolution was meant to refer the Darfur crisis to the Prosecutor of the International Criminal Court (ICC) wherein the GoS and all the other parties to the conflict were obliged to fully participate and cooperate with the Court and the Prosecutor (Resolution 1595 2005:1).

In addition to the referral of the crisis to the Prosecutor, the resolution further provides for other states and or international organisations to cooperate fully with the Rome Statute in the best interest of the affected Darfuri population worst affected by the conflict. The SC through Resolution 1595 also proposed that the ICC and the AU should provide for practical arrangements that would facilitate the work of the Prosecutor to conduct his/her work in the African region in the best interest of the continent to eradicate impunity. The Court was also encouraged within the Rome Statute framework, to support international cooperation with

local cause in the promotion of the rule of law, combating impunity in Darfur as well as protecting the rights of civilians.

In the best interest of the Darfurian population, the promotion of international peace and security and supporting the early and effective implementation of the Darfur Peace Agreement, the UN Security Council met on the 31st of July 2007 for its 5727th meeting where Resolution 1769 was passed (Resolution 1769 2007:3). Through this resolution, the Security Council resolved to establish for the initial 12 months of an African Union-United Nations Hybrid operation in Darfur (UNAMID).

The established mission consisted of 19 555 military personnel, that included 360 military observers, 3 772 police personnel which also included an appropriate civilian percentage. This mission was to be under the command of the AU-UN Joint Special Representative for Darfur Rodolphe Adada and Force Commander Martin Agwai. The UNAMID was mandated to first and foremost protect its personnel on the ground, its facilities, installations and equipment to be used in the operation, freedom of movement for its personnel and humanitarian aid staffers.

It is also important to note that Resolution 1769 called upon all parties involved in the Darfur conflict to immediately halt any further hostilities against each other and the civilians and confine themselves to permanent cease-fire. Parties were also directed to immediately cease any attacks on AMIS, civilians and humanitarian agencies, their staff and assets and relief convoys in the region (Akuffo 2010:81). On the conduct of the UNAMID personnel on the ground, the resolution stressed the need for UN forces to be in line with the UN's zero-tolerance policy on sexual exploitation and abuse of vulnerable civilians who look upon them for protection. In order for such standards to be upheld, the Security Council proposed to provide for the enhancement of regular training for personnel in order to prevent cases of misconduct and that all members are in full compliance with the UN code of conduct as well as the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (UNSC Resolution 1769 2007:5).

The UN operations in the Darfur region was faced with a number of challenges ranging from inadequate resources, logistical factors, attacks from both the government and the rebel forces. The UN forces were further faced with restrictive measures put by the GoS on how the mission should operate (UN Security Council Report 2016:16). The March 2016 Security Council report by the Secretary General which was submitted in pursuant of Resolution 2228 (2015) in which the SC mandated the UNAMID to extend their stay in Darfur to the 30th of June 2016 highlighted some of the challenges that were encountered by the mission during the period under review.

Although there was a marked reduction in incidents of criminal attacks on the UNAMID properties and personnel during the reviewed period isolated cases of criminal attacks on UN staff were not uncommon. During this period, a total of 14 criminal incidents which included 18 break-ins, burglary and theft, 2 robberies of national staff, 1 attempted robbery, 4 attacks on UNAMID convoys, 2 carjacking incidents, 1 assault of a UNAMID national staff member, 14 incidents of stone throwing were reported (UNSC Report 2016:8/19).

The restrictive land movements and planned flights on both UNAMID and humanitarian organisations took place mostly in the Northern Darfur. This in turn resulted in civilians being vulnerable to both government and rebel forces. As a result of such complications there was an increased pattern of inhibition on reporting by civilians of human rights violations which mainly included sexual and gender-based abuses to either the UNAMID or other humanitarian organisations. In the Jebel Mara attacks, the UNAMID mission could not be able to therefore provide civilian protection, unless the civilians themselves managed to get to the UNAMID base which was located in Sortoni (Amnesty International 2016).

International humanitarian organizations and peacekeepers were further prohibited from accessing the Internally Displaced Persons (IDPs) by both the government forces and rebel groups. Between December 2014 and March 2015, there were 63 movement restrictions on the UNAMID mission, with 59 being imposed by the GoS, while three were imposed by the SLA/AW and one by the Liberation and Justice Movement (US Department of State Reports on Human Rights Practices 2015:31). The report further indicated that between March and October 2015, 37 restrictions were imposed on the UNAMID mission, while 68 of the 2 189 planned flights were refused clearance by the government between March and June 2015.

Most of the operational challenges faced by the UNAMID were directly related to the security uncertainties posed by the government forces and the rebel groups in most parts of the Darfur region. Since the basic mandate of the UNAMID was for the protection of civilian population, it was mandatory that they had to timeously be allowed to access all areas where civilians lived. The efforts by the mission to access restricted places by the government exposed them to regular attacks and ambushes carried out sometimes by unidentified armed groups (United Nations Commissioner for Human Rights Report 2015:6). The report further indicated that in 2014 alone, 5 UNAMID peacekeepers lost their lives in the hands of unidentified armed people. On the 10th of April 2014, the report further furnishes that UNAMID police advisers in El Fasher were raped and robbed. This raping and robbing in the end resulted in the limited movements and monitoring by the peacekeepers and drastically affected the civilian protection.

It is also important to note that the responsibility of the UNAMID in pursuant to upholding the Doha Document for Peace in Darfur (DDPD) arrangement was to monitor human rights violations from both the government forces as well as the rebel groups. In the context of monitoring rights violations, the major challenges faced by the mission included the gathering of vital information from government authorities as well as the reluctance by the victims to share information of their abuse by the armed forces both government and rebels (United Nations High Commissioner for Human Rights Report 2015:5).

2.3 The African Union

The AU as part of the international community, in terms of article 5(2) of its Constitutive Act, established the Peace and Security Council (PSC), a security organ of the organisation in May 2004. This was done in order to replace the Central Organ of the OAU to provide for the management, prevention and conflict resolutions in the continent. The PSC in its operation is supported by the African Peace and Security Architecture [APCA] (article 2(2)). The APC is constituted by the Panel of the Wise(PW), Continental Early Warning System (CEWS), the AU Commission, African Standby Force (ASF) and the Peace Fund (PF).

Article 5(d) and (g) of the Constitutive Act provides that all PSC member states should demonstrate a willingness and desire to participate in all forms of conflict resolutions, peacemaking and peacebuilding at both regional and sub-regional levels. It is through these expectations that the AU requires member states to be identified by the norms of good governance, rule of law as well as the respect of human rights (Akuffo 2010:77).

The post- colonial state-building in the African continent came with it a number of civil conflicts which degenerated into violence and escalated into some environments of anarchy. This in turn provided the propitious conditions of rampant human rights violations on the part of the civilian population by the government forces and the militia allies (Kieh, Jr 2013:43).

The history of the African Union as a regional institution has been characterized by cases of war crimes, genocide and crimes against humanity. These crimes were in one way or another committed by both the rebel groups as well as the government forces in civil conflicts across the African continent. The violations included the terrorization of innocent civilians, violations of personal dignity, mass killings as well as sexual violence against women with perpetrators surviving with impunity. Such crimes were reported during the civil wars in Uganda (1986-2010), the two civil wars in Liberia (1989-1997 and 1999-2003), the Sierra Leonean war (1991-2002) and the Congo war (1997-1999, 1999-2003 and 2003-2006) (Kieh Jr 2013:43).

However the civil war that exposed the ineffectiveness of the Organisation of African Unity in dealing with peace and security in the continent was the 1990-1994 Rwandan Genocide. This war left more than 800 000 civilian population dead at the mercy of government forces and the Interhamwe militia. The continental body observed the Rwandan atrocities from the sidelines without intervening in protecting the civilians. The argument brought forward by the OAU was that it was preserving and propagating the principles of non-interference and respecting the sovereignty of member states. The international community in this instance failed the people of Rwanda by not making a humanitarian intervention on a state that had failed to give protection to its citizens (Evans & Sahnoun 99:2002).

The principle of state sovereignty has failed the African civilian population at the mercy of the OAU and other regional organisations. This principle in essence gave preference to non-intervention, territorial integrity and state sovereignty at the expense of the observance of human rights in conflict situations where war crimes, crimes against humanity and genocide were being committed with impunity (Kabau 2012: 49-52). The principle of state sovereignty has in the end resulted in the failure by the international community to intervene in conflict ridden states. In the end such a traditional conceptualization ultimately became effectively a shield by states which deliberately violated international humanitarian laws in protecting civilians within their domestic realms.

The African Union, the successor to the moribund OAU in 2002 came up with a change to the conceptualization of the principle of state sovereignty in the African continent in which it included the responsibility to protect clause. By the responsibility to protect by member states, the AU implied that while states retained their sovereign status, they had a responsibility to protect their citizens from heinous acts that included war crimes, crimes against humanity and genocide (Peace and Security Council 2004). The clause further provides that in the event that a member state fails to perform its responsibility to protect, the AU would assert its legal right to circumscribe the sovereignty of such a member state (Kieh Jr 45:2013).

It has to be emphasised that the AU's interventionist duty is premised in both the Pan-Africanism and the principle of non-interference ideals (Akuffo 2010:77). The inference is provided for by Articles 4(h) and 4(j) of the AU's Constitutive Act which stipulates that the continental body has the right to intervene, 'in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.' The Act further stipulates that intervention can be warranted in cases of serious threat to legitimate order, and the intervention will be done to restore peace and stability to the concerned member state. This however can only be done once the Peace and Security Council would have recommended such action and that the Member State would have formally requested intervention from the African Union (Akuffo :2010)

(a) African Union Mission in Sudan (Darfur)

It is the PSC that was instrumental in the authorisation of the first peacekeeping mission since its inception, the African Union Mission in Sudan (AMIS) to monitor the N'djamena Humanitarian Ceasefire Agreement (HCFA) between the GoS forces and the two main rebel groups JEM and the SPLM/A in Darfur (Akuffo 2010:75). Following the signing of the agreement, the Assembly of Heads of State and Government of the AU approved the AMIS mission in May 2004 to control the worsening humanitarian catastrophe and monitoring the agreement (Mensah 2005:7). These peacekeeping forces that were deployed in the region played an important role in protecting civilians from abuse by both the government forces and the rebel groups. The AU's main aim was to avoid the repeat of the 1994 genocide which claimed the lives of more than 800 000 innocent civilians within a period of 100 days in the Rwandan conflict.

Article 3 of the HCFA provided for the establishment of the Ceasefire Commission(CFC) which consisted of high ranking officials from the GoS and the two main rebel groupings, together with the Chadian mediation team and the international community officials. In Article 4, the AU authorises and mandates the CFC to monitor, verify, investigate and report on violations of the terms of the agreement (Appiah-Mensah 2005:8). The AU deployed 60 military officers for monitoring the agreement while 300 protection forces were deployed to provide security for the unarmed observers in the region.

However because of the severity of the humanitarian challenges in the Darfur region, it became evident that the number of both the military observers and the protection forces was far short a number to render the services they were made to provide. This resulted in the AU's PSC on the 20th of October 2004 to authorise the enhancement of 3 320-strong AMIS 11 forces. The forces included 2 341 military personnel, 450 MILOBS, 815 civilian police (CIVPOL) and 26 international civilian staff members (Appiah-Mensah 2005:9). This however did not alleviate the challenges of deploying the required personnel as issues of appropriate accommodation in the field, logistical arrangements, reluctance by troop-contributing countries (TCCs) and a bureaucratic stagnation at the AU headquarters remained unresolved during the process of deployment.

(b) Intervention Through Mediation and Negotiations

The AU in response to the UN's reluctance to take immediate action on the Darfur conflict was to assert its authority and legitimacy through the PSC in resolving African conflicts without foreign, in particular the Western involvement. It was also an ideal opportunity for the AU to enforce its principle of non-indifference to violence within and amongst African member states (Akuffo 2010:80). This was an argument propagated

by the majority of African heads of state, with former South African president Thabo Mbeki stressing that African problems can only be best resolved by Africans. In the context of African leaders opting to resolve the continental conflicts from within, the first response by the AU to the Darfur conflict was the appointment of a Chadian mediation team that was headed by President Idriss Deby in an effort to politically settle the conflict.

The preliminary stages of the negotiations encountered challenges and complications that emanated from the strained relationship between Chad and Sudan. This in the end resulted in the AU being tasked to be the sole mediator in the 7th round of the talks (Lanz n.d.:80). The other complication also came from the part of the rebels who exhibited signs of inexperience in negotiations as well as rifts between themselves (Williams & Bellamy 2005:30). Although challenges were preliminarily faced during the negotiations, the N'djamena Humanitarian Agreement was poised for its finality.

The signed agreement had a number of discrepancies, chief amongst them included the fact that the document had been poorly drafted and a number of inconsistencies on the English and Arabic versions (International Crisis Group 2004:4-7). Although challenges were part of the negotiations, the process finally culminated in the signing of the N'djamena Humanitarian Agreement on the 8th of April 2004. This signed agreement provided for the GoS, the SPLA/M and the JEM to cease hostilities and make a ceasefire proclamation for a period of 45 days (Akuffo 2010:80).

The agreement also provided for its renewal upon the expiration of the initial 45 days unless one of the three parties opposed it. The establishment of a joint and ceasefire commission in which the international community would participate, including the AU was another product of the agreement (Lanz n.d:78). It is also important to note that the N'djamena agreement provided for the release of all prisoners of war and other detainees associated with the Darfur conflict, and that there should be an uninterrupted delivery of humanitarian assistance to the affected civilians in the region.

The N'Djamena agreement failed to bring about the much anticipated end to the conflict between the GoS and the two major rebel groups. This was directly a result of the parties' failure to honour the provisions of the agreement. This in turn resulted in the commencement of the Inter-Sudanese Talks on Darfur in July 2004 which took place in Abuja, Nigeria (Lanz n.d:78). The parties to the Abuja negotiations were the GoS, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). The broader objectives of the Abuja talks were to resolve issues of power sharing, wealth sharing, a comprehensive ceasefire, security arrangements and the Darfur-Darfur dialogue and consultation (Mansaray 2009:43).

However, through an extensive engagement of the parties the agreement was only signed by the GoS and one faction of the rebel groups, the SLA led by Minni Manawi on the 5th of May 2006.

These talks were held in Abuja, Nigeria (Abuja Negotiations) and were co-mediated by Chad and the AU until May 2006. Although the Abuja negotiations were an African project which intended to resolve an African problem, and being led by a respected African statesman who represented a regional organization, the international community also played a critical and dynamic role in how the mediation process had to move forward. For example the international community became so impatient on the slow pace at which the process of the negotiations was going, and as the financial backers of the negotiations it gave the end of 2005 as the cut-off date of the talks (Lanz n.d:80).

The South African Government

The South African government foreign policy attracted criticism from both the western governments and international human rights defenders such as the Human Rights Watch, Amnesty International and the International Red Cross (Human Rights Watch:2008). South Africa as a member of the UN Security Council and the UN Human Right Council was accused of attempting to shield the censure of those governments that contravened International Humanitarian Laws as well as violating the basic human rights of civilians (Nathan:2008).

With regards to the crisis in the Darfur region, the South African government under the Presidency of Thabo Mbeki was alleged to have turned a blind eye on the human rights abuses on ordinary civilians by the Khartoum administration. The international community was baffled by Pretoria's inconsistency regarding its foreign policy more particularly on its handling of rights violations in Darfur. This was more pronounced specifically considering its historical background of fighting against minority oppression in order to embrace human rights and constitutional governance. In the United Nations Security Council, South Africa defended the Sudanese government when the Human Rights Council made efforts to address the Darfur crisis. This was evidenced by Pretoria's opposition to a resolution by the Security Council in 2006 that intended to compel Khartoum to take firm steps that would guarantee the protection of civilians in the Darfur (van Nieuwkerk :2007).

The insistence by the South African government to side with the Sudanese government was further exposed in 2007 when Pretoria was elected into the Security Council. A resolution that was tabled in the Security Council which could have led to the sanctioning of the militias attacking civilians, and refusing to co-operate with the UNAMID was fiercely resisted by Pretoria (United Nations Office Press Release: 2006).

In the General Assembly (GA), a resolution tabled to condemn the use of rape as a political and military tool by the Khartoum forces was resisted by Pretoria in 2007. The South African government argued that the United States of American government had deliberately tabled the resolution to target the Sudanese government (Department of foreign Affairs:2007). Former President Thabo Mbeki in his capacity as the mediator in the Darfur conflict was blamed for his continued condemnation of the rebel forces in the best part of his mediation. In direct contrast, President Mbeki hailed President al-Bashir's administration despite clear evidence of ethnic cleansing, atrocities and abuse of civilians.

The abuse of power by the Sudanese government also came to light during the 2005 United Nations sanctioned International Commission of Inquiry on Darfur. The inquiry revealed that the government forces in alliance with the Janjaweed militia were directly responsible for the "indiscriminate attacks, torture, enforced disappearances, destruction of villages and other forms of sexual abuses on women and children" (International Commission of Inquiry on Darfur :2005). Despite these revelations, President Mbeki issued a statement that opposed the International Criminal Court (ICC) indictment on President Omar al Bashir, insisting that this would threaten lasting peace and reconciliation in Sudan(Sudanese Media Centre:2008).

The government of South Africa endured further criticism on its reluctance to take seriously the human rights violations perpetrated by the Sudanese armed forces on the Darfurian civilian population. The attention attached to the 2004 Naivasha ceasefire accord by President Mbeki, Deputy President Jacob Zuma's attendance of the Comprehensive Peace Agreement (CPA) in 2005 and thereafter President Mbeki witnessed the inauguration of the Government of National Unity in Khartoum during the time thousands of Darfurians were being tortured by the same Sudanese government. Pretoria was in this context roundly condemned for prioritizing the North-South conflict where the ruling National Congress Party (NCP) was again accused of not honouring the terms of the CPA (International Crisis Group:2006).

The events that took place in the North-South clearly reflected that the South African government took seriously the Khartoum crisis at the expense of the developments that had already claimed thousands of lives since February 2003 in Darfur. One of the senior Pretoria cabinet ministers Ronnie Kasril (Intelligence) in 2006 while delivering a speech on the international support for Sudan peacebuilding failed to highlight events unfolding in the Darfur region. Much of the speech was exclusively revolving around the negotiations that led to the signing of the Comprehensive Peace Agreement (Kasril:2006). This in essence justified the call by the international community to persuade Pretoria to take a hard stance on Khartoum as a result of the evident contraventions of both the International Humanitarian and Human Rights Laws in the Darfur.

However, despite all the concerns by both the non-state actors and the Western governments on South Africa's reluctance to denounce the Khartoum administration, Pretoria remained consistent with its Africanist agenda and engagements in continental peacemaking (Nathan:2007). In the context of South Africa's engagement with the government of Sudan, it has apparently been emphasized that Pretoria's foreign policy has been premised on both its principled solidarity with African regimes as well as its anti-imperialist international narrative.

This perspective by the South African government has undergone numerous scrutiny from both local and international human rights defenders which translated this as an overlap on human rights considerations (Human Rights Watch:2007). Some further suggested that the government of South Africa was more interested in preserving its national economic interest than upholding the international human rights laws and norms.

One of the factors that the South African government took into consideration on its alignment with the Khartoum administration was the foreign policy's investment in the political and economic revitalisation of the African continent. This vision by President Mbeki was premised on the strategic programme of the New Economic Partnership for Africa's Development (Nepad)(Mbeki:2001). The essence of Nepad, according to President Mbeki was that the entire African continent can only recover from economic and political slumber through sustained development, economic growth and investment, (all these would require good governance, peace and stability). In this context, President Mbeki argued that the Darfur conflict if not diplomatically handled through mediations, engagements and dialogue, it would implode the country into anarchy and instability.

2.3.1 The United States of American Government

Brief historical bilateral; relations between the two countries

The American government played a pivotal role as part of the international community in finding ways that could end both the South Sudan and the Darfur conflicts. The relationship between the United States of America and Sudan can be traced back to the time when the former engaged the later during the North-South conflict. In 1993, the US categorized Sudan as a “state sponsor of terrorism” and imposed soft unilateral sanctions on Khartoum (Huliaras 2006:710).

The relationship between the two countries was further strained in 1995 when Sudan declined to extradite three suspects to Ethiopia for an assassination attempt of the then president of Egypt Hosni Mubarak. The American government through the Clinton Presidency militarily assisted Eritria, Uganda and Ethiopia who intended to contain the rebels that were being sponsored by the Sudanese government.

Although it might be argued that the US’s involvement in Sudan had much to do with the civil conflicts between the North and the South, as well as the Darfur human rights violations, it has since been established that the US government had more to loose if the conflicts persisted than the welfare of the Sudanese people (Ravindran & Xiao’ou, 2012). This was clearly articulated by the then-Assistant Secretary for African Affairs, George Moose when he stressed that, the objective of U.S. foreign policy in the Horn of Africa was “clear and unequivocal: to isolate Sudan and to contain its support for insurgents and terrorists.” (Huliaras 2006:710).

The American government’s concern about Sudan being the haven for terrorists came into effect in early 1996. This took place when its embassy was closed down for security reasons and the entire staff was relocated to Nairobi, Kenya. These concerns came about partly because of Osama bin Ladin who was said to have been in Sudan since 1991. The other concern also emanated from the fact that Sudan was a training hub for international terrorist groups that posed danger to both the ordinary American citizens as well as the diplomatic staff in the country (Lesch 2002:203-09).

The U.S government in November 1997 further imposed comprehensive unilateral economic and financial sanctions to Khartoum through the blockade of all Sudanese assets in America. Washington’s restrictions of U.S companies from participating in any form of foreign direct investments in Sudan as well as barring of any financial transactions between the two countries was another notable form of pressure on the part of the

GoS (O'Sullivan 2003:242-5). These economic and financial sanctions were meant to pressurize the Sudanese government to dissociate itself from state terrorism.

The bilateral relationship between the two countries was further strained in 1998 when the U.S. embassies in both Kenya and Tanzania were attacked by terrorists who were suspected of having originated from Sudan. In retaliation, the then U.S. President Bill Clinton ordered cruise-missile attacks on a Sudanese pharmaceutical company that was believed to have been producing precursors for the chemical weapons (Weiner & Risen:1998). However further investigations on the relationship between the pharmaceutical plant and the terrorism activity in Kenya and Tanzania was not substantiated. It also came to light that the information on how the decision to bomb the plant was said to have been fabricated as a result of poor intelligence gathering methods by the U.S. authorities (Croddy:2002). In the end it can clearly be inferred that without proper investigations as to who would have bombed the two embassies and where the precursors for chemical weapons were produced, the U.S. intelligence failed to gather the much needed information before attacking the pharmaceutical plant in Sudan (Bearden:1999).

In the context of such frost relationships between the Khartoum administration and the U.S. government, it now remains to be seen if the intervention by the American government in both the North-South and the Darfur conflicts could be defined as being an objective resolve to end the humanitarian crisis in the country.

Darfur Crisis

With regards to the Darfur conflict, the entire international community shared a portion of blame in the way it handled the early stages of the conflict. This was mainly because there is clear evidence of the reluctance to take clear cut and abrupt action once there was evidence of the Khartoum government being involved in the civilian rights violations in cahoots with the Janjaweed militia. The UN Security Council in particular only started holding deliberations on the Darfur crisis on the 7th of July 2004. This was soon after the return of the then United States of America (USA) State Secretary Colin Powell and UN Secretary General Kofi Annan from the Sudan mission when the whole world had already learnt of the atrocities taking place in the Darfur region (Slim 2004).

The visit by Colin Powell was a major international diplomatic breakthrough for the US government. This was mainly because it gave him an opportunity to make a personal assessment of the humanitarian challenges faced by the civilian population in the region at the mercy of the government of Sudan and come up with his conclusions. It is however important to note that the visit by the U.S. delegation of State Secretariat was partly because of mounting pressure from civic and advocacy groups such as the U.S. Holocaust Memorial Museum (USHMM), the American Jewish World Service as well as hundreds of evangelicals who were

already issuing a “genocide alert” in Darfur (Cooperman:2004). This resulted in the Congress adopting a resolution labelling the killings in Darfur by the Janjaweed militia with the government forces as “genocide”.

The US government also made some funds available for a study to be carried out on the extent of ethnic killings in the Darfur region, and a survey was done in Chad where 1 136 Darfurian refugees were used as a sample. On being questioned, these refugees clearly stated that the violence against civilians was widespread, ethnically based and perpetrated by the government forces in cahoots with the Janjaweed militia (Straus 2003:130). Based on the outcome of the study, Powell in September 2003 testified before the Senate Foreign Relations Committee where he again stressed the idea that indeed genocide was being carried out in the Darfur region. Barely two weeks after Powell’s testimony, the American president George W. Bush in his address to the United Nations General Assembly claimed that the Sudanese government was carrying out genocide to the civilians.

Slim (2004:811-2) stated that the US government through Powell concluded that indeed genocide was committed in Darfur and that the government forces were at the centre of the systematic ethnic killings. It is important to note that the US government became the first and only Security Council member to pronounce and declare that the events unfolding in Darfur constituted genocide. Washington further stressed that the international community was duty bound to protect and make those responsible to account for their crimes (Clough n.d).

When the US government later informed the United Nations Security Council about the genocidal atrocities in the Darfur region, the UNSC set up an International Commission of Inquiry (ICID) to examine and investigate those allegations (de Waal 2003:1042). The ICID report was released in February 2005 and in March the same year following the release of the report, the UNSC referred the case to the International Criminal Court (ICC). The involvement of such international institutions like the UNSC and the ICC following the US’s pronouncement of the genocidal killings in the Darfur is proof to the international community that the US government had a considerable influence on how the conflict in the Darfur could be resolved.

During the beginning of the conflict the Sudan government forces in cahoots with the Janjaweed militia were accused of human rights violations. When they physically attacked civilians and refuted the allegations, the US State Department, various other human rights groups and humanitarian organisations were at the forefront of condemning the Sudanese government’s actions. To substantiate its claims of government brutality on the civilian population, the US government went on to release statistics of deaths and injuries sustained by the victims as well as property damaged.

In addition to availing deaths statistics, the US State Department further highlighted that in late September 2003, a total of 574 villages had been destroyed, while another 157 more were as well destroyed since mid-2003 (Straus 2003:127).. With it's advanced technology, the US government exposed the brutality of the Sudanese forces by shooting satellite pictures of the victims in the region and revealing the perpetrators who attacked civilians in their own villages where the rebels did not possess an armed presence (Slim 2004:824). The US government in taking the pictures of government forces brutalizing the civilians and destroying their villages and compounds, wanted the international community to physically notice the human rights violations that were being perpetrated by the government and that interventions were immediately warranted.

(i) Pressure Through Economic Sanctions

Another dimension that the US government took to put pressure on the Khartoum administration to stop the human rights violations was the use of economic sanctions which were solely imposed on the top leadership in government (Keith 2007:159). The US Congress in the late 2006 passed the Darfur Peace and Accountability Act (DPAA) that empowered the then president George W Bush executive powers to freeze the properties of the Sudanese government officials. The Act further empowered the President to freeze the property of other people who took part in the commission of war crimes and crimes against humanity in the conflict (Power: 2006). The Act was also meant to bar any US citizens or institutions from conducting any business deals with the Sudanese oil industry.

The Congress further proposed to promulgate an even tougher Act labelled "Plan B" which was intended to crack down on US multinationals that were in business connections with either the Sudanese government or the private institutions. However, there have been growing scepticism about whether the Bush administration was being sincere in its promises or it was just lip servicing. This was mainly because in the end the government was seen to have been dragging its feet on the implementation part of the proposed Act (Kessler 2007).

On economic sanctions as a way of mounting pressure to the Khartoum government to ending the rights violations in the Darfur, the US government was seen as instrumental in the proposition to the Security Council's Resolution 1564. The proposition threatened the Omar al-Bashir government of international oil sanctions if it continued to dismiss Resolution 1556 by the SC (Karrah Ahmed 2010:07). These sanctions were called by the Bush administration in pursuance of the Khartoum administration's failure to allow for the expansion of the AU monitors within the worst affected areas of the Darfur region. The oil sanctions were particularly preferred by the US government with a view that the GoS would feel the economic pain as oil was the major source of revenue by the government. The United States government also knew that the

greatest portion of the oil revenue was used to financing the military operations both in the Darfur region and the South (Keith 2007).

The U.S. government was careful in its imposition of sanctions on the parties that participated in the human rights violations, more particularly when these sanctions were being initiated through the Security Council. The Security Council's Resolution 1672 came about as a result of the U.S. government's insistence that the sanctions should not only be imposed to the GoS authorities. Washington insisted that those from the rebel groups who indeed perpetrated violence during the conflict should also be slapped with such restrictions (Kastner 2007:167). In the end, four individuals who were allegedly been responsible for crimes in Darfur were imposed with travel bans. These included Major General Gaffar Mohamed Elhassan (Sudanese army commander), Musa Hilal (from the Jalul Tribe), Adam Yacub Shant (SLA-commander), and Gabrill Abdul Kareem Badri (National Movement for Reform and Development). The United States of America approved such an approach of sanctioning both parties to the conflict, arguing that it was the source of strengthening both political and diplomatic relations and processes between the two countries (Security Council Res. 1672:2006).

(ii) Engagement through diplomatic Negotiations

The US government's commitment and determination to ending the Darfur conflict also came to exhibition during the N'djamena negotiations where telephonic calls were exchanged between the Khartoum and the Washington administrations (Slim 2004:825). The insistence by the Bush administration to encourage peace negotiations between the warring parties indicated how the US government preferred non-military intervention in the conflict. This was also evidenced by the American political leadership as part of the international community initiative to stop civilian massarces in the Darfur region by making financial assistance to the negotiations.

The U.S. government alongside the British government and the European Union (EU) financed the Addis Ababa meeting by the AU and other stakeholders on the the Darfur conflict on the 8th of May 2004 (Slim 2004). The resultant meeting contributed to the finalisation of the ceasefire commission process which had the responsibility of overseeing the N'djamena Agreement. The funding of initiatives to end the Darfur conflict by the United States of American government came as both a political and diplomatic gesture to the Sudanese government and the African Union broadly. This was a relief to the continental body that struggled to finance vital projects in the continent.

However, it is also important to note that the involvement of the George. W Bush administration in the peace negotiations in both the North-South and the Darfur crises was not solely as a result of the government's foreign policy demands. Some scholars went as far as concluding that the US interceded directly in these peace talks as a result of pressure from both oil companies that heavily invested in the Sudanese petroleum industry as well as civic groups such as the evangelicals that advocated for the end to the crisis (Huliaras 2006:721). Through this pressure from the corporate world and the civic organisations, the US government engaged the Khartoum administration. The US further promised Sudan a normal diplomatic relationship only if it worked for the attainment of peace, allowed humanitarian access to the needy Darfurian population and co-operate with the US on counter-terrorism.

Although on face value the US's intervention in the peace negotiations was perceived to be in the interest of the Darfurians, it is also clear that peace in the region was America's priority. This was more importantly because the escalation of violence in Darfur in 2004 was worrisome to the Bush administration as it was a US election year (McLaughlin:2004). This was a strategy by the Bush campaign team to appease the evangelical voter-base that was too critical about the human rights violations in Darfur perpetrated by the Muslim dominated Khartoum administration. This was in the context of how the evangelical voters participated and made George Bush to win the 2000 presidential election, particularly in the states President Bush won in the electoral college where 78% of the evangelicals voted for the Republicans (Durham 2004:147).

When the AU realized that the conflict in the Darfur region was slowly becoming not only a regional peace and security threat but an international problem, it initiated the deployment of the African Union Mission in Sudan (AMIS) in June 2004. The mission's major responsibilities were to monitor the implementation of the N'djamena Ceasefire Agreement and the protection of the civilian population. However, the cash strapped AU had a number of logistical and manpower challenges which led to the operation of the initial peacekeeping processes to take shape. For example on the 4th of June 2004, when the first three AU MILOBs in El Fashir arrived, they only had one Thuraya satellite phone that was to be used to link them to Addis Ababa, with not even any form of transport for the crucial patrols (Mensah 2010:08). The challenges of insufficient human resources, institutional expertise and training capacity at the African Union's Commission for Peace and Security meant that the short and long-term objectives of the continental body would not have been fulfilled without external financial and technical support.

Having faced with these financial, human resources, institutional expertise and training capacity challenges, the African Union Commission for Peace and Security secured the services of the Pacific Architectural Engineers (PAE) through the US State Department. The PAE assisted with the logistical support for the

AMIS which included the camp constructions, water and food provision for the deployed mission (Mensah 2010:9). This included the construction of emergency accommodation for those African peacekeepers which were deployed on short notice. This was the United States of America's government way of indirectly assisting the African Union peacekeeping operations in the Darfur region. Without external funding, the African Union would not have succeeded in its operational and logistical missions on the ground.

(iii) Support in UN Peacekeeping Missions

The US government in the early summer of 2005 after assessing the challenges that were being faced by the AU in dealing with the conflict in Darfur suggested that AMIS should be handed over to the UN peacekeeping force (de Waal 2007:1042). The argument and rationale for the proposal by the US government was that the UN would comparably do a better job with its highly resourced and trained personnel. This was in sharp contrast to the AU peacekeepers who were regarded ill-experienced to take on the peace support operation of the size and complexity that was required in the Darfur. This proposal was though not approved by both the UN security council and AU secretariat. The Khartoum government also opposed it citing the US's national interests being the driving force for the proposal.

In the same context, the US government continued to put diplomatic pressure both to the UN security council and the secretariat of the AU as well as the Sudanese government for the AU-UN forces to operate in the Darfur in the best interest of the civilian population. De Waal (2007:1042) states that the insistence by the Sudanese government to oppose the AU-UN peacekeeping in the country resulted in the UNSC to on the 31st of August 2006 adopt Resolution number 1706. The resolution invited the Khartoum authorities to consent on the deployment of international peacekeepers, and that if the government does not afford the consent, then the forces would still be dispatched without the Sudanese government approval.

President Omar al Bashir rejected Resolution 1706, and insisted that no international forces would be allowed in Sudan without the country's consent. He in turn referred to the proposal as "colonialist" while at the same time linking the US government's support for the initiative to "Jewish organizations" (Washington Post 2006). This again resulted in the US government requesting the Chinese government to take part in the meeting that would be chaired by the UN Secretary General on the 16th of November 2006 where a compromise proposal for a 'hybrid' AU-UN force, the UN-African Union Mission in Darfur (UNAMID) was settled for.

(iv) Promotion of National Interests by the US

Although the US government showed its determination to assist the Darfurian population from rights violations, there are reasonable grounds to indicate that in some instances there were clear failures and reluctance on the part of the American government to take decisive actions against the perpetrators. State Secretary Powell should be highly appreciated for his initiatives to visiting Sudan and recommending a financial assistance on the investigations that took place in Chad on refugees from the Darfur conflict. However, the questions that have to be answered by the US authorities revolve around the course of action on the results of the Chad study as well as what Powell got from his visit to the Darfur region in the company of the UN Secretary General.

de Waal (2007:1041) argues that although the US State Department acknowledged that genocide took place in Darfur, it however stated on the 9th of September 2004 that such finding would not in any way alter or change the government's foreign policy on Sudan. In that context, one would wonder what motivated the American government to in the first place initiate the visit to Sudan by the State Secretary and the conducting of the study on the refugees in Chad.

Some scholars went on to suggest that the American government with its well trained army personnel and highly resourced military technology had the capacity to stage a humanitarian military intervention in Darfur together with its NATO allies. However, it was not to be, as there was much reluctance from a number of countries both in the NATO grouping and the African Union as an institution (Keith 2007:158). A combination of past experiences of military intervention in Kosovo and the geographical remoteness of Darfur from the sea and airbases made it highly improbable for the government of America to consider the use of force in resolving the conflict (International Crisis Group 2006c, 1-3, 17).

It is however important to take note of the coincidence between the Darfur conflict with the US government's intervention in the 2003 war in Iraq. The military intervention in Iraq meant that a substantial amount of both financial and human resources had to be channelled to the mission. In the context of America's unilateral decision to enter Iraq, both the international community and the American citizenry had condemned the exercise. This in turn would have been another futile mission for the Bush administration to be seen channelling more other resources to the Darfur conflict at a time when the Khartoum administration had objected to international intervention. The ICG (2006c:17) further highlights that since the U.S. troops were both in Iraq and Afghanistan (both traditional Muslim countries), the invasion of Sudan which is predominantly Muslim, would further polarize the relationship between America and the these communities across the globe.

Although the US government played a positive role in assisting both the ordinary Darfurian population and the various institutions in Sudan and the AU, there was still an element of resentment from mostly human rights defenders that included the Human Rights Watch and the Amnesty International. The blame from these human rights organizations on the part of the US government emanated from how the Bush administration prioritized its national interests when dealing with the abuse of the civilians by the GoS armed forces (Huliaras 2006:719). This can be interpreted as that Darfur in any way does not matter enough and in the contrary Sudan matters more in the face of the US government and the international community at large.

The national interest factor of the US government on its dealing with the Khartoum administration emanates from the fact that the two countries have a close intelligence relationship regarding the war of terror. Grono (2006:628) explains that in 2005 the US government flew Salah Gosh, who was the Sudanese chief of intelligence to Virginia on a private plane to attend a bilateral meeting. The significance of the meeting meant that it was to include the members of the American Central Intelligence Agency (CIA) and other senior members of the Congress. Ironically, Salah Gosh is one of the architects of the Darfur atrocities, who in any way could have been taken with other perpetrators of violence to the ICC for prosecution. The US government with its CIA has since the September 11, 2001 terror attack begun to see Sudan as being “a top-tier partner” mainly because of the two countries’ partnership in fighting Islamic terrorism (Jane’s Intelligence Digest 2005).

However, despite this close arrangement between the two administrations on fighting terrorism, the State Department’s 2002 *Patterns of Global Terrorism* report indicated that Sudan ‘remained as one of United State designated state sponsors of terrorism’ (Huliaras 2006:718). Amongst other terrorist groups that were alleged to have still existed in Khartoum included the Palestinian Islamic Jihad and Hamas groups, the Egyptian groups of Islamic Jihad and al-Gama al Islamiyya as well as the Al Qaeda. All these terrorist groups posed as a security threat to the U.S. government as well as the international community.

In the context of all the allegations of harbouring terrorist organisations within its borders, Sudan in May 2003 made efforts to cooperate with the U.S. to clear out terrorists in the country. This was done through raiding all suspected terrorist training institutions, arresting all its citizens who were suspected of working with such groups and extraditing them to Saudi Arabia (Mills:2004). This cooperation between the two states was further boosted by the efforts of Sudan’s security institutions. The government of Sudan began to provide information on terrorist groups and their operations within the country to top U.S. officials. This in turn prompted the American State Department in early May 2004 to remove the country from the categories of states which were labelled “non-cooperative” in the war on terrorism.

Now, in the context of the close cooperation between Khartoum and Washington, especially on issues to do with national interests such as state security, a number of human rights and social groups became more sceptical about the American government's objectivity in handling the human rights violations that were taking place in the Darfur region within that period (Lobe 2001:02). This U.S.-Sudan dilemma was further compounded by the 9/11 attacks which meant that the American government remained with little choice than to be diplomatically associated with Sudan in an effort to solicit the much needed intelligence on terrorism (Huliaras 2006:718).

The Evangelical activists were more puzzled by the U.S.'s immediate approval of Sudan as new ally. This was mainly because Sudan had previously worked hand in glove with Osama Bin Laden for that long as well as participating in the gruesome human rights violations in both the South and in Darfur. In that context, one of the longest serving anti-Khartoum activists Eric Reeves clearly disapproved this arrangement when he said, *"I can't believe that [the administration] would be so cynical as to leave millions of southern Sudanese to their fate, just because a regime which has worked hand-in-glove with Bin Laden, says its opening files and may hand over a few suspects."* This was indeed a clear approval of the U.S.'s prioritization of its national interests over the humanitarian crisis that unfolded in the Darfur region.

Lifting of Economic Sanctions

The Obama administration on its announcement of the intention to lift economic sanction on the Sudan government through its United Nations Ambassador Samantha Power, argued that "a sea of change" of improvement in humanitarian access was taking shape in the country (Reeves:2017). But the question that has to be asked to the U.S. authorities (Obama administration) is what motivated the change of policy on the Sudanese government that warrants such sudden relaxations of economic sanctions? Has the Khartoum administration improved on the humanitarian crisis in the Darfur region where human rights violations have still been reported?

The shift in policy by the U.S. government on Sudan is said to have been motivated by a range of factors. The Sudanese government has been seen as a security and intelligence strategic partner in fighting and combating international terrorism. This is evidenced by the mutual relationship that developed between the two countries. This relationship was reflected in a way by Sudan's head of the National Intelligence and Security Services (NISS), Mohamed Atta al-Moula's visit to Washington DC. Mohamed Atta al-Moula visited the U.S. after being invited by the Director of the National Intelligence Agency (CIA) Mike Pompeo (Sudan Tribune:2017).

Reports suggested that the Sudanese security chief went on to meet with both the FBI Director James Comey together with the members of the Congress. Although the details and the agenda of the meetings could not be ascertained, the Sudanese official is said to have insisted that the American authorities had to be given first hand information about the humanitarian situation in Sudan as well as security and political state of the region. The aftermath of the meeting and other bilateral engagements that took place between the two countries could have contributed to the U.S. government through the State Department issuing a statement in September 2016 welcoming the Sudanese government's efforts to combating terrorism as well as its continued engagement with the American authorities (Reeves:2017).

The close ties between Sudan and the U.S. government in their quest to end international acts of terror was further cemented by the speech given by the former chair of the Africa Subcommittee of the Senate Foreign Relations Committee and the Senate Intelligence Committee, Senator Russell Feingold on the international terrorism reported which had been tabled by the State Department. In a statement he declared, *"I take serious issue with the way the report [on international terrorism by the U.S. State Department] overstates the level of cooperation in our counterterrorism relationship with Sudan, a nation which the U.S. classifies as a state sponsor of terrorism. A more accurate assessment is important not only for effectively countering terrorism in the region, but as part of a review of our overall policy toward Sudan, including U.S. pressure to address the ongoing crisis in Darfur and maintain the fragile peace between the North and the South"* (Feingold: 2009).

The above statement by Senator Feingold is a clear cut indication that the Obama administration seemed more worried with the counterterrorism measures that they were working on with their Sudanese counterparts. This was in direct contrast to what should have been a concern, i.e the genocide, war crimes and crimes against humanity that the al-Bashir government was being accused of perpetrating (Reeves:2017). Economic sanctions were being lifted in exchange for counter-terrorism intelligence, in particular by Obama who previously as a senator, presidential hopeful as well as being a president had labelled the Darfur region as a site of "genocide".

The change of administration from Barack Obama to the Presidency of Donald Trump in 2017 did not bring about any policy shift regarding how the U.S. intended to operate with the Khartoum administration. The Trump administration was more inclined to exerting much of his energy on sustaining and prioritizing the domestic political dynamics than advancing foreign issues, in particular the African affairs. President Trump's reluctance and disinterest in dealing with African affairs was evident. His administration's failure to establishing a functioning Africa Bureau at the State Department as well as the non-appointment of an

Assistant Secretary of State for African Affairs when he came into office were clear signs that African affairs were secondary priorities to his administration (Reeves:2017).

These looked to be the earliest signs that the American government would in the near future lift its sanctions on the genocidal Khartoum regime. This was despite concerns that the country had until today shown no signs of improving the humanitarian conditions and assistance to the impoverished civilians. The insistence by the Sudanese government to deny humanitarian aid to civilians has left an estimated two million people without food, including refugees from Darfur in the eastern Chad, those in South Kordofan (though in South Sudan and Blue Nile), with young children being exposed to acute malnutrition (United Nations International Children's Emergency Fund Report:2014).

The U.S.'s intention to lift the economic sanctions in Sudan was further motivated by the United States Agency for International Development (USAID) Administrator, Mark Green. When he visited North Darfur, he remarked that the American government would stand with the people of Sudan and that there were noticeable humanitarian improvements in the region. He however failed to acknowledge the high number of people who died of cholera (United States Agency for International Development:2017). The failure by the top USAID official to mention cholera by its name but referring to it as some incidences of, "acute watery diarrhea" was in direct tandem with the Sudanese government's insistence that there were no cases of cholera outbreak in the Darfur. In a way this could be interpreted as Trump's admittance that the economic sanction could still be lifted with or without the issues of humanitarian crisis bedevilling the region(Reeves:2017).

The U.S. government ideally seemed to have deliberately failed to hear the voices of the local and international rights groups, ordinary people and some religious groups who claimed that there were countless cases of government refusing humanitarian assistance in various districts of Darfur. An estimated three million people in the Darfur region were reportedly in need of humanitarian aid but at the same time the National Islamic Front/National Congress Party (NIF/NCP) government continued to preventing the humanitarian aid agencies access to an estimated one million needy civilians (Radio Dabanga:2017). The reports further indicated that in the Eastern Jebel Marra in South Darfur, the outbreak of Cholera had intensified that on weekly basis a minimum of 24 deaths were recorded.

The United States of America has been roundly condemned by various concerned stakeholders who wished to see the Khartoum administration remain under the economic restrictions from the U.S. government and the Security Council because of its failure to address the humanitarian concerns in the country. Both the Obama and Trump administrations were accused of having defended their cause to lifting the economic sanctions and thus failing to upholding the rights of civilians in Sudan for the following reasons:

- (i) Since the beginning of 2017, there has been an increase in the number of children and the elderly from the Internally Displaced People (IDP) camps who succumbed to malnutrition as a result of insufficient food being accessed (Sudan Tribune:2017). The World Food Programme which provided the bulk of the food needs in the IDPs was now either reducing the food rations in camps or was facing some logistical problems in making the food accessing the intended beneficiaries.
- (ii) The outbreak of cholera which both the U.S. and the Sudanese governments refused to acknowledge its devastating effects, had resulted in countless deaths both in the IDPs and in other areas where water supplies were erratic. Reports of deaths, illnesses and new infections were acknowledged in Hay El Salam, Midan El Kheil as well as in El Salam IDP camps where medical staff was failing to cope with the overwhelming arrivals (Radio Dabanga:2017).
- (iii) Accute shortages of medical services more especially in areas where civilians were vulnerable to the constant fighting, outbreak of communicable diseases and sexual harassment of women by mostly government sponsored militias. The failure by the government to provide adequate health services resulted in the death of not less than 30 people in the South Darfur. In the East Jebel Marra some 50 patients were reported to have been infected by cholera in the first week of July 2017 (Radio Dabanga:2017). The erratic provision of health services were as a result of either the government's failure to prioritize the health needs of the Darfurians or deliberately denied medical staff access to those in need of medical care.

With these visible signs of non-compliance and failure by the Khartoum administration to uphold the international values of human rights preservation and rule of law in Sudan, the U.S. government went ahead to lifting the economic sanctions to Sudan. This supposedly only in the interest of intending to continue cooperating with the country in advancing the counter-terrorism goals. Efforts should however be made to establish what could be the immediate and long term effects of the lifting of these economic sanctions by the U.S. from the Sudanese government. The immediate such effects would be the further traumatization of an estimated 3 million non-Arab/African citizens of Darfur from the continued torture by the now relieved al-Bashir government forces (Reeves:2017).

2.3.2 The Chinese Government

The relationship between China and the Sudanese government can be explained as an extension and culmination of the historical close ties between Beijing and the entire African continent in recent decades. Since its establishment as the People's Republic of China (PRC) in 1949, besides engaging in diplomatic relationships with the world's economic and military powers that include the US and Russia, China identified itself as one of the developing countries. It went further to relate with the Latin Americans, Asians and more importantly the African continent. Budabin (2009:526-527) postulates that China solidified its role as one of

the the world's leading international actors during the 1954 Bandung Conference where 29 Asian and African delegates were hosted. This was when the Asia-Africa solidarity came into being and the ultimate formation of the Non-Aligned Movement, a situation that ended the bipolar monopoly and a creation of multi-polarity in the world order.

(I) China's Historical ties with the African Continent

The influence of China to the African continent came into prominence in the post-Cold War era. This was the period when Africa had little or no strategic economic and political interest in both the US and Europe. The vacuum that was left by the US and the Western powers in the 1990s left the Chinese government with no choice but to engrave its extensive ties with the African continent, more particularly in the form of foreign direct investment (FDI), trade and development aid (Budabin 2009:527).

The cooperation between the Chinese government with Africa was further enhanced by the creation of the China-Africa Cooperation Forum in 2000. Further to this, the China's Africa Policy, a white paper which outlined the country's objectives in closer cooperation between the two was created in early 2006. In November 2006, the Beijing Summit of the Forum on China and Africa Cooperation (FOCAC) which was attended by 43 heads of state and a total of 48 African delegates was another occasion which further strengthened the China-Africa pact (Gill, Huang, & Morrison 2007:3). The government of China made a number of commitments to the African continent through the FOCAC Action Plan, chief among them include the revitalisation of the African agriculture by sending a total of 100 agricultural experts that would establish some 10 agricultural demonstration sites in the continent.

On the investment front, the Chinese government committed itself to supporting Chinese firms that invested in Africa through the China-Africa Development Fund amounting to US\$5 billion. This would further provide US\$3 billion in preferential loans as well as US\$2 billion for preferential export buyers' credit to African countries in the following three years (Gill et al, 2007). This was China's long-term strategy to establish its economic muscles in the continent more particularly when the West and the U.S.A seemed to have sidelined most African states that were deemed to have been violating human rights.

The government of China continued to strengthen its socio-economic and political ties with the African continent. In November 2006 Beijing announced that it would cancel a total of US\$1.42 billion of African debt and that another US\$1 billion would be cancelled in mid 2007 (Gill et al, 2007). Most of the African countries' infrastructural development initiatives have been supported by Chinese government. The hosting of the annual Africa Development Bank conference in 2007 in Shanghai came in with Beijing pledging to make an additional US\$20 billion infrastructural development in the continent for the following three years.

On international peace and security, the Chinese government has played its role and contributed in the UN peacekeeping operations in African countries that include Liberia, Sudan and the Democratic Republic of Congo. About $\frac{3}{4}$ of a total of 1 800 both military troops and civilian police that the Chinese government provided since May 2007 to the UN peacekeeping operations were destined for the African countries.

Although China has been hailed for partnering with the African continent both in the economic, political and military fronts, questions have been raised on the sincerity of the Chinese government's close ties with the government of Sudan. Such concerns were raised more particularly during the period of gross human rights violations in the Darfur region which started in early 2003. With the GoS being accused of co-opting the Janjaweed militia into the mainstream army and targeting the civilian population in the rebel controlled communities brutalizing them with impunity, the Chinese government seemed to have been aware of such abuses.

In order to get a clear understanding of why the Chinese government seemed to be disinterested in intervening in the Darfur conflict to protect the rights of affected civilians, there has to be an indepth analysis of the Chinese government's position on what comes first between human rights preservation and state sovereignty. Awu (2009:72) states that the Chinese government upholds sovereignty without any reservations and views it as a precondition to the observation of human rights. In this case, the position of China is that any measurement of human rights protection should not in any way override the principle of the sovereignty of the state.

In the context of the prioritization of state sovereignty, its foreign policy is thus premised on state sovereignty being the embracer of three of the five principles of peaceful coexistence, which are mutual respect of each other's sovereignty and territorial integrity, mutual non-aggression, non-intervention in each other's internal affairs, equality and mutual benefit, and peaceful coexistence (Awu:2009).

(ii) The Role in the Darfur Conflict

The relationship between the government of Sudan and the People's Republic of China dates back to 1959, when Sudan became the fourth African country to recognize the PRC. The two countries' diplomatic, political and economic bonds were further cemented in the 1970s when the Chinese government built the Friendship Hall in Khartoum to symbolize the bilateral ties between the two countries (Loke:2009). China also militarily rescued the Sudanese government in 1971 during a failed coup by the Sudanese Communist Party when it provided military supplies as well as training of the Sudanese army during the war (Badabin:2009).

However, although the two countries boast of their historical relationships based on economic, military, political and social ties, questions have to be asked whether the Chinese government based its relationship with the Sudanese government to pursue the interests of the Sudanese people or its national interests. Loke (2009:2006), further elaborates that, “the controversy over China’s relations with Sudan arises from international concerns that China’s policies with a pariah state are undermining global human rights norms, aid conditionality measures, and global governance, particularly in light of the ongoing humanitarian crisis in Darfur”. This is an attitude that the Chinese government followed, that despite widespread evidence of human rights violations taking place in the Darfur region that were being perpetrated by the Khartoum authorities, it was life as usual between Beijing and Khartoum.

But what could have been the connecting point between the two countries which made China to take a defensive route when it came to the international condemnation of events that unfolded in the Darfur? Since 1993 when China became an oil importer, the acquisition of energy supplies became the Chinese government’s major national interest. This ultimately became more important to the country’s economic growth. China has been accused of purchasing oil from Sudan as well as selling military weapons to Khartoum, the majority of which was allegedly used in the ethnic conflict in the Darfur (Wu:2009). The Western media further alleged that an estimated 70% of the Sudanese total export went to China, while an approximate 70% of the oil export revenue was used by the Sudanese government on the acquisition of military ammunition from China to be used in the Darfur conflict.

On investment, sources from within the Chinese statistics indicate that in 2004 alone, the government of China made an estimated \$146.70 million outward foreign direct investment to Sudan. This was in direct comparison to the entire African continent which received a total of \$317.43 million. This comparison on Chinese investment between Africa and the government of Sudan constitutes an astonishing three times more than any other African state (Awu:2009). Sudan exports a total of 64% of its crude oil to China. Research has revealed that a sizeable number of Chinese petroleum companies have invested in the Sudanese oil industry, which makes it imperative for both governments to maintain cooperation to avoid economic disruptions (Reeves: 2006).

The oil investment in Sudan by the Chinese industry dates back to the 1980s. This was when two main petroleum actors, Chevron and China National Petroleum Corporation (CNPC) discovered an estimated 180 million barrels of oil reserves in the Republic of Sudan (Ravindran & Xiao’ou: 2012). The participation of Chinese petroleum corporation in Sudan was made more lucrative in light of the American government’s

prohibition of its companies to invest in the oil industry due to the imposition of economic sanctions to the country (Dagne 2004).

It is however important to note that though the government of China made such huge economic investments in Sudan, the social and economic spin-offs of such investments did not in any way translate into benefiting the Darfurian population. This was one of the grievances that made the rebel groups to perceive China as an enemy which took advantage of the escalation of the conflict to amass economic gains in the country. This anger from the rebel groups could have triggered the kidnapping of two Chinese workers (Li Lijun and Jia Huipeng) by the members of the Sudan Liberation Army (SLA) group led by Abedel Wahid al-Nur on the 14th of March 2004 (Ahmed: 2010). The incident took place some 50 kilometres from the Buram region while the workers were drilling wells for the local inhabitants.

As a result of China's economic interests broadly in the African continent and in particular the Sudanese government, it has sought to disregard the mounting pressure from the international community to summon the Khartoum administration with regard to the Darfur humanitarian crisis. The defence brought forward by Beijing had much to do with its non-interference position with regard to states' sovereignty. This in turn hobbled the United Nations Security Council's effectiveness in tackling the Darfur crisis (Keith 2004).

The issue of the international community's need to uphold states sovereignty was advanced by the Chinese government when it came to the upgrading of the AU peacekeeping mission in Sudan to the UN. This only happened after Beijing argued that the resolution to that effect can only be upheld with the consent of the Sudanese government (Associated Press 2007). On the same peacekeeping issue, the Chinese government threatened to exercise its veto powers to dump the resolutions' content, to the effect that the Security Council be prevented from taking further actions in the event of Khartoum's failure to accept the coming in of the United Nations peacekeepers within its borders (Reeves 2006).

It is however important to take note of how China handled the Darfur conflict from its inception in February 2003 to 2006. This was the period when international pressure from the Security Council in particular the United States of America and its Western allies started to isolate Beijing. The isolation of China by the international community emanated from its failure to take appropriate action against the Khartoum administration for its frequent civilian abuses in the Darfur. According to Awu (2009:80), the United Nations Bibliographic Information System detailed how the Chinese government participated in the United Nations Security Council regarding the Darfur conflict between 2003 when the conflict formally began and 2006. This was the period when the government of China felt that it had to change its foreign policy particularly

towards regimes that were accused of human rights violations. Out of the ten UNSC Resolutions proposed on Sudan, the government of China abstained on six which are as follows:

- (i) *Resolution 1547 (2004)*: On endorsing the deployment of international monitors and the imposition of arms embargo on the government of Sudan;
- (ii) *Resolution 1564 (2004)*: On expanding the monitoring mission in Darfur and on the establishment of an international commission of inquiry to investigate all human rights abuses in Darfur;
- (iii) *Resolution 1590 (2005)*: On the establishment of a Security Council Committee to monitor implementation of the measures in Darfur;
- (iv) *Resolution 1593 (2005)*: Referring the situation in the Darfur region to the Prosecutor of the International Criminal Court;
- (v) *Resolution 1672 (2006)*: On the implementation of measures specified in paragraph 3 of resolution 1591 (2005) with respect to Sudanese individuals;
- (vi) *Resolution 1706 (2006)*: On the expansion of the mandate of the United Nations Mission in Sudan (UNMIS) to support the implementation of the Darfur Peace Agreement.

Such was the Chinese government to the international community within the UNSC concerning its inclination towards the Khartoum administration. Beijing was further accused of intending to use its veto powers to block the Security Council from passing tough proposals such as imposition of economic sanction to the Sudanese regime.

However with time, the Chinese government succumbed to mounting international pressure from both state and nonstate actors to change its lenient approach on the Khartoum government (Awu: 2009). This resulted in the Beijing administration to start reassessing its role in dealing with the crisis more particularly after realizing that there was a noticeable gap between Khartoum's rhetoric and the obvious escalations on the ground (Ahmed:2010). In the end, the Chinese government resolved to take a tough stance on the Sudanese authorities more particularly prior to the launching of the 'Genocide Olympics'. The abstention by China on the Security Council Resolution 1556, that compelled the Khartoum administration to fulfil its commitment of disarming the Janjaweed militia and prosecuting their leaders was also another indication that there was a common understanding within the international community on the Darfur crisis.

It is however important to highlight that the exact period at which the Chinese government succumbed to international pressure is subject to debate. This is more particularly because some scholars date back the period to mid-2004 when Beijing started to no longer offer Khartoum unconditional support (Ahmed: 2010). The change of stance by the Beijing administration to the Sudanese government was explained to have been a result of both the international community pressure. The Western block and the United States of America

insisted that China should stand up and be a responsible stakeholder in international affairs by restraining Sudan from the continued human rights abuses in Darfur.

Ahmed (2010:06) further argues that, “trends within Chinese foreign policy circles began to call for a review of Chinese foreign policy and strengthening efforts to co-operate with other major (i.e. Western) powers.” The proponents of the review of the foreign policy and better co-ordination between China and the West were mainly concerned with the “outcome of Chinese policies towards Iran, Sudan and North Korea.”

2.3.3 The European Union

The European Union (EU) participated and contributed within the ambit of the international community in finding ways of resolving the long standing crisis of Darfur. There were however two ways in which the organisation contributed in the crisis resolution. The first one was by taking part as a collective EU body whereby the organisation took a responsibility to engage the Sudanese authorities. The second one was through each individual member state bilaterally working with the government of Sudan.

Countries such as the United Kingdom, Italy, Netherlands and France were the major financial contributors in either the short-term humanitarian assistance or the long-term developmental initiatives in the Darfur region. It is also important to take note that the EU's engagement with the GoS was mainly through the AU, especially on matters to do with foreign security policy. This was mainly because it intended to strengthen the continental body (AU) and ultimately respond to major crises and offering support in the form of the African Peace Facility (APF) (Gya 2010).

The EU also took into cognisance the fact that Sudan comes from an Arab background, and in that context made efforts to engage the Arab League (AL) on the Darfur crisis. The European Union Special Representative (EUSR) for Sudan regularly visited the League in Cairo, Egypt to engage the regional body on its efforts to resolve the Darfur crisis. The relationship between these two continental bodies, especially through the Gulf Cooperation Council (GCC) are all indications that the EU takes the AL as an important stakeholder in finding a lasting solution to the Darfur crisis. However, the complication of involving the Arab community in the Darfur conflict is premised on the notion that the AL does not perceive Darfur as an Arab constituency, and Sudan's problems are regarded as more African matters than Arab worries (Gya 2010).

(i) Peacekeeping and Logistics

The European Union had initially discussed modalities of militarily intervening in the Darfur crisis. However, suddenly the 27 member state organisation lacked the will and capacity which led to the idea of the military operation being downsized to a supporting mission in Sudan (Gya 2010). The United Kingdom being one influential member of the EU block made it clear that a military option would inflame the situation in the region. This was more especially on taking into cognisance the possibility of undermining the ongoing Naivasha peace talks between the GoS and the Sudan People's Liberation Movement/Army (SPLM/A) that were already in place (Bellamy & Williams 2006).

The African Union's Peace And Security Council (PSC) was responsible for the establishment of the Ceasefire Commission which in turn authorised the establishment of the AMIS peacekeeping mission in Darfur. The EU did not contribute any combat boots (only 19 personnel out of the strong 18 775 strong UNAMID peacekeepers) on the ground for two main reasons. Firstly, the Khartoum administration through President Omar al-Bashir did not approve any military personnel from the west. This he argued that it was a symbol of the colonisation of a sovereign Sudan and Africa as a continent. Secondly, the EU opted to provide financial and logistical support to the AU forces which participated in the protection of both the civilians and humanitarian operation (de Waal: 2007).

The AMIS was deployed in the Darfur to monitor and verify the ceasefire violations, protection of civilians who were considered to be under imminent threat from both rebels, government forces and Janjaweed militia. They were also responsible for undertaking confidence-building mechanisms amongst parties to the conflict and taking care of the internally displaced people and refugees crossing into Chad (Kieh, Jr 2008).

The financial aid on the AMIS operation was from the EU as an institution and as individual European countries that included the United Kingdom, France and Germany, while the United States of America and Canada contributed as well (Akuffo 2010). It is important to note that the basis of the EU's idea of financial aid was a result of the lack of material resources and expertise on the part of the AU to fully offer the security services that was required in the Darfur region during the crisis. AMIS forces lacked strategic and operational strengths, the military-civil coordination as well as resources for operating with on the ground which included medical services (Mansaray 2010).

The lack of adequate communication facilities such as telephones, intelligence gathering equipment in the AMIS bases meant that information gathering and transmission was hampered and this in turn negatively affected how the forces operated. Considering both the geographical and demographic status of the Darfur region, the initial 162 military and civilian AMIS personnel together with another 24 support staff on a

US\$26 million, could not have been anything near the required number of military personnel to provide peacekeeping duties in the volatile and unstable area of Darfur.

With the shortages of equipment, personnel, financial support and basic training facilities, the AU could not be tempted to turn down the offer from the EU on the financial aid, logistical support and training of the AMIS forces which participated in the Darfur. The European Security and Defence Policy (ESDP) which falls under the supervision of the European Parliament (EP) over the external budgetary operations has recently been ineffective in carrying out its duties in providing sufficient attention to security concerns of member states (Gya 2010). This in turn resulted in member states taking the responsibility of driving the organisation's direction of military and civilian crisis response reactions.

The EU's Africa Peace Facility (APF) provided 305 million euros to the AU for the AMIS operations. This amount also included another 38.5 million euros from the voluntary contributions by eight individual member states (Mansaray 2010). This contribution by the EU and member states to AMIS represents thus far the biggest financial contribution to an African peacekeeping mission from the APF. Such a support remained in place until December 2007 when the United Nation/African Union (UNAMID) hybrid operation started to take responsibility of the peacekeeping operations in the region.

(ii) Peace Talks and Agreements

The EU as an organisation as well as individual member states played a crucial role in the Darfur peace settlement through their direct and indirect participation in the negotiations with other relevant stakeholders. The participation of the EU in the diplomatic resolution of the crisis was noticed in both the April 2004 N'Djamena Ceasefire talks and the July 2004 Inter-Sudanese Talks on Darfur (de Waal 2007:1040). In the preparatory stages of the N'Djamena talks, while Chad became the main official mediator, the EU being represented by the French participated in the preliminary meetings. These meetings also included the United States of America, the British, Dutch, AU, the UN envoy to Sudan and Geneva's Centre for Humanitarian Dialogue (Slim 2004:816).

Although the leading role of mediation was within the African Union's realm, the Khartoum administration had given an impression to the Dutch government that it could be the potential leading mediator. This came about as a result of some EU embassies in Khartoum which included the British and the Dutch had expressed their concerns on the ongoing deteriorating situation in the Darfur in the late 2003 (de Waal 2004). The Dutch was suggested to have been the most ideal and capable mediator between the GoS and the different rebel groups in the conflict.

The EU was also visible in the Inter-Sudanese Talks on Darfur which was hosted in the Nigerian capital of Abuja in July 2004. The talks were co-hosted by the African Union and the government of Chad and it covered issues to do with the power-sharing, wealth sharing and security (Lanz n.d: 78). The first rounds of the negotiations faced challenges and no substantive progress was made, with the adoption of the Declaration of Principles by the parties which framed the core principles for the settlement of the crisis.

The splitting of one of the main parties and rebel groups, the Sudan Liberation Movement/Army made the talks to take a snag. This in process resulted in the EU which was the main funder of the negotiations to lose patience on the whole process of talks between the two parties (Lanz n.d: 78). In turn, the AU was in April 2006 forced to set a deadline with the parties for the conclusion of the talks. Subsequently, this resulted in the mediators drafting a comprehensive agreement before the expiry of the AU deadline.

In the meantime the EU came to Abuja, Nigeria to take part in convincing the parties in the talks to sign the agreement. Ultimately on the 5th of May 2006 the Darfur Peace Agreement (DPA) was signed between the GoS and one faction of the SLM/A led by Abdel Wahid while the JEM distanced itself from the arrangement (Nathan 2006:3). The failure by the Justice and Equality Movement to take part in the signing of the Darfur Peace Agreement both weakened and complicated the intended objectives by the mediators to reaching a peaceful resolution.

On the security aspect of the Abuja Darfur Peace Agreement (2006), *Article 25* deals with the Strengthening of the Ceasefire Monitoring and Verification Mechanisms. Its aim is among others to mandate the AU and its international partners to ensure that the peacekeeping forces in the form of AMIS has the appropriate resources and equipment to fulfil its duties in the region. The EU participated in the Ceasefire Commission as stated in Article 25 (240) *“The Ceasefire Commission shall be chaired by the AMIS Force Commander. The European Union representative shall be the second Vice Chair of the Ceasefire Commission.”*

Section 241 further states that representatives of the EU, the United States of America and the United Nations will also be participating in the commission as observers. The involvement of the EU in the Darfur ceasefire arrangement was an important step taken by both the AU and other stakeholders concerned mainly because of the organisation’s initial contribution in funding the various programs in the region. It is particularly important to highlight that the participation of the European Union in the African Union projects was based on the financial resources deficiencies on the part of Africa.

The participation of the EU and its individual member states was concluded in the Darfur Peace Agreement Article 33 on the signing and witnessing of the agreement. In the witnessing of the agreement, Pekka

Haavisto represented the EU, Mr Hilary Benn representing the United Kingdom (Secretary of State for International Development), Dr Kjell Hodnebo representing the Norwegian government, Ambassador Henri de Coignac as a Special Envoy of the Republic of France and Mrs Agnes Van Ardenne, Minister for Development Cooperation of Netherlands. The participation of these representatives provides a narrative that the European Union as an international stakeholder played a vital role in the Darfur conflict resolution.

2.3.4 Advocacy Groups, Civil Society And Non-State Actors

Civil society, rights groups, media and various advocacy groups took an active role both within Sudan and across the globe to make known the human rights violations in the Darfur crisis (Mamdani 2009). In condemning these violations, the civil society and advocacy groups did not only confine the blame to the Khartoum administration alone, but there were other international key players which contributed to the continued exploitation and abuse of civilian rights in Sudan. China for example became one of the major external stakeholders both as a permanent Security Council member and as Khartoum's major economic partner to be involved in the Darfur conflict, but failed to play its role of protecting civilians in the crisis.

The failure by China to take a strong stand on Sudan was primarily premised on its non-interference principle and this enabled Khartoum to hobble the United Nations Security Council to take strong actions against the regime. Although the Chinese government supported the upgrading of the AMIS peacekeeping mission in Darfur to the AU-UN hybrid mission, it however insisted that, “[a]ny solution would have to respect Sudan’s sovereignty,” which in that context implied that the Sudanese regime had the right to veto (Associated Press 2007). Basing on the Chinese government’s failure to take the Sudanese government to task in respect of human rights violations both within the Darfur communities, internally displaced camps and as refugees in the surrounding countries, the international advocacy groups, civil society and other non-state actors campaigned for the international community to take action against the Beijing authority.

Save Darfour Campaign

The Save Darfur Coalition (SDC) is a conflict resolution advocacy group constituted by more than 75 concerned organisations and individuals with a membership of over 130 million. It was formed in the United States of America on the backdrop of the humanitarian crisis in the Darfur region of Sudan. It was formed on the 14th of July 2004 at the Darfur Emergency Summit with initial funding coming from the United States Holocaust Memorial Museum Committee of Conscience (USHMCC), the American Jewish World Service (AJWS) and the City University of New York (Mamdani 2009). In the interest of the Darfurian citizens, the SDC devised a program of international venue-shopping in the hope of leveraging the Sudanese government and identified China as an accomplice in the human rights violations which were taking place in the region since the inception of the civil crisis in February 2003.

During the Beijing Summer Olympics of 2008, there were more than 200 countries that participated in the quadrennial ritual of competition. This in turn prompted the SDC to take this opportunity to campaign against the human rights abuses in the Darfur under the watchful eyes of China (Budabin 2009 :521). The SDC campaign was conducted from within the USA through international media, and the Beijing Games were rebranded the “Genocide Olympics”, which in turn attracted international and public interest and subsequently threatened the country’s image. The SDC did not only put pressure to the government of China as an ally of the Sudanese authorities, but also worked with other related advocacy organisations within the United States of America. The main objective being to convince the US government and the rest of the international community that the Darfur crisis had gone out of humanitarian levels.

The engagement of the SDC with the US government resulted in the US Congress passing more than ten pieces of legislations between 2005 and 2006 to commit funding for the African Mission in Sudan (AMIS), supporting divestment initiatives as well as denouncing the levels of violence in the Darfur (Budabin 2009:537). This campaign directed at the US government meant that the United States Agency for International Development (USAID) had to inject millions of dollars in an effort to addressing the humanitarian needs of the civilian population of the Darfur (United States Agency for International Development: 2009). It is also important to note that the SDC was considered to be a very powerful coalition in the American politics mainly because the membership of the organization were known to have close links with the Congress (Morrison 2008).

It was on the realization that the US government was injecting millions of dollars to the Darfur crisis through the USAID that President George W. Bush, “signalled his concern for the Darfur by decrying the mass killings as ‘genocide’, and signing the Darfur Peace and Accountability Act (DPAA) of 2006” (Baker 2007). The Bush administration through the pressure from the SDC further tasked the US representatives at the United Nations to make propositions for the Sudanese government to be tasked to resolve the ongoing crisis. Although the SDC made frantic efforts to give the US government enough pressure to change the Darfur humanitarian status qua, many advocates in the organisation believed that President Bush and his administration had done more than enough and that there could not be any possibility of further action at its disposable (Budabin 2009:537).

There were other civic groups and individual Americans within the United States of America who also worked closely with the SDC especially in exerting pressure to the Chinese government to take a strong and firm stand against the brutal Sudanese government. In August 2004, for example, a Senior Fellow at the Brookings Institute, Roberta A. Cohen wrote to *The Washing Post* expressing his displeasure and concern

over Chinese government's inaction over the human rights violations in the Darfur region by the Khartoum administration. Part of his letter called for China to use its economic leverage to urge President Omar al-Bashir and his government to respect the calls by the international community for respect of the international humanitarian laws. He highlighted that, "Were China to use even a small part of its leverage to call Sudan to account, it would go a long way towards saving lives in Sudan" (Cohen: 2004). China in a way was regarded by both the international and local non-governmental stakeholders to be more influential in persuading Khartoum to ending human rights violations in the Darfur.

Widespread campaigns by both international media and students across the globe about the Chinese and the Sudanese governments cooperated in bilateral economic partnerships gained momentum. This in turn resulted in one of the economic advocate groups, the Sudan Divestment Task Force (SDT) publishing reports on how the two governments extensively cooperated economically (Sudan Divestment Task Force: 2009). This was a campaign in which US-based assets which invested in Chinese companies were targeted for divestment for doing business with Sudan and its corporate associates. In this context, the international community being led by the US government had coordinated in putting both economic and political pressure on Beijing for its reluctance to isolate Sudan.

In order to attract international attention and publicity, the SDC took a step further by establishing transnational networks mainly of like-minded groupings that were sourced from nations with media visibility and credibility (Dudabin 2009:545). These transnational networks which the SDC picked included the US Olympic Gold Medalist Joey Cheek as well as the UCLA Water Polo player Brand Greiner. The two were in 2007 instrumental in the founding of the Team Darfur (TD), an international grouping of international athletes who committed themselves to participate in making public awareness campaigns against the human rights violations in the Darfur region (Bixby:2009).

The SDC contributed to the success of Team Darfur through the donation of financial and human resources to the organisation. Through the financial and human resources support from the SDC and other related funders, the organization had grown to more than 450 athlete members from around 60 countries. The objective of the transnational network was to make Darfur a public issue and also for journalists to fill sports pages with athlete biographies and the cause of Darfur (Save Darfur Coalition:2009).

Dream for Darfur

The continued political, economic and military connection between the Chinese and Sudanese governments at the expense of the Darfurian population led to other Sudan activists which included long-time Sudan columnist Eric Reeves to insist on advocating for the humanitarian crisis to end. In January 2007, Reeves

took advantage of his presence at the SDC strategy meeting to submit his proposal for the targeting of the Beijing Olympics with other renowned activists by founding a separate organization from the SDC. This organization was formed for the purpose of holding Beijing accountable for its complicit neglect of the abused Darfurians (Reeves:2006). The Dream for Darfur (DFD) was thus a brain-child of various activists. These included actress and United Nations International Children's Emergency Fund (UNICEF) ambassador Mia Farrow, her son Ronan, and Hollywood director Steven Spielberg. The organization's first grant of half a million dollars came from Humanity United (HU), an international foundation that advocates for the abolishment of slavery and mass atrocity (Budabin 2009:540).

However it is important to note that while the SDC's main objective on China was to campaign for the total boycott of the Beijing Olympics by the more than 200 countries anticipated, the DFD was hoped for a slightly different goal. Its hope and goal was, "to leverage the Olympics to urge China to use its influence with the Sudanese regime to allow a robust civilian protection force into Darfur" (Dream for Darfur:2009). The DFD did not only exert pressure directly to the Chinese government, but also focused its attention to indirect targets and stakeholders. The targeted stakeholders included the International Olympic Committee (IOC), the US Olympic Committee, individual athletes, corporate sponsors, international media, the US Congress and the United Nations. It however became increasingly difficult to convince both the corporate sponsors and or the IOC to boldly condemn the Beijing administration (DFD:2008).

The Dream for Darfur did not only confine its campaign on the Darfur genocide, but also participated in the financing and coordination of a transnational network that comprised of communities that survived genocide from other countries (Dudabin 2009:546). During the run up to the Beijing 2008 Summer Olympics, the DFD made a symbolic Olympic torch relay that went through Rwanda, Armenia, Germany, Cambodia, and Bosnia. The event was made up of the members of the DFD, a Darfur genocide survivor as well as other survivors from other countries holding press conferences that highlighted human rights violations perpetrated by the Sudanese government.

Amnesty International

Although the government of Sudan (GoS) restricted international organizations the entry and access to most regions of Darfur where violence against civilians was occurring, Amnesty International (AI) in one way or another participated and assisted those who needed help in the region. The AI participated in the Darfur crisis through engaging the Khartoum administration officials and members of the rebel groups as well as researching on the human rights situation in the region.

The alleged use of chemical weapons which included “poisonous smoke” by the Sudanese government forces ostensibly aimed at rebel forces between January and September 2016 in the Jebel Marra had dire consequences to the Darfurians. This resulted in the death of between 200 and 250 people who included mostly children and made it imperative for AI to investigate and expose the levels of civilian abuse in the region (Amnesty International 2016:5). The Sudanese government had however not approved the AI chemical weapons investigations and further dared to expel the officers who took part in the process.

The intervention by AI in the Jebel Marra region in the Darfur was one in many of the direct and indirect participation of civic organisations in efforts to addressing the levels of humanitarian crisis in the war torn region. The report which came out of the AI investigations detailed comprehensively the serious violations of international humanitarian law and international human rights law by the Sudanese government on the civilian population. The remote investigation by the AI exposed not only the use of chemical weapons on the rebel groups but overwhelming evidence of war crimes and possibly crimes against humanity. Cases of indiscriminate bombings, unlawful killings of civilians, the abduction and rape of women, looting and destruction of entire villages, and forced displacement of an estimated quarter-million civilians were not unusual (Reeves:2017).

However, these investigations were hampered by the government’s deliberate restrictions of access to the Jebel Marra on both national and international human rights investigators, journalists and any other humanitarian actors (AI 2016:7). Given such restrictive measures by the government, lack of reliable mobile communication devices and fears by the local communities who attempted to provide information, it became more and more difficult for the investigators to get information from both the affected civilians, rebels as well as the government armed forces.

With these challenges of soliciting information at play, AI investigators opted to rely on information sourced from a Netherlands based radio station which exclusively reported on the Sudan crisis (Radio Dabanga). Amnesty International also solicited much of the information from some other local human rights monitoring organizations which dedicated their work on the rights violations taking place in the Jebel Marra crisis. This was still however most difficult as the government forces had put surveillance mechanisms mainly on the operations of the local human rights activists to foil their attempts to work with the international world.

The participation of the Amnesty International in the Darfur conflict was not only confined to the 2016 Jebel Marra chemical weapons usage by the government forces. The *New York Times* published a series of articles which highlighted and exposed massive human rights violations in the entire Darfur region. The AI in collaboration with other human rights defenders such as Human Rights Watch (HRW) and International

Crisis Group (ICG) actively lobbied for the international community to take appropriate action against both the Chinese government and Sudan (Prendergast 2004: A23). It became more clearer that the crisis in the Darfur region could not have been resolved by individual organizations but a collective institutions that had to positively engage the two parties of the conflict.

Human Rights Watch

Human Rights Watch (HRW) is an international non-governmental organization which basically focuses on human rights activism through research and advocacy. The advocacy group works with governments, human rights abusers as well as policy makers in efforts to denounce the exploitation of the most vulnerable groups such as children, women, political prisoners and migrants.

During the Darfur crisis, HRW took a pivotal role in engaging the international community, the Sudanese government, various factions of the rebel groups as well as the affected civilian population. This was done in order to alleviate the human rights violations that were being escalated in the region by the fighting between the GoS forces and the rebel groups.

It is through the HRW's intervention that resulted in the Darfur crisis to be put on the domain of the international media. This in the end ultimately prompted the US and the United Nations Secretariat to serve notice to the Khartoum administration to immediately halt the human rights violations in the region (Habibi:2004). It was through the participation of the Amnesty International (AI) and the HRW that the brutal assault of civilians by the Janjaweed militia was exposed. This in the end made it more difficult for the government to continue raping, murdering and enslaving the non-Arab population.

On the abuse and violations of human rights to the vulnerable groups such as women and children, the HRW stressed that the government forces (the Rapid Support Forces) and the Janjaweed militia assaulted, raped, shot and threatened victims with impunity (United States Department of State:2015). The U.S. State Department further revealed that in the 2015 HRW report *Men Without Mercy*, the RSF raped and abused their victims in a "systematic" pattern. The report chronicled events that took place on the 9th of June 2015 in which dozens of women and girl children were exposed to government forces' gang-rape in Golo in the Central Darfur (Human Rights Watch:2015). These violations were exposed prior to other cases of women and children abuses that occurred in January where the HRW reported that a campaign of indiscriminate raping of civilians which included minors took place in the villages of Bardani. The violations were reportedly perpetrated by the government sponsored RSF. Although the United Nations made some efforts

to investigate, their efforts were foiled as the government could not allow the investigators access to both the affected civilians and perpetrators.

However, although the HRW like many other international non-governmental organizations can be hailed and praised for exposing the human rights violations that were perpetrated by the government in the Darfur region, questions were raised as to why it took so long for the condemnation of the violations. Despite the intensity, widespread, scale, scope and duration of the atrocities in the Darfur, this has never been a priority for such international organizations as Human Rights Watch, Amnesty International as well as the United Nations (Habibi: 2004).

These organizations were alleged to have either neglected to report such cases or to quietly report in a low profile. It is also important to note that HRW partners such as the United Nations Commission on Human Rights came under scrutiny after it was also accused of having taken the issue of Darfur at its 2004 session. Although the human rights violations in the Darfur were tabled at the 2004 session, questions were raised as to why the Commission failed to name and shame the Khartoum administration which had become the world's worst human rights serial offender (Habibi:2015). In the same way other international stakeholders have been accused of not having done enough to protect the Darfurians, the HRW and the United Nations Commission on Human Rights can also be accused to have failed the civilians in the Darfur region.

2.3.5 The International Criminal Court

The International Criminal Court (ICC) is a treaty-based international legal institution which came about as a result of negotiations between states. Its jurisdiction is premised on embracing, investigating, trying and punishing individuals responsible for three categories of international crimes which are genocide, crimes against humanity, and war crimes (Franceschet 2004:32). There is no proper enforcement mechanisms as well as direct jurisdiction over international crimes within the structures of the ICC. The institution is however only reliant on the principle of complementarity (Kastner 2007:153). This thus entails that the ICC can only act where states are either unable and or unwilling to prosecute those responsible for contravening the provisions of the international laws, and in those countries where the national judiciary can prosecute, the ICC has no jurisdiction such as in the United States of America (Zeidy:2002).

The principle of complementarity that is used by the ICC to prosecute international crimes within states is also preambled by Articles 1, 17 and 18 of the Rome Statute where the state and its national judiciary is given primary responsibility to prosecute. The ICC can thus only be called on to prosecute in circumstances where the national judiciary has failed and or has no capacity to carry out the assignment (Cassese 1999:159).

Since the establishment of the ICC in 2002, more than two-thirds of the African Union (AU) member states have become parties to the treaty establishing this global legal institution (du Plessis, Maluwa & O'Reilly 2013:2). However the AU has had on numerous occasion experienced frosty relationships with the ICC which in turn resulted in its Assembly adopting critical resolutions against the Rome Statute institution. The AU's critical stance on the ICC was purely based on biaseness and inequality regarding the prosecutorial approaches taken by the Rome Statute when it comes to African members states.

To begin with, the AU argued that the Security council made referrals to the ICC cases mostly in response to Western governments' pronouncements without getting it from the alleged perpetrators (Franceschet 2004:34). The skewed power relations in the United Nations Security Council has been alleged by the AU to be the genesis of the ICC's biased approach to either the African countries or broadly the developing global south. The referral of cases by the Security Council on African countries to the ICC and failure to reciprocate on conflicts in Syria, Israel as well as the U.S. and the United Kingdom's crimes against humanity in Iraq are some of the AU's worries on the operations of the ICC (du Plessis, Maluwa & O'Reilly 2013:2).

(i) Intervention in the Darfur

The violence in the impoverished region of Darfur which had started in February 2003 resulted in widespread torture, murder, sexual violations on women and children, looting and destruction of property by the GoS forces in cahoots with Janjaweed militia (Amnesty International:2005). Human rights and humanitarian organisations estimated that within the first eighteen months, an estimated 1800 000 people had lost their lives, while in excess of two million had been displaced (BBC News 2004).

The GoS's refusal to allow international humanitarian aid organisations access to the region meant that the ordinary people on the streets were deprived of the much needed food and this resulted in women and children dying of hunger (Vasagar & MacAskill 2005). This was declared by the international community as one of the worst humanitarian crisis ever witnessed in modern history. The United States of America declared it a 'genocide' that was orchestrated by the Sudanese government on innocent civilian population (U.S. State Department Rights Report 2015).

Having noticed the disturbing humanitarian developments taking place in the Darfur, the United Nations Secretary General Kofi Annan in October 2004 set up an International Commission of Inquiry whose mandate was "(i) to investigate reports of violations of international humanitarian law and human rights law in Darfur, (ii) to determine whether or not acts of genocide have occurred; (iii) to identify the perpetrators of violations of international humanitarian law and human rights law in Darfur; and (iv) to suggest means of ensuring that those responsible for such violations are held accountable "(International Commission of

Inquiry 2004:2). The Commission was a result of the Security Council's Resolution 1564 which in a way reflects the international community's concerns over the deteriorating humanitarian situation unfolding in the Darfur.

Although the Commission in principle failed to label the killings as genocide, it compiled a report which came out in January 2005. The report incriminated the GoS, the rebel groups as well as the Janjaweed militia to be all responsible for the serious violations of the law and further sent fifty-one names to the UN Security Council with the report (Yewett 2006:01). The Commission report in particular recommended that the Security Council should immediately refer the human rights violations to the Office of the Prosecutor (OTP) (Kastner 2007: 164). It was again within the January 2005 Commission report that highlighted the deliberate failure by the GoS to arrest, investigate and prosecute those who were responsible for the gross violations. The report particularly stated that, "[t]he measures taken so far by the [Sudanese] Government to address the crisis have been both grossly inadequate and ineffective, which has contributed to the climate of almost total impunity for human rights violations in Darfur" (ICI 2004).

The United Nations Security Council (UNSC), basing on the contents of the Commission report and other sources of critical claims from both local and international human rights, humanitarian and advocacy groups passed Resolution 1593 on the 31st of March 2005. The effect of the Resolution was to invoke Article VII of the United Nations Charter, thus declaring the Darfur crisis as a threat to international peace and security and in turn referred the conflict to the ICC. It is however suprisingly important to note that although the United States of America and China had reservations over the existence of the ICC as an international legal institution of the Security Council to which the two states are permanent members agreed to the recommendations of the Commission (Kaufman 2006).

With Resolution 1593 having been passed, the ICC was granted jurisdiction over crimes that were committed in the Darfur region from as far back as the 1st of July 2002. Part of the resolution insisted the need for the Sudanese government and the other stakeholders in the conflict to cooperate with the Office of the Prosecutor. This was articulated where it stated, "the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor... [and] urges all States and concerned regional and other international organizations to cooperate fully."

The ICC Prosecutor, Luis Morena-Ocampo after assessing the crimes committed during the prescribed periods and further establishing the admissibility of Sudan (Darfur) killings, announced the investigations

and possible prosecution of those responsible for war crimes and crimes against humanity in Sudan (Yewett:2006).

The ICC Chief Prosecutor subsequently on the 14th of July 2008 requested from the ICC Pre-trial Chamber an arrest warrant for President Omar al-Bashir for ten counts of war crimes, genocide and crimes against humanity that were committed in the Darfur region (Tanagho & Hermina 2009:390). The basis for the warrant request by the Office of the Prosecutor were centred on President al-Bashir's intend to commit genocide by letting his forces kill men and rape women and children in camps. He was accused of having ordered his armed forces to clear the entire history of the Masalit, Fur and Zaghawa tribes through manslaughter.

The historic issue of arrest warrant by the Pre-Trial Chamber of the ICC to President al-Bashir was conducted on the 4th of March 2009. Here the President was being charged for five counts of crimes against humanity and two war crimes charges on the grounds that he had played a pivotal role in the rape, murder, torture and displacement of millions of civilians in the Darfur region (Tanago & Hermina 2009:390).

The referral of the conflict by the Security Council to the ICC was considered to be one of the many efforts by the international community to react against the violations of human rights in the region. This was also well received by both the local and international human rights groups as it was perceived to be a deterrent measure by the Security Council to the Sudanese government from further engaging and funding the Janjaweed militia.

One of the rebel groups that participated in the conflict, the Sudan Liberation Army (SLA) was reportedly quoted as suggesting that the ICC's participation in Darfur was a long awaited intervention. This was mainly because it would timeously indict those responsible for the atrocities including the high ranking Khartoum administration official such as President Omar al-Bashir and Vice-President Ali Osman Taha (Kastner 2007:165). The rebels were more impressed by the Security Council's stance towards the Khartoum administration as this would provide a platform for international justice for the affected families and prosecution for those who committed crimes with impunity.

The al-Bashir regime is said to have been delegitimized by the International Commission of Inquiry Report that publicly announced the names of the government officials that participated in the killings and abuse of innocent civilians in the region. This although hailed as a positive step by the Security Council, there were some who criticized the move as it was seen as focusing and putting much effort in the future punishment of rights abusers than taking immediate action to prevent the mass atrocities (Reeves 2005:26,30).

However the Security Council was more calculative and sensitive when dealing with the conflict, more particularly on the subject of the ICC and the imposition of sanctions to those involved in crimes commission. In order to strengthen diplomatic and political relations between parties involved, both the Sudanese army and the rebel forces were to be brought to justice for as long as they were reasonably suspected to having committed international humanitarian crimes (International Criminal Court 2007).

(ii) Khartoum's reactions

One would at a point wonder how the Sudanese government reacted on learning that the Security Council referred the Darfur conflict to the ICC. How also would the government react to information that the Prosecutor intended to have the crimes investigated and if found guilty, the perpetrators would be charged by the Hague Court.

The Sudanese national judiciary has been accused of allegedly not taking seriously those who claimed that rights violations in the war torn region were taking place and that prosecution had to be prioritized. The establishment of the National Commission of Inquiry (NCI) by the government did little for the international community to be satisfied that the Khartoum authorities were indeed keen to seriously halt the mass killings that were taking place in the Darfur.

However, the ICC referral developments came as a shock to the GoS which in turn resulted in the Sudanese Council of Ministers calling for the 'total rejection' of the ICC. President al-Bashir further pronounced that the Government of Sudan would not in any way hand over any of its nationals to the ICC (IRINnews:2005). However knowing that the international community expected action from Khartoum, the GoS swiftly established the Special Court for Darfur (SCD) in June 2005. The SCD establishment was dismissed and condemned by human rights groups such as the Amnesty International alleging that it was the Sudanese government's way of subverting the ICC's intention to prosecute those responsible for killing and raping civilians with impunity (Global Policy Forum:2005). There were further allegations that since the inception of the SCD, only a handful of precisely junior officers were arrested and indicted for minor crimes in the region while those who committed large scale atrocities were never brought to book (IRINnews:2005).

It is however important to take note of how President Omar al-Bashir personally reacted to the ICC's intend to prosecute him as the head of the government for the genocide, war-crimes and crimes against humanity. The Sudanese President categorically denied that genocide and ethnic cleansing took place in Darfur. He further indicated that even if he had committed such crimes, the ICC had no mandate to prosecute him and his other nationals implicated. The President went on to insinuate that the Rome Statute was a Western

project meant to colonize and effect regime change in the country (Arieff, Browne & Margesson 2009:13). He further alleged that the ICC project was only meant to infringe on the Sudanese sovereignty. The Khartoum government in turn refused the ICC prosecutorial staff to interview Sudanese officials during its January-February 2007 visit, alleging that they constituted an imperialist constituency with a hidden agenda (Suna News Agency 8 August 2008).

There were also concerns from various local and international rights advocacy groups about the government's hardline approach towards the Sudanese citizens who were perceived to be sympathetic to the ICC's mission to prosecuting the regime officials. A human rights activist was in November 2008 arrested and detained by the police only to be charged for being in constant contact with the ICC. Another prominent Islamist opposition leader was in January 2009 also jailed for advocating for President Omar al-Bashir to voluntarily surrender himself to the Hague in order to avert civil strife (AFP November 26 2008).

The arrests and detentions of both ordinary civilian and vocal proponents of government continued in the country and this induced an atmosphere of fear within the entire country. The atmosphere of fear was not only confined to the Darfur region but also across the entire country where opposition leaders claiming that they were being targeted for calling the President to voluntarily hand himself for prosecution (Osman 2009).

The other notable reaction from the Bashir administration on the arrest warrants was the indiscriminate expulsion of international aid organizations which included Oxfam and Doctors Without Borders (DWB) from the country. The reason for their immediate expulsion being that they were either working for or sympathising with the ICC (Heavens 2009). President Bashir further threatened other NGOs, diplomatic missions and United Nations peacekeepers that their safety would not be guaranteed in Sudan once the arrest warrants were to be effected on the president. The Khartoum administration officials also warned that they will retaliate on those who would cooperate with the court and the Prosecutors and government supporters rallied behind their president through mass rallies (Edries Ali 2009).

(iii) Impact of the ICC

The Security Council by choosing individuals from different warring groups allegedly responsible for committing crimes in Darfur was deliberately meant to appear as impartial as possible during the period of resolving the conflict. However, the Security Council's intervention in the Darfur through the ICC resulted in a number of challenges both to the GoS and the broader international Community (Kastner 2007:167).

The Khartoum administration became a weakened institution from both within the country as well as on the international front following the Security Council's referral of the government's human rights violations to

the ICC (UNSC Res.1054:1996). From within the country, the governing National Congress Party became increasingly unpopular with citizens who started to be critical about the government's support for the Janjaweed militia.

The opening up of media space in Sudan after the ICC's intervention made it possible for the world to know the Khartoum administration's atrocities in the Darfur through media houses such as the Arabic-language *Al-Ayam*, the *Khartoum Mirror* and the *Al-Jazeera* (International Crisis Group 2007). Although the GoS threatened to shut down some of the local and international media houses operating in the country, the voice of the ordinary people had finally been heard through the intervention of the Security Council and the ICC.

The International Criminal Court's participation in the Darfur crisis can also be measured on how it coerced the Khartoum administration to cut ties with the infamous Janjaweed militia which had been accused of indiscriminately violating civilian rights. The initial International Commission of Inquiry by the Security Council on the Darfur crisis managed to reveal and document most of the crimes committed by the Sudanese army and its Janjaweed allies (Kastner 173:2007). With the GoS fully aware that such criminal acts were in the international domain (ICC), it had no other option regarding its policy on Darfur than to exhibit some form of restraint through cutting ties with the Janjaweed militia in order to regain some diplomatic credibility.

It is however important to note that the Janjaweed militia leadership in the end came to realize that if they continued to persecute innocent civilians through the GoS, the ICC could hold them solely responsible. There were also fears from the militia that once the strong arm of the international law presses hard on the GoS, the Khartoum administration would in the end likely to use them as scapegoats for prosecution (Kastner 173:2007).

The effects of the ICC's intervention in the Darfur on the part of the Janjaweed militia can be best explained as having been a complex phenomenon. This was largely because during the crisis in Darfur, some rebel groups disintegrated into smaller groups, with some employing the fighting patterns and attacks which were similar to those of the Janjaweed militia (Power and Interest News Report : 2007). In the context of such similarities between the splintered rebel groups and the Janjaweed militia, it became increasingly difficult for the Khartoum regime to take charge of their operations. This also led to the Sudanese government to feel that it was a security risk to work with the armed forces that they were not sure of their real identity.

Although it has since been acknowledged that the GoS was the major perpetrator of violence in the Darfur civil war, it is however undeniable that the different rebel groups also played their role in human rights

violations in the region. This is the basis of the inclusion of one of the Sudan Liberation Army-commander on the Security Council Resolution 1672 travel sanction list. It was further suggested that both the SLA and Justice and Equality Movement leaders had their names sealed on the list of the International Commission of Inquiry on Darfur (Flint & de Waal :2005).

Thus in the context of some of the rebel leaders' involvement in the violations, it meant that the coming in of the ICC could have been factored by the rebels to negotiate with the GoS in order to peacefully resolve the crisis. With the tacit knowledge that the information of their participation in rights violations is with the International Commission of Inquiry, some rebel groups including SLA in the end reluctantly accepted responsibility and were prepared to negotiate with the government.

The broader international community was also made to galvanise its effort in engaging the parties in the Darfur conflict as a result of the intervention by the ICC through the Security Council. This was achieved through the realisation that the ICC being a major and powerful international actor in conflict resolution. International media attention significantly grew since the announcement by the Security Council that the Darfur crisis would be referred to the Hague. The media attention further grew on the realisation that the Office of the Prosecutors (OTPs) would initiate investigations on those who participated in the human rights violations in the region (Kastner 2007:176). The issuance of arrest warrants to Ali Kushayb and Ahmad Harun by the OTP was widely covered by the international media which ultimately gave credence to the international community to commit itself on protecting innocent civilians.

It is also important to note that the international community is best prepared to act on findings that emanate from the ICC than that which would come from either Non-Governmental Organisations or national governments. In this context, the ICC has thus played an important role in shaping the way the international community had to work on the Darfur crisis although the African Union, the Arab League and the Organization of the Islamic Conference had objected the referral to the Hague (Arieff, Margesson & Browne 2009:15).

However, it has to be stressed that the participation of the ICC in civil conflicts to prevent war crimes, crimes against humanity and genocide according to both the international criminal lawyers and human rights groups can cause more atrocities than preventing (Kastner 2007:177). This is a result of the OTP's insistence that the perpetrators of human rights violations have to be prosecuted according to universal standards and fail to consider international political realities.

The political realities associated with the March 4, 2009 arrest warrants issued to President Omar Hassan al-Bashir included the Khartoum administration's announcement that the ICC had no jurisdiction to indict Sudan and that no Sudanese national would be allowed to be interviewed by the ICC officials (The Associated Press 11 July 2008). The regional political realities that the ICC prosecutors failed to take into cognisance came into effect when all but Botswana, African member states condemned the decision that the ICC had taken to prosecute one of theirs (Reuters 3 July 2009). South Africa which is considered to be a political and economic hegemony of the African continent also discredited the Security Council's decision to refer the Sudanese crisis to the ICC. Former President Thabo Mbeki insisted that this would jeopardise the initiatives by the African Union of settling the crisis through negotiations. Although he endured persistent criticism from both the international community and other human rights activists, president Thabo Mbeki insisted that the ICC had committed a diplomatic blunder by issuing arrest warrants to president al-Bashir. He argued that this would further polarize the parties involved in the conflict. Negotiations on the table was the way to resolve the Darfur crisis he suggested.

2.4 Theoretical Framework

The analysis of this research is drawn from the constructivism theoretical framework by Alexander Wendt and Peter Katzenstein. The distribution and sharing of ideas as culture between states forms the basis of the constructivism theory in international politics (Wendt 1999:309). Norms are defined as "shared beliefs", that will ultimately turn into a form of culture. Wendt goes on to highlight that the resultant culture is defined as "shared knowledge" which then manifests itself as norms and rules (Wu 2009:88).

Constructivism theorists believe that norms form part of the structure which have causal and constitutive effects on agents (Katzenstein 1996:1-32). This is explained by how norms help to define actors' collective approach towards expectations from each other given their prescribed identity. Katzenstein goes on to compare the operation of norms with rules that define the identity of actors, "thus having [constitutive effects] that specify what actions will cause relevant others to recognise a particular identity" (Awu 2009:88).

Norms have also been used and or operated as standards that enact an already prescribed identity with regulative effects in order to give directions on proper behaviour on actors. States according to Wendt can internalize norms in three degrees: the first degree of internalization where states observe cultural norms as a result of being coerced, the second degree of internalization is when states' observation is a result of their self-interest, while the third degree of internalization is brought about by the states' perception of these norms to be legitimate (Awu 2009:88).

In this research, the constructivism theory of international relations is to be used to explore how the international community used its ideas, norms, culture and individual states interests to intervene in the Darfur conflict in order to protect the rights of the civilian population. In the context of the research, the international community is to be constituted by the African Union, China as a close ally of the Sudan government, United Nations Security Council, the European Union, the International Criminal Court and various Nongovernmental Organizations that contributed to the welfare of the Darfurian population.

The transformation of the Organisation of African Union (OAU) to the African Union (AU) in 2002 signalled the changes in attitude towards how the continental body approached peace and security in Africa (Akuffo 2010:75). While the OAU transformed into accepting and adopting the principle of non-indifference in matters to do with internal conflicts amongst member states, the OAU had sacrificed human rights observance with the norms of sovereignty, territorial integrity together with non-interference of member states internal affairs. This transformative agenda taken by the AU has resulted in the organisation being labelled a “pro-interventionist institution” which has taken the rights of civilians in conflict as a priority in the process of enhancing human security in the continent.

The AU states have in this case internalized their “cultural norms” because of self-interest in order to make Africa free from human security threats (Wendt 1999:250). The intervention by the AU through peacekeeping deployment in the Darfur region was done not by one African state, but was a result of wider consultation from within the organisation through “sharing of ideas” and knowledge on peace, security and human rights protection. This indeed fulfils the constructivist theory which asserts that, “human interaction is shaped primarily by ideational factors, not simply material ones, that the most important ideational factors are widely shared or ‘inter-subjective’ beliefs, which are not reducible to individuals” (Finnemore and Sikkink 2001:392).

The research has also used the constructionist theory to explain how the Republic of China’s foreign policy and human rights approaches changed in relation to the changes in the international cultural norms as well as China’s identity and interests. The principle of ‘the responsibility to protect’ R2P which is expounded by both the AU and the UNSC emphasizes states’ responsibility to provide civilians in conflict countries protection has resulted in greater changes in both international human rights and humanitarian norms (Awu 2009:88).

On the other hand, China like the OAU initially insisted on the principle of non-interference and respect of independent states’ sovereignty and thus defended the Khartoum government on its human rights abuses in the Darfur conflict. This also explains the constructionist paradigm of the two countries’ common identity,

culture and norms that they share in economic and political ties. Beijing was accused by the international community to defending the Khartoum government because it sold weapons to the country in exchange for the oil from the African country. This principle of mutual and reciprocal sharing of economic, political and military cultures and norms between Beijing and Khartoum justifies the theory of constructivism used in the research.

3. CHAPTER THREE: SCOPE, NATURE OF THE CONFLICT AND RIGHTS VIOLATIONS

3.1 Introduction

The conflict in the Darfur region was a civil war between three major parties, the Government of Sudan (GoS), the SLM/A and the JEM. These parties participated in one way or another in the violations and abuse of civilian rights during the course of the war. The Sudanese armed force is estimated to be 200 000 in strength which includes the Popular Defence Force (PDF), the Border Intelligence (BI), as well as the air and navy forces, (ICID 2005:27). The PDF was established from within the armed forces through the 1989 Popular Defences Act. This force is mandated to assisting the government regular forces whenever their requirements are necessary and they also contribute in the defence of the country together with dealing with national disasters (Popular Defence Act 1989).

Other arms of the GoS forces included the BI, which is an operational unit responsible for military information gathering and the personnel is recruited from their local neighbourhood where they have extensive knowledge of people's tribal differences. The other most powerful organ of the GoS armed force is the National Security and Intelligence Services (NSIS). The roles of the NSIS included the oversight of both internal and external national security threats, monitoring of relevant events and provision of recommendations on protection measures (National Security and Intelligence Services Act: 1999).

The GoS forces have also been accused of working in cahoots with militias called the Janjaweed (horsemen, knights) or Mujahedeen (Slim 2004). Although the GoS vehemently denied ever working in collaboration with the Janjaweed, victims of attacks by these militias hinted that they witnessed them working for and with the government forces (ICID 2005:31).

3.2 Human Rights abuses

Human rights groups, humanitarian organisations, governments from within the African continent and the entire world became increasingly concerned with the deteriorating humanitarian situation in the Darfur region, and the manner in which the Khartoum government handled it. The government forces were the major perpetrators of violence towards the civilians, more particularly the women and children within their villages (Slim 2004:813). The armed forces combined with the Janjaweed militia would make use of heavy artillery to bomb defenceless villagers and destroying entire settlements.

According to one U.S official report, an estimated 574 villages had been destroyed by the government forces while 157 were damaged since the middle of 2003 (Straus 2005:127). Reports also suggested that most of

these Darfur villages were either burned out and or deserted and that such raids and attacks took place in villages where rebels had never been present (Amnesty International 2016:5). This would suggest that the intention of government forces attacking the villages was to punish the rebels' presumed base of support, and this would in turn reduce chances of more rebels coming from within the same communities.

The *modus operandi* by the government soldiers was to target and single out men during the civilian attacks, although women and children were not spared too. Sexual violence including rape was a major concern to humanitarian observers, while looting and the destruction of property was pronounced in the civilian settlements (Straus 2005:127). The violence in the region resulted in an estimated 1.8 million Darfurians uprooted from their settlements, 1.6 million displaced within Sudan while another 200 000 fled to the neighbouring Chad (ICID 2005:).

The GoS forces indiscriminately attacked civilian villages and communities in all the three Darfur states from as early as 2001. These gross attacks intensified in the early 2003, which in itself coincided with the escalation of the internal conflict between the government forces and the two major rebel forces in the region (the JEM and SLM/A). The GoS routinely denied their participation in the acts of human rights abuses on the part of the civilian population. However, the 2005 Report by the International Commission of Inquiry on Darfur to the United Nations Secretary-General concluded that this was part of the government's counter-insurgency strategy to target the civilian population either directly or through surrogate armed Janjaweed militia (ICID 2005:54).

The Commission of Inquiry report further highlighted some of the government forces' acts of violations of both the international humanitarian and human rights laws. Settlements and villages were aerielly bombed by helicopter gunships, fixed-wing aircraft as well as strafing with automatic weaponry. In conjunction with the Janjaweed militia, the government forces were more often visible in the ground assaults. Reports of civilian killings, summary executions, massacres, sexual violence including the raping of women and children, torture together with looting and torching of civilian property were recorded (ICG 2004:5).

The GoS armed forces committed a number of both International Humanitarian Law (IHL) and International Human Rights Law (IHRL) violations during the Darfur civil conflict. Some of the violations which included unlawful killings, indiscriminate aerial bombings, forced displacements, rape and pillage (Amnesty International 2016:16). Since the conflict in the Darfur is a Non-International Armed Conflict under the international law, the parties to this conflict, (government armed forces and the two major rebel groups) are bound by treaty-based and customary IHL. These parties are required to observe the Articles of the Geneva Conventions as well as Additional Protocol 11 to the Geneva Conventions.

Additional Protocol 11 to the Geneva Conventions is more important in the case of the Darfur conflict. This is particularly because it provides for the protection of the civilians who are not directly participating in the hostilities. Acts of violence against civilians are prohibited by the IHL, and a cardinal rule of UHL requires that parties at all times distinguish between combatants and legitimate military objects on the one hand, and civilians and civilian objects on the other hand, and to ensure they direct attacks only at the former (AI 2016:16).

Harm to the civilian population can only be justified if there is a military necessity and if the expected gain is proportionate to the harm caused. The human rights violations by the government forces in the Darfur conflict such as sexual violence and rape of women and children, attacks on civilian villages and settlements, intentional displacements of people from their communities all constitute war crimes under the UHL (United Nations High Commissioner for Human Rights on Impunity and Accountability in Darfur 2015:8).

The abuse of power by the government forces in the Darfur conflict to the civilian population came under spotlight between January and September 2016. This was when the Amnesty International Report claimed that the Sudanese government forces had used chemical weapons during their attack on the Jebel Marra residents (Amnesty International 2016). Under the treaty-based and customary UHL, chemical weapons are regarded illegal, and their use is prohibited in respect of the 1925 Geneva Protocol for the Prohibition of Poisonous Gases and Bacteriological Methods of Warfare. The 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC) also prohibits the manufacture and use of chemical weapons by any parties to conflicts (AI 2016:17).

Sudan being a signatory to the CWC thus violated Article 1 which states that parties to the Convention agree, “never under any circumstances:

- (i) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
- (ii) To use chemical weapons.

All the civilians interviewed by the Amnesty International on the use of chemical weapons by the government forces were either survivors of the chemical attacks or were taking care of the victims in the Jebel Marra region and highlighted the experiences they encountered during the attack.

It is however important to ascertain whether the human rights abuses such as murder and forcible transfer of the population that took place in Darfur on the civilian population took place systematically and that it was deliberately made to be a government policy. Once it is established that it was government policy and that

the killings were done systematically, then it constitutes crimes against humanity on the part of the government armed forces (Grono 2006:626). A co-ordinated cooperation between the government forces and the Janjaweed militia in targeting the non-Arab ethnic groups and perpetrated various heinous acts against them, including poisoning of wells, chasing the victim population into waterless deserts contributed to a systematic operation by the government on civilians.

Reports suggested that by early 2012, an estimated 300 000 civilians had been systematically killed by the government army, 1.9 million internally displaced while another 250 000 fled to neighboring countries that included the Republic of Chad (Kieh, Jr 2013:49). Such figures indicate that the GoS is culpable of crimes against humanity through the actions of its military together with the militia.

Cases of crimes against humanity in Darfur by the government forces were also highlighted in the 2013 joint report of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The report establishes how government institutions such as the Police, the Central Reserve Police, the Border Guards, the Sudan Armed Forces (SAF) and the other pro-government paramilitary forces abused their authority. They violated the rights of the civilian population with impunity (Human Rights Situation in Darfur 2013:13).

Both the International Convention on Civil and Political Rights (ICCPR) and the Sudanese Interim National Constitution provide for the exceptional observance and protection of human rights. In this regard, the GoS had a constitutional mandate to tame its armed forces and preventing any arbitrary killings of innocent civilians (HRSD 2013:13). This however was not the case, as the 2013 UNAMID report revealed that 514 civilians died, while on the 15th of March 2013, the report confirmed that during a clash between SAF personnel and rebel groups in Al-Gunya, four Internally Displaced Persons (IDPs) were fatally shot while two others were injured in Al Salam IDP camp in South Darfur.

The violations of human rights in the Darfur conflict by both government forces and rebel groups in this context can thus be categorised into the following forms:

(i) Violations of rights to life

The United Nations Human Rights Committee (UNHRC) expressed the significance of the right to life by stressing that it constitute, “a supreme right from which no derogation is permitted”. This argument was further complemented by the Article 6(1) of the ICCPR which again insists that every human being possesses an inherent right to life that no one can be arbitrarily deprived of (International Commission of Inquiry on

Darfur 2014:10). The parties to a conflict are therefore urged to take utmost precautions to preventing the arbitrary killings of civilian populations.

The Committee in its General Comment No 24 proved for State parties to respect and protect the right to life in conflict situations. It is the same Committee that further stressed the importance of proper investigations of alleged human rights violations as well as any other forms of international humanitarian law violations. In the case of the Darfur conflict, the GoS under the Sudan Armed Forces Act 2007 provides for the arrest and prosecution of armed forces involved in the civilian attacks during conflicts (Sudan Armed Forces Act 2007).

However, the Sudan Armed Forces (SAF) have since 2003 violated the rights to life to the civilian population in the Darfur region with the GoS being accused of not taking actions against its forces. An estimated 70 000 civilians had been killed in the western Darfur region between February 2003 and January 2005 in a massive ethnic violence which also resulted in the more than 1.8 million people being uprooted from their communities (Straus 2005:123). The majority of these deaths took place in the hands of the SAF in conjunction with their Janjaweed militia counterparts.

The violations of the rights to life of civilians by the SAF and the armed militia was chronicled by the various United Nations sanctioned inquiries on the Darfur conflict since it started in February 2003. The findings of the Commission about the events that took place in the Anka village, situated in the North of Darfur on the 18th of February 2004 highlight how the GoS failed to uphold its responsibility to protect the lives of innocent civilians. An estimated 400 Janjaweed militia-men and an undisclosed number of SAF members were reported to have descended on to the village armed with Kalashnikovs G3s and rocket-propelled grenades (RPG). Witnesses highlighted how the government forces bombed the area around the community with Antonov aircraft (ICID 2005:67). The attack, according to the Commission, resulted in the death of 15 civilians with another 8 being injured.

(ii) Violations of Rights to Physical Integrity

The rights to physical integrity encompasses protection of civilian population in civil conflicts against personal security threats, life as well as related intimidation or attack (International Commission of Inquiry on Darfur 2015:12). The state has therefore an obligation to prevent rights violations such as inhuman or degrading treatment, torture and indignity from its citizens. However cases of violations of the right to physical integrity were a daily occurrence in the Darfur conflict, with women and children being the most affected. In 2014 alone, according to the UNAMID a total of 411 cases were recorded which resulted in a total of 980 civilians being affected.

Incidences of government forces being at the forefront of rights violations in the region were highlighted on the 21st of June 2014. In the Kass locality which is in the South of Darfur, some SAF forced their entry into a private wedding function by the local IDPs. When the government forces were politely asked to leave by the hosts, they responded by indiscriminately firing shots resulting in two guests being wounded (ICID 2015:13). The GoS forces were found to be on the wrong side of the law as there was no perpetrator who was made to be accountable for that incident as the case was reported to the Kass police station. It later turned out that when the UNAMID went to check for the outcome of the report they found out that no action was taken against the perpetrators.

The indiscriminate killings, abuses and other forms of rights violations to the Darfurians highlighted that the impunity of both the SAF and the Janjaweed militias continued unabated during the conflict (Nathan 2006:1). This is evidenced by the UNAMID report which documented an incident that occurred on the 3rd of June 2014 when a group of armed militia dressed in the Sudanese armed uniforms attacked Abu Hamra village in Mershing, South Darfur. This incident resulted in civilians losing their valuable property that included 50 Zaghawa houses that were torched, assaults on civilians and displacement of villagers to Manawashi town.

Cases of torture, abductions, sexual harassment on women and children were widespread in various parts of the Darfur region. These cases were not only confined to the general civilian population, but the humanitarian staff, researchers, the media and other international activists were not spared either (United Nations Commission Human Rights 2005). The major perpetrators of such violations were the GoS armed forces in partnership with the Arab Janjaweed militia.

Two international UNAMID contractors were abducted by some unknown armed men in Zalingei on the 29th of January 2014 in Central Darfur and were only released after some 6 months on the 6th of June 2014 (United States Department of State 2015:27). The trend of kidnapping and abductions of humanitarian aid workers continued to take place in Darfur with the government failing to take appropriate action against perpetrators. The UN further reported of armed men abducting and killing an international Non-Governmental Organization (NGO) national staff member on the 3rd of June 2014. His body was later found in the Western Darfur of Kutum on the 2nd of August 2014 (USDS 2015:27).

(iii) Sexual and Gender-Based Violence

Women and girl children remained a vulnerable group of people in the Darfur conflict. These two groups endured an extreme Sexual and Gender-Based Violence (SGBV) in the hands of both the SAF and the

various rebel groups. Most of the SGBV took place in concentrated environments such as the IDP camps and their respective remote communities. The civilian population stayed in areas where issues of poor security conditions have exacerbated the vulnerability of the victims to their perpetrators (ICID 2015:13).

However the challenges that were faced by the victims included the issue of fear of reporting the abuses as a result of social stigma associated with women who have been raped or merely sexually abused. The reluctance to reporting cases of SGBV is also compounded by the fear of reprisals by victims from perpetrators who are coincidentally the security forces in charge of upholding the law (Amnesty International :2016). Those cases reported are not investigated and thus fail to get the attention of the judicial system, a situation which makes the civilian population distrusting the police who are generally associated with impunity in the Darfur communities (HRSD 2013:18).

The majority of cases of SGBV documented by various commissions of inquiry by the UN reflect that the GoS forces were responsible for the sexual abuses to the Darfurian women and girl children. The 2015 UN sanctioned Commission of Inquiry solicited information from one of the rebel groups, the JEM. In the report the JEM alleged that in July 2003 alone in Tawilah, the SAF and the Janjaweed militia mass raped an estimated 120 women (ICID 2015:60). The inquiry further noted that on all the victims of sexual abuse during the period under review, there were no Arab women who were sexually abused. This in turn gave credence to the argument that the acts were being perpetrated by a pro-Arab dominated government forces who only targeted African women.

(iv) Rights to Freedom of Expression, Association and Peaceful Assembly

Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR) provide for the rights to freedom of expression, association and peaceful assembly. Any restrictions to these rights have to be based on permissible provisions in the Covenant with legal basis and should be necessary in a democratic society (Universal Declaration for Human Rights 1948:20). The GoS in many respects failed to uphold the provisions of the declaration by constantly violating citizens rights to freedom of association, expression and peaceful assembly.

The exercise of rights to freedom of expression, assembly and associations in the Darfur region was in the main constrained by the protracted conflict, unpredictable security conditions. This was further compounded by the associated mass civilian displacement that was a direct product of the government armed forces (HRSD 2013:22). The national government's domestic laws have also put restrictive provisions to citizens' rights to freedom of expression, peaceful assembly and association, in which law enforcement agencies and

prosecutorial authorities are empowered to severely deal with unlawful assembly by civilians (Sudan Criminal Procedure Code 1991:40).

There have been various incidences of the GoS armed forces being involved in the violations of civilian rights. In Nyala, South of Darfur for example, four people who had previously been arrested and detained for about two months for their participation in demonstrations in July 2012 were rearrested on the 19th of January 2013 on charges of disturbances of public order (HRSD 2013:22). Although the Khartoum authorities tried to legitimize the arrests of the civilians and argued that they were carried out to restore public order, investigations by the UNAMID revealed that they were not substantiated. On the 19th of September 2013, in Nyala, South of Darfur again, the GoS security personnel were witnessed using excessive force dispersing peaceful civilians marching to the State Governor's office. The civilians were protesting against the deteriorating security situations in Darfur South in which two people were killed by firearms and eleven injured.

4 CHAPTER FOUR :CONCLUSION, FINDINGS AND RECOMMENDATIONS

The civil war in the Darfur region resulted in the enormous suffering of ordinary civilian population from persecutions by the government armed force with the aid of the Janjaweed militia. The nightmare of violence, physical and psychological abuses which included indiscriminate killings, raping of women, destruction of villages and looting of personal belongings made it mandatory for the international community to intervene (Totten 2006:60). The after effects of the civil conflict also suggested that by early 2012, an estimated 300 000 people had died; 250 000 million fled to neighbouring countries as refugees while about 1.9 million were internally displaced in various camps within the Darfur region (Kieh, Jr 2013:49).

In order to improve the human rights situation in Darfur, there is need to establish peace as well as halting incidences of violence and acts of impunity amongst the perpetrators of such abuses. However it has since been established that peace cannot be brought about without justice. In the context of the Darfur violations, the Sudanese authorities have since indicated that they were unable and unwilling to investigate and prosecute those allegedly accused of war crimes, crimes against humanity as well as genoced crimes (International Commission of Inquiry 2014:158).

Research Findings

The researcher in the study came up with findings that covers the extent of human rights violations, who the perpetrators were, the extent to which the international community intervened in resolving the conflict. On human rights violations, the researcher found that women and children were the common victims where the perpetrators sexually abused them, while in other cases children would be taken by armed forces to be used as child soldiers. Other forms of human rights violations that took place was the displacement of civilians internally while others were forced to cross borders seeking refuge in neighbouring Chad.

The researcher also found that the perpetrators of violence in the Darfur conflict on civilians were not only confined to the GoS armed forces, the different rebel groups also took part in attacking unarmed civilians. The rebels also took part in attacking members of the humanitarian staff whose duty was to supply food aid and medical assistance to the civilian population. In some cases, rebel forces also refused entry to journalists, peacekeepers and other international observers into their territories.

On the international community's intervention, the researcher found out that although the Darfur crisis received the required attention from the global community, the level of urgency was comparably low. The research deduced that there is an element of selectivity from the international community in as far as humanitarian intervention is concerned. The major superpowers such as the United States of America and

the United Kingdom were seen to take an impulsive response to the Iraq and Afghanistan conflicts while the Darfur crisis took that long to even start tabling the discussions on the Security Council agenda.

The research further found out that although the Darfur conflict started in February 2003, the United Nations Commission on Human Rights reacted by sending a mission to investigate violations in April 2004. The United Nations Security Council also managed to adopt Resolution 1593 in March 2005 which was intended to refer the Darfur conflict to the International Criminal Court. Another finding which suggest that the international community had no urgency in the Darfur conflict was the passing of Resolution 1769 by the UNSC. This resolution which was meant for the establishment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) was only passed on the 31st of July 2007 some four years after the start of the conflict.

The researcher further found that although the international community participated in the Darfur conflict resolution, some individual states did not do it for the people of Sudan but for their national economic, social, political and military interests. China for example was accused of having neglected the plight of suffering civilians because it was alleged to have benefited from the extraction of crude oil in Sudan. The Chinese government was also found to have been supplying military wares to the Sudanese regime but knowing that it would be used in the Darfur conflict.

Although the United States of America condemned in the strongest terms the human rights violations by the Khartoum administration, the researcher reveals that the two government had bilateral agreements on fighting terrorism. The State Department regularly communicated with the top army and intelligence Sudanese officers in efforts to solicit information about terrorist activities in the Great Lakes Region.

Article 628 of Section V of the United Nations Security Council backed Commission clearly states that it is vital for those accused of having violated the rights of citizens to be brought to a credible and competent international criminal court in order for justice to prevail. The same section further states that those victims of the crimes that were committed in the Darfur have to be compensated for the pain that they endured during the persecutions.

There have been concerns and discussions as to what appropriate time should the international community consider necessary to take corrective actions in the event that a state has been found to be massively abusing and violating the rights of civilians in the periods of civil conflicts. This has been attributed to by the challenges associated with both the international interventionists on one side of the conflict, and the state which is alleged to be abusing human rights. The primary question would be, whether the international

community should wait thus long for the conflict to deteriorate so that intervention would then be deemed to be legal and socially moral. In the main, it can thus be argued that the pursuit for the responsibility to protect in the region has failed to accomplish its intended objectives (de Waal 2007:1054). This failure could have been caused by the much expectations that physical peacekeeping missions in the region would protect the vulnerable civilians without anticipating challenges to be encountered on the ground operations.

In addition to the international community's failure to adequately provide the much needed protection to the vulnerable civilians in the Darfur, the African Union as the immediate custodian of the Sudanese crisis failed to accomplish its institutional Charter obligations on the implementation of its R2P norm in the Darfur region (Klay Kieh, Jr, 2013:60). This is because the AU failed to anticipate the gravity of human rights violations that was perpetrated by the GoS.

The AU failed to anticipate that crimes which included genocide, war crimes and crimes against humanity could be committed in Darfur and that peacekeeping could not have been an appropriate method of intervening in the conflict. The failure by the AU to militarily intervene in this conflict was primarily as a result of the regional body's reluctance to acknowledge that the Sudanese government was the culprit and that corrective actions had to be taken to protect vulnerable civilians. This failure to militarily intervene has contributed to the government of Sudan's continued committing of war crimes, crimes against humanity and genocide, fully knowing that there were no consequences.

The events that unfolded in the Darfur conflict between February 2003 and late 2004, during the initial phases of the war reflect that the response from both the African Union and the United Nations Security Council came much too late (Slim 2004:827). This assertion is premised on the basis that although the Darfur conflict had been in both the international and local media since the beginning in 2003, the UN Secretary General Kofi Annan only raised the link between international responsibility to protection between Darfur and Rwanda when he was addressing delegates in memory of the Rwanda massacres in Geneva on the 7th of April 2004. This argument of the UN coming into the Darfur crisis too late is also evidenced by its fumbling and dithering when it came to getting united for the purpose of rescuing the country from the deepening humanitarian crisis. One would want to ascertain the UN Security Council's rationale in only starting to discussing the Darfur crisis on the 7th of July 2004 in response to the US State Secretary Colin Powell and Kofi Annan's return from a fact finding mission in Sudan.

Besides the UN, there were other stakeholders which participated along side the AU to finding a lasting solution to the conflict in the Darfur. The European Union as an institution contributed through the funding of humanitarian initiatives, peace negotiations between the GoS and different rebel groups and peacekeeping

operations in the region was part of the broader international community's contribution for the conflict to end. The governments of China, United States of America, the International Criminal Court (ICC) as well as various non-state actors managed to either directly or indirectly assist the people of Darfur during the period of the civil crisis.

As the Darfur conflict raged on, the intervention by the AU came about in 2004, when it sent a small peacekeeping mission to the region. The mission was endorsed by the UN Security Council to monitor and oversee the cease-fire agreement that was signed between the government and the rebels (Keith 2007:154). This AU peacekeeping mission which eventually evolved into the African Union Mission in Sudan (AMIS), although underfunded and lacked manpower in its operations, was instrumental in enhancing the security situation in the region. It was lauded in the UN Security Council Resolution 1707 for the role it played in the reduction of large scale-scale organized violence against civilians by the government forces and the Janjaweed militia (GAO 2006:45). However, because of the government of Sudan's restrictive measures on the operations of the peacekeeping mission in the Darfur region, the mission was made not to be able to fully provide its mandated protection function that it was assigned to perform by the Darfur Peace Agreement (International Crisis Group 2005:3).

4.2 Recommendations

This section covers the recommendations that the researcher proposes in relation to events that unfolded in the Darfur region during the course of the conflict. These recommendations are divided into categories, with the first one being propositions on the parties that were alleged to have been involved in the gross violations of human rights, ie the GoS forces in alliance with the Janjaweed militia and the rebel groups. The researcher further proposes on how the international community could have best handled the conflict as well as providing support to the vulnerable civilians in the region.

Recommendation on the GoS

The serious human rights violations that occurred in the Darfur region in the hands of the government forces provide a platform for the international community in conjunction with relevant stakeholders to engage the GoS to address civilian marginalizations. The GoS should put in place mechanisms that ensures the observance and respect of both the international human rights laws as well as international humanitarian laws.

The above mentioned requirement is of paramount importance in the context of serious violations perpetrated by the Sudan Armed Forces (SAF), the Police, the Central Reserve Police, the Border Guards as well as the government aligned paramilitary forces. These government institutions presided over the violations of

civilians rights to life, physical integrity, freedom of expression, association and peaceful assembly and participated in the arbitrary arrests, detention and torture of civilians, particularly women and children (Human Rights Situation in Darfur 2013:13-19). The 2013 United Nations-African Union Mission in Darfur report indicated that the government armed forces and the Janjaweed militia participated in these violations with impunity.

On the government's restrictive measures on access to some parts of the Darfur regions where civilians were being killed and abused, the researcher would recommend that international community should engage the government of Sudan. The engagement should address the issues to do with granting unfettered and unimpeded access to these parts of the country by the United Nations peacekeepers, international humanitarian groups, media as well as other organizations whose interests would be to assist civilians in the region.

According to the Amnest International (2016), once the government allows all the international humanitarian actors access to areas such as the Jebel Marra and other Internally Displaced Persons camps, this would enhance treatment of the injured civilians, supply of medical requirements as well as uninterrupted operations by the specialised medical personnel in the area. The media's entry into the affected areas would enhance the dissemination and smooth flow of information both locally and internationally on the extent of human rights lapses in the Darfur region. By restricting the media access to such areas, the GoS hoped to block the international community from seeing the human rights violations by the government forces.

The GoS should also take full responsibility for the continued operations of the prox forces, militias and other government-aligned armed groups which were in any way official members of recognised military or police institutions within the country during the conflict. In the context of the threat posed by the continued stay and operations of the government-aligned militia to the civilian population, the researcher would recommend their immediate withdrawal and disarmament.

The government has the capacity to withdraw and disarm these militias because their operations were sanctioned by the government institutions, such as the supply of weapons with others being organized in paramilitary structures and within the "Strike Force" groupings (International Commission of Inquiry on Darfur 2005:33). The GoS itself might be reluctant to act on the illegal operations of the Janjaweed militia as they are aiding in the suppression and violations of civilians. The international community, ie the African Union and the Security Council should engage the GoS to get the militias out of the communities and stop the abuse of women and children.

In the interest of the ordinary civilian population in the Darfur region, the GoS should prioritise the transformation and alignment of the legislative and other state institutions in the country. Of major concern for immediate transformation are the National Security Act (2010), the Police Act (2006) as well as the Sudan Armed Forces Act which all violated various sections of the International Humanitarian and International Human Rights laws. Attention on the transformation of the legislative institutions with regards to the Police, Security forces and the Armed forces should be centered on the restoration of the rule of law where arbitrary and unlawful deprivation of life have to be revoked. This would also further regulate the powers of the police who are constantly accused of arbitrarily arresting and detaining individuals without notification of one's charges.

The re-alignment of the National Security Act should in the main address issues to do with the excessive powers bestowed on security authorities arresting suspects without warrants and further detaining them for three days only for the purpose of investigations. The Act further bestows the magistrate with powers to renew the detention period to two weeks with the accused being not charged. The Act goes on to allow a senior magistrate to on weekly basis renew the detention for a period not exceeding six months but in this case for an accused who has been charged to allow investigations to take place (Country Reports on Human Rights Practices 2015:12). This would be presumed to be the abuse of power by the judiciary on the part of the suspects who are in this context mainly in the opposition to the government.

In order for peace to prevail in the Darfur region, the parties to the conflict together with the participation of the international community ought to strive to establishing transitional justice system. This requirement is in tandem with the provisions of *Article 56(296)* of the Doha Document for Peace in Darfur in which the government is mandated to facilitate equal access of justice to citizens through taking the following steps:

- Increasing the number of courts and judicial personnel including judges and prosecutors in the Darfur;
- Strengthening and utilizing the system of mobile courts;
- Allocating adequate resources required for the effective delivery of justice, including providing necessary land and air transport throughout Darfur for prosecution officials. To this end, the government may seek assistance from the United Nations and other peace partners;
- Ensuring that the Ministry of Justice enforces and supports the discharge of Prosecutorial duties in conducting investigations;
- Ensuring the protection of judicial personnel, victims and witnesses.

The international community's participation in the process of ensuring the realization of transitional justice in the Darfur region involves the provision of adequate financial and personnel resources to the Ministry of Justice for both the immediate operational costs and training of the judicial staff. This recommendation is of paramount importance to the Darfurians mainly because the lack of both financial and personnel resources in the judiciary courts have been deliberately designed by the Khartoum authorities to marginalize the citizens. The international community had to intervene through funding state institutions in the Darfur as way of aiding the judiciary transformation agenda in the region.

In addition to the above argument of enhancing a transitional justice system, the marginalization of the Darfur region in the national judiciary configuration calls for the re-alignment of both the neutrality, impartiality and independence of its execution. The government should make it a priority to make the people of Darfur adequately represented in the Judicial Service Commission (JSC) within the national judiciary system. The judicial representation should be appealed across the Court of Appeal, the National Supreme Court as well as the Constitutional Court (Article 6 of DDPD:2011).

Such an equal representation, once implemented could have a potential effect of impartially adjudicating over the human rights violations that occurred during the conflict including the war crimes and crimes against humanity. The recommendation on the effective establishment of an impartial judicial system would also be of paramount importance in the effective prosecution of those responsible for attacks on the peacekeepers in the region including humanitarian staff and UNAMID peacekeepers (Human Rights Situation in Darfur 2013:28).

In every society where conflict has resulted in physical abuses, killings, looting of properties, displacements and psychological inflictions to both women, children, young and old, the principle of justice cannot be the only lasting solution to bring peace and stability without advocating for reconciliation between the victims and the perpetrators. The history of the Darfur conflict has been complicated by the participation of various parties that involve the government, rebel groups from different ethnic origins, militia forces, international peacekeepers and the civilian population.

The government should prioritise reconciliation in particular between those who perpetrated violence and the victims. This has to be based on the principles of respecting both the international human rights law and international humanitarian law. The basis of following these prescriptions requires that the perpetrators of violence have to be legally accountable to their acts during the conflict and that the government has to strongly encourage the reconstruction and repairing of social relationships and mobilising for peaceful co-existence and social cooperation in the Darfur (DDPD 2011:57).

During the process of reconciliation, the government should take a centre stage in condemning the atrocities, violations of both international humanitarian laws and human rights laws in the conflict. The government has a responsibility to further pledge its support to take future measures that would stop such repetitions of violations. It is also important to take cognizance of the participation of women and the youths who suffered persecution during the conflict in the reconciliation process as well as the transitional justice. Both the women and youths should be given equal opportunities in defining what the future Darfur has to be.

In the cases of children who participated in the war and violated the rights of civilians as child soldiers, the law has to consider them as victims and be treated as in accordance with the Convention on the Rights of Child, Protocol to the Geneva Convention, the African Charter on Rights and Welfare of the Child, the Beijing Rules. They should further be treated in the same way as other related international juvenile justice institutional bodies for fair trial of the children (DDPD 2011:58). It is also important to note that these children did not choose to participate in the conflict, but were coerced to join by either the Government of Sudan armed forces or the two major rebel groups.

The international community and concerned stakeholders should also note that the conflict in the Darfur region resulted in citizens being displaced from within the country, the Internally Displaced People (IDP). Others ended up crossing borders into neighbouring countries such as Chad and the Central African Republic as refugees (Tanagho, Hermina & Hardin 2009:377). The GoS ought to ensure the restitution of housing, land and other properties which were either destroyed or forcibly taken from the refugees and or IDPs during the period of conflict. The government ought to process the restitution within the guidelines of the United Nations Principles on Housing and Property and the DDPD (Human Rights Situation in Darfur 2013:28).

In the event of the IDPs and refugees failing to recover their houses and land, the government is mandated to compensate them in accordance with the international principles. The rights for compensation applies to the IDPs and refugees whether they should choose to return to their original homes or they decide to relocate elsewhere (DDPD 2011:54). This requirement has to be emphasized mostly because some refugees and or IDPs might feel reluctant to go back and face their abusers or to be reminded of the destructions which took place on their properties. The government should accord victims rights to financial compensation for the losses and harm which they suffered during the conflict, and these should include the loss of economic valuables, loss of lives, physical injuries as well as emotional and psychological suffering they encountered.

In addition to the compensation of the IDPs and the refugees by the Sudanese authorities, the GoS and the two main rebel groups should in the first place create an enabling condition for the affected victims to return

to their homes voluntarily without any fears of reprisals and further attacks (DDPD 2011:48). These victims should be guaranteed protection from the government in accordance with various international human rights benchmarks including the international humanitarian law, the international human rights law, the international refugees law together with all the other regional and international instruments that Sudan is Party to. In the context of the Sudanese authorities obliging with various international and regional instruments, it thus requires monitoring of this obligation from the international and regional community including the African Union and the UN Human Rights Commission.

The GoS should also consider eradicating and abolishing hinderances that are experienced by Sexual and Gender-Based Violence (SGBV) victims. This the government has to do through seeking redress and resourcing the judiciary with specialized prosecutorial personnel (Human Rights Situation in Darfur 2013:17). In the context of the vulnerability of the SGBV victims, for example an investigation that was conducted in 2013 by the United Nations-African Union Mission in Darfur (UNAMID), there were 156 cases of SGBV. These involved 162 victims, with the most reported cases being attempted rape, sodomy, rape and gang-rape. The investigation further revealed that the statistics given was an under estimation of the actual figures of the abused victims.

The under estimation in reporting was due to fears by the abused civilians of further reprisals by the perpetrators and social stigmatization after reporting. The distrust of the victims to the police also could have led to resentment to report cases of sexual violence. In such cases of citizens failing to report as a result of institutional shortcomings, the government has a responsibility to work with the civil societies in advocating and educating citizens on the importance of reporting cases of sexual violence, while at the same time taking a hard stance on the police for not doing their constitutional mandate to protect citizens.

In addition to the sensitivity of women and children abuses in the conflict, the government should also improve on the reforms and strengthening of the legal aid services for the vulnerable people of Darfur. This should be implemented through the creation of a Victims Support Fund (VSF) which will compliment the works of the United Nations Country Team (UNCT) with the Darfur region. With such programs in place, the government will be setting a sustainable and effective foundation for the protection of such vulnerable communities (United Nations High Commissioner for Human Rights on Impunity and Accountability in Darfour 2015:22). The protection of women can also be enhanced by the government's establishment of victim and witness units for courts. These will be providing security measures, counselling as well as other appropriate help in the process of investigations and trials of cases that occurred during the conflict.

Recommendations to the Rebel Groups

The GoS was not solely to blame for the human rights violations that occurred during the civil conflict in the Darfur region. The two major groups that constituted the rebel movement in the conflict were the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM). Although these two main rebel groups were on the receiving end from the government armed forces and the Janjaweed militias, they too were accused of participating in the human rights violations but on a smaller scale (Sudan Liberation Movement/Army Press Release:2003). Human rights violations attributable to the armed opposition movements included the killings of civilians in the Graidia, Kile Muzu, Muhajeria and Abu Ajaras in the South Darfur (UNAMID Human Rights:2013). There were also reports of rebel groups being involved in cases of abducting humanitarian aid workers, journalists, UNAMID peacekeepers as well as participating in the recruitment of child soldiers from either the IDP and refugee camps in Darfur and the Blue Nile States (United States Department of State Human Rights Practices 2015:30).

In the context of these violations by the opposition armed forces, the researcher proposes that the rebel groups have a responsibility to create an enabling environment for the civilians to be protected in their communities. Rebel groups should allow access to the areas under their jurisdiction national, regional and interanational humanitarian aid organisations in order to facilitate smooth distribution of food and medical supplies to the civilian population. The rebel forces should also either allow an unhindered operation of the specialized agencies and UNAMID peacekeepers within their areas of jurisdiction or co-ordinate with them in promoting the protection of the civilian population from either the government armed forces or the Janjaweed militias.

The rebels should also desist from attacking the civilians and or destroying their sources of livelihood. This requirement from the rebels is important as most civilians in the region rely on their presence for protection from the government armed force and their Janjaweed militia.

Recommendation to the International Community

Although the international community has been hailed for having played a pivotal role in the protection of civilian population in the Darfur region, there were also some shortcomings that have to be addressed in order for peace to prevail in the region. The African Union's participation in the conflict is characterized by a combination of zeal and commitment to bring peace in the region through the diplomatic approach and peacekeeping deployments but capacity and resources deficiency crippled the desire to accomplish the intended objectives (Mansaray 2010:42).

The United Nations Security Council on the other hand only managed to adopt Resolution 1769 on the 31st of July 2007, which authorized the deployment of the UNAMID in the Darfur, some five years after the conflict started (Badescu & Bergholm 2009: 300). The mission only became operational on the 31st of December 2007, some five months after the adoption of the Resolution. What further complicated these developments was that the number of operational personnel on the ground was far less than what was authorized. By November 2008, the number of UNAMID peacekeepers on the ground were pegged at 15 444, nearly half of the actual authorized deployment of 26 000 troops (United Nations, 2008).

As part of the international community, both local and international humanitarian organizations became more and more frustrated by the Khartoum administration which refused them access to the civilians who needed food and medical supplies. With such restrictive environment from both the government and some rebel groups, some humanitarian organizations that were assisting an estimated civilian population of 4.2 million proposed to withdraw from their operations citing fatigue and funding constraints as reasons (United Nations News, 2008b). A combination of the failure by the Security Council to provide adequate peacekeepers for civilian protection and the threat by the humanitarian organizations to withdraw from the Darfur region resulted in the citizens beginning to lose hope in the capacity of the international community to helping them (Reuters, 2008).

The African Union

Article 4(h) and 4(j) of the African Union's Constitutive Act prescribes that "the AU has the right to intervene, 'in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity' and in cases of a serious threat to legitimate order, in order to restore peace and stability to the member states of the Union, upon the recommendation of the Peace and Security Council and includes 'the right of Member States to request intervention from the Union in order to restore peace and security.'" Since the intervention by the AU in the form of the AMIS forces was crippled by logistical and other operational challenges, the AU should invest in institutional capacity building on peace and security in order to avoid the outside world from interfering with its peace operations.

The bulk of the US\$26 million budget for the initial 124 military and civilian AMIS personnel and another 24 support staff in April 2004 was solicited from the European Union, United States of America, Germany, United Kingdom and Canada. This situation resulted in the continent being vulnerable to political and economic manipulation from these perennial funders (Akuffo 2010:80). The African Union has been receiving funding from the external world for its routine operational imperatives and this has been the major shortfall in the institutional capacity of the continental body.

It is also important to highlight that the deployment of the AMIS forces in the Darfur came about after negotiations between the government and the rebel groups, with the AU and the rest of the world assisting. However, there were a number of challenges that were associated with the route of resolving the conflict through diplomatic means as most agreements signed thereafter were violated by either parties. For example the Abuja Inter-Sudanese Peace Talks which brought about the Humanitarian Ceasefire Agreement was applauded for its initiatives to protect the rights of civilians in both communities and IDPs. The violations and breaches to the signed agreement resulted in the displacement and death of more than 300 000 people in 2008 (Akuffo 2010:80). Such violations include the government's continued working with the Janjaweed militia to perpetrate violence against civilians in camps and in their communities (Appiah-Mensah 2010:12).

The African Union through its Peace and Security Council should thus prescribe strong measures that have to be taken against parties to a negotiated agreement who willy nilly breach the terms and conditions of the agreement. It is through this AU weakness that the researcher prescribes that the continental body should impose strong sanctions to the Khartoum regime for breaching the terms of the signed agreements as well as continued violations of human rights in the Darfur. Not only should the GoS be sanctioned for its reneging on fulfilling the terms of the signed agreement, the rebel groups should also be sanctioned for their failures to honour what would have been agreed in the negotiation processes.

The African Union should also pull its resources in putting more pressure on the government of China for its reluctance to play a more constructive role in resolving the Darfur crisis (Keith 2007 :159). China has recently been Sudan's biggest trading partner, with 64% of Khartoum's oil being purchased by the Chinese and more of its companies having invested in the Sudanese petroleum industry (Reeves 2006). This in itself suggest that the Chinese have much economic dependence on the Sudanese government and the African continent broadly, but a closer analysis will reveal that this relationship is mutual. Whereas Beijing depends on the oil reserves in Khartoum, Sudan has also benefited from the arms imports as well as donor funding from China that has made its military to sustain the economic sanctions and arms embargos from the west (New York Times 2006).

In the context of African states being manipulated by the developed countries such as the Chinese, it is important for the African Union to stand by itself and invest its resources in building institutional frameworks that promote and enhance human rights and democratic transformation. The continent should also engage the developed world on socio-economic development programmes and investments that are not attached to conditionalities such as those with less governance-related strings (Kurlantzick 2006). That resonates with the proposition by the former South African President Thabo Mbeki that the NEPAD project is best suited

for the socio-economic and infrastructural development in the African continent. This however he stressed should be attached to the regimes' commitments to uphold good governance and accountability to citizens.

The South African Government

Outside of the African Union, South Africa being the largest economy in the African continent should play an important role in bringing peace in the Darfur region. Although the South African foreign policy advocates for diplomacy as the primary route to resolving international conflict, Pretoria has on a number of occasions been seen to lean towards the GoS and seemingly being aggressive towards the rebel groups (Nathan 2008:1).

South Africa has consistently sought to renege on efforts by both the international community and other human rights defenders to take a strong hand on the GoS against its human rights violations on citizens (Human Rights Watch 2007a). Acting on its capacity as the newly elected member of the UN Security Council, Pretoria supported Khartoum to reject proposals for sanctions against combatants and militias who attacked civilians and refusing to accommodate the UNAMID forces in the Darfur. In the main, South Africa has shown its leniency towards the incumbency (the Sudanese authority) at the expense of numerous human rights violation since the onset of the Darfur conflict in February 2003 (Prunier 2005).

In order for peace and security to prevail in the Darfur region and in Sudan broadly, the South African government has to be seen showing signs of neutrality between the government and the rebels during negotiations and other international engagements. The calling of international action against the rebel leader Abdel Wahid al Nur for his refusal to participate in the Sirte talks by Presidents Thabo Mbeki and Omar al Bashir only led to the legitimacy of the Darfur Peace Agreement being undermined (Nathan 2008:8). The position of Pretoria siding with the incumbency that flouted human rights is in sharp contrast and inconsistent with its historical struggle against oppression as well as aligning to its constitutional values of promoting good governance, democracy and human rights (Department of Foreign Affairs 2004).

The South African government should not have in the first place had prioritized the successful implementation of the Comprehensive Peace Agreement between the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) without engaging the parties in the Darfur region. The CPA is regarded as the proximate cause of the Darfur conflict as it contained new economic, political and constitutional provisions for the entire Sudan but excluding the Darfurians. Contradicting the contents of the CPA, President Thabo Mbeki claimed that the agreement inhibited the conflict resolution (Nathan 2008:9).

It later emerged that part of the rebels' demands at the Abuja talks were the amendment of the CPA, to which both the SPLA and the NCP steadfastly refused to endorse.

If Pretoria is to be considered as Africa's big brother in promoting peace, security and human rights in the continent, it has to devise a mechanism of avoiding blocking international action against dictatorial governments and start to engage parties that promote the rights of the most vulnerable and poor citizens. It is through this narrative of the South African government's refusal to acknowledge that the Khartoum administration has to be held accountable for its human rights violations which makes the international stakeholders to not taking Pretoria seriously in resolving the Darfur crisis.

The United Nations Security Council

With the challenges that the AU had with the AMIS's operations in Darfur, the United Nations Security Council has to establish a permanent presence of UNAMID peacekeepers in volatile sections of the Darfur such as the Jebel Marra (Amnesty International 2016:97). The UNAMID peacekeepers' presence in such regions should be precisely to protect civilians from both government armed forces and the rebels as well as allowing the humanitarian organizations to distribute much needed medical supplies and food to the vulnerable citizens.

The composition of the UNAMID forces should be predominantly from the African states or resemble an African character in order to conform to the demands that the Khartoum administration has been calling for before the adoption of Resolution 1769 by the Security Council (Akuffo 2010:79). The presence of the UNAMID peacekeepers in the Darfur should also be used as an opportunity to carry out intensive investigations into the alleged violations of International Humanitarian Law (IHL) and International Human Rights Law by both the members of the rebel groups and the government armed forces.

The UN Security Council in conjunction with the African Union Peace and Security Council (PSC) should apply more political pressure to the Khartoum administration so that it abandons its strategy of denying access some parts of the region to members of the UNAMID and other humanitarian actors (AI 2016:97). Areas that the government had constantly refused entry to international organizations include the Jebel Marra where the government armed forces were alleged to have used chemical weapons to fight rebel.

The AU and the UNSC should in such circumstances initiate an investigation by the Organization for the Prohibition of Chemical Weapons (OPCW) to identify the individuals, groups or government officials who participated, organized, sponsored or indirectly facilitated the use of chemical weapons in the Jebel Marra. In order for the outcome of the investigation to be objective, there has to be a creation of the OPCW-United

Nations Joint Investigative Mechanism which would reach out to all parties to the conflict together with human rights representatives in the region. The outcome of the investigation can be used as part of evidence by the international community to enforce the already in place United Nations arms embargo on Darfur, including its expansion to cover the whole country.

However, it has to be noted that the issue of exerting pressure to the GoS through economic sanctions and international arms or oil embargos might not be a deterrent measure for Khartoum to change its attitude towards human rights violations in the Darfur. This is broadly because the government has largely been self-producing both small and medium scale arms for the Janjaweed militia in large quantities (Reeves: 2004). The Russians and Chinese have not been part of the international community that advocated for the isolation of the GoS and have been in the fore-front in the establishment of the dual-use production facilities such as the the GIAD complex which had a capacity of producing top of the art tanks as the the Russian model T-15.

With such economic, political and military support from two of the best economies in the world plus the oil reserves in the country, Sudan would be in a better position to resist and sustain both economic sanctions and arms embargo from the rest of the international community. However, the international community can still put a military import pressure on Khartoum through the servicing of the helicopter gunships that the government has been frequently using in both the Darfur region and South Sudan.

The International Criminal Court

Although there have been resistance from some in the international community, notably the African Union, China and Russia on the advisability of referring all the crimes committed in Darfur to the International Criminal Court, the UN Security Council successfully referred it on the basis of humanitarian emergency (Reeves 2005). The grounds under which the African Union opposed the Darfur conflict to be referred to the ICC were that the Rome Statute was only targeting cases originating from African states while Russia and China felt that the sovereignty of African states were not being observed (du Plessis, Maluwa & O'Reilly 2013:2).

However, both the AU and the ICC have an obligation to work together in the best interests of peace, security and development in both Darfur and the entire African continent. Before African states can start to cry foul about being targeted by the ICC, there should be innumerable changes in institutional frameworks that enable good governance, human rights observance, judiciary transformation and public accountability. These changes should be in direct response to allegations that Africa has experienced most of the atrocities across the world which would naturally call for the ICC to take action.

African states should take pride in the ICC and let the Prosecutors work on the cases referred to the institution partly because they are state parties to the Rome Statute. It is also vital to highlight that African states' pride in the ICC has to stem from the fact that they actively participated in its negotiations in the late 1990s together with other African NGOs through the International Coalition for the ICC.

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