Dilemmas of multiple priorities and multiple instruments

The Darfur crisis

Alex de Waal

Violent conflict in Darfur, Sudan, escalated to outright civil war in February 2003 and the following fifteen months saw a scorched earth counterinsurgency conducted by the Sudanese army and its proxy militias. The war is estimated to have cost 200,000 civilian lives, mostly from hunger and disease. The war and associated atrocities gained a high level of international attention around the tenth anniversary of the genocide in Rwanda alongside an international chorus of ‘never again.’ Subsequently the US government determined that genocide had been committed, and Darfur became the focus of an immense activist movement in the US calling for military humanitarian intervention and other tough measures against the Sudanese government.

This article assesses the international efforts to address the Darfur crisis. It notes the multiplicity of goals and profusion of mechanisms, especially instruments of pressure, and argues that these impeded the search for a practical solution. In particular, the prioritization of peacekeeping over peacemaking, driven in part by public advocacy campaigns to ‘save’ Darfur, complicated and obstructed the prospects for peace. The international community’s use of sanctions, conditionalities, guarantees and incentives in the peace process must be seen in this context. The focus on peacekeepers and more broadly an absence of a clear and consistent strategy for peace, meant that these instruments were used unsparingly but ineffectively. Even when they did have an immediate impact, as with the case of US targeted sanctions in 2007, the lack of a political strategy meant that the outcome was modest.

Darfur’s war and peace process

Darfur’s war is complicated, the product of local conflicts worsened by misgovernment and neglect, the spillover of Chad’s civil war and the readiness of diverse political opponents of Khartoum to support armed rebels. The same political turmoil in Khartoum that...
enabled President Omer al-Bashir to eject the most radical Islamists from government, and therefore to move towards an accommodation with the US that enabled the government to cooperate in the ‘war on terror’ and open serious peace talks with the southern Sudan People’s Liberation Army (SPLA), also created the context for Darfurian Islamists to begin armed resistance. The Darfur crisis erupted just as Sudan’s long-running north-south war was approaching a negotiated settlement, and the first efforts to tackle it treated it as a sideshow to the war in the south.

The government of Chad and the African Union (AU) mediated a ceasefire agreement in April 2004 and the AU deployed ceasefire monitors shortly thereafter and continued to take the lead in mediation efforts over the following two years. The UN Security Council took up the Darfur conflict in June 2004 and subsequently adopted a range of priorities for international action, including negotiations for a peace agreement (with the AU as mediator), humanitarian assistance, the dispatch of a UN force authorized by a Chapter VII mandate to undertake coercive protection, the sanctioning (travel bans and asset freezes) of individuals deemed to be obstructing the peace process or in violation of the arms embargo, and the prosecution of individuals alleged to be responsible for grave human rights violations by the International Criminal Court (ICC). By inviting the Sudanese government to consent to the dispatch of a UN force to Darfur, without any such consent having been secured, UN Security Council Resolution 1706 (August 2006) opened the option of a non-consensual deployment. The UN has also sought to prevent the war from spreading to Chad and provide protection for local civilians and refugees there. In addition, the US government has imposed targeted travel and financial sanctions on individuals and corporations involved in the Darfur war, while American politicians have urged direct military intervention in the form of a no-fly zone or a ground offensive. In parallel to this, an immense programme of international assistance to Darfur, especially the 2.5 million displaced people, has been undertaken.

The multiplicity of international initiatives on Darfur gives the impression of considerable and concerted effort. Rarely can so many instruments of diplomatic and political coercion and suasion have been brought to bear on an African conflict. Yet there is little evidence that these efforts have influenced the course of the war in a measurable way. The Darfur conflict has followed the familiar pattern of Sudanese wars, namely that in response to a rebellion the government has launched an immense and brutal counterinsurgency using locally-recruited militia as proxy forces, resulting in massacre, mass displacement and famine. In Darfur, this period of the war lasted from approximately April 2003 to June 2004, with a tail-end offensive continuing for a further seven months in eastern Darfur. Thereafter the war has resembled a complex, low-level counterinsurgency combined with local inter-ethnic strife and rampant banditry, in which the rebellion has fractured and the militias have run out of control and in some cases turned either on their erstwhile sponsors or on one another.
While the humanitarian effort succeeded in helping restore pre-war levels of nutrition and health among most of the population, the impact of both peacekeeping and peacemaking on the trajectory of the violence has not been appreciable. Most notably, the AU-led mediation to achieve a political settlement culminated in the completion of the Darfur Peace Agreement (DPA) in May 2006, but did not lead to peace, and the African Mission in Sudan (AMIS), after chalking up some important successes in its first year, did not subsequently succeed in either monitoring the ceasefire or protecting civilians. In late 2007, a hybrid UN-African Union Mission in Darfur (UNAMID) is in the early stages of deployment, more than two years after the dispatch of UN peacekeepers became a priority for the US and European countries. While the routinely repeated mantra ‘things are getting worse’ has not corresponded to the major indicators of ill-being such as violence and mortality since 2004, it does accurately reflect the frustration of foreign policymakers that their instruments have consistently not worked (except in the case of humanitarian assistance).

Two questions are posed here: what were the incentives, sanctions, conditionalities and guarantees utilized by the international community to encourage the parties to the conflict in Darfur to reach a solution to the crisis? And why have those instruments had such limited impact on the war to date?

**New and traditional instruments for responding to crisis**

The range of instruments utilized over Darfur can be compared to a hypothetical ‘standard’ case of international efforts for peacemaking and peacekeeping. In such a standard case, incentives, conditionalities and sanctions were focused in two principal areas. One was good faith participation in a peace process: those who refused to participate, or obstructed the process, were subjected to various forms of pressure, while those who did engage received recognition and possibly material reward. The second area was key substantive subjects for negotiation, such as human rights, inclusivity and democracy. The inclusion of provisions for these in the agenda of the peace talks and final agreement was rewarded.

In such a ‘traditional’ case, guarantees were provided primarily by the structure of the agreement itself, which (in the case of security arrangements) typically provided for joint monitoring of reciprocal measures by the belligerents, including disengagement, redeployment and arms control, followed by staged integration of belligerent forces. Mechanisms such as a ceasefire commission with a neutral monitor, perhaps backed by military observers or peacekeepers, provided another layer of guarantee. These mechanisms were often augmented by political counterparts including political monitoring mechanisms such as a special representative of the UN Secretary-General or an assessment and evaluation commission comprised of international representatives. This ‘standard’ case was underpinned by two basic principles: that the parties to the agreement were the implementers of the agreement, and peacemaking preceded peacekeeping.

Since the late 1990s, occasional practices of coercive protection by international forces have added new tools to the international armoury for engagement in conflicts, while the doctrine of the ‘Responsibility to Protect’ has formalized interventionist measures. Notable instances include Kosovo, East Timor, Sierra Leone and the Democratic Republic of Congo, while the Ugandan government invited the ICC to investigate human rights violations in the conflict in northern Uganda before any peace was achieved. In none of these cases has the international engagement been so ambitious and wide-ranging as Darfur. Each of these cases has sparked debates about how best to create incentives for human rights and democracy, and how to minimize the risk that threats of prosecuting political leaders for human rights violations would create entrenched spoilers. The case of Darfur raises these debates in particularly complex ways.

International engagement in Darfur had one overriding priority, which was the dispatch of UN troops with a mandate to protect civilians. From the moment at which the crisis seized high-level international attention until the time of writing, this has preoccupied advocacy groups, the highest level of the US and European governments and the UN Security Council. This prioritization caused much frustration among senior professional staff in the US and UN, who, speaking to this writer, estimated that they spend five-to-ten times as much effort on peacekeeping issues as on peacemaking. The principal reason why this happened was that a vast American advocacy campaign to ‘save’ Darfur made the dispatch of troops its priority, which in turn was adopted by the US government as a policy. Furthermore, the UN, having made the Department of Peacekeeping Operations senior to Political Affairs, and having endorsed the ‘Responsibility to Protect,’ was susceptible to such an approach.

**Peace efforts and their political context**

Incentives, sanctions, and conditionalities were used by the international community primarily to achieve peacekeeping and protection objectives. During 2005-07, the UN Security Council was overwhelmingly
The principal incentive was the US promise of belatedly militias and integrating rebel combatants into the army. pressing for mechanisms for disarming the Janjaweed international community for enforcement), insisting on was neither agreement nor energy among the obstructing the peace process (an exercise that did not go beyond drawing up lists of names because there needed to resolve the Darfur crisis before the US could deliver. It was this incentive, alongside the pressure of existing sanctions and ostracism, which made them agree to the AU ceasefire monitors and later to an expanded AU mission, to participate in the Abuja talks and to sign the DPA. Initially, the US focus was on how to achieve a peace agreement that did not contradict or undermine the CPA, but peace talks became increasingly ancillary to the US emphasis on introducing UN troops. Neither Khartoum nor the UN were happy for a UN troop deployment without a peace agreement.

**Incentives, pressure and guarantees in Abuja**

Some sanctions and conditionalities were exercised on the substance of the DPA negotiations. These included UNSC threats of sanctioning individuals seen to be obstructing the peace process (an exercise that did not go beyond drawing up lists of names because there was neither agreement nor energy among the international community for enforcement), insisting on compatibility with the CPA, and in the latter stages pressing for mechanisms for disarming the Janjaweed militias and integrating rebel combatants into the army. The principal incentive was the US promise of belatedly moving towards normalization of relations when Darfur was settled. For this reason, Khartoum's delegation to the Abuja talks did very little serious negotiation with the rebels, but a considerable amount with the Americans - sometimes directly, sometimes using the AU mediation team as an intermediary. The US also pressured the leaders of the movements to sign the DPA, both by offering them political support during the implementation of the agreement and by threatening them with international ostracism should they fail to sign. The promised support included help to transform the Sudan Liberation Movement (SLM) into a political party, assistance with training and regularizing the rebel forces, and monitoring the peace agreement. None of these promises were ultimately fulfilled, but in Abuja the approach worked on Minni Minawi (commander of one faction of the SLM) but not on Abdelwahid al-Nur (Chairman of the larger faction) or Khalil Ibrahim (President of the Justice and Equality Movement).

The issue of guarantees came to take on an important role in the Darfur peace process. Because of the international commitment to operationalizing the ‘Responsibility to Protect’ through international forces, the Darfur armed movements came to use the term ‘guarantee’ to refer to direct security guarantees for the civilian population and the rebel forces, rather than to political guarantees embedded in the peace agreement and its monitoring. While the Sudan government distrusted any such direct security guarantees as an escalation of international demands, the armed movements took such guarantees as a precondition for signing an agreement – or in some cases, as a precondition for entering negotiations. Thus, Abdelwahid al-Nur refused to sign the DPA because it did not contain the cast-iron security guarantees he demanded, “like Bosnia.” He wanted international forces to protect the people, protect his forces and enforce the agreement. When the US and other governments could not provide such guarantees, he walked away. Abdelwahid has subsequently demanded guaranteed security for Darfurian civilians before participating in a new round of peace talks.

Having directly negotiated with Khartoum, the US government also negotiated directly with the leaders of the movements, especially during the final days of the Abuja talks. The actual incentives provided to the armed movements for peace comprised the benefits of the agreement itself, namely power-sharing, wealth-sharing and arrangements for security. Most elements of the deal offered in the negotiating hall were accepted by the rebel movements. In the days following his refusal to sign, Abdelwahid articulated a narrow agenda of increasing compensation, taking a few more seats in state and local government, and
ensuring that his troops were more closely integrated into local security measures. But the kinds of compromise positions on the table in Abuja were never commensurate with the rhetoric of western political leaders who had publicly pronounced on ‘genocide’ and the ‘Responsibility to Protect.’ Nor did they match the demands made by vocal Darfur activists in north America, who had succeeded in wringing a series of political concessions out of the US administration and who were in constant touch with many Darfuri rebel leaders.

Promises, pressure and personal relations
The signing of the DPA – with a number of provisions to which Khartoum strongly objected – did not bring the anticipated rewards. AU and US promises to move rapidly to implement the security arrangements (for example through expedited verification of the positions of the forces on the ground) were not fulfilled. To the contrary, the agreement was followed by an escalation of American threats against the Sudanese government on the basis of Khartoum’s foot-dragging over UN troops. Pressure was sustained by keeping in place existing sanctions and raising the prospect of new ones, as well as threatening to deploy international troops without Khartoum’s consent. UNSC Resolution 1706 of 31 August 2006 invited the consent of the Sudanese government to a UN mission, whereupon President al-Bashir promptly called the bluff of the international community by rejecting it. The UN did not make good on its implicit threat of a non-consensual deployment. In November, a compromise was agreed in the form of the consensual deployment of a hybrid UN-AU force, with two intermediate stages during which the UN would assist the existing AU force. Quibbling over details, Khartoum delayed the dispatch of the support packages, agreeing only on 16 April 2007. Two days later, President George W. Bush announced a long-prepared package of targeted economic sanctions against Sudan on account of this non-cooperation. Khartoum’s interpretation of this was that the US had once again reacted to a concession by further raising the bar.

For most of 2004-05, there had been relatively good relations between Khartoum and Washington, but these relied heavily on a channel of communication between Vice President Ali Osman Taha and US Deputy Secretary of State Robert Zoellick. Taha had championed
peace in the south and Darfur partly as a means of restoring normal diplomatic relations with the US. But when his star waned in late 2005, he could deliver on few of his promises. He remained in his post as vice president but several rivals within the ruling NCP showed they had comparable political muscle, and a year later Assistant President Nafie Ali Nafie was clearly in the ascendant. Nafie had always argued against making concessions, on the grounds that the US would simply snap these up and then ask for more.

Meanwhile, in August 2006 Zoellick left his post, whereupon communication between the two governments was reduced to reciprocal public posturing and second-guessing the other’s real calculations. Gradually public rhetoric became real policy on both sides. The main US action was a range of financial sanctions targeted at specific corporations with close links to the NCP and security agencies, beginning in June 2007. Confounding many sceptics, by August these sanctions were having an appreciable impact on Sudanese government finances. Coming on top of a drop in oil production and a crisis in the banking sector, the inability of Khartoum to transact its oil sales through any international banks that used dollars (virtually all banks) led to a financial squeeze on the government budget. However, this financial pain has not yet resulted in a measurable impact on the government’s conduct of the war. It is likely that the US will sustain this pressure, until UNAMID is fully deployed, and until whatever additional policy objectives introduced in the meantime have been achieved. At the time of writing, those objectives have not included specific political concessions towards a peace agreement – an effective tool has been used to narrow ends.

Conclusion

In conclusion, the effectiveness of the regime of sanctions imposed on Khartoum, and the conditionalities, incentives and guarantees provided by the US, other western governments and the UN was mitigated by three factors. The first was the subordination of the goal of achieving peace to the objective of dispatching a UN peacekeeping and protection force, an unprecedented approach adopted against the advice of senior officials in most governments as well as the UN and AU. This considered advice was ignored because the top leadership of the two organizations was under intense pressure, mainly from the US, to deliver a quick agreement. It is likely that this prioritization of peacekeeping over peacemaking contributed to the failure at achieving either. The second factor was the breakdown of trust between Khartoum and Washington DC, whereby

A military metaphor is helpful. A General accustomed to commanding an infantry division will find that the availability of mechanized forces and air support poses as great a danger to his own troops as to the enemy, until such time as he is trained and experienced in coordinating complex operations. The multiplication of instruments for seeking peace and protection in complex conflicts such as Darfur poses challenges of defining and prioritizing objectives and coordinating the available instruments. Until these challenges are met, the danger of friendly fire casualties will be high. At the end of 2007, it appears that Darfur’s peace process may have been such a casualty.

It is not just Darfur that suffers the consequences. The centre of political gravity in Sudan remains the CPA and its provisions for electoral democracy and self-determination for south Sudan – elections are due in 2009 and a referendum on self-determination in southern Sudan in 2011. When the CPA was signed in 2005, diplomats recognized that the agreement would need much international attention and leverage if it were to be faithfully implemented. In the subsequent three years, not only has Darfur consumed the greater part of international attention, but the most potent instruments of diplomacy have been used there, to scant effect. Should the CPA face a crisis requiring robust international action, the levers may have little purchase.