

UNITED NATIONS INTERVENTION IN DARFUR: A CASE STUDY

A Master's Thesis

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June 2010



To My Family

UNITED NATIONS INTERVENTION IN DARFUR: A CASE STUDY

The Institute of Economics and Social Sciences  
of  
Bilkent University

by

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in

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INTERNATIONAL RELATIONS  
BİLKENT UNIVERSITY  
ANKARA

June 2010

I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in International Relations.

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## **ABSTRACT**

### **UNITED NATIONS INTERVENTION IN DARFUR: A CASE STUDY**

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The crisis in Darfur started in February 2003 as an insurgency movement against the Sudanese government in Khartoum. The response of the ruling party to the uprising became devastating and paved the way to the extreme level of humanitarian suffering. The United Nations has been criticized widely due to its late, reluctant and ineffective response to this humanitarian crisis. This thesis aims to analyze the peace operation in Darfur within the context of the UN interventions in intrastate conflicts. The attitude of the UN in the Darfur crisis is interesting to examine as the case took place in the intersection of two opposite processes. On the one hand, there were significant attempts to regulate the norm of humanitarian intervention and to increase the effectiveness of peace operations. On the other hand, the impact of 9/11 attacks was radically changing the agenda of the world politics. This study tries to assess the intervention on the basis of four questions: How can the basic principles of peacekeeping be applied to that case? Has the AU/UN hybrid operation in Darfur succeeded? What were the reasons for the UN to respond lately and reluctantly in Darfur? How can the case be evaluated within the context of humanitarian interventions? In the final analysis, this thesis argues that despite the fact that significant normative progress has been achieved in rhetoric especially in notion of sacrificing state sovereignty for the sake of human security, the practice is still shaped by the political calculations of member states.

**Keywords:** the United Nations, Darfur, peace operations, humanitarian intervention, UNAMID

## ÖZET

### DARFUR'DA BİRLEŞMİŞ MİLLETLER MÜDAHALESİ: BİR ÖRNEK OLAY İNCELEMESİ

Akgün, Filiz

Yüksek Lisans, Uluslararası İlişkiler Bölümü

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Darfur'daki kriz Şubat 2003'te, Hartum'daki Sudan hükümetine karşı bir ayaklanma olarak başlamıştır. İktidar partisinin isyana verdiği karşılık yıkıcı olmuş ve aşırı düzeyde insani acıya yol açmıştır. Birleşmiş Milletler, bu insani krize verdiği geç kalmış, ağırdan alan ve etkisiz tepki nedeniyle oldukça eleştirilmiştir. Bu tez, Darfur'daki barış operasyonunu BM'nin devlet-içi çatışmalara müdahaleleri bağlamında incelemeyi amaçlamaktadır. Darfur vakası iki zıt sürecin kesişiminde meydana geldiği için, BM'nin Darfur krizindeki tutumu incelemeye değerdir. Bu dönemde, bir yandan insani müdahale normunu düzenlemek ve barış operasyonlarının etkililiğini artırmak için önemli çabalar sarfedilirken, diğer yandan 11 Eylül saldırılarının etkisiyle dünya politikasının gündemi esaslı bir şekilde değişmekteydi. Bu çalışma, söz konusu müdahaleyi dört soru temelinde değerlendirir: Barışgücü operasyonlarının temel prensipleri bu vakaya nasıl uygulanabilir? Darfur'daki Afrika Birliği/BM operasyonu başarılı olmuş mudur? BM'nin Darfur'a geç kalmış ve gönülsüz müdahalesinin sebepleri nelerdir? Bu vaka, insan müdahaleler bağlamında nasıl değerlendirilebilir? Son tahlilde bu tez, söylemde, özellikle devlet egemenliğinden insan güvenliği için ödün verme konusunda, kayda değer normatif bir gelişmenin sağlandığı gerçeğine rağmen, uygulamanın halen üye devletlerin politik hesaplamaları sonucu şekillendirildiğini öne sürer.

Anahtar Kelimeler: Birleşmiş Milletler, Darfur, barış operasyonları, insan müdahale, UNAMID

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## TABLE OF CONTENTS

<b>ABSTRACT</b> .....	iii
<b>ÖZET</b> .....	iv
<b>ACKNOWLEDGMENTS</b> .....	v
<b>TABLE OF CONTENTS</b> .....	vi
<b>LIST OF GRAPHS</b> .....	ix
<b>CHAPTER I: INTRODUCTION</b> .....	1
<b>CHAPTER II: THE DARFUR CRISIS IN CONTEXT AND INTERNATIONAL RESPONSE</b> .....	10
2.1. Characteristics of Sudan and the Darfur Region .....	11
2.1.1. Geographical Facts.....	11
2.1.2. People.....	12
2.1.3. Historical Context.....	14
2.2. The Darfur Crisis .....	17
2.3. Humanitarian Outcomes of the Darfur Conflict.....	19
2.3.1. Murder of Civilians.....	20
2.3.2. Internally Displaced Persons (IDPs) and Refugees.....	21
2.3.3. Rape and Kidnap.....	22
2.3.4. Death Toll.....	24
2.4. International Response during the Evolution of the Conflict.....	25
2.4.1. The African Union .....	26
2.4.2. The European Union and NATO.....	28
2.4.3. The United Nations.....	29
2.5. Peace Agreement and the Current Situation.....	33
<b>CHAPTER III: UN INTERVENTIONS IN INTRASTATE CONFLICTS</b> .....	36
3.1. Basic Concerns for the Intervention in Intrastate Conflicts.....	37
3.1.1. Definition of Intervention .....	37
3.1.2. Related Provisions of the UN Charter .....	38

3.1.3. The Instruments of UN Practice in Internal Conflicts.....	42
3.1.3.1. The Use of Force .....	43
3.1.3.2. Peacekeeping Operations .....	45
3.1.3.3. Relationship between the Use of Force and Peacekeeping.....	48
3.2. The UN and Humanitarian Interventions.....	53
3.2.1. Definition of Humanitarian Intervention.....	53
3.2.2. Ethical Framework: <i>The Duty to Intervene</i> .....	54
3.2.3. Legal Framework: <i>The Right to Intervene</i> .....	57
3.3. Deciding to Intervene .....	60
3.4. Evaluating the Success of the Operations .....	64
<b>CHAPTER IV: THE UN INTERVENTION IN DARFUR CRISIS:</b>	
<b>UNAMID</b> .....	67
4.1. Launching the Operation .....	68
4.1.1. The UNSC Resolution .....	68
4.1.2. Perspectives of the States Involved .....	78
4.1.2.1. The USA.....	78
4.1.2.2. China and Russia .....	80
4.1.2.3. Muslim World .....	82
4.1.3. Attitude of the Sudanese Government .....	83
4.2. UNAMID .....	85
4.2.1. Functions .....	85
4.2.2. Organization .....	87
4.2.3. Funding .....	91
<b>CHAPTER V: EVALUATION OF THE UN INTERVENTION IN DARFUR</b>	
.....	94
5.1. Applying Basic Principles of Peacekeeping to the UN Intervention in Darfur.....	95
5.2. Success of the Operation .....	98
5.3. Reluctance to Intervene .....	105
5.4. Assessment within the Context of Humanitarian Interventions .....	110
<b>CHAPTER VI: CONCLUSION</b> .....	116
<b>SELECT BIBLIOGRAPHY</b> .....	121
<b>APPENDICES</b>	

<b>APPENDIX A: SUDAN AND DARFUR MAP.....</b>	<b>130</b>
<b>APPENDIX B: UNAMID DEPLOYMENT MAP – JULY 2009.....</b>	<b>131</b>

## LIST OF GRAPHS

1. UNAMID Deployment from January 2008 to June 2009 ..... 90
2. Results from mortality surveys in Darfur between January 2004 to January 2008 ..... 92

## CHAPTER I

### INTRODUCTION

The current crisis in Darfur, in far western Sudan, started in February 2003 as an insurgency movement against the government in Khartoum. The causes of the uprising in the region consist of enduring and intertwined conflicts on ethnicity, political power, economic tensions and sharing scarce resources.<sup>1</sup> When the rebellious Sudan Liberation Movement/Army and the Justice and Equality Movement initiated an attack on the government forces, the counter attack of the ruling National Islamic Front party became devastating and paved the way to the extreme violence. Since then, approximately 300,000 people died as a result of humanitarian disaster,<sup>2</sup> and the number of Internally Displaced Persons (IDPs) was estimated to be nearly 2.7 million. The total population that was affected from the conflict in Darfur was reported to be almost 5 million (4,714,706 in exact numbers by January 2009).<sup>3</sup>

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<sup>1</sup>United Nations Peacekeeping. "UNMIS." Available at <http://www.un.org/en/peacekeeping/missions/unmis/background.shtml> (accessed in February, 2010).

<sup>2</sup>ReliefWeb. 2008. "Scientific Evidence supports UN OCHA Extrapolation on Darfur Mortality." Available at <http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/AMMF-7DZHT5?OpenDocument> (accessed in February, 2010).

<sup>3</sup>United Nations Sudan Information Gateway. 2009. "Darfur Humanitarian Profile No.34." Available at <http://www.unsudanig.org/docs/090330%20DHP%2034%20narrative%201%20January%202009.pdf> (accessed in February, 2010) p. 3.

The humanitarian situation in Darfur was defined as “one of the worst in the world” by the UN Under-Secretary-General in December 2003.<sup>4</sup> However, it took sixteen months from the outbreak of the conflict for the Security Council to mention the situation in Darfur officially. On 11 June 2004, the parties were called to stop the fighting immediately with Resolution 1547. Unfortunately, the fighting escalated rather than being halted and the human sufferings like the murder of civilians, rape, displacement, kidnappings reached to unprecedented levels. The US Secretary of State Colin Powell labeled the widespread atrocities as “genocide” in his speech on 9 September 2004<sup>5</sup> and was followed by many activist organizations which were angry because of the inaction of the UN. Finally, the Security Council authorized the deployment of a hybrid African Union/United Nations peacekeeping operation in Darfur<sup>6</sup> and UNAMID replaced the African Union Mission in Sudan (AMIS) on 31 December 2007. The mission is still on duty to reconcile the parties and to protect civilians.

The aim of this research is to explain and examine the peacekeeping operation in Darfur within the context of the UN interventions in intrastate conflicts. This thesis examines the events leading to the intervention first, then the decision-making process, and lastly the operation itself. In the final analysis, this study tries to assess the intervention on the basis of four questions: How can the basic principles of peacekeeping be applied to that case? Has the AU/UN hybrid operation in Darfur succeeded? What were the reasons for the UN to respond lately and reluctantly to

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<sup>4</sup> United Nations News Centre. December 5, 2003. “Humanitarian and Security Situations in Western Sudan Reach New Lows, UN Agency Says.” Available at <http://www.un.org/apps/news/printnewsAr.asp?nid=9094> (accessed in February, 2010).

<sup>5</sup> CNN. September 9, 2004. “Powell Calls Sudan Killings Genocide.” Available at <http://www.cnn.com/2004/WORLD/africa/09/09/sudan.powell/> (accessed in February, 2010).

<sup>6</sup> The United Nations Security Council Resolution. July 31, 2007. S/RES/1769 (2007).

humanitarian sufferings in Darfur? How can the Darfur case be evaluated within the context of humanitarian interventions?

Although the Darfur case is relatively a new issue, a researcher does not meet much difficulty in finding studies in the literature addressing the subject from different dimensions and various perspectives. As a matter of course for a continuing conflict, a huge amount of existing literature is journal articles. However, scholarly works, field studies, memoirs generate a considerable amount of the literature, as well. For the sake of this thesis, the studies dealing with the humanitarian dimension of the crisis and analyzing the UN intervention are taken into consideration. These studies either focus on the level of atrocities in Darfur and how to label them or analyze international response within the context of humanitarian interventions. Both groups help to understand the attitude of the UN towards the issue and what the Darfur case indicates for the UN practice of intervention in intrastate conflicts.

As for how to label the atrocities there is a debate whether the humanitarian crisis in Darfur is a genocide or not. The following studies either review the debate or are supporters of one of the sides. The book *Darfur and the Crime of Genocide* (Hagan&Rymond-Richmond, 2008) examines the survey conducted by the US State Department which confirmed Colin Powell's words labeling the crisis "genocide". On the other hand, the book questions the inaction towards a genocidal situation. On the opposite, in his book *Saviors and Survivors: Darfur, Politics and the War on Terror* (2008), Mahmood Mamdani focuses on the danger created with the images of "genocide" which was presented as being conducted by "Arab" perpetrators against "African" victims. He also points out that the civil war first started without the involvement of the government. Darren Brunk argues in his article "Dissecting Darfur: The Anatomy of a Genocide Debate" (2008) that the memory of the Rwanda

genocide might have caused the international community to accept the situation in Darfur as “genocide” much easily. He adds that one should be very careful before assuming that disaster as such because the word has a very strong meaning in front of the international law and the public opinion.

In terms of analyzing the Darfur case within the humanitarian interventions context, studies examine and interpret the Security Council decisions, the UN intervention and some evaluates the actions with regard to the “responsibility to protect” understanding. There are many studies arguing that the case of Darfur has been a failure to test the “responsibility to protect” idea. This failure is derived either from the lack of political will to implement the idea or from the political limitations existing within the framework of the responsibility to protect. Therefore they are pessimistic for the future of the ideal, and humanitarian interventions as well, unless the concept will be improved with a clearer framework. Some of these studies are: *Humanitarian Intervention After Kosovo: Iraq, Darfur and the Record of Global Civil Society* (Hehir, 2008), *Humanitarian Intervention: Ideas In Action* (Weiss, 2008), “The Responsibility To Protect and the Conflict in Darfur: The Big Let-Down” (Badescu and Bengholm, 2009), “Darfur and the Failure of the Responsibility to Protect” (De Waal, 2007), “The Responsibility to Protect or the Trojan Horse? The Crisis in Darfur and Humanitarian Intervention After Iraq” (Bellamy, 2005). On the other hand, there are studies pointing the ineffective decision-making in the Security Council and its failure to react on time. “Rwanda and Darfur: The Media and the Security Council” (Melvern, 2007), “Still Playing Dice with the Lives: Darfur and the Security Council Resolution 1706” (Udombana, 2007), “The United Nations Security Council and the Question of Humanitarian Intervention in Darfur” (Bellamy and Williams, 2006) are some of them. In the thirteenth chapter of his book

*Surrender is Not An Option* (2007), John Bolton touches upon the weakness of UN peacekeeping in Darfur and generally in Africa. However, not all the literature is judgemental about the intervention in Darfur. Some argue that the developments through the Darfur case can be optimistic for the future. Piiparinen (2007) is among those scholars with his article “The Lessons of Darfur for the Future of Humanitarian Intervention”, and claims that the “division of labour” provided by the UN, the AU, the EU and the NATO is a promising picture for the future operations and shows the cooperation of willingness and means.

As a 21st century humanitarian crisis, the Darfur case is very important. Why it matters to study the intervention in Darfur can be explained under four headings. First of all, the timing and the evolution of the Darfur crisis make the case very interesting to examine. After the end of the Cold War, intervening in intrastate conflicts with humanitarian purposes gained enormous popularity, but also created a contradiction with the Charter principles about the use of force and non-intervention. Together with the failures in the 1990s, these contradictions have led the international community to reform and to codify the “humanitarian intervention” doctrine. As a result, the 21st century has welcomed the idea of “the responsibility to protect”, has argued for more active role for regional organizations, and has emphasized the importance of post-conflict peacebuilding, etc. However, at the very same time, September 11 attacks in 2001 and the following “war on terror” radically changed the direction of the world affairs and the political agenda. Therefore, it is not wrong to claim that the conflict in Darfur has taken place in the intersection of two opposite processes.

Secondly, the situation in Darfur and the attitude of the United Nations in responding to the humanitarian crisis have raised intense debate among international

actors. On the one hand, the pro-interventionist argument have claimed that through the international norms of the 21<sup>st</sup> century, such level of atrocities together with high amount of malnutrition, preventable diseases and displacement cannot be ignored as being an affair of Sudanese domestic politics.<sup>7</sup> Therefore, late reaction of the Security Council, arguments of the members such as Russia, China, Pakistan, Algeria, Qatar, and the stance of the UN which refuses to call the atrocities as genocide have been harshly criticized. These are thought to reflect the concerns of extreme notion of state sovereignty, economic interests and political measures, and not in compliance with the “responsibility to protect” idea.

On the other hand, non-interventionists have had three main arguments. Firstly, the unfavourable humanitarian conditions in Darfur, which are thought to occur because of the diseases and natural disasters to a great extent, have been exaggerated to assault the Sudanese government which has an Arabic/Muslim identity. Secondly, a UN intervention would be illegal according to Charter provisions as the issue is within the domestic jurisdiction of Sudan and any interference would possibly lead to the secession of the country. Thirdly, some states have become increasingly sceptic on the West’s humanitarianism with the declaration of “war on terror” after 9/11 attacks.<sup>8</sup> How those two opposite poles found a common point and authorized intervention is worth to analyze.

Thirdly, Darfur case is considered as the test case for the “responsibility to protect” idea. Since the ICISS has developed the concept in 2001, the idea of states bearing the responsibility to protect populations suffering from serious harm has

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<sup>7</sup> David C. Gompert and et al. 2005. “Learning from Darfur: Building a Net-Capable African Force to Stop Mass Killing.” *Center for Technology and National Security Policy*. Available at <http://www.ndu.edu/CTNSP/docUploaded/DTP%2015%20Darfur.pdf> (accessed in February, 2010), p. 1.

<sup>8</sup> Paul Williams and Alex Bellamy. 2005. “The Responsibility to Protect and the Crisis in Darfur,” *Security Dialogue* 36(1), p. 27.

been widely supported. In 2005, it was included in the final Outcome Document of the UN World Summit. The evolution of the crisis in Darfur has taken place during that period. Therefore, the case generates a turning point for the international community to see where it stands on humanitarian intervention issue, and to make a comparison about what has changed and what has not.

Lastly, the UN intervention in Darfur is important as it undertakes a hybrid operation with a regional organization for the first time. The willingness of African states to terminate the conflict in Sudan had led to the establishment of AMIS, the AU peacekeeping force which was deployed in Darfur in June 2004. The motto was “African solutions to African problems”; however, the material capabilities were not as sufficient as their willingness. When the UN Security Council authorized Resolution 1769, AMIS was replaced by the AU/UN Hybrid Operation in Darfur, UNAMID. Therefore, this case is interesting to understand the rooms for cooperation for the UN with a regional organization.

This study is outlined with the aim of providing necessary background and conceptualization first, and then analyzing what has been described. In other words, this thesis makes a systematic-descriptive analysis. Chapter I explains the crisis in Darfur in detail and touches upon the international response. First of all, the geographical conditions and demographic situation of Darfur and Sudan are described together with the origins of the conflict within the historical context. Then the outcomes of the crisis are discussed in terms of the humanitarian catastrophe. Lastly, international involvement during the evolution of the crisis and the current situation are explained.

A general framework for the UN interventions in intrastate conflicts is drawn in Chapter II. It begins with the definition of intervention and explains why it is one

of the most problematic concepts of international relations. The chapter continues with Charter provisions, emphasizes the “non-intervention” principle, and lists the exceptions. Later on, the UN practices in internal conflicts are examined with an emphasis on peacekeeping operations. Following, the humanitarian interventions are conceptualized and explained from ethical and legal points of view. The second chapter continues with an analysis of the Security Council decisions to intervene in internal conflicts, and ends with explaining how the success of operations are evaluated.

The third chapter provides the grounds to analyze four main questions of the study mentioned above. It is about the UN involvement in Darfur crisis and mainly concentrates on the decision-making for the intervention together with the attitudes of the states involved. In addition, the characteristics of the African Union/United Nations Hybrid Operation in Darfur, UNAMID, are explained from functional, organizational and financial dimensions.

Chapter IV attempts to answer the questions through the framework established in Chapter II. It analyzes the definition of the UN mission in Darfur, evaluates the success of the operation, provides the reasons for late and reluctant response, and makes assessment within the context of humanitarian interventions.

The conclusion echoes the analyses which are put forward through the whole paper and ends up with the overall assessment of Darfur case for the UN interventions in intrastate conflicts.

In this research, I rely on the official UN documents such as resolutions of the Security Council and the General Assembly, reports of the Secretary General, statements and letters by the Secretary General and the president of the Security Council, as well as the data gathered from institutions like the Office for the

Coordination of Humanitarian Affairs and the United Nations Sudan Information Gateway. I also utilize the information and data provided by the institutions like the African Union, Amnesty International, International Crisis Group, other humanitarian agencies operating in the field, newspapers and electronic journals. They enable me to verify the objectivity of the official resources. In addition, I have been able to look at the issue from various dimensions with the invaluable contribution of the books and articles of authors from different perspectives and with several points of emphasis.

## **CHAPTER II**

### **THE DARFUR CRISIS IN CONTEXT AND INTERNATIONAL RESPONSE**

Although the recent conflict in Darfur has taken the attentions for the last few years, it has deep causes rooted in the past. In order to analyze the process of UN involvement in that intrastate conflict, the origins, the beginning and the outcomes of the crisis should be understood as well as the international response to it. For that purpose, this chapter aims to explain the basic facts about Sudan and the Darfur region, first. Then, it examines the background leading to the recent insurgency in general. Next, the outcomes of the crisis especially after the counter-insurgency was initialized are analyzed with a specific emphasis on humanitarian aspect. Fourth, this chapter tries to provide a brief information on the responses of different international actors. As last, peace attempts and the contemporary situation in the region are explained. Indeed, it is difficult to refer to a complex crisis with all aspects in one chapter. Therefore it is worth to mention that the aim here is to cover the general basics to understand the essence of the Darfur issue.

## 2.1. Characteristics of Sudan and the Darfur Region

### 2.1.1. Geographical Facts

Sudan is located in Sub-Saharan Africa. It has common borders with Central African Republic, Chad, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Kenya, Libya and Uganda; and a coastline with Red Sea. With its 2,505,813 square kilometers total area, Sudan is the largest country in Africa and the 10th in the world.<sup>9</sup> By comparison, the area of Sudan is approximately one third of the size of the USA.<sup>10</sup>

The country generally has a flat terrain with savannas and deserts in the north. Its climate is tropical in the south and dry desert in the north.<sup>11</sup> Indeed, Sudan was once thought to be the granary of Africa with the great potential of its large savanna grass region.<sup>12</sup> However, drought and the bad governance caused famine in Sudan several times. Recent reports show that the country is categorized as a “low-income, food-deficit country” by the UN,<sup>13</sup> and ranks as the 150<sup>th</sup> out of 182 countries and territories on the 2007 Human Development Index.<sup>14</sup> Despite its agricultural deficiency and water scarcity, Sudan is not dried of natural resources. There are found small reserves of iron ore, copper, chromium ore, zinc, tungsten, mica, silver, gold, and hydropower in the country.<sup>15</sup> More significantly, in the southern part, Sudan has abundant amount of petroleum which was discovered in 1978.<sup>16</sup> As a note,

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<sup>9</sup> Central Intelligence Agency. “The World Factbook: Sudan.” Available at <https://www.cia.gov/library/publications/the-world-factbook/geos/su.html> (accessed in March, 2010).

<sup>10</sup> Central Intelligence Agency.

<sup>11</sup> Central Intelligence Agency.

<sup>12</sup> Donald M. Snow. 2010. *Cases in International Relations*. New York: Longman, p. 112.

<sup>13</sup> World Food Programme. “Countries: Sudan.” Available at <http://www.wfp.org/countries/sudan> (accessed in March, 2010).

<sup>14</sup> Human Development Reports. “Human Development Report 2009: Sudan.” Available at [http://hdrstats.undp.org/en/countries/country\\_fact\\_sheets/cty\\_fs\\_SDN.html](http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_SDN.html) (accessed in March, 2010).

<sup>15</sup> Central Intelligence Agency.

<sup>16</sup> International Crisis Group. “Reports by Region: Sudan.” Available at <http://www.crisisgroup.org/home/index.cfm?id=1230&l=1> (accessed in March, 2010).

it is worth to mention that this oil is controlled by the government which has improved its relations with China upon oil trade.<sup>17</sup>

The Darfur region is located in the western part of Sudan having border with Chad. Its size is approximately 295,259 square kilometers which covers almost the size of France.<sup>18</sup> The area is one of the poorest in the country enjoying neither oil wealth, nor sufficient lands for agriculture.<sup>19</sup> In short, the region is a featureless and neglected area in Sudan.

### **2.1.2. People**

Sudan comprises diverse groups of people in terms of ethnic (Arab, African and sub-tribes), religious (Muslims, Christians and indigenous beliefs) and socio-economic (nomad and farmer) differences.<sup>20</sup>

In fact, approximately 600 ethnic and linguistic groups are estimated to live in Sudan.<sup>21</sup> However, for a more understandable division, a broader category of two has been preferred. From that point, the most general division in Sudan is religious: being Muslim or non-Muslim.<sup>22</sup> Sunni Muslims consist of 70% of the population, while the Christians consist of the 5%. The rest 25% belong to the indigenous beliefs.<sup>23</sup> As for regional distribution of religions, Muslims are dominant in northern Sudan. Whereas in the south, non-Muslim Sudanese are more prominent.<sup>24</sup>

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<sup>17</sup> World Savvy Monitor. 2008. "The Situation in Sudan and the Conflict in Darfur." Available at [http://worldsavvy.org/monitor/index.php?option=com\\_content&view=article&id=67&Itemid=115](http://worldsavvy.org/monitor/index.php?option=com_content&view=article&id=67&Itemid=115) (accessed in March, 2010).

<sup>18</sup> R. S. O'Fahey. 2008. *The Darfur Sultanate*. London: Hurst, p. 1.

<sup>19</sup> World Savvy Monitor.

<sup>20</sup> International Crisis Group.

<sup>21</sup> Robert O. Collins. 2008. *A History of Modern Sudan*. Cambridge: Cambridge University Press, p. 4.

<sup>22</sup> Collins, p. 4.

<sup>23</sup> Central Intelligence Agency.

<sup>24</sup> Collins, p. 6.

Among Muslims, there is another division between the ones who claim to have an Arab identity and the ones who do not.<sup>25</sup> Arabs consist of 39% of the total population which is given as 41 million according to July 2009 estimates.<sup>26</sup> Those numbers mean that there are many Muslim Sudanese who are attached to non-Arabic identities. Africans in Darfur are among those Muslim Sudanese who had come to the region in the “distant past”.<sup>27</sup>

When the people and population in Darfur are considered, estimating the number of habitants has been subject to dispute “either now or for almost any time in the past.”<sup>28</sup> As an approximate number, the population of Darfur is 6-6,5 million according to the estimates of 2006.<sup>29</sup> As for the people, there are both Arab and African tribes in the region; and almost everyone is Muslim.<sup>30</sup> In addition, as Gérard Prunier simply points out, “in terms of skin colour everybody is black.”<sup>31</sup> Considering the name of the region, “Darfur” is the combination of the Arabic word *dar* meaning home, and the *Fur* which is the name of the ethnic group living in the region since “premodern” times.<sup>32</sup> Apart from the Fur, the most prominent groups in Darfur could be listed as: the Tunjur, Meidob and Zaghawa in the north; the Berti and Birgid in the east; the Masalit in the west; and other smaller groups, the numbers of which are between forty and ninety depending on the classification.<sup>33</sup> At that point, one thing should be noted before explaining the historical background that

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<sup>25</sup> Collins, p. 4.

<sup>26</sup> Central Intelligence Agency.

<sup>27</sup> Collins, p. 6.

<sup>28</sup> M. W. Daly. 2007. *Darfur's Sorrow: A History of Destruction and Genocide*. New York: Cambridge University Press, p. 9.

<sup>29</sup> O'Fahey, p. 1.

<sup>30</sup> Emily Wax. April 23, 2006. “5 Truths About Darfur.” *The Washington Post*. Available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/21/AR2006042101752.html> (accessed in March, 2010).

<sup>31</sup> Gérard Prunier. 2008. *Darfur: A 21st Century Genocide*. Ithaca, New York: Cornell University Press, p. 4.

<sup>32</sup> Daly, p. 5.

<sup>33</sup> Julie Flint and Alex de Waal. 2008. *Darfur: A New History of a Long War*. London, New York: Zen Books, pp. 6-7.

many tribes in Darfur region have been subject to the process of “Sudanization” or “Arabization” since after the region became a part of Sudan in 1916.<sup>34</sup>

### **2.1.3. Historical Context**

The relevant historical considerations for the background of the conflict can generally be analyzed in three main parts: colonial period, post-independence years, and the period after late 1980s.

The roots of many conflicts in Sudan go back to the colonial period. Sudan had been under Ottoman-Egyptian rule beginning in 1821, then under Anglo-Egyptian rule which took over the control in 1898.<sup>35</sup> In 1916, the Darfur region was annexed to that Anglo-Egyptian colonial administration in the territory which is today’s Sudan. Up until then, the Dar Fur Sultanate had been independent and one of the most powerful kingdoms in the region for three centuries.<sup>36</sup> The main motive lying behind the annexation of Dar Fur was nothing very ambitious but “pacification” of the area against “land-grabbing” French in westward.<sup>37</sup>

The annexation of Darfur to the Anglo-Egyptian Sudan did not improve the conditions of the region. On the contrary, it paved the way for future conflicts. British administrators established a kind of “racial” hierarchy which considered Arabs superior to non-Arabs.<sup>38</sup> In addition, a process of “Sudanization” had started since 1917 with the aim of assimilating the people of Darfur into a “Sudanese political, economic and cultural entity”.<sup>39</sup> The attitude towards the region in terms of education, health and economic development through 40-year colonial rule is considered as “worse than neglect” by Alex de Waal and Julie Flint. Moreover, that

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<sup>34</sup> Flint and de Waal, pp.13-14.

<sup>35</sup> Collins, pp. 10-33.

<sup>36</sup> Flint and de Waal, p. 6.

<sup>37</sup> Daly, p. 2.

<sup>38</sup> Flint and de Waal, p. 11.

<sup>39</sup> Flint and de Waal, p. 13.

ignorance is argued to be made on purpose. In their words, the records between 1917 and 1950 show that:<sup>40</sup>

In 1935, Darfur had just one elementary school, one ‘tribal’ elementary school and two ‘sub-grade’ schools. This was worse than neglect: British policy was deliberately to restrict education to the sons of chiefs, so that their autonomy would not be challenged by better-schooled Sudanese administrators or merchants.

For the health sector, the authors claim that within that period Darfur had the “lowest numbers of hospital beds” in whole Sudan. In addition, before 1940s, there had been no “maternity clinic” in the region. As for the economic development, first initiatives could start only in 1945 with “Economic Development, Darfur Province” file; however, there occurred no results out of it.<sup>41</sup>

In January 1956, Sudan gained its independence from the colonial rule. Unfortunately from then on, the new-born state could not enjoy an era of stability as a whole. The most prominent conflict had been the north-south conflict which had occurred for two long periods: from independence to 1972 and from 1983 to 2005.<sup>42</sup> This conflict had mainly derived from the complaints of the Christian and animist south from the oppressive politics of the ruling north. The discovery of oil in the south after 1970s intensified the conflict as the southern part blamed the government to exploit the oil revenues and wanted an equal share.<sup>43</sup> The crisis went further when the attempts of intellectual elites to answer the main identity question, “who are we Sudanese?”, paved the way for the Islamist coup d’état in the capital Khartoum on 30 June 1989. The new administration adopted an active official program of

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<sup>40</sup> Flint and de Waal, p. 12.

<sup>41</sup> Flint and de Waal, p. 12.

<sup>42</sup> Chandra Lekha Sriram, Olga Martin-Ortega, and Johanna Herman. 2010. *War, Conflict and Human Rights: Theory and Practice*. New York: Routledge, p. 121.

<sup>43</sup> Sriram, Martin-Ortega, and Herman, p. 121.

“Arabization and Islamization”<sup>44</sup> which disregarded the rights of Christians and indigenous beliefs.

For the Darfur region in post-independence years, life had not been much different than before as Prunier stated that “what interested most people was the extension of the railway”.<sup>45</sup> Later, after mid-1960s, the region was damaged and destabilized by the neighbouring Chadian and Libyan conflicts.<sup>46</sup> Moreover, the drought and the famine in 1984 led the region become more devastated and marginalized. Prunier argues that “the worst period in Darfur’s history” began after 1984, and “it has not yet ended”.<sup>47</sup>

In the 1980s, especially after the famine, Darfurians started to complain that although they were being subject to the “becoming Sudanese” process, they were not treated as “full citizens of the Sudanese state”.<sup>48</sup> This situation was interpreted as Darfur being a “prisoner of geography”.<sup>49</sup> They were maladministered and government services were lacking. In addition, their land was suffering from “desertification, soil erosion and loss of fertility, and problems of water availability” which were getting worse with population growth.<sup>50</sup> As a result, from the end of 1980s on, the Darfur region has turned into a marginalized area of bloody conflicts. In Mamdani’s words, the crisis in Darfur started as a “localized civil war” in 1987-1989 and then turned into “rebellion” beginning in 2003.<sup>51</sup>

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<sup>44</sup> Collins, p. 9.

<sup>45</sup> Prunier, p. 36.

<sup>46</sup> Prunier, pp. 42-47.

<sup>47</sup> Prunier, p. 53.

<sup>48</sup> Flint and de Waal, p. 14.

<sup>49</sup> Flint and de Waal, p. 15.

<sup>50</sup> O’Fahey, p. 301.

<sup>51</sup> Mahmood Mamdani. 2009. *Saviors and Survivors: Darfur, Politics, and the War on Terror*. New York: Pantheon Books, p. 4.

## 2.2. The Darfur Crisis

As it was mentioned above, the recent crisis in Darfur beginning in February 2003 did not take place suddenly but as a result of a historical process and conflicts lasting more than a decade. In this part, the path leading to this recent conflict in Darfur will be explained in general.

Indeed, what surprised many authors studying Darfur has not been why there occurred a nationalized rebellion in the region. On the contrary, it has been why the situation in Darfur did not lead into a total war against the rulers before. De Waal explains that there were such attempts in the 1990s such as by the SPLA<sup>52</sup>, or later by Fur, Masalit and Zaghawa tribes. However, those were lacking necessary leadership and coordination.<sup>53</sup> Apart from those, there had been ongoing local conflicts such as the Arab-Fur War between 1987-1989, or the Arab-Masalit conflict between 1995-1999.<sup>54</sup> The reasons of both those local conflicts and recent rebellion were rooted in the historical context that was explained previously. In order to put the background in a more organized order, O'Fahey classifies the reasons into three: demography, land, and administrative failure of Khartoum.<sup>55</sup>

First, the population of Darfur has increased from approximately 1.5 million to 6.5 million in fifty years; yet, the necessary resources and development have lacked to meet the needs of those people. Unsurprisingly, that has led to a breakdown in the region.<sup>56</sup> Second, the main grievance has been because of "land".<sup>57</sup> There are two aspects which have caused the land to be a deadly issue.<sup>58</sup> First was the parcelling of land between tribes in the colonial period. The administration gave

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<sup>52</sup> Sudan People's Liberation Army: A Sudanese rebel group based in South Sudan.

<sup>53</sup> Alex de Waal (ed.) 2007. *War in Darfur and the Search for Peace*. Cambridge: Harvard University Press, p. 35.

<sup>54</sup> de Waal (ed.), "Chronology".

<sup>55</sup> O'Fahey, pp. 301-302.

<sup>56</sup> O'Fahey, p. 301.

<sup>57</sup> O'Fahey, p. 301.

<sup>58</sup> Mamdani, p. 4.

some tribes “homelands” and left the rest without land. Second was about the process of “drought” and “desertification” which has lasted for almost four decades and deepened the conflict between “tribes with land and those without”.<sup>59</sup> The third cause of the Darfur crisis is the failure of Khartoum to consolidate its legitimacy in the region.<sup>60</sup> About how the ruling elites have considered Darfur, O’Fahey argues that “in periods of democratic rule Darfur was only of importance as voting fodder, while during non-democratic regimes it was only of importance within regional politics of Chad, Libya and Khartoum.”<sup>61</sup> Therefore, the lack of legitimacy and the neglect of the rulers made Darfurians consider the government “something alien and ‘far away’”.<sup>62</sup> As a result, those three general factors led to a breakdown in Darfur with the beginning of the 1990s.

Turning back to the outbreak of the recent crisis of 2003, apart from the local conflicts, the distribution of the *Black Book* was one of the main signals of the upcoming insurgency. The copies of it, in its full name *The Black Book: Imbalance of Power and Wealth in Sudan*, were distributed in May 2000 in many parts of Sudan, mainly in Khartoum including the desks of top government officials.<sup>63</sup> The Black Book was criticizing the inequalities in the country, neglectance and marginalization of periphery by the government; and demanding “justice and equality”.<sup>64</sup> Prunier argues that the book said nothing new to the Northern elites that they did not know. However, he continues, although the contents were not the matter to create the shock, the main significance of it was the fact that somebody dared to

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<sup>59</sup> Mamdani, p. 4.

<sup>60</sup> O’Fahey, p. 302.

<sup>61</sup> O’Fahey, p. 302.

<sup>62</sup> O’Fahey, p. 302.

<sup>63</sup> Flint and de Waal, p. 16.

<sup>64</sup> Flint and de Waal, p. 17.

print “what everybody knew but did not want to talk about”.<sup>65</sup> That *somebody* called themselves “The Seekers of Truth and Justice”<sup>66</sup> which would then play one of the main roles as Justice and Equality Movement (JEM) in Darfur rebellion.

Giving the exact date of beginning of the uprising in Darfur is difficult as armed opposition against government forces began to be planned in 2001.<sup>67</sup> However, it is accepted internationally that the recent conflict started when two rebel groups – Justice and Equality Movement (JEM) and Sudan Liberation Movement/Army (SLM/A) – launched an attack against “government installations” in February 2003.<sup>68</sup> Upon this, the government of Sudan initialized a counter-insurgency by arming and supporting “proxy” militias called “Janjaweed”, which means “men on horseback” in Arabic.<sup>69</sup>

“There had been violence before,” Prunier argues “but by late July 2003 it had assumed a completely new scale and exploded.”<sup>70</sup> There occurred “new patterns of repression”<sup>71</sup> as the tactics of “aerial bombardments, rape, abduction, mass execution, and the destruction of food and water resources”<sup>72</sup> were targeting mainly the civilians in Darfur.

### **2.3. Humanitarian Outcomes<sup>73</sup> of the Darfur Conflict**

The catastrophic humanitarian outcome of the crisis have reached to unprecedented levels in a very short time that the UN Under-Secretary referred to the

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<sup>65</sup> Prunier, p. 77.

<sup>66</sup> Flint and de Waal, p. 16.

<sup>67</sup> Flint and de Waal, p. 82.

<sup>68</sup> Molly J. Miller. 2007. “The Crisis in Darfur,” *Mediterranean Quarterly* 18(4), p. 1.

<sup>69</sup> Miller, p. 1.

<sup>70</sup> Prunier, p. 99.

<sup>71</sup> Prunier, p. 99.

<sup>72</sup> Miller, p. 1.

<sup>73</sup> One thing is worth to mention before explaining the human sufferings in the region that there is the problem of counting the numbers affected by the crisis. As it is difficult to provide the exact data in a conflict situation, this paper tries to ignore the reduced numbers provided by government officials or the exaggerated data provided by ambitious activist organizations. Rather, the official data provided by the UN and feasible estimations of reliable scholars will be taken into account.

situation in December 2003 as “one of the worst in the world” in terms of humanitarian crisis.<sup>74</sup> As it was mentioned above, there were reports of widespread atrocities including the murder of civilians, forcible displacement, rape, kidnap, humiliation, beating, damage of water and food supplies, etc. In addition, there were non-violent aspects risking the lives of civilians such as diseases and malnutrition. As a result, by January 2009, the number of people that were affected from the conflict in Darfur was reported to be almost 5 million.<sup>75</sup>

### **2.3.1. Murder of Civilians**

When the type of weapons, “bombs” and engines used in the warfare, and the attitudes of government-backed militias are considered, it is hard to deny that one of the main targets was not just the rebels but the civilians. In detail, “four-engine Antonov An-12s” were dropping old oil drums which were filled with explosives and metal pieces. Such mechanisms were “completely useless” for military purposes; however, they were deadly terror weapons against civilians.<sup>76</sup> In addition, there are reports that combat helicopters and “MiG” fighter-bombers were used for machine-gunning or rocketing large targets such as schools, mosques or warehouses.<sup>77</sup> Moreover, there were huge amount of records of physical mistreatments by Janjaweed militias such as surrounding the villages, stealing belongings of villagers, humiliating them with reference to their “African” origins, shooting and beating men, raping girls and women, kidnapping children and burning houses.<sup>78</sup>

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<sup>74</sup> United Nations News Centre. December 5, 2003. “Humanitarian and Security Situations in Western Sudan Reach New Lows, UN Agency Says.” Available at <http://www.un.org/apps/news/printnewsAr.asp?nid=9094> (accessed in February, 2010).

<sup>75</sup> United Nations Sudan Information Gateway. 2009. “Darfur Humanitarian Profile No.34.” Available at <http://www.unsudanig.org/docs/090330%20DHP%2034%20narrative%201%20January%202009.pdf> (accessed February, 2010), p. 3.

<sup>76</sup> Prunier, p. 99.

<sup>77</sup> Prunier, p. 100.

<sup>78</sup> Prunier, p. 100.

In his speech on 9 September 2004,<sup>79</sup> the US Secretary of State Colin Powell called the widespread atrocities “genocide” and fueled a hot debate on labeling the crisis. Since then, it has been intensely debated whether the government of Sudan intended a genocide through killing most of the non-Arabs in the region, or aimed an ethnic cleansing through forcing the survivors out, or just lost control over the counter-insurgency. This question has played a confusing role for the reaction of international community, especially the UN.

### **2.3.2. Internally Displaced Persons (IDPs) and Refugees**

In the very first years of the conflict, the UN estimated that between 700 and 2,000 villages were “totally or partially destroyed”, almost 2 million people had to be internally displaced and approximately 200,000 people became refugees<sup>80</sup> mainly fleeing to neighbouring Chad. According to the latest estimations by January 2009, those numbers have increased to 2,7 million for the IDPs in Darfur and to 268,000 for the refugees from Darfur.<sup>81</sup> Although they fled from atrocities, there occurred many obstacles for those people in terms of the availability of basic conditions for the survival such as nutrition and security.

At the very beginning, in September 2003, there were 70,000 refugees in Chad and an 400,000 displaceds in Darfur.<sup>82</sup> As the first reaction, UNHCR asked for \$10.3 million for the refugees in Chad.<sup>83</sup> However, the first food aids for refugees could arrive in February 2004.<sup>84</sup> Yet, the Darfurians fleeing to Chad were relatively lucky, as they had been fed by local Chadian population for months before the aids

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<sup>79</sup> CNN. September 9, 2004. “Powell Calls Sudan Killings Genocide.” Available at <http://www.cnn.com/2004/WORLD/africa/09/09/sudan.powell/> (accessed in February, 2010).

<sup>80</sup> Flint and de Waal, p. 145.

<sup>81</sup> USAID. 2010. “Sudan – Complex Emergency: Situation Report #6, Fiscal Year (FY) 2010.” Available at [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/MINE-845S8D-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/MINE-845S8D-full_report.pdf/$File/full_report.pdf) (accessed in April, 2010).

<sup>82</sup> Daly, p. 291.

<sup>83</sup> Prunier, p. 131.

<sup>84</sup> Daly, p. 291.

could arrive. In addition, they were safer in terms of Janjaweed attacks except the camps very near to Sudanese border.<sup>85</sup> On the other hand, for the larger number of internally displaced persons, there were no “effective mechanisms for providing food” mainly due to the permission restriction of the government of Sudan.<sup>86</sup> Flint and de Waal argue that the starvation in Darfur was not due to mere neglectance but a “military strategy”.<sup>87</sup> Prunier explains the situation at that period as “people had almost nothing to eat, and foraging for wild foods, which had been a life-saving device during the 1984 famine, was impossible because of *Janjaweed* activity outside.”<sup>88</sup> In later periods, the appeals for aid have increased tremendously. The UN announced in 2005 that the amount needed for Sudan relief was about \$1.5 billion.<sup>89</sup> The necessities have not reduced as the crisis evolved. For instance, according to the latest estimations, there will be 4,3 million Darfurians needing food assistance during the year 2010.<sup>90</sup>

### **2.3.3. Rape and Kidnap**

Collecting the exact data for the crimes of sexual violence and kidnappings is difficult. The main information related to such crimes are gathered through interviews with the displaced people in the camps.

In July 2004, Amnesty International prepared a report called “Sudan: Darfur: Rape as a Weapon of War: Sexual Violence and Its Consequences”. The organization interviewed with the refugees in order to estimate the level of sexual violence and

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<sup>85</sup> Prunier, p. 132.

<sup>86</sup> Daly, p. 291.

<sup>87</sup> Flint and de Waal, p. 146.

<sup>88</sup> Prunier, p. 131.

<sup>89</sup> Daly, p. 292.

<sup>90</sup> United Nations Sudan Information Gateway. February 2010. “Sudan Humanitarian Overview.” 6(2). Available at <http://www.unsudanig.org/docs/Sudan%20Humanitarian%20Overview%20vol6%20no2%20Feb%202010.pdf> (accessed in April, 2010), p. 2.

abduction together with the damage those created on women and the community.<sup>91</sup> The Report did not discriminate the sexual violence committed by either the insurgents or the Janjaweed. The findings revealed that there had occurred few cases of sexual violence by JEM or SLA. Yet, it was not reported to be used as a systematic weapon. In that case, Amnesty International tries to explain the situation with following sentences:<sup>92</sup>

This does not mean that the insurgents do not commit human rights abuses. It may be because they do not happen on a large scale or because the refugees that Amnesty International met were not victims of such attacks or because the refugees would only report violations by those they perceived as their aggressors.

As a result, many abuses narrated by the refugees were by the government backed counter-insurgency units. The use of rape was tactical, and in many cases committed openly in front of the public.<sup>93</sup> In addition to the sexual violence that those girls and women faced, they were often “scarred” or “branded” with a “hot iron” to reveal the public that they were “spoilt” women.<sup>94</sup> That created further physical and psychological damage for both the victims and the community they belonged to.

As for many kidnapping cases, the refugees reported that any news from the men, children or women kidnapped was almost never heard again.<sup>95</sup> In some cases, militias abducted girls and women for sexual abuse and then let them go or murdered. However, those girls and women were not sold as “slaves” unlike the situation in the South Sudan. Prunier argues it was mainly because of the difficulty to

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<sup>91</sup> Amnesty International. July 18, 2004. “Sudan: Darfur: Rape as a Weapon of War: Sexual Violence and Its Consequences.” Available at <http://www.amnesty.org/en/library/asset/AFR54/076/2004/en/f66115ea-d5b4-11dd-bb24-1fb85fe8fa05/af540762004en.pdf> (accessed in April, 2010).

<sup>92</sup> Amnesty International, p. 7.

<sup>93</sup> see the refugee stories in Amnesty International.

<sup>94</sup> Prunier, p. 101.

<sup>95</sup> see the refugee stories in Amnesty International.

find buyers for them due to the “religious taboo” prohibiting selling Muslims as slaves.<sup>96</sup>

#### **2.3.4. Death Toll**

Counting the deaths in Darfur which occurred due to the violent (atrocities) and non-violent (diseases, malnutrition, non-eligible conditions, etc.) reasons during the conflict is very difficult. The latest independent survey on mortality rate in the region was conducted by the WHO in 2005, which focused on especially the non-violent deaths.<sup>97</sup> The survey revealed that between October 2003 and 2004, there occurred 10,000 deaths per month.<sup>98</sup> Up to date, many estimations have been made according to the results of this survey. The area specialist John Prendergast listed two simple reasons for the lack of studies in that issue. First, he argues that “the Sudanese government does not want a new mortality study done for Darfur”.<sup>99</sup> Second, “the UN won’t pursue it” in conflicting with the government’s stance.<sup>100</sup>

In April 2008, the UN extrapolated the death toll to be 300,000 people up to that day.<sup>101</sup> Although this was announced as “not a very scientifically based figure”,<sup>102</sup> the CRED<sup>103</sup> supported this claim with its “scientifically sound survey data”.<sup>104</sup> However, Prunier argues that the research and the calculation of both

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<sup>96</sup> Prunier, p. 218, note 61.

<sup>97</sup> Prunier, p. 192, this was for non-violent mortality.

<sup>98</sup> Prunier, p. 192.

<sup>99</sup> John Prendergast quoted in Prunier, p. 192.

<sup>100</sup> Prunier, p. 192.

<sup>101</sup> ReliefWeb. April 24, 2008. “Scientific Evidence supports UN OCHA Extrapolation on Darfur Mortality. “ Available at <http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/AMMF-7DZHT5?OpenDocument> (accessed in April, 2010).

<sup>102</sup> The Under Secretary General for Humanitarian Affairs Sir John Holmes quoted in ReliefWeb (2008).

<sup>103</sup> Centre for Research on the Epidemiology of Disasters.

<sup>104</sup> ReliefWeb (2008).

violent and non-violent mortality rate by Sudan specialist Eric Reeves in 2006 possibly provide closer estimations to the facts. He quoted from Reeves that<sup>105</sup>:

Assuming an average 50% decline in violent mortality for the remaining months of 2004 and a 75% decline in violent mortality for 2005 and 2006 to date, this still yields an additional 60,000 violent deaths. (...) [In addition] monthly mortality in Darfur attributable to disease and malnutrition in June 2005 stood at over 6,000 (a CMR of 0.6 for a war-affected population of 3.4 million x 30 days = 6,100 excess deaths/month).

From those calculations, Prunier estimates the death toll to be between 480,000 to 530,000 even in 2006.<sup>106</sup>

#### **2.4. International Response During the Evolution of the Conflict**

The responses of international actors to the escalating crisis in Darfur have been criticized mainly on two grounds: First, the initial reaction came too late and too slow; second, the attempts were ineffective. Indeed, although sporadic conflicts leading to the recent crisis started to occur almost one decade ago, there was almost no mention to them at all even in the “specialist African press”.<sup>107</sup> The primary reason for this was the fact that the main concern of the world for Sudan had been on the North-South conflict and how to reconcile the parties. In addition, even the Sudanese government was used to the occurrence of tribal conflicts in the peripheries and paid no specific attention to Darfur.

The first mention to the increasing “lawlessness” in the region came from Amnesty International who warned about the increasing death toll and emerging crisis in the region with a press release on 21 February 2003.<sup>108</sup> Then International Crisis Group tried to take the attentions to the situation in Darfur in December 2003

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<sup>105</sup> Eric Reeves quoted in Prunier, p. 193.

<sup>106</sup> Prunier, p. 193.

<sup>107</sup> Flint and de Waal, p. 167.

<sup>108</sup> Linda Melvern. 2006. “Rwanda and Darfur: The Media and the Security Council,” *International Relations* 20(1), pp. 100-101.

with a media release called “The Other War in Sudan”.<sup>109</sup> However, it was the statements of the UN’s humanitarian coordinator in Sudan, Mukesh Kapila, which made the Darfur case an important issue for the world media and the public opinion. In March 2004, he compared the crisis to Rwanda and said, “the only difference between Rwanda and Darfur now is the numbers involved”.<sup>110</sup> The time was “critical” to take the attention to a crisis as the year was the tenth anniversary of the Rwandan genocide. From that time on, many humanitarian activists and NGOs initiated big campaigns to pressure the governments and capable organizations to refer to Darfur and *do something*. In the following, the attitudes and initiatives of main international organizations involved in the crisis, the African Union, the European Union, NATO and the United Nations, will be explained in a brief way.

#### **2.4.1. The African Union**

The AU first involved in the conflict in April 2004, when it tried to mediate the parties to sign “N’Djamena Humanitarian Ceasefire Agreement”.<sup>111</sup> Although this agreement was a flawed ceasefire, it led to the establishment of the African Union Mission in Sudan (AMIS) in June 2004, originally as an observer mission.<sup>112</sup> The UN welcomed and supported the AU initiatives and urged the member states under Chapter VII to reinforce the AU mission. In October 2004, AMIS enhanced the number of its personnel and its mandate. It was assigned with tasks as “to monitor and observe compliance with the Humanitarian Ceasefire Agreement signed in N’Djamena on 8 April 2004”, “to contribute to a secure environment for the delivery of humanitarian assistance and the return of refugees and internally

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<sup>109</sup> Prunier, p. 126.

<sup>110</sup> Mukesh Kapila quoted in Flint and de Waal, p. 179.

<sup>111</sup> Mamdani, p. 39.

<sup>112</sup> Mamdani, p. 39.

displaced persons”.<sup>113</sup> In mid-2005, the mission further increased its initial numbers from 465 to almost 8,000.<sup>114</sup> However, the mission still lacked necessary budget and troops; therefore was dependent to the aids of donors.<sup>115</sup> Eventually the AU, in Mamdani’s words, “quickly became a target both for the belligerents and for anybody agitated by the conflict”.<sup>116</sup> In December 2007, AMIS was replaced by African Union/United Nations Hybrid Operation in Darfur (UNAMID).<sup>117</sup>

Darfur is the first serious crisis that the African Union has faced since it transformed from the Organization of African Unity. It has revealed a great enthusiasm to involve in the conflict management since April 2004. Indeed, the AU adopted a position as *African solutions to African problems* which seemed to be supported by the West. This attitude of the AU is generally interpreted in two ways. On the one hand, it is argued that the AU became “peacekeeper and peacemaker” in the conflict as “no other organization would take on the challenge”.<sup>118</sup> On the other hand, it is claimed that the AU considered Darfur crisis as a chance to prove its success and effectiveness “both in the conference room and on the ground”; in addition as a chance to emerge as a “major new player” in conflict resolution.<sup>119</sup> Anyway, whatever the motivation of the AU has been, its inefficiency proves the interdependency of *political will* and *military means*. In that case, the AU had the necessary political will to terminate the conflict. However, it had very limited capabilities to succeed at all.

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<sup>113</sup> United Nations Peacekeeping. “UNMIS” Available at <http://www.un.org/en/peacekeeping/missions/unmis/background.shtml> (accessed in April, 2010).

<sup>114</sup> AMIS. “African Union Mission in Sudan” Available at <http://www.amis-sudan.org/> (accessed in May, 2009).

<sup>115</sup> Prunier, p. 144.

<sup>116</sup> Mamdani, p. 41.

<sup>117</sup> United Nations Peacekeeping. “UNAMID” Available at <http://www.un.org/en/peacekeeping/missions/unamid/background.shtml> (accessed in April, 2010).

<sup>118</sup> Flint and de Waal, p. 173.

<sup>119</sup> Hugo Slim. 2004. “Dithering over Darfur? A Preliminary Review of the International Response,” *International Affairs* 80(5) p.823.

#### 2.4.2. The European Union and NATO

The EU and NATO involved in the crisis through reinforcing the military operation of the AU technically and financially. The EU backed up AMIS through financial support worth almost half of the operation, while NATO contributed through providing airlifts and training. However, none of them showed signs of interest in military involvement.

On 26 April 2005, the AU asked NATO for logistical support to AMIS. As a result, NATO started to help the AU in expanding its peacekeeping mission in June 2005. This help consisted of “providing airlift for the transport of additional peacekeepers into the region and by training AU personnel”.<sup>120</sup> Assistance of NATO ended with the transfer of AMIS to UNAMID on 31 December 2007.<sup>121</sup> The AU-NATO cooperation in that sense is important as it was for the first time in NATO’s history to cooperate with the AU and to operate in Africa.<sup>122</sup>

Again upon the request of the AU, the EU promised to back up AMIS especially in financial terms. Indeed, the EU became the main contributor to the AMIS budget providing \$142 million out of \$301 million.<sup>123</sup> In addition, the Organization reported to provide equipments, training, transportation and military and civilian personnel for the mission.<sup>124</sup> This supporting action started in July 2005 and ended in December 2007.<sup>125</sup>

The role that the EU played in Darfur case has led to different interpretations. On the one hand, it is argued that the EU could adopt a more active and especially a

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<sup>120</sup> North Atlantic Treaty Organization. “Assisting the African Union in Darfur, Sudan.” Available at [http://www.nato.int/cps/en/natolive/topics\\_49194.htm](http://www.nato.int/cps/en/natolive/topics_49194.htm) (accessed in April, 2010).

<sup>121</sup> North Atlantic Treaty Organization.

<sup>122</sup> Touko Piiparinen. 2007. “The Lessons of Darfur for the Future of Humanitarian Intervention,” *Global Governance* 13, p. 371.

<sup>123</sup> Prunier, p. 141.

<sup>124</sup> Prunier, p. 141.

<sup>125</sup> Council of the European Union. “EU Support to AMIS (Darfur).” Available at <http://www.consilium.europa.eu/showPage.aspx?id=956&lang=en> (accessed in April, 2010).

military position in the conflict as it had historical ties and continuing interests in the African continent.<sup>126</sup> Bernard Kouchner<sup>127</sup> claims that the EU could stabilize the borders through Chad and protect the Darfurian refugees. Indeed, he argues, the EU would be the perfect actor to play this role while the US would not because of its bad reputation in the Muslim world.<sup>128</sup> On the other hand, many commentators disagree and argue that the situation in Darfur exceeded the EU's capacity to deal with alone. Therefore, any military involvement would be very limited and ineffective.<sup>129</sup>

### **2.4.3. The United Nations**

The response to the situation in Darfur attracted harsh criticisms on the UN. In fact, the UN was involved in the region through its sub-agencies, delivering humanitarian aid, establishing refugee commissions, etc. The organization carried the 60% of financial burden at humanitarian level.<sup>130</sup> However, the criticisms were on the ground that the UN was hesitant to shift its actions from humanitarian to political/military level. The primary reasons for the UN reluctance to have a strict political position in the case are two in general. First, the UN avoided any action which could paralyze the ongoing peace process in Sudan between North and South. Second, the positions of members have differed on Darfur issue both within the Security Council and the General Assembly. Indeed, this issue will be held in the third chapter in detail. In the following, the political actions of the UN are covered in brief in order to provide a general information.

When the crisis outbreak in Darfur, the UN was busy trying to reconcile the parties to the North-South conflict of Sudan. As a result, the United Nations Advance

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<sup>126</sup> World Savvy Monitor.

<sup>127</sup> French Foreign Minister and the founder of Doctors Without Borders (Médecins Sans Frontières)

<sup>128</sup> World Savvy Monitor.

<sup>129</sup> World Savvy Monitor.

<sup>130</sup> Prunier, p. 143.

Mission in the Sudan (UNAMIS) was established upon the Resolution 1547 of 11 June 2004 with a mandate “to facilitate contacts with the parties concerned and to prepare for the introduction of an envisaged UN peace support operation”.<sup>131</sup> The Security Council referred to the situation in Darfur for the first time again in Resolution 1547 and called the parties to stop fighting *immediately*.<sup>132</sup> On 30 July 2004, through the Resolution 1556, the UNSC assigned additional duties to UNAMIS regarding Darfur.<sup>133</sup> In addition, the Council gave a thirty-day deadline to Sudanese government to disarm the Janjaweed militias and threatened with imposition of sanctions.<sup>134</sup> However, the main attitude of the UN was reinforcing the AU mission in the region but not to involve directly in military terms.

On 18 September 2004, the SC welcomed and supported the idea of an expanded AU presence in the region, and recalled the government to disarm and prosecute the Janjaweed.<sup>135</sup> In addition, this time the SC assigned the Secretary-General to investigate the human rights violations in Darfur, to identify the perpetrators, and to determine whether genocidal acts occurred.<sup>136</sup> Upon this resolution, *The International Commission of Inquiry on Darfur* (ICID) was established which then published a report on its mission on 25 January 2005. The Commission concluded that the situation in Darfur did not constitute ‘genocide’. However, it approved the practice of widespread and systematic violence upon

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<sup>131</sup> United Nations Peacekeeping, UNMIS.

<sup>132</sup> The United Nations Security Council Resolution. June 11, 2004. S/RES/1547 (2004), p. 2, para. 6.

<sup>133</sup> United Nations Peacekeeping, UNMIS.

<sup>134</sup> The United Nations Security Council Resolution. July 30, 2004. S/RES/1556 (2004), para.6.

<sup>135</sup> The United Nations Security Council Resolution. September 18, 2004. S/RES/1564 (2004).

<sup>136</sup> S/RES/1564(2004) para.12 states that the Security Council “*Requests* that the Secretary-General rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable, *calls on* all parties to cooperate fully with such a commission, and *further requests* the Secretary-General, in conjunction with the Office of the High Commissioner for Human Rights, to take appropriate steps to increase the number of human rights monitors deployed to Darfur.”

civilians. As a result, the ICID claimed that the government of Sudan committed *crimes against humanity*, while the rebel groups were responsible for *war crimes*.<sup>137</sup> In addition, the report submitted a list of fifty-one individuals for “criminal investigation”, all of which were either government officials or Janjaweed militias except seven rebels.<sup>138</sup>

The next action that the UN took upon the report of the ICID was referring the case to the Prosecutor of International Criminal Court (ICC). On 31 March 2005, Resolution 1593 was adopted under Chapter VII with eleven votes in favour, no votes against, and four abstentions – Algeria, Brazil, China and the United States.<sup>139</sup> It has been the first time that the SC referred a case to the ICC since the Rome Treaty was put into force on 1 July 2002.<sup>140</sup> Indeed, this referral had become the first international reaction which really worried President Omar al-Bashir and the government.<sup>141</sup> Here, it is worth to mention that although Sudan has not ratified the Rome Statute, that resolution is obligatory for the government as it is authorized under Chapter VII. In April 2007, the ICC judges issued arrest warrants for the former Sudanese Minister of State for the Interior Ahmad Harun and Janjaweed leader Ali Kushayb “for 51 counts of crimes against humanity and war crimes”.<sup>142</sup> The third arrest warrant by the ICC in Darfur case was again a “first” in the Court’s history. On 4 March 2009, President Omar Al Bashir, sitting Head of State, was

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<sup>137</sup> Mamdani, p. 43.

<sup>138</sup> Flint and de Waal, p. 183.

<sup>139</sup> United Nations Press Release. March, 31 2005. “Press Release SC/8351 Security Council Refers Situation in Darfur, Sudan, to Prosecutor of International Criminal Court.” Available at <http://www.un.org/News/Press/docs/2005/sc8351.doc.htm> (accessed in April, 2010).

<sup>140</sup> Coalition for the International Criminal Court. “Resolution 1593.” Available at <http://www.iccnw.org/?mod=res1593> (accessed in April, 2010).

<sup>141</sup> Flint and de Waal, p. 183.

<sup>142</sup> International Criminal Court: Press Release. “ICC Prosecutor on Darfur: ‘Justice must be at the top of our agenda.’” Available at [http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200205/press%20releases/icc%20prosecutor%20on%20darfur\\_%20E2%80%9Cjustice%20must%20be%20at%20the%20top%20of%20our%20agenda%E2%80%9D](http://www.icc-cpi.int/menus/icc/situations%20and%20cases/situations/situation%20icc%200205/press%20releases/icc%20prosecutor%20on%20darfur_%20E2%80%9Cjustice%20must%20be%20at%20the%20top%20of%20our%20agenda%E2%80%9D) (accessed in April, 2010).

issued a warrant for the arrest for “war crimes and crimes against humanity”.<sup>143</sup> The press release of the ICC reports that:<sup>144</sup>

He is suspected of being criminally responsible, as an indirect (co-) perpetrator, for intentionally directing attacks against an important part of the civilian population of Darfur, Sudan, murdering, exterminating, raping, torturing and forcibly transferring large numbers of civilians, and pillaging their property. This is the first warrant of arrest ever issued for a sitting Head of State by the ICC.

Up until now, the Government of Sudan has “systematically refused to cooperate with the Court” in all three cases of arrest warrants.

The international campaign for a more robust military intervention than the AMIS continued to pressure the UN, while the SC reiterated its position through consecutive resolutions as supporting an expanded AU presence in the region, and contributing to peace process and humanitarian relief actions. Eventually in June 2007, the Sudanese government accepted the deployment of a joint AU/UN force in Darfur. On 31 July 2007, the SC adopted the Resolution 1769 under Chapter VII and authorized the establishment of an unprecedented hybrid AU/UN peacekeeping operation in Darfur.<sup>145</sup> UNAMID formally replaced AMIS on 31 December 2007.<sup>146</sup> It is one of the largest operations of the UN with 21,800 uniformed personnel in total by February 2010.<sup>147</sup> The core mandate of UNAMID is the “protection of civilians”. Moreover, it is also assigned with tasks as “contributing to security for humanitarian assistance, monitoring and verifying implementation of agreements, assisting an inclusive political process, contributing to the promotion of human rights and the rule

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<sup>143</sup> International Criminal Court: Press Release. March 4, 2009. “ICC issues a warrant of arrest for Omar Al Bashir, President of Sudan” Available at [http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/press%20releases%20\(2009\)/icc%20issues%20a%20warrant%20of%20arrest%20for%20omar%20al%20bashir\\_%20president%20of%20sudan](http://www.icc-cpi.int/menus/icc/press%20and%20media/press%20releases/press%20releases%20(2009)/icc%20issues%20a%20warrant%20of%20arrest%20for%20omar%20al%20bashir_%20president%20of%20sudan) (accessed in April, 2010).

<sup>144</sup> International Criminal Court: Press Release. March 4, 2009.

<sup>145</sup> United Nations Peacekeeping, UNAMID.

<sup>146</sup> United Nations Peacekeeping, UNAMID.

<sup>147</sup> United Nations Peacekeeping, UNAMID.

of law, and monitoring and reporting on the situation along the borders with Chad and the Central African Republic”.<sup>148</sup>

UNAMID still operates in the region that its mandate has been extended to 31 July 2010 with the Resolution 1881.<sup>149</sup>

## **2.5. Peace Agreement and the Current Situation**

Since the outbreak of the conflict, international actors attempted to contain the crisis through mediating talks between parties. The very first ceasefire was materialized under the mediation of Idriss Déby, the president of Chad, in Abéché. On 3 September 2003, the Sudanese government and SLM/A signed an agreement to cease the hostilities for *forty-five days* and agreed to start “comprehensive political talks”.<sup>150</sup> However, Dawit Toga reports that although the fighting between the government and the rebels lessened upon the ceasefire, the civilian population started to suffer from an intensified violence.<sup>151</sup> Later on, the African Union took the initiative to end the conflict and played the mediator role in *Inter-Sudanese Peace Talks*. On 8 April 2004, the parties signed the N’jamena Humanitarian Ceasefire Agreement. Through this agreement, they accepted to cease the hostilities, to release all prisoners related to the conflict, to facilitate the delivery of humanitarian assistance and emergency relief, in addition the establishment of African Union Mission in Sudan (AMIS) as an observer mission.<sup>152</sup> However, N’jamena was a flawed agreement as it existed in two versions which had inconsistencies.<sup>153</sup>

Seven rounds of negotiations following N’jamena were finalized in May 2006 in Abuja, Nigeria. As a result, the Darfur Peace Agreement (DPA) was signed

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<sup>148</sup> United Nations Peacekeeping, UNAMID.

<sup>149</sup> United Nations Peacekeeping, UNAMID.

<sup>150</sup> Dawit Toga. 2007. “The African Union and the Abuja Peace Talks.” In Alex de Waal, ed., p. 215.

<sup>151</sup> Toga, p. 215.

<sup>152</sup> Toga, p. 216.

<sup>153</sup> Toga, p. 217.

on May 5 by the government of Sudan and one faction of SLM/A headed by Minni Arkoy Minawi. However, the other SLM/A faction led by Abdel Wahid Mohamed al Nur and the JEM led by Dr. Khalil Ibrahim refused to sign the agreement.<sup>154</sup> Therefore, the agreement failed to achieve peace. On the contrary, there occurred violent protests in Darfur “immediately after the signing ceremony”.<sup>155</sup> Former rebel Minawi started to use force against adversaries to impose the implementation of DPA and intensified the violence in the region. In addition, the prestige of the AU diminished in the eyes of Darfurians and the organization became an enemy for the non-signatories as it was “determined to make the agreement work”.<sup>156</sup> The result was reported by the UN as “200,00 people [were] displaced by intensified fighting and increased insecurity between July and September [2006]”.<sup>157</sup> Still, DPA was very significant for the international community which is considered as a basis for a “lasting political solution and sustained security in Darfur”.<sup>158</sup> Toga connects the failure in implementing the DPA to especially the lack of faith between parties and states that:<sup>159</sup>

The peace negotiations were launched when the conflict between the SLM/A and JEM on the one side, and the GoS [Government of Sudan] on the other, was itself less than six months old- at a time when both parties believed they could advance their positions on the battlefield. Therefore, each was a reluctant negotiator from the outset. (...) Throughout the entire negotiating process, fighting continued on the ground in Darfur, both between GoS and the movements and among the movements themselves. This ...indicated the poor faith of the parties...

Eventually on 23 February 2010, one of the largest non-signatory groups, JEM, bilaterally signed a preliminary peace deal with the Sudanese government.

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<sup>154</sup> Abdul-Jabar Fadul and Victor Tanner. 2007. “Darfur after Abuja: A View from the Ground.” In Alex de Waal, ed., p. 285.

<sup>155</sup> Laurie Nathan. 2007. “The Making and Unmaking of the Darfur Peace Agreement.” In Alex de Waal, ed., p. 245.

<sup>156</sup> Flint and de Waal, p. 233.

<sup>157</sup> UNOCHA, quoted in Fadul and Tanner, p. 285.

<sup>158</sup> The United Nations Security Council Resolution. July 31, 2007. S/RES/1769 (2007), p. 2.

<sup>159</sup> Toga, p. 243.

However, commentators are not very optimistic that this would sign the end of the conflict.<sup>160</sup> On the other hand, SLM/A still refuses to talk to the government and demands an “end to all violence before negotiations begin”.<sup>161</sup>

Indeed contemporarily, the future of the situation in Darfur is still very frustrating to be foreseen. Even the UNAMID officials lately reported that “the security situation in Darfur remains relatively calm, but *unpredictable*.”<sup>162</sup>

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<sup>160</sup> UN Dispatch Global News and Views. February 24, 2010. “Darfur Peace Deal Signed. But Will It Last?” Available at <http://www.undispatch.com/darfur-peace-deal-signed-will-it-last> (accessed in April, 2010).

<sup>161</sup> Al Jazeera. February 22, 2010. “Al-Bashir to Sign Darfur Peace Deal.” Available at <http://english.aljazeera.net/news/africa/2010/02/2010222124520248470.html> (accessed April, 2010).

<sup>162</sup> African Press Organization. April 16, 2010. “Darfur/UNAMID Daily Media Brief.” Available at <http://appablog.wordpress.com/2010/04/16/darfur-unamid-daily-media-brief-136/> (accessed in April, 2010), emphasis added.

## CHAPTER III

### UN INTERVENTIONS IN INTRASTATE CONFLICTS

With the end of the Cold War, the level of conflicts has shifted from inter-state to intra-state level. Statistics show that between 1989 and 2003, 109 of 116 armed disputes have been intrastate conflicts; moreover, 20 of them have been internationalized.<sup>163</sup> How to respond these crises has caused difficulties for the UN in both practical and legal terms: First, it has lacked sufficient capabilities to deal with new conflicts. Second, ‘intervention’ and ‘internal affairs’ were two contrary terms for the basis that the Organization was founded on. This chapter aims to explain and understand how the UN has evolved in time to respond to the newly emerging internal conflicts, and where it stands now. In other words, the purpose of this chapter is to offer a framework to analyze the UN respond to Darfur case. It consists of four parts and searches answers for questions like: Is it legal to intervene in internal conflicts? What is the role of the ‘use of force’ in UN operations? How has the UN peacekeeping evolved in time? Do states have a ‘right’ and/or a ‘duty’ to intervene with humanitarian purposes? What is the impetus for the UN in deciding to intervene? What are the measures to evaluate UN operations as succeeded or failed?

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<sup>163</sup> Mikael Eriksson and Peter Wallensteen. 2004. “Armed Conflict: 1989-2003,” *Journal of Peace Research* 44(5), p. 626.

### 3.1. Basic Concerns

#### 3.1.1. Definition of Intervention

Intervention is a problematic term as it brings two controversial concepts of international relations to the fore: sovereignty and the use of force. From the traditional point of view, the normal state of affairs in international relations is nonintervention.<sup>164</sup> That principle is originated from the principle of sovereignty as understood from the words of Vincent: “To ask what areas the principle of nonintervention protects is equivalent to asking what matters are within the domestic jurisdiction of states.”<sup>165</sup> That is to say that intervention can be considered as the “conceptual opposite” of sovereignty.<sup>166</sup>

The other aspect is that the term intervention is often regarded as a synonym for “the threat or use of force” within the framework of the UN Charter.<sup>167</sup> However, this “coercive-military” attachment to intervention is problematic and too precise for some scholars<sup>168</sup> because this approach is thought to omit diplomatic and economic interferences which may not necessitate coercive use of force at all times.<sup>169</sup> For instance, Bull’s understanding of intervention which he thinks may be “forcible or non-forcible”<sup>170</sup> underestimates the role of the condition of coerciveness in interventions. Moreover, Murphy explains the broader understanding of intervention including acts like “publicly condemning the state, ceasing diplomatic relations, expelling the state from membership, providing funding to opposition groups in the

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<sup>164</sup> Cynthia Weber. 1995. *Simulating Sovereignty: Intervention, the State and Symbolic Exchange*. Cambridge: Cambridge University Press, p. 20.

<sup>165</sup> R. J. Vincent. 1974. *Nonintervention and International Order*. New Jersey: Princeton University Press, p. 14.

<sup>166</sup> Weber, p. 21.

<sup>167</sup> Thomas G. Weiss. 2008. *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press, p. 34.

<sup>168</sup> James N. Rosenau. 1969. “Intervention as a Scientific Concept,” *Journal of Conflict Resolution* 13(2), p. 154.

<sup>169</sup> Thomas and Thomas(1956), quoted in Rosenau, p. 154.

<sup>170</sup> Hedley Bull (ed.) 1988. *Intervention in World Politics*. Oxford University Press, p. 1.

other state, imposing economic sanctions or withholding economic benefits.”<sup>171</sup> He adds that the term is narrowed by humanitarian intervention scholars to the “threat or use of armed force”.<sup>172</sup> Another explanation defines intervention as sum of acts involving “the physical crossing of borders” – not always with military force – and isolating a state through cutting off diplomatic or economic relations.<sup>173</sup>

On the other hand, Vincent argues that political, military or economic interventions are among the types of intervention, but classifying the types is not defining the term.<sup>174</sup> He formulates an “approximate definition” of intervention as:<sup>175</sup>

that activity undertaken by a state, a group of states or an international organization which interferes coercively in the domestic affairs of another state. It is a discrete event having a beginning and an end, and it is aimed at the authority structure of the target state. It is not necessarily lawful or unlawful, but it does break a conventional pattern of international relations.

This definition is an appropriate one to apply as the working definition for “intervention” in this study with two slight changes. First, this paper regards the use of armed forces, in other words military intervention as the type of activity. Secondly, it is accepted in this study that within the complex nature of contemporary politics, there may be deviation from a strict adherence to the “coerciveness” as a condition of intervention especially in the post-Cold War peace operations.

### **3.1.2. Related Provisions of the Charter**

With Article 2(1), the UN Charter states that “the Organization is based on the principle of the sovereign equality of all its Members.”<sup>176</sup> This emphasizes the role of the state sovereignty in international relations. As nonintervention is the

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<sup>171</sup> Sean D. Murphy. 1996. *Humanitarian Intervention: The United Nations in an Evolving World Order*. Philadelphia: University of Pennsylvania Press, p. 9.

<sup>172</sup> Murphy, p. 10.

<sup>173</sup> G. M. Lyons, and M. Mastanduno. 1995. *Beyond Westphalia? State Sovereignty and International Intervention*. London: The John Hopkins University Press, p. 10.

<sup>174</sup> Vincent, p. 10.

<sup>175</sup> Vincent, p. 13.

<sup>176</sup> UN Charter, Article 2(1). Available at <http://www.un.org/en/documents/charter/> (This citation is valid in this paper for all references made to the UN Charter; with a change in Article number.)

complementary principle of state sovereignty in international law,<sup>177</sup> the Charter sets clear provisions related to intervention as restricting the use of force and interference in internal affairs of another state.

The main rule on the prohibition of the threat or use of force is provided in Article 2(4): “All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” In addition, Article 2(7) mentions the inviolability of sovereign rights of states providing: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.” Likewise, with Resolution 2625, the General Assembly declared the provisions mentioned above as two of seven codified principles for friendly relations and cooperation among states in accordance with the Charter.<sup>178</sup>

These two articles seem to be clear about what they indicate. However, both consist of exceptions which can be extracted from the mention of relevant Charter provisions within their texts. In addition, they are subject to exceptions which are derived from the sources of international law as given in the Statute of International Court of Justice.<sup>179</sup> In terms of Article 38, international conventions and treaties, customary international law, general principles of law, previous decisions and

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<sup>177</sup> Francis Kofi Abiew. 1999. *The Evolution of the Doctrine and Practice of Humanitarian Intervention*. The Hague: Kluwer Law International, p. 64.

<sup>178</sup> General Assembly Resolution No. 2625. October 24, 1970. “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,” (A/8082).

<sup>179</sup> Statute of International Court of Justice. Article 38. Available at <http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0>.

scholarly views should be taken into consideration while assessing the legality of an action. In this part, the exceptions for Article 2(4) and Article 2(7) are considered analyzing the relevant provisions of the Charter. Different interpretations and the other sources of international law are examined in a further part in this chapter which deals with the legality of humanitarian interventions.

While prohibiting the threat or use of force, Article 2(4) leaves open room for maneuver with two phrases: *against territorial integrity or political independence of a state* and *or in any manner inconsistent with the Purposes of the United Nations*. The former phrase is about the legal interpretation of the purpose of actions: whether the use of force can be allowed in case the aim has not been “to overthrow the government or seize the authority of the state” and has been in conformity with the purposes of the UN.<sup>180</sup> The latter part indicates consistency with the purposes of the organization and is debated what it intends to provide indeed. One approach argues that the threat or use of force can be allowed in case there is necessity to protect the purposes mainly set in Article 1.<sup>181</sup> Those purposes include the maintenance of international peace and security, equal rights and self-determination of peoples, promoting respect for human rights and for fundamental freedoms without discrimination.<sup>182</sup> On the opposite, the counterapproach states that the “or” means *further* prohibition of the use of force when it is inconsistent with the purposes of the United Nations.<sup>183</sup>

Article 2(4) is one of the imperative provisions of international law. It is accepted by the international community of states in 1969 Vienna Convention on the

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<sup>180</sup> Christine Gray. 2000. *International Law and the Use of Force*. Oxford: Oxford University Press, p. 24.

<sup>181</sup> Murphy, p. 72.

<sup>182</sup> UN Charter, Article 1.

<sup>183</sup> Murphy, p. 73.

Law of Treaties that no derogation from this principle is permitted.<sup>184</sup> However, it can be regarded as out of question when “self-defense” is the issue. The Charter keeps the right of self-defense of states – either individually or collectively – sacred.<sup>185</sup> Therefore Article 51 is granted as the main exception to Article 2(4). Article 51 provides that “nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.”<sup>186</sup>

Secondly, enforcement measures under Chapter VII are the other exceptions to Article 2(7). Authority of the UN Security Council to determine the threat to the peace and to decide enforcement measures are the essence of Chapter VII. Article 39 states that “the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression.” However, it does not define what constitutes the threat or the act of aggression. The Security Council is empowered to identify an action as such and decide what measures should be taken. Article 41 and 42 provides that economic and diplomatic measures can be pursued and if they become inadequate, military means can be considered “to maintain or restore international peace and security.” As another exception to the prohibition of Article 2(7), the *consent of the host state* should be mentioned. Indeed, the practice of peacekeeping operations is based on this exception which will be explained in the further parts.

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<sup>184</sup> Aidan Hehir. 2008. *Humanitarian Intervention After Kosovo: Iraq, Darfur and the Record of Global Civil Society*. New York: Palgrave Macmillan, p. 15.

<sup>185</sup> Murphy, p. 73.

<sup>186</sup> The full text of Article 51 is: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”

As strongly emphasized in Chapter VII, the Security Council is the main authority even when the issue is self-defense of an individual state. Members are to report to the Security Council immediately when they start to exercise their right of self-defence. That is to say that the Council is assigned by the member states the primary responsibility for the maintenance of international peace and security in Article 24. Regional actors and organizations are empowered to undertake military operations when there is a risk for international peace. Nevertheless, they are not allowed to take such enforcement action without the authorization of the Security Council.<sup>187</sup> One exception to the authority of the Council is about the role of the General Assembly. *Uniting for Peace* Resolution of the General Assembly (Resolution 377) of 1950 enables the General Assembly to take the initiative when the Security Council is in a deadlock to act unanimously.<sup>188</sup> *Uniting for Peace* Resolution was first used in the Korean War (1950-1953), then in Suez Canal crisis (1956) and has been used ten times since.<sup>189</sup> However, although it “provide[s] a high degree of legitimacy for an intervention”<sup>190</sup>, the Resolution “has lost much of its importance” and has become debatable in legal terms.<sup>191</sup>

### **3.1.3. The Instruments of UN Practice in Internal Conflicts**

When the UN faces an internal dispute to deal with, there are a number of instruments to resolve the conflict through either settling the issue peacefully or using the enforcement measures. Some of those means are provided in the UN Charter<sup>192</sup> while some others are evolved through practice. Oudraat categorized these

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<sup>187</sup> UN Charter, Article 53.

<sup>188</sup> Hehir, p. 16.

<sup>189</sup> Hehir, pp. 16-17.

<sup>190</sup> International Commission on Intervention and State Sovereignty. 2001a. *The Responsibility to Protect: Research, Bibliography, Background*. Ottawa: International Development Centre, p. 53.

<sup>191</sup> Danish Institute of International Affairs, quoted in Hehir, p. 17.

<sup>192</sup> UN Charter, Chapter VI and Chapter VII respectively.

instruments into seven:<sup>193</sup> *humanitarian assistance; fact-finding; traditional peacekeeping; multifunctional peacekeeping; economic sanctions and arms embargoes; judicial enforcement measures; the use of military force.*

The last three of the measures listed are coercive in nature and falls under enforcement activities of the UN. As this study refers to the military types of interventions, instruments other than “the use of force” – humanitarian assistance, fact-finding, economic sanctions and arms embargoes, judicial enforcement measures – are not taken into consideration in detail. Although peacekeeping is not accepted as combat operation, it will also be examined on a comparative basis especially within the context of changing dynamics of conflicts in the post-Cold War era.

#### **3.1.3.1. The use of force**

The use of military force is prohibited in the Charter as it was mentioned before. Yet, the Charter assigns the Security Council as the main body to authorize the use of force under Chapter VII when the Council deems necessary in case of determining a threat to the international peace and security. The Congo case (1960-1964, ONUC) is an example from Cold War in which the UN intervened in an intrastate conflict under Chapter VII. The complex features of post-Cold War<sup>194</sup> conflicts have introduced a dramatic increase in the number of such operations; but mainly on the humanitarian grounds unlike the Congo case. Some prominent examples of such UN operations the mandates of which were authorized under

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<sup>193</sup> Chantal de Jonge Oudraat. 1996. “The United Nations and Internal Conflict.” In Michael E. Brown, ed., *The International Dimensions of Internal Conflict*. Cambridge, Mass.: The MIT Press, p. 499.

<sup>194</sup> Security concerns have shifted to the issues like human rights, poverty, gender, development, hunger, environment, etc. and the level of conflicts have shifted from inter-state to intra-state.

Chapter VII are the cases of Bosnia, Haiti, Somalia, Rwanda, Kosovo (after the end of 1999 NATO operation) and the most recently Darfur.

For an effective use of force under Chapter VII, there are three conditions for the Security Council to meet.<sup>195</sup> First, none of the permanent members of the Council is to veto the decision. There are not clearly set conditions under which one of the P-5 uses veto; rather it is experienced on a “case-by-case” basis.<sup>196</sup> Second, political objectives of the operations are to be clearly and consistently identified. It was the case for Operation Restore Democracy in Haiti; however, not in Bosnia, Rwanda or Somalia where the UN missions were evaluated to be failure.<sup>197</sup> Third, the Council is to have access to the sufficient military forces as provided in Article 43.<sup>198</sup> However, it is not the case in practice and the UN depends on the willingness of its members to provide troops for operations. *The United States* is considered to be the key in that sense that “it alone has the firepower, transport, command and control, communications, intelligence, logistics, and power projection capabilities needed for large-scale operations.”<sup>199</sup> The fact that Weiss gives as example shows the dependency on the willingness of the US for sources:<sup>200</sup> “The UN’s peacekeeping budget alone amounted to \$5 billion in 2006; (...) the equivalent of only one month of US expenditures in Iraq.”

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<sup>195</sup> Oudraat, pp. 514-516.

<sup>196</sup> Oudraat, p. 514.

<sup>197</sup> Oudraat, p. 514.

<sup>198</sup> Article 43 provides: “1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.”

<sup>199</sup> Oudraat, p. 516.

<sup>200</sup> Weiss, p. 39.

### 3.1.3.2. Peacekeeping Operations

The peacekeeping activities of the UN are not referred in the Charter and are expressed by Hammarskjöld to constitute “Chapter six and a half”<sup>201</sup>; somewhere in between “traditional methods of resolving disputes peacefully, such as negotiation and mediation under Chapter VI, and more forceful action as authorized under Chapter VII.”<sup>202</sup>

The peacekeeping in traditional sense was born in 1956 with the deployment of UNEF I to calm the Suez Crisis.<sup>203</sup> This mission succeeded to fulfill its mandate to a great extent and the organizing principles of that operation turned out to be the guiding principles of traditional peacekeeping.<sup>204</sup> These are “consent”, “impartiality” and “minimum use of force”-“non-use of force except self-defense” in other words-consisting the “holy trinity” of traditional peacekeeping.<sup>205</sup> Until 1987, such operations usually served two functions: observing the peace through monitoring cease-fires and keeping the peace through “providing an interpositional buffer between belligerents”,<sup>206</sup> and were usually deployed in inter-state conflicts. During the Cold War, there are four cases out of thirteen in which peacekeeping forces were deployed in internal conflicts: the Congo(1960-1964, ONUC), Cyprus(1964-present, UNFICYP), Lebanon(1958, UNOGIL) and Yemen(1963-1964, UNYOM).<sup>207</sup> However, the primary aim in intervening in those conflicts was to prevent a

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<sup>201</sup> Thomas G. Weiss, D. P. Forsythe, and R. A. Coate. 1997. *The United Nations and Changing World Politics*. Boulder, Co.: Westview, p. 48.

<sup>202</sup> UN Peacekeeping. Official Website. Available at <http://www.un.org/en/peacekeeping/> (accessed in March, 2010).

<sup>203</sup> Alex J. Bellamy, Paul Williams, and S. Griffin. 2004. *Understanding Peacekeeping*. Cambridge: Polity Press, p. 71.

<sup>204</sup> Bellamy, Williams, and Griffin, pp. 99-106.

<sup>205</sup> Bellamy, Williams, and Griffin, p. 96.

<sup>206</sup> Weiss, Forsythe, and Coate, p. 49.

<sup>207</sup> Oudraat, p. 505 and DPKO. “List of Operations 1948-2009.” Available at <http://www.un.org/en/peacekeeping/list.shtml> (accessed in March, 2010).

superpower confrontation from emerging, not to “keep hostilities from breaking out again locally”<sup>208</sup> or to reduce humanitarian sufferings.

In the post-Cold War era, the nature of conflicts has dramatically changed and shifted from inter-state level to intra-state. In addition, the Cold War fact that the Security Council was paralyzed to make decisions due to the US-Soviet tension disappeared. These two developments have increased the role of the UN to intervene in world affairs and as Weiss noted “many people saw the end of the Cold War as leading to the rebirth of the United Nations.”<sup>209</sup> The UN has undertaken fifty peacekeeping operations from 1988 on, almost four times of the number of the operations conducted during the whole Cold War.<sup>210</sup>

Twenty of post-Cold War operations took place between 1988 and 1993. The budget devoted to UN peacekeeping increased from “US\$230 million in 1988, to between US\$800 million and US\$1.6 billion throughout the 1990s.”<sup>211</sup> The reasons of this sudden increase in number of peacekeeping operations and the keen on to participate by states are classified as “general” and “specific” reasons by Bellamy. He makes four “general” explanations.<sup>212</sup> First, the fall of communism in Eastern Europe diminished the ideological confrontation and brought potential for international cooperation. Second is as mentioned above that the dissolution of Soviet bloc led the way to a much more permissive Security Council. Third, the process of globalization disturbed publics and increased “international awareness” to humanitarian catastrophe through ‘CNN effect’ that “the television images of human

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<sup>208</sup> Oudraat, p. 505.

<sup>209</sup> Weiss, p. 40.

<sup>210</sup> DPKO. “List of Operations 1948-2009.”

<sup>211</sup> Theo Farrel. 2003. “Humanitarian Intervention and Peace Operations.” In J. Baylis and et.al, *Strategy in Contemporary World*. Oxford: Oxford University Press, p. 287.

<sup>212</sup> Bellamy, Williams, and Griffin, pp. 78-79.

suffering beamed into the living rooms of liberal societies.”<sup>213</sup> Last factor considers the end of possibility of proxy wars between two superpowers. On the other hand, Bellamy links the “specific” reasons to normative ideas referring to “good international citizenship” idea of Linklater.<sup>214</sup> So to say, the UN peacekeeping has been going through *qualitative, quantitative* and *normative* changes in the new era.<sup>215</sup>

However, it has been challenging for UN peacekeeping which is “originally developed as a means of dealing with inter-state conflict” to be “increasingly applied to intrastate conflicts and civil wars.”<sup>216</sup> As a result, severe problems occurred and led the UN operations to traumatic failures in Somalia(1993), Rwanda(1994) and Bosnia(1995) causing a retreat from peacekeeping from mid to end of the 1990s. These problems were primarily about *political will, funding, institutional capacity and practical competence*.<sup>217</sup> Bellamy summarizes these problems as below:

*Political will:* Member states lacked the political will to match their rhetorical commitments with intellectual and material resources. As a result, participants in new peacekeeping operations were often poorly equipped and attempted to apply old techniques to very different circumstances.

*Funding:* ...the UN did not receive the funds it needed to fulfill the mandates authorized by the Security Council.

*Institutional capacity:* (...) Planning for peacekeeping operations remained divided between several departments, little systematic cooperation took place between the different UN agencies, and there was little coordination between the Security Council, the Secretariat and troop-contributing states.

*Practical competence:* Since the UN had expunged the memory of the Congo mission in the 1960s, there was no pool of practical expertise and experience on which the organization could draw. (...) ...military and civilian contingents differed greatly in their equipment, doctrine, training, rules of engagement and funding.

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<sup>213</sup> Bellamy, Williams, and Griffin, p. 78.

<sup>214</sup> Bellamy, Williams, and Griffin, p. 79.

<sup>215</sup> Bellamy, Williams, and Griffin, p. 75.

<sup>216</sup> UN Peacekeeping. Official website.

<sup>217</sup> Bellamy, Williams, and Griffin, p. 81.

In short, states got reluctant to involve in peacekeeping operations till the end of the 1990s while the UN has been in effort to learn lessons from its failures. In 1999, the crisis in Kosovo and unauthorized NATO operation there accelerated the ‘intervening in intrastate affairs with humanitarian grounds’ debate; and also the rebirth of peacekeeping, which was observed with the deployment of four new UN operations just within one year.<sup>218</sup> All these developments together with lessons of the past led the UN to attempt to reform itself. This issue is touched upon in a more detailed way in “The UN and Humanitarian Interventions” part of this study.

### **3.1.3.3. Relationship between the Use of Force and Peacekeeping**

The use of force in internal conflicts – namely ‘peace enforcement’ – and peacekeeping activities are considered to be different in nature. Indeed, they are. However, such a differentiation depends on the context whether the word ‘peacekeeping’ is handled from a narrow or a broader perspective. In its narrower context, peacekeeping activities are consent-based, impartial operations with minimum use of force, while peace enforcement missions are coercion-based and combat activities. On the other hand, in its broader context, ‘peacekeeping’ is a general word for peace operations which is the sum of the activities undertaken through the requirements of different conflicts. That broader understanding makes peacekeeping cover peace enforcement as one of its types, which are five according to Bellamy’s classification: *traditional peacekeeping, managing transition; wider peacekeeping; peace enforcement; peace-support operations.*<sup>219</sup>

Even when considered in its narrow sense, the distinction between peacekeeping and peace enforcement is blurred in contemporary politics. Report of High-Level Panel of 2004 states that a Chapter VII mandate becomes the usual

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<sup>218</sup>Bellamy, Williams, and Griffin, p. 85.

<sup>219</sup>Bellamy, Williams, and Griffin, pp. 5-6.

practice for both peacekeeping and peace enforcement cases because of the fact that “...even the most benign environment turn sour – when spoilers emerge to undermine a peace agreement and put civilians at risk – and that it is desirable for there to be complete certainty about the mission’s capacity to respond with force, if necessary.”<sup>220</sup>

Indeed, since the end of the Cold War and the emergence of new intrastate conflicts with complex nature, the UN has been trying to regulate its peacekeeping and to place the traditional principles. Such reports are recorded to be moving forth and back depending on the changing conditions and the results of operations. In the following, these reports and the way they regard the issue are mentioned chronologically.

*An Agenda for Peace* was prepared by Secretary-General Boutros Boutros-Ghali in 1992 to take the attention to the changing context; and in addition to draw general frameworks for preventive diplomacy, peacemaking and peacekeeping in the new era. The report observed that “the established principles and practices of peacekeeping have responded flexibly to new demands of recent years.”<sup>221</sup> In addition, Ghali defined the peacekeeping operations to be deployed *hitherto* with the consent of the parties to the conflict.<sup>222</sup> Phrases *flexibility* and *hitherto* signalled the downward trend for the classical principles of the peacekeeping for the emerging era.

Moreover, in *An Agenda for Peace*, Ghali expressed his expectation to see the renewal of the UN after the Cold War be completed by 1995, its Fiftieth

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<sup>220</sup> Report of High-Level Panel on Threats, Challenges and Change. *A More Secure World: Our Shared Responsibility*. 2004. New York: United Nations, para. 213.

<sup>221</sup> Boutros Boutros-Ghali. 1992. *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*. New York: United Nations (cited as “An Agenda for Peace” in following references), para. 50.

<sup>222</sup> *An Agenda for Peace*, para. 20.

Anniversary.<sup>223</sup> However, the three years between brought failure and confusion for the UN leading a retreat from peacekeeping for a while. This was reflected in *Supplement to An Agenda for Peace* of 1995. The report confirmed that “respect for certain basic principles of peacekeeping are essential to its success”<sup>224</sup> That position meant a step backwards from what was provided in *An Agenda for Peace*.

*Report of the Panel on United Nations Peace Operations* – known as “Brahimi Report” – was presented in 2000. The Report aimed to produce a review of the UN peace operations and to offer *frank, specific, and realistic* recommendations “for reform of a system with the scope and complexity of United Nations peace operations”.<sup>225</sup> Released after a half-decade retreat, this Report has been welcomed and interpreted as the attempt of the UN to reborn from its ashes. An in depth analysis of peace operations have been provided through the Report over the issues of *doctrine, strategy and decision-making for peace operations; United Nations capacities to deploy operations rapidly and effectively; Headquarters resources and structure for planning and supporting peacekeeping operations; peace operations and the information age*.

As for the peacekeeping operations, the Panel coincides that consent, impartiality and use of force only in self-defence should remain as the main principles of peacekeeping.<sup>226</sup> However, these principles are conceptualized considering the context of intrastate and transnational conflicts. The Report warns that local parties may manipulate *consent* through giving it to gain time and

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<sup>223</sup> *An Agenda for Peace*, para. 85.

<sup>224</sup> *Supplement to An Agenda for Peace: Position paper of the Secretary-General on the occasion of the 50th Anniversary of the UN*. January 3, 1995. A/50/60-S/1995/1, para. 33.

<sup>225</sup> *Report of the Panel on UN Peace Operations*. August 2000. Available at [http://www.un.org/peace/reports/peace\\_operations/](http://www.un.org/peace/reports/peace_operations/) (cited as “Brahimi Report” in following references), p. iii.

<sup>226</sup> *Brahimi Report*, para. 48.

withdrawing when the operation turns against their interests.<sup>227</sup> As another principle, *impartiality* is handled with cautiousness. It is argued that “no failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor.”<sup>228</sup> The images of Rwanda Genocide have haunted the Panel to comment so. Therefore, impartiality is taken as commitment to Charter principles; not as neutrality or as treating all parties equally no matter what.<sup>229</sup> It is related to the Report’s view about the use of force. It is argued that the operations should be able to constitute a deterrent threat against spoilers unlike the “symbolic” and “non-threatening” forces of traditional peacekeeping operations. Therefore the mandates should be authorized to use force through “better equipped and more costly” bigger forces.<sup>230</sup> These conceptualizations about the principles concern to make UN peacekeeping operations able to “carry out their mandates professionally and successfully” once deployed.<sup>231</sup>

United Nations’ attempts to regulate the basis of its peacekeeping have continued following Brahimi Report. The last document to be examined is *United Nations Peacekeeping Operations: Principles and Guidelines* of 2008, known as “Capstone Doctrine”. This document is the most recent one and places itself “at the highest-level of the current doctrine framework” for UN peacekeeping.<sup>232</sup> Moreover, it necessitates conformity for “any subordinate directives, guidelines, standard of operating procedures, manuals and training materials issued by DPKO/DFS” to the principles and concepts set in this document.<sup>233</sup> Therefore, there seems to be no

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<sup>227</sup> Brahimi Report, para. 48.

<sup>228</sup> Brahimi Report, p. ix.

<sup>229</sup> Brahimi Report, para. 50.

<sup>230</sup> Brahimi Report, para. 51.

<sup>231</sup> Brahimi Report, para. 55.

<sup>232</sup> United Nations Peacekeeping Operations: Principles and Guidelines. 2008. Available at [http://pbpu.unlb.org/pbps/Library/Capstone\\_Doctrine\\_ENG.pdf](http://pbpu.unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf) (cited as “Capstone Doctrine” in following references), p. 9.

<sup>233</sup> Capstone Doctrine, p. 9.

deviation from accepting the traditional principles of peacekeeping as guiding principles for contemporary operations; as Capstone Doctrine listed *consent*, *impartiality* and *non-use of force except self-defence and defence of the mandate* as the basic principles.<sup>234</sup> The paper emphasizes the importance of getting consent of local parties; however, it also states that “a peacekeeping operation must have the political will and analytical skills, the operational resources, and the will to manage situations where there is an absence or breakdown of local consent” which may necessitate the use of force in some cases as last resort.<sup>235</sup> For impartiality, the document repeats what Brahimi Report has provided. The position of UN peacekeeping is considered as “a good referee” who is impartial but penalizes “infractions”.<sup>236</sup> As for non-use of force principle, the document states that UN peacekeeping operations should be “robust” and authorized to “use all necessary means” for deterrence in situations where “militias, criminal gangs, and other spoilers” constitute a threat to civilians or the mandate.<sup>237</sup> However, it is strictly mentioned that “robust peacekeeping” is not the same with “peace enforcement”. Because, the latter does not necessitate the consent of the parties and use military force at strategic level.<sup>238</sup>

To conclude, the UN peace operations tend to use force in its interventions, albeit as a last resort.

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<sup>234</sup> Capstone Doctrine, p. 31.

<sup>235</sup> Capstone Doctrine, p. 33.

<sup>236</sup> Capstone Doctrine, p. 33.

<sup>237</sup> Capstone Doctrine, p. 34.

<sup>238</sup> Capstone Doctrine, p. 34.

## 3.2. The UN and Humanitarian Interventions

### 3.2.1. Definition of Humanitarian Intervention

“Humanitarian intervention” is a very controversial concept in international relations. Indeed, the word “intervention”, which has been examined above, is what makes the concept so problematic. Therefore, the complete definition of “humanitarian intervention” is debatable and depends on whether it is made by a supporter or a critique of the doctrine; or whether the concept is perceived from classical or novel points. From the literature, two similar definitions of Holzgrefe and Murphy work for the context of this study. They state that humanitarian intervention is

...the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.<sup>239</sup>

...the threat or use of force by a state, group of states, or international organization primarily for the purpose of protecting nationals of the target state from widespread deprivations of internationally recognized human rights.<sup>240</sup>

As it is understood from both definitions, the threat or use of economic, diplomatic or other sanctions and the forcible interventions aimed at rescuing the intervening state’s own nationals are not concluded to the sole term humanitarian intervention. Apart from this, the definitions seem to be parallel that both consider the use of military means, the role of same bodies as actors, identical purposes, etc. However, a similar phrase meeting the phrase “without the permission of the state within whose territory force is applied” of Holzgrefe’s definition is missing in Murphy’s. That difference is related to their attitudes towards the role of “consent”

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<sup>239</sup> J. L. Holzgrefe. 2003. “The Humanitarian Intervention Debate.” in J. L. Holzgrefe and Robert O. Keohane, eds., *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*. Cambridge: Cambridge University Press, p. 18.

<sup>240</sup> Murphy, pp. 11-12.

or authorization of the intervened state. Murphy argues that the lack of consent of the target state is an important characteristic of the “threat or use of force”; otherwise the situation resembles military cooperation.<sup>241</sup> However, he explains, placing the issue of authorization at the center also introduces “undesirable ambiguities about what constitutes ‘humanitarian interventions’.”<sup>242</sup> Furthermore, he argues that the issue of the consent of the target state plays the central role in “assessing whether the humanitarian intervention should be regarded as permissible or lawful” rather than in defining the term.<sup>243</sup>

Whether the phrase of ‘the lack of permission from the target state’ should be included in the definition or not is also a matter for this paper. Murphy’s explanation is feasible that such an inclusion may lead confusion while analyzing and entitling some UN operations which are initialized on humanitarian grounds. That is to say that *consent* would complicate the issue even further as there are different forms of consent and consent at different levels. Therefore, the main definition of ‘humanitarian intervention’ for this study is the one that Murphy has formulated by not giving the issue of consent a central role.

### **3.2.2. Ethical Framework: *The Duty to Intervene***

Whether sovereign states have a ‘duty’ to intervene in cases in which human sufferings occur is a hot debate in contemporary politics. The idea depends on the moral case for intervention that the states are not only *permitted* but also morally *obliged* to do so.<sup>244</sup>

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<sup>241</sup> Murphy, p. 18.

<sup>242</sup> Murphy, p. 18.

<sup>243</sup> Murphy, p. 18.

<sup>244</sup> Kok-Chor Tan. 2006. “Duty to Protect.” In Terry Nardin and Melissa S. Williams, eds., *Humanitarian Intervention*. New York University Press: New York, pp. 84-85.

The idea has its origins from the 17th century. At that time, Hugo Grotius constructed his understanding of law on the basis that states should act for the benefit of their “actual subject” which is individual human being. Otherwise, it would be lawful even to wage a war against a state to prevent it from “maltreating” its own nationals.<sup>245</sup> Three centuries later, the idea has been extended by scholars like Micheal Walzer that individuals should be provided not only the rights but a “space” to exercise such rights; therefore, sovereignty should be considered as an instrumental moral “good” to provide this space.<sup>246</sup> In addition, when the issue is considered within the “just war” framework, it is argued that humanitarian intervention is as just as “self-defence”; therefore, sovereign rights of a state cannot be put forward against intervention when that state violates the rights of its own people.<sup>247</sup> Such a framework has led to the question whether other states are just permitted or also obligated to intervene in such circumstances.<sup>248</sup>

To argue that intervention is morally obligatory as a duty is a stronger claim than “morally permissible”. It leads to conclude that it would be “impermissible” not to intervene to protect the innocent people from the violence of the state of their own.<sup>249</sup> The analogy created by Joel Feinberg in 1970 supports that strong claim of the duty to protect. Feinberg argues that when a swimmer is drowning off a beach with no lifeguard and there is a group of people witnessing that incident as bystanders, then “everyone should use his eyes and his common sense and cooperate as best as he can.” Moreover, he argues, “if no one makes any motion at all, it follows that no one has done his best within the limits imposed by the situation, and

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<sup>245</sup> Tan, p. 111.

<sup>246</sup> Robert L. Philips. 1996. “Ethics of Humanitarian Intervention.” In Robert L. Philips and Duane L. Cady, *Humanitarian Intervention: Just War vs. Pacifism*. Maryland: Rowman&Littlefield Publishers, Inc., p. 13.

<sup>247</sup> Terry Nardin. 2006. “International Political Theory and the Question of Justice,” *International Affairs* 82(3), p. 458.

<sup>248</sup> Nardin, p. 458.

<sup>249</sup> Nardin, pp. 458-459.

all are subject at least to blame.”<sup>250</sup> In short, he argues that anyone in the crowd has a moral obligation to do something; even a nonswimmer to contribute through own abilities in necessary terms.

The issue is complicated for *the United Nations*, which is an organization composed of sovereign nation states and which is the primary organ to authorize intervention. It was founded in 1945, just after the Holocaust, and strongly emphasized for the respect for human rights in its Charter. From the foundation on, it has dealt with the promotion of human rights through declarations, covenants, and treaties; in addition provided some restrictions on states. For instance, with the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the obligation to intervene in genocidal situations has been accepted as a rule, which necessitates the abolition of the principle of nonintervention for extreme cases of crime against humanity and man-made atrocities.<sup>251</sup> Article VIII of Convention calls for action through appropriate means to “prevent” and “suppress” the acts of genocide.<sup>252</sup>

Although the Cold War dynamics attributed humanitarian issues the secondary place in rank of importance, the end of the Cold War has initiated a hot debate over the incomplete and inefficient response of the international community to ethnic conflicts and genocidal cases like Somalia, Bosnia, Rwanda.<sup>253</sup> At the end of the decade, UN Secretary-General Kofi Annan asked: “If humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systemic violations of human

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<sup>250</sup> Quoted in Tan, pp. 102-103.

<sup>251</sup> Gareth Evans. 2008. “The Responsibility to Protect.” In Richard Cooper and Juliette V. Kohler, eds., *Responsibility to Protect: The Global Moral Concept for the 21st Century*. Palgrave Macmillan: New York, pp. 16,17.

<sup>252</sup> Convention on the Prevention and Punishment of the Crime of Genocide. 1948. Available at <http://www.preventgenocide.org/law/convention/text.htm> (accessed in March, 2009).

<sup>253</sup> Evans, p. 17.

rights?”<sup>254</sup> So to say, the new century has come up with the reform process of the UN and the evolution of an international norm; *the responsibility to protect*.

“The responsibility to protect” idea is developed by a Canadian-sponsored group; The Commission on Intervention and State Sovereignty. The main idea depends on the ‘duty’ to protect understanding and considers state sovereignty as a responsibility.<sup>255</sup> The main argument of the idea is “the idea that sovereign states have a responsibility to protect their own citizens from avoidable catastrophe – from mass murder and rape, from starvation – but that when are unwilling to do so, that responsibility must be borne by the broader community of states.”<sup>256</sup>

The idea is included to the UN reform debate through the High-Level Panel on Threats, Challenges and Change report in December 2004. That report claims that there is an ‘emerging norm of a collective international responsibility to protect’ which includes both the ‘right to intervene’ and the ‘responsibility to protect’ of any state to act against ‘avoidable catastrophe’.<sup>257</sup> More significantly, in September 2005 World Summit of the UN, world leaders agreed, for the first time, that states have a primary responsibility to protect their own populations; and the international community has a responsibility to act when these governments fail to protect the most vulnerable among us. It has been some way of legalizing the doctrine of humanitarian intervention on ethical grounds.

### **3.2.3. Legal Framework: *The Right to Intervene***

Humanitarian intervention has no formal legal definition. However, it has strong legal claims based on both the UN Charter and other sources of international

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<sup>254</sup> Quoted in Evans, p. 18.

<sup>255</sup> International Commission on Intervention and State Sovereignty. 2001b. *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre, p. xi.

<sup>256</sup> International Commission on Intervention and State Sovereignty (2001b), p. viii.

<sup>257</sup> High-Level Panel Report, paras. 199-202.

law. As “the paramount international convention governing the exercise of armed force in the international community is the Charter of the United Nations”<sup>258</sup>, both advocates and critiques of justice of humanitarian intervention doctrine try to support their stance via the United Nations Charter first.

As it was mentioned before, Article 2(4) on prohibition of the use of force and Article 2(7) on the inviolability of state sovereignty are the main Charter provisions set against humanitarian interventions. Supporters of the legality of the doctrine argue that such interventions do not constitute a threat to the territorial integrity or political independence of the state, rather forces the state “to observe fundamental international norms of human rights.”<sup>259</sup> As for Article 2(7), supporters argue that intervening on humanitarian grounds is not indeed an interference to domestic jurisdiction “once the state has ratified international treaties governing such rights”, on the contrary it is an international obligation.<sup>260</sup> Furthermore, the supporters argue that severe violations of human rights may cause a spill-over effect and threatens international peace and security which necessitates an action as provided in Chapter VII.<sup>261</sup> As another legal base from the Charter, the supporters rely on the Preamble and related Articles emphasizing respect for human rights.

On the other hand, the doctrine is said to derive legal basis from customary international law and treaties ratified by states. Universal Declaration of Human Rights (1948), the Convention on the Prevention and Punishment of Crimes of Genocide (1948), Helsinki Accords, covenants are examples of documents internationalizing the human rights<sup>262</sup> as well as reports and papers prepared by the

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<sup>258</sup> Holzgrefe, p. 37.

<sup>259</sup> Stephen A. Garret. 1999. *Doing Good and Doing Well: An Examination of Humanitarian Intervention*. Westport: Praeger, p. 47.

<sup>260</sup> Garret, p. 47.

<sup>261</sup> Garret, p. 48.

<sup>262</sup> Abiew, pp. 75-82.

UN. The Report of High-Level Panel on Threats, Challenges and Change can be given as example which provides: “The principle of non-intervention in internal affairs cannot be used to protect genocidal acts (...)or large-scale violations of international humanitarian law or large-scale ethnic cleansing.”<sup>263</sup>

Besides the question about the right to intervene, another problematic legal question is *who is to intervene*. There had been a number of unilateral interventions with humanitarian justifications during the Cold War. The practices in post-Cold War era indicate both unilateral and multilateral interventions with or without the authorization of the Security Council, as well. ECOWAS intervention in Liberia (1990), the establishment and enforcement of no-fly zones in northern Iraq (1991), ECOWAS intervention in Sierra Leone (1997), and NATO’s operation in Kosovo (1999) are some examples from post-Cold War era in that sense. The legality of these action have not been proven. However, they rely on the grounds of ‘legitimacy’.

Report of High-Level Panel lists five basic criteria of legitimacy for the Security Council to address.<sup>264</sup> They consider the *seriousness of threat*; whether the proposed military action has a *proper purpose*; if military means is the option as *last resort*; whether military action proposed has *proportional means*; and as last considers the *balance of consequences* whether the action is likely to do more good than harm.

However, being legitimate does not mean for an action to be legal. Secretary-General Report on the Work of the Organization in 1999 emphasized the role of Security Council as the only authority to decide the use of force stating: “What is clear is that enforcement action without Security Council authorization threatens the very core of the international security system founded on the Charter of

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<sup>263</sup> Report of High-Level Panel on Threats, Challenges and Change, para. 200.

<sup>264</sup> Report of High-Level Panel on Threats, Challenges and Change, para. 207.

the UN. Only the Charter provides a universally accepted legal basis for the use of force.”<sup>265</sup>

Then it can be asked what the driving force is for the Security Council to authorize the intervention.

### **3.3. Deciding to Intervene**

The United Nations has been criticized widely on the ground that it acts “selectively” while choosing the cases to intervene. The Brahimi Report defends the Organization arguing “there are many tasks which United Nations peacekeeping forces should not be asked to undertake and many places they should not go.”<sup>266</sup> However, it does not mention clearly under which conditions the Security Council decides to intervene in an internal conflict. The following sentence of the Report gives a clue about this question stating that “...when the United Nations does send its forces to uphold the peace, they must be prepared to confront the lingering forces of war and violence, with the ability and determination to defeat them.”<sup>267</sup> Eight years later with Capstone Doctrine, which factors may be taken into account by the Security Council while deciding to intervene are listed.<sup>268</sup> There are six factors in this list.

First, it is considered if the situation is likely to turn into a threat to international peace and security. The second is about the existence of regional or sub-regional organizations and arrangements to reinforce the UN. The third deals with the existence of a cease-fire and the commitment of the parties to peace process. The fourth factor asks whether there is a “clear political goal” which can be “reflected in the mandate.” The fifth factor considers the possibility of a precise

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<sup>265</sup> Quoted in Gray, p. 39.

<sup>266</sup> Brahimi Report, para. 1.

<sup>267</sup> Brahimi Report, para. 1.

<sup>268</sup> Capstone Doctrine, pp. 47-48.

mandate for a UN operation to be formulated. Finally, the ensurance of “the safety and security of the UN personnel” is concerned.

In short, it can be extracted both from the statement in Brahimi Report and the factors listed above that the main condition for a UN involvement in an internal conflict is the possibility to get satisfying results. The probability for this is higher through launching an effective operation, which requires a combination of *military means* and *political will*.<sup>269</sup>

It is a fact that the UN has no standing army. Article 43 of the Charter provides the existence of military forces that the Security Council may call upon for the maintenance of international peace and security; however, the Council lacks those forces in reality.<sup>270</sup> That makes the operations bound to the willingness of the members to provide troops when necessary.

In analyzing the role of the willingness of the members to involve in an internal conflict, Oudraat classifies the main factors as two:<sup>271</sup>

- 1.”...the extent to which the interests of one or more members of the P-5<sup>272</sup> are engaged;”
- 2.”...the extent to which the conflict in question poses a threat to international peace and security.”

The first point he makes is widely accepted in the literature. For example, Miller wrote for intrastate interventions in Cold War conditions as the “conditions under which the UN expresses its concerns in cases of domestic strife and the means by which it responds to these disorders are determined by the interplay of national

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<sup>269</sup> David C. Gompert and et al. 2005. “Learning from Darfur: Building a Net-Capable African Force to Stop Mass Killing.” *Center for Technology and National Security Policy*. Available at <http://www.ndu.edu/CTNSP/docUploaded/DTP%2015%20Darfur.pdf> (accessed in March, 2010), p. 5.

<sup>270</sup> Oudraat, p. 516.

<sup>271</sup> Oudraat, p. 517.

<sup>272</sup> He especially emphasizes the role of the Permanent Members of the Security Council while explaining the impact of the willingness of members. It can be seen in his own words: “...it makes UN operations totally dependent on the willingness of states, especially the P-5, to make troops available at a particular point in time.”(Oudraat, p. 516.)

and international interests and influences.”<sup>273</sup> Schacter, as well, wrote the impact of “the interests and positions of the great powers”<sup>274</sup> on the top of his list. As an example from more recent scholars, Laura Neack goes further and argues that “states become involved in UN peace-keeping mainly to serve their own national interests.”<sup>275</sup> On the other hand, authors like Martha Finnemore argues that in contemporary era, even when states acted conventionally and ignored ethics as they did in Rwanda case, they acknowledge that they have had “not just a right but a duty to intervene” in humanitarian crisis like genocide; and therefore, they felt obliged to fix their misbehaviours.<sup>276</sup>

Turning back to Oudraat’s own concerns about the engagement of interests, five matters can be listed as on the ground of which the members tend to give the decision to intervene in internal conflicts<sup>277</sup>

1. when the conflict occurs “on” or “near” the territory of a P-5 member;
2. when the region of the conflict has strategic or economic importance;
3. when the conflict “threatens or involves a former ally”;
4. when a party to the conflict is closely tied to one of the members with historical, ideological or political ties;
5. when the decision to involve is not in conflict with the domestic politics of the member and with calculations about “costs, benefits and risks.”

One of the assumptions of Regan can be tied to the last point; he argues the “internal process” in the intervening country is effective in decision making to

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<sup>273</sup>Linda Miller(1967), quoted in Mark J. Mullenbach. 2005. “Deciding to Keep Peace: An Analysis of International Influences on the Establishment of Third Party Peacekeeping Missions,” *International Studies Quarterly* 49, p. 535.

<sup>274</sup> Oscar Schachter(1974), quoted in Mullenbach, p. 535.

<sup>275</sup> Laura Neack. 1995. “UN Peacekeeping: In the Interest of Community or Self,” *Journal of Peace Research* 32, p. 184.

<sup>276</sup> Martha Finnemore. 2003. *The Purpose of Intervention: Changing Beliefs About the Use of Force*. New York: Cornell University Press, pp. 79-80.

<sup>277</sup> Oudraat, pp. 516-517.

involve in the conflict.<sup>278</sup> He also adds for an ongoing conflict that “the greater its intensity, the less likely will be outside interventions.”<sup>279</sup>

Considering post 9/11 period, 2 additional notes can be attached to that list. First, the role of new strategic concerns leading to the change in priorities of the states should be mentioned. With the announcement of the “war on terror”, new “strategic priorities” of terrorism, the proliferation of WMD and ‘rogue states’ have been introduced.<sup>280</sup> Secondly, the scepticism of international community about the West’s humanitarian interventionism has increased especially after the invasion of Iraq with humanitarian context as one of the justifying grounds.<sup>281</sup>

As mentioned above, the second point Oudraat makes considers whether the internal conflict poses a threat to international peace and security. He emphasizes three prospects to intervene<sup>282</sup>

1. when an internal conflict is not contained within its territory and sprang to neighbouring states and risks the regional security;
2. when an internal conflict “threaten(s) access to strategic resources such as oil” or takes place in a strategic part of the world;
3. when an internal conflict constitutes serious violations of “international humanitarian law”.

Upon those classifications, the likelihood of UN action can be visualized with a matrix.<sup>283</sup>

<b>P-5 Interests</b>	<b>Internal Conflict</b>	
	<b>Contained</b>	<b>Not Contained</b>
<b>Yes</b>	<b>3</b>	<b>1</b>
<b>No</b>	<b>4</b>	<b>2</b>

<sup>278</sup> Patrick M. Regan. 1998. “Choosing to Intervene: Outside Interventions in Internal Conflicts,” *Journal of Politics* 60(3), p. 759.

<sup>279</sup> Regan, pp. 766-775.

<sup>280</sup> Gompert and et al., p. 430.

<sup>281</sup> Paul Williams and Alex Bellamy. 2005. “The Responsibility to Protect and the Crisis in Darfur,” *Security Dialogue* 36(1), p. 36.

<sup>282</sup> Oudraat, p. 518.

<sup>283</sup> Oudraat, p. 519.

Kofi Annan's words summarize this part and introduce the next emphasizing the importance of the willingness. He argues, "...the success or failure of peacekeeping operations derives above all from the will of the parties to the conflict, of the Security Council, and of other Member States to use this invaluable instrument wisely and well."<sup>284</sup>

### **3.4. Evaluating the Success of the Operations**

Success is a very relative concept both to define and to measure. Therefore there is not a consensus among scholars over the question when a mission can be evaluated as successful.

One of the initiatives to overcome this problem came from The National Research Council's Committee on International Conflict Resolution. Five academics who previously conducted research on "success" issue – P.F. Diehl, W.J. Durch, A.B. Fetherston, R.C. Johansen, S.R. Ratner, were asked to address main points related to the subject. As a result, their work has been reviewed, analyzed and compared to each other.<sup>285</sup>

Diehl mentions a number of criteria for assessing the success. Shortly, a mission can be considered as successful when the purpose of the mission in the mandate is fulfilled, when the mission achieves to provide nutrition, medical care and cease-fires, and when the impact of the operation on the local population is positive.

Durch thinks that it is difficult to formulate generic measures to success as each mandate has its unique characteristics. However, at some points he seems to agree with Diehl. He generally assesses success in terms of contribution of the

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<sup>284</sup> Bellamy, Williams, and Griffin, p. 89.

<sup>285</sup> Daniel Druckman and Paul Stern. 1997. "Perspectives on Evaluating Peacekeeping Missions." *The International Journal of Peace Studies*. Available at [http://www.gmu.edu/programs/icar/ijps/vol4\\_1/druckman.htm](http://www.gmu.edu/programs/icar/ijps/vol4_1/druckman.htm) (accessed in March, 2010).

operation to the containment of conflict and the root causes; and in terms of the fulfillment of operational tasks effectively as formulated in the mandate.

Ratner, agreeing with Diehl and Durch, makes an evaluation according to the usefulness for the host states in terms of time horizon; and the usefulness for the intervening organization in terms of “opportunity cost”.

Druckman and Stern analyzes the approaches of Johansen and Fetherston to be different than the previous ones as they tend to think that operations should contribute to larger values rather than to the self-interests of national governments and militaries. Those larger values are “world peace, justice, and the reduction of human suffering” for Johansen; and Fetherston makes reference for these values to “the needs of people who live war-torn societies.”

As a more recent work of 2007, Seybolt argues that the success of a humanitarian military intervention can be evaluated through the lives it saves.<sup>286</sup> To explain the argument in more specific, the author goes on “if in a humanitarian crisis some people would have died without assistance, but did not die because of the actions of the military personnel, the intervention succeeded.”<sup>287</sup>

The studies that have been examined so far seems to take the issue from a one-sided narrower understanding. A broader one can be found in the study of Darya Pushkina who argues to take “both aspects of success” into consideration that are “completion of the mandate to address the political issues” and “the mission’s contribution to the UN’s broader goals of international security and reduction of

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<sup>286</sup> Taylor B. Seybolt. 2007. *Humanitarian Military Intervention: The Conditions for Success and Failure*. Slona: SIPRI, p. 30.

<sup>287</sup> Seybolt, p. 30.

human suffering.”<sup>288</sup> Moreover, the author makes a list of four criteria to assess success<sup>289</sup> which are also applicable for the evaluation in this study:

Criterion 1: Limiting violent conflict in the host state is the primary goal of peacekeeping. (...) This is particularly challenging task in intrastate conflicts (...) This criterion is applied by analysing whether a mission succeeded in curbing large-scale violence, sustaining ceasefire agreements, reducing the number of conflict-related casualties and supervising demobilization, and by assessing the progress of disarmament.

Criterion 2: Reduction of human suffering is another primary goal of peacekeeping missions. (...) This criterion is operationalized by estimating the extent of any reduction in human rights abuses and the mission’s success in resettling refugees.

Criterion 3: Preventing the spread of conflict beyond the object state’s borders is also important for ensuring regional security. (...) [The criterion is evaluated to] the extent to which the integrity of neighbouring countries has been kept intact.

Criterion 4: Promoting conflict resolution is a final measure of the effectiveness of the UN mission. (...) This criterion will thus be assessed according to the extent to which the environment fostered by peacekeepers inhibits further violence.

The fact is that, the operation in Darfur is continuing; and it is difficult to measure these criteria to evaluate the success of a mission which has not been completed yet. However, such a measurement is still beneficial to understand the dynamics and capabilities of the ongoing operation.

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<sup>288</sup> Darya Pushkina. 2006. “A Recipe for Success? Ingredients of a Successful Peacekeeping Mission,” *International Peacekeeping* 13(2), p. 134.

<sup>289</sup> Pushkina, pp. 134-135.

## CHAPTER IV

### THE UN INTERVENTION IN DARFUR CRISIS:

#### UNAMID

Considering military action as an option to respond to Darfur crisis was pronounced even before the SC mentioned the situation officially. For instance, in his Rwandan anniversary speech on 7 April 2004, the Secretary-General Kofi Annan pointed out the issue and said that:<sup>290</sup>

Whatever the term it uses to describe the situation, the international community cannot stand idle. (...) The international community must be prepared to take swift and appropriate action. By “action” in such situations I mean a continuum of steps which may include military action.

However, busy with the Naivasha Peace Process to resolve the North-South conflict, and considering different positions of its members on responding the Darfur crisis, the SC did not regard sending peacekeepers as an option until August 2006. In this chapter, the UN intervention in Darfur is analyzed mainly concentrating on the decision-making for a military intervention and the attitudes of the states involved. Following, this chapter attempts to explain the basics of the African Union/United Nations Hybrid Operation in Darfur, UNAMID, focusing on the functional, organizational and financial aspects.

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<sup>290</sup> Kofi Annan. April 7, 2004. Quoted in Alex Bellamy. 2005. “Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq,” *Ethics and International Affairs* 19(2), p. 40.

## **4.1. Launching the Operation**

### **4.1.1. The UNSC Resolutions**

The SC referred to the situation in Darfur for the first time with Resolution 1547 on 11 June 2004, sixteen months after the outbreak of the crisis. The essence of this resolution was directly related to the North and South peace. It pointed out the situation in Darfur with one paragraph calling for “an immediate halt to the fighting in the Darfur region” and welcoming African Union’s mediating efforts.<sup>291</sup> However, there was no mention of a UN involvement. On the contrary, in the SC meeting, there were signals that the issue would be out of agenda for a while. For example, Pakistan, one of the non-permanent members of the Council at that period, stated that:<sup>292</sup>

The Sudan is an important member of the African Union, the Organization of the Islamic Conference and the United Nations. As a United Nations Member State, the Sudan has all the rights and privileges incumbent under the United Nations Charter, including to sovereignty, political independence, unity and territorial integrity.

In addition, the representative of the United Kingdom affirmed that the Sudanese government was “responsible throughout the country for the well-being of its citizens” and its efforts ought to be reinforced.<sup>293</sup> Alex Bellamy comments on the attitude of the members that “Pakistan, China and Russia believed that the scale of humanitarian suffering in Darfur was insufficient to provoke serious reflection on whether Sudan was fulfilling its responsibilities to its citizens”.<sup>294</sup> Moreover, he continued, the United States, the UK and France were reluctant to do more at that time.<sup>295</sup>

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<sup>291</sup> United Nations Security Council Resolution. June 11, 2004. S/RES/1547 (2004), para. 6.

<sup>292</sup> United Nations Security Council 4988<sup>th</sup> Meeting. June 11, 2004. S/PV.4988, p. 2.

<sup>293</sup> S/PV.4988, p. 4.

<sup>294</sup> Bellamy, p. 41.

<sup>295</sup> Bellamy, p. 42.

The first SC resolution directly concerning the Darfur issue came on 30 July 2004 with Resolution 1556. The resolution condemned all acts of human rights violations by the parties to the conflict, especially by the Janjaweed.<sup>296</sup> Moreover, the SC determined that the situation in Darfur constituted “a threat to international peace and security and to stability in the region”.<sup>297</sup> Acting under Chapter VII, Resolution 1556 demanded the Sudanese government to disarm the Janjaweed militias in thirty-day time, threatened it with sanctions,<sup>298</sup> and imposed an arms embargo on the region<sup>299</sup>. That resolution was adopted with two countries abstaining: China and Pakistan. China reiterated its position that it believed the Sudanese government was the primarily responsible body to resolve the Darfur issue. The Chinese representative continued that Resolution 1556 would provide “mandatory measures” against the government of Sudan and would further complicate the situation.<sup>300</sup>

The provisions and the implementation of the resolution led to different interpretations. For some, the resolution could not go “far enough”.<sup>301</sup> Alex de Waal argued that the SC could not monitor “the implementation of its demand.”<sup>302</sup> Likewise, the spokesperson of Amnesty International suggested that Resolution 1556 showed “the abandonment of the people of Darfur and an abdication of the Security Council’s role as a human rights enforcing agent”.<sup>303</sup> However, for others, the SC was too harsh against Sudan in threatening with sanctions.<sup>304</sup> The objections to the sanctions were mainly on two grounds: the principle and/or economic interests. As

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<sup>296</sup> The United Nations Security Council Resolution. July 30, 2004. S/RES/1556 (2004), p. 1.

<sup>297</sup> S/RES/1556 (2004), p. 2.

<sup>298</sup> S/RES/1556 (2004), para. 6.

<sup>299</sup> S/RES/1556 (2004), para. 7.

<sup>300</sup> United Nations Security Council 5015th Meeting. July 30, 2004. S/PV.5015, p. 3.

<sup>301</sup> Paul D. Williams and Alex Bellamy. 2005. “The Responsibility to Protect and the Crisis in Darfur,” *Security Dialogue* 36(1), p. 32.

<sup>302</sup> Alex de Waal. 2007. “Darfur and the Failure of the Responsibility to Protect,” *International Affairs* 83(6), p. 1041.

<sup>303</sup> Amnesty International spokespersons, quoted in Williams and Bellamy, p. 32.

<sup>304</sup> Williams and Bellamy, p. 32.

for Pakistan, imposition of sanctions would violate the sovereignty principle.<sup>305</sup> On the same ground, the Arab League stated its position as being against the sanctions “in any circumstances”.<sup>306</sup> On the other hand, China and Russia opposed sanctions both in principle, and on the ground that the sanctions would violate their commercial relationships with Sudan.<sup>307</sup> Even the UK informally stated its worries that the sanctions could undermine the peace process in Darfur.<sup>308</sup> As a result, although it was apparent that the government of Sudan could not fulfill the demands of Resolution 1556, the SC could not find it in breach of its decisions in the following Resolution 1564.<sup>309</sup> Rather, this resolution repeated the threat of sanctions unless the Sudanese government would fully cooperate with the SC decisions.<sup>310</sup>

The timing of Resolution 1564 was important. It was adopted on 18 September 2004, a short while after the “G-word” was pronounced for the situation in Darfur by the US Secretary of State Colin Powell on 9 September 2004. The resolution first reaffirmed its commitment to the “sovereignty, unity, territorial integrity, and independence of Sudan”<sup>311</sup>, and recalled that the government had “the primary responsibility to protect its population within its territory”.<sup>312</sup> Then it requested the establishment of an international commission of inquiry to investigate and report whether “acts of genocide” had occurred in Darfur.<sup>313</sup> Indeed, the AU had proposed the establishment of a similar commission earlier than Resolution 1564. However, it had been rejected by Khartoum then.<sup>314</sup> This time, The Commission of

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<sup>305</sup> Bellamy, p. 45.

<sup>306</sup> Amil Khan and Mohamed Abdellah, quoted in Bellamy, p. 45.

<sup>307</sup> Bellamy, p. 45.

<sup>308</sup> Bellamy, p. 45.

<sup>309</sup> Bellamy, p. 46.

<sup>310</sup> United Nations Security Council Resolution. September 18, 2004. S/RES/1564 (2004), para. 14.

<sup>311</sup> S/RES/1564 (2004), p. 1.

<sup>312</sup> S/RES/1564 (2004), p. 2.

<sup>313</sup> S/RES/1564 (2004), para. 12.

<sup>314</sup> M. W. Daly. 2007. *Darfur's Sorrow: A History of Destruction and Genocide*. New York: Cambridge University Press, p. 296.

Inquiry on Darfur was established which would publish a report on 25 January 2005 concluding that the government of Sudan had not pursued “a policy of genocide”.<sup>315</sup> The Commission would state that “the crucial element of genocidal intent appears to be missing, at least as far as the central Government authorities are concerned”.<sup>316</sup> Yet, the report would approve the conduct of widespread and systematic violence upon civilians stating that “the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide”.<sup>317</sup> In addition, the Commission would submit the names of fifty-one individuals for “criminal investigation”.<sup>318</sup> This development would pave the way for the SC to refer the case to the Prosecutor of the International Criminal Court in 2005.<sup>319</sup>

In the voting of Resolution 1564, four countries abstained: Algeria, China, Pakistan and Russian Federation. The reasons for opposition were similar to the ones for the previous resolution. Algeria stated that they had not expected “the Security Council to threaten the Sudanese government once again with recourse of sanctions”.<sup>320</sup> Chinese representative reiterated that their position against sanctions remained “unchanged”.<sup>321</sup> The delegate for Russia emphasized on the counter-productivity of the possibility of sanctions, and reaffirmed that the main responsibility to halt the civilian suffering belonged to the Sudanese government.<sup>322</sup> Pakistan again stated its position as being against “the use, or the threat of use, of sanctions” stressing its respect for the “sovereignty, unity, and territorial integrity of

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<sup>315</sup> International Commission of Inquiry on Darfur. January 25, 2005. “Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General.” Geneva, p. 4.

<sup>316</sup> International Commission of Inquiry on Darfur, p. 4.

<sup>317</sup> International Commission of Inquiry on Darfur, p. 4.

<sup>318</sup> Julie Flint and Alex de Waal. 2008. *Darfur: A New History of a Long War*. London, New York: Zen Books, p. 183.

<sup>319</sup> United Nations Press Release. March 31, 2005. “Press Release SC/8351 Security Council Refers Situation in Darfur, Sudan, to Prosecutor of International Criminal Court.” Available at <http://www.un.org/News/Press/docs/2005/sc8351.doc.htm> (accessed in April, 2010).

<sup>320</sup> United Nations Security Council 5040<sup>th</sup> Meeting. September 18, 2004. S/PV.5040, p. 3.

<sup>321</sup> S/PV.5040, p. 5.

<sup>322</sup> S/PV.5040, p. 4.

Sudan”.<sup>323</sup> Apart from the sanctions issue, Algeria touched upon the decision to establish an international commission. The representative claimed that such an investigation would frustrate the delivery of humanitarian assistance and the efforts of the AU to reach a political settlement.<sup>324</sup> Upon those statements, Bellamy argues that the oppositions were “partly principled objections to sanctions, partly instrumental objections predicated on the view that the situation in Darfur was improving”.<sup>325</sup>

On the other hand, there were two countries, Romania and Philippines, which emphasized the responsibilities of the Security Council in such situations. Mr. Motoc of Romania argued that for the SC, it was the “political, legal and moral obligation to ring the alarm bell” and stated:<sup>326</sup>

...in our twenty-first-century world, it should not be possible for the international community – for the Security Council in particular – to confine themselves to only taking a political look at events that involve tens of thousands victims of targeted violence, especially when we hear no denial of such tragic reported facts. *There should be no moral hesitation in the Council in taking up its responsibilities.*<sup>327</sup>

The attitude of the Philippines was in line with the *responsibility to protect* principle set forward by the ICISS. The representative repeated that “a state has the responsibility to protect its citizens”, and in case of that state’s inability or unwillingness to do so, the SC would have “the moral and legal authority to enable that State to assume that responsibility”.<sup>328</sup>

It is interesting that although the US officially labeled the situation in Darfur as “genocide”, it did not argue for a more robust action. It did not even state the Council’s responsibility to protect as Romania and the Philippines did. Indeed, the

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<sup>323</sup> S/PV.5040, p. 7.

<sup>324</sup> S/PV.5040, p. 3.

<sup>325</sup> Bellamy, p. 47.

<sup>326</sup> S/PV.5040, p. 12.

<sup>327</sup> emphasis added.

<sup>328</sup> S/PV.5040, p. 12.

US had two options. It could stand along a more activist line as it did for Kosovo and Iraq, or could act in consensus with the Council.<sup>329</sup> The former option was not considered as politically feasible because of its “military overstretch” in those days. As a result, the US pursued a consensus with the majority of the Council which expressed “deep” scepticism “toward anything but AU interventionism”.<sup>330</sup>

Meanwhile, the conflict in South Sudan was about to come to an end. Eventually, the parties signed Comprehensive Peace Agreement on 9 January 2005.<sup>331</sup> Upon this development, on 25 March 2005, The SC adopted Resolution 1590 which authorized the deployment of United Nations Mission in the Sudan (UNMIS) under Chapter VII, and decided to send 10,000 military personnel to the area.<sup>332</sup> In the decision-making process, the Council was divided whether to deploy troops also in Darfur as one of the tasks of UNMIS.<sup>333</sup> However, the discussions did not yield result. Instead, the SC requested Secretary-General to investigate and report how UNMIS could assist AMIS especially through “logistical support and technical assistance”.<sup>334</sup>

Although the provisions of resolutions discussed above contributed to flex the restrictions on delivery of humanitarian assistance, they could not improve the situations of civilians in the region who were at risk and unprotected. Jan Egeland, the UN humanitarian chief complained that:<sup>335</sup>

I feel as a humanitarian very strongly that the world keeps these people alive, we feed them, we clothe them, we give them shelter, we give them health care, but we don't protect them. And here is from my humanitarian perspective the big sort of challenge repeatedly missing, that you must have

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<sup>329</sup> Bellamy, p. 47.

<sup>330</sup> Bellamy, p. 47.

<sup>331</sup> United Nations Peacekeeping. “UNMIS.” Available at <http://www.un.org/en/peacekeeping/missions/unmis/background.shtml> (accessed in April, 2010).

<sup>332</sup> United Nations Peacekeeping, UNMIS.

<sup>333</sup> Bellamy, p. 50.

<sup>334</sup> United Nations Security Council Resolution. March 24, 2005. S/RES/1590 (2005), para. 5.

<sup>335</sup> Jan Egeland, quoted in Adam Lebor. 2006. *“Complicity with Evil”: The United Nations in the Age of Modern Genocide*. New Haven, London: Yale University Press, p. 227-228.

some force there, that can really robustly protect the people and disarm all of these militias, and it's not there.

On the other hand, even though not operationalized, there was a debate going on throughout 2004-2006 about “the international military presence” in Darfur. Alex de Waal categorized the major issues focused on in this debate into four.<sup>336</sup> First of all, the main concern was “whether the troops should be under AU or UN command”. It was an overwhelming view that the troops would have an African character. The second issue was the number of troops and their capabilities. As the AMIS force in the region was small and ill-equipped, the new mission would have to be “larger and be provided with more logistics and communications” in order to be more deterrent. Thirdly, the mandate of the mission was considered as a vital issue. De Waal noted that there was a consensus that “the mandate of ceasefire monitoring arising from the Ndjamena agreement was insufficient, and that the additional mandate that enabled AMIS to protect civilians who were at risk when it encountered them during the course of its duties was also inadequate”.<sup>337</sup> The final major issue in the debate was the problem of funding. The contributors were aware that the existing AMIS forces needed financial support from the EU and the US. That revealed the inability of African countries to pay enough to conduct an operation. Therefore, a UN force would be more reliable as it would be “financed through mandatory assessed contributions” of the members.<sup>338</sup> These four issues constituted the main framework of the debate which became useful when the SC finally regarded the military involvement as a serious option in mid-2006.

On 5 May 2006, Darfur Peace Agreement was signed by the Sudanese government and one faction of SLM/A rebel group. However, it was considered as a

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<sup>336</sup> de Waal, p. 1044.

<sup>337</sup> de Waal, p. 1044.

<sup>338</sup> de Waal, p. 1044.

flawed peace as the other faction of SLM/A and the other rebel group, the JEM, did not sign the document.<sup>339</sup> Therefore, rather than achieving a sustainable political environment, the agreement frustrated the situation further. Within this context, the AU mediation was considered as biased by the Darfurians, and AMIS as a “failure” by the outside world.<sup>340</sup> Upon those developments, the conditions for a UN takeover in the region were beginning to be ripe: AMIS was incompetent, the AU lacked credibility, and there was a strong “financial argument” for a UN operation. Moreover, there was a peace agreement on hand.<sup>341</sup> However, the main obstacle was the reluctance of the Sudanese government to give its *consent* to a UN takeover. Eventually, on 31 August 2006, the Security Council adopted Resolution 1706 and decided to expand the mandate of UNMIS to include Darfur “without prejudice to the mission’s existing mandate and operations”.<sup>342</sup> The resolution stated that UNMIS would be strengthened by “up to 17,300 military personnel and by an appropriate civilian component including up to 3,300 civilian police personnel and up to 16 Formed Police Units”.<sup>343</sup>

The consent of the Sudanese government was not in place when the SC adopted the resolution. In the voting, China, Russia and Qatar abstained mainly on that ground. The Chinese representative emphasized that China would support such a resolution only with the consent of the government of Sudan. Otherwise, he continued, the push for adoption of the resolution would “not help to stop further deterioration of the situation in Darfur”, on the contrary, it would “trigger further

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<sup>339</sup> Abdul-Jabar Fadul and Victor Tanner. 2007. “Darfur after Abuja: A View from the Ground.” In Alex de Waal, ed., *War in Darfur and the Search for Peace*. Cambridge: Harvard University Press, p. 285.

<sup>340</sup> Cristina G. Badescu and Linnea Bergholm. 2009. “The Responsibility to Protect and the Conflict in Darfur: The Big Let-Down,” *Security Dialogue* 40(3), p. 299.

<sup>341</sup> Badescu and Bergholm, p. 300.

<sup>342</sup> United Nations Peacekeeping, UNMIS.

<sup>343</sup> United Nations Security Council Resolution. August 31, 2006. S/RES/1706 (2006), para. 3.

misunderstanding and confrontation”.<sup>344</sup> Likewise, Russian delegation explained that they did not have any objections in principle to the content of the resolution. Yet, they decided to abstain until the pending consent would be received.<sup>345</sup> Lastly, Qatar stressed that they abstained because they believed such a resolution would affect the *sovereignty* of the Sudan.<sup>346</sup> In addition, even the supportive members stressed the importance of the *consent* issue. For instance, the UK said it was not in dispute that the UN could not deploy in Darfur without the Sudanese consent.<sup>347</sup> The Japanese representative reiterated that “it is extremely important that the consent and cooperation of the Government of the Sudan be assured”.<sup>348</sup>

In the following period, Resolution 1706 could not be implemented due to the objection of the Sudanese regime to give consent for a UN takeover. The government declared that it would not allow “an Iraq-style occupation or foreign interference to weaken the regime”.<sup>349</sup> President Bashir believed that “the consequences of refusing R 1706 are more advantageous than those of accepting it”.<sup>350</sup> Moreover, it was stated in early October in a diplomatic note that “in the absence of Sudan’s consent to the deployment of UN troops, any volunteering to provide peacekeeping troops to Darfur will be considered as a hostile act, a prelude to an invasion of a member country of the UN.”<sup>351</sup> However, Sudan had to tone down after the reaction of the Council members to that note and Sudan’s ambassador to Washington said that the note ought

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<sup>344</sup> United Nations Security Council 5519<sup>th</sup> Meeting. August 31, 2006. S/PV.5519, p. 5.

<sup>345</sup> S/PV.5519, p. 6.

<sup>346</sup> S/PV.5519, p. 9.

<sup>347</sup> S/PV.5519, p. 3.

<sup>348</sup> S/PV.5519, p. 6.

<sup>349</sup> Badescu and Bergholm, p. 301.

<sup>350</sup> Gérard Prunier. 2008. *Darfur: A 21st Century Genocide*. Ithaca, New York: Cornell University Press, p. 179.

<sup>351</sup> John Bolton. 2008. *Surrender Is Not An Option: Defending America at the United Nations and Abroad*. New York: Threshold Editions, p. 358.

to be considered as ‘null and void’.<sup>352</sup> Yet, the main position of the government did not change and UNMIS was not able to deploy to Darfur.

The diplomatic efforts continued in order to find a common ground with the Sudan government. On 16 November 2006, the AU, the UN and the Sudanese government held a meeting in Addis Ababa and finally the consent was taken. The government of Sudan accepted the deployment of an *unprecedented* hybrid AU/UN peacekeeping operation in Darfur.<sup>353</sup> However, the Sudanese government demanded that the force would have a pure African character. Upon talks, it was agreed that the peacekeeping force would have not a pure but a “predominantly” African character. So to say, when the African troops became unable to meet the necessary force requirements, “offers from other contributing states” would be considered after consulting the government of Sudan.<sup>354</sup> In addition, they agreed to transfer the AMIS to the hybrid operation in three steps: light support package, heavy support package and full takeover.<sup>355</sup> Upon these developments, on 31 July 2007, the SC unanimously adopted Resolution 1769 and authorized the establishment of African Union/United Nations Hybrid Operation in Darfur, UNAMID, under Chapter VII.<sup>356</sup> The SC decided that UNAMID would have 19,555 military personnel and approximately 6,000 civilian components at its full strength,<sup>357</sup> which would make it “the largest UN peacekeeping force in the world”.<sup>358</sup>

UNAMID officially took the control from AMIS on 31 December 2007. From the establishment on, its mandate has been extended twice for twelve-months

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<sup>352</sup> Bolton, p. 359.

<sup>353</sup> United Nations Peacekeeping. “UNAMID.” Available at <http://www.un.org/en/peacekeeping/missions/unamid/background.shtml> (accessed in April, 2010).

<sup>354</sup> Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur. June 5, 2007. S/2007/307/Rev.1, p. 27, para. 113.

<sup>355</sup> United Nations Peacekeeping, UNAMID and Badescu and Bergholm, p. 300.

<sup>356</sup> United Nations Peacekeeping, UNAMID.

<sup>357</sup> The United Nations Security Council Resolution. 31 July 2007. S/RES/1769 para.2

<sup>358</sup> Flint and de Waal, p. 269.

periods with Resolutions 1828 and 1881. Therefore, until a third extension, UNAMID is to operate in the region up to 31 July 2010.<sup>359</sup>

#### **4.1.2. Perspectives of the Actors Concerned**

##### **4.1.2.1. The USA**

The USA position on Darfur was a very active one apparently. Compared to other African crisis, the situation caused the “largest and loudest American outcry” since the anti-Apartheid movement of two decades earlier.<sup>360</sup> Hamilton and Hazlett argued that the main reasons for such grassroots response were the impact of the North-South conflict in Sudan and the memories of Rwandan genocide. They explained that:<sup>361</sup>

Years of American activism for south Sudan, especially from the Christian Right, had generated allies in Congress. These legislators understood Darfur in light of the government of Sudan’s past brutalities, and were willing to call the conflict what they believed it to be: genocide... [That] stimulated tremendous grassroots activism, especially among Jewish groups and on college campuses. Darfur also had the benefit of coming after the Rwandan genocide and the guilt it produced.

The activist groups launched a petition in June 2004 to pressure the Secretary of State to declare the situation as genocide.<sup>362</sup> Eventually, Colin Powell did so in September, and the President Bush himself followed Powell.<sup>363</sup> The declarations were made to satisfy the internal pressure groups, without calculating the international consequences of calling a crisis “genocide”. Therefore, the US started to pursue a foreign policy on Darfur which is full of “zigzags” afterwards.<sup>364</sup> US Ambassador for the UN, John Bolton, prevented himself to pronounce the “G-word”,

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<sup>359</sup> United Nations Peacekeeping, UNAMID.

<sup>360</sup> Rebecca Hamilton and Chad Hazlett. 2007. “Not on Our Watch’: The Emergence of the American Movement for Darfur.” In Alex de Waal, ed., p. 338.

<sup>361</sup> Hamilton and Hazlett, p. 337.

<sup>362</sup> Hamilton and Hazlett, p. 342.

<sup>363</sup> Prunier, p. 183.

<sup>364</sup> Prunier, p. 183.

and Under-Secretary of State for Africa declared that “Darfur was ‘not a genocide but a series of small attacks and incidents’”.<sup>365</sup> Yet, later, during the discussions on Resolution 1706, Ambassador Bolton used the word “genocide”.<sup>366</sup> In short, the US policy was such incoherent that necessitates further analysis.

This indecisiveness was derived from three main reasons in general, as Mayroz identified.<sup>367</sup> The first factor was the US’s “war on terror” and Khartoum’s cooperation on counter-terrorism.<sup>368</sup> After 9/11 attacks, the US administration was in search for Arab allies and one of them became the Sudanese regime. The Sudanese Secret Service worked closely with the CIA and provided “key intelligence” to the US.<sup>369</sup> Secondly, due to the strong domestic pressures by American Christian groups and African American leaders, the administration had devoted itself to settling the North-South conflict of Sudan and finalizing the Comprehensive Peace Agreement.<sup>370</sup> The Sudanese government was aware of the US dedication in its South conflict and played this card against a strong US involvement in Darfur.<sup>371</sup> The third factor was related to the US presence in Iraq. The financial and military overstretch in Iraq made it unfeasible to intervene in another crisis militarily,<sup>372</sup> especially when there was no strategic interest in it.<sup>373</sup> In addition, the US administration was hesitant to further inflame the Muslim world by initiating action in another Islamist state. The US experts argued that a US-initiated intervention in Darfur was “not going to happen” because they were “already mired down in one

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<sup>365</sup> Prunier, p. 183.

<sup>366</sup> Prunier, p. 183.

<sup>367</sup> Eyal Mayroz. 2008. “Ever Again? The United States, Genocide Suppression, and the Crisis in Darfur,” *Journal of Genocide Research* 10(3), p. 364.

<sup>368</sup> Mayroz, p. 364.

<sup>369</sup> Prunier, p. 184.

<sup>370</sup> Mayroz, p. 364.

<sup>371</sup> Mayroz, p. 365.

<sup>372</sup> Mayroz, p. 365.

<sup>373</sup> Carin Zissis. May 4, 2006. “Darfur: Crisis Continues.” *Council on Foreign Relations*. Available at <http://www.cfr.org/publication/10600/darfur> (accessed in May, 2010).

Muslim country and the Muslim world would be furious if we took action in Sudan”.<sup>374</sup>

Yet, despite its indecisive and incoherent policy, the US played one of the most active roles on behalf of a UN action in Darfur, especially after mid-2006.

#### **4.1.2.2. China and Russia**

The attitudes of China and Russia towards the UN actions in Darfur were very parallel to each other. Their, especially China's, positions constituted obstacles for the decision-making process. They watered down draft resolutions which provisioned strict measures against Sudan, and they abstained in voting the resolution versions of those drafts. As it was mentioned above, the key factors leading to the reluctance of both states for a robust UN action were two: the non-intervention principle and bilateral relationships with the Sudanese government.

In principle, both China and Russia stood against to intervene in internal affairs of sovereign states. For the Darfur case, they reiterated their reluctance to vote for an intervention without the consent of the Sudanese government. Indeed, this attitude was very related to their internal concerns. Russia had problems with Chechnya, and China had problems with Tibet<sup>375</sup> and Xinjiang Uyghur Province. On the other hand, both states had commercial interest in opposing sanctions and robust measures. China and Sudan were conducting oil trade; Sudan was the first overseas oil supplier of China. In 2005, when the sanction discussions were on the table in the Council, China was importing \$3.4 billion worth of goods from Sudan. As Prunier pointed out, 96% of those trade goods were “petroleum products”.<sup>376</sup> Likewise,

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<sup>374</sup> Zisis, “Darfur: Crisis Continues.”

<sup>375</sup> Jean Krasno and Mitushi Das. 2008. “Circumventing the Authority of the Council.” In Bruce Cronin and Ian Hurd, eds., *The UN Security Council and the Politics of International Authority*. London and New York: Routledge, p. 190.

<sup>376</sup> Prunier, p. 178.

Russia was trading oil and military equipment with Sudan. A large amount of weapons and transporter “Antonov An-12s” used in counterinsurgency were Russian-built equipments.<sup>377</sup> Williams and Bellamy stated that “it [Russia] sold around \$150 million worth of military equipments to Sudan, and in 2002 a \$200 million oil deal with the Sudanese government fell through.”<sup>378</sup> Moreover, Russia feared that robust measures would make the Sudanese economy worse and the government would be unable to pay its trade dues to Russia.<sup>379</sup>

Yet, both China and Russia chose not to veto the resolutions but to abstain. They thought that a Sudan in peace would be more beneficial for their interests and did not want to block the SC completely.<sup>380</sup> Even more significantly, the recent developments showed that China played one of the key roles in convincing Khartoum to give its consent for a robust peacekeeping. Three reasons can be given for that change in its attitude. First, China had been blamed by the activists for the international inaction in Darfur since the beginning. Therefore, the state felt the necessity to change its bad reputation, especially to make the dark clouds over the 2008 Beijing Olympic Games disappear.<sup>381</sup> Second, China became aware that it had been destroying its relationships with powerful countries like the US. So that it started to play a more constructive role in peace process.<sup>382</sup> Third, China was reviewing and reshaping its foreign policy with a “measured move from a policy based on strict respect for sovereignty and non-interference in other nations’ domestic affairs to a policy that addresses transnational threats such as terrorism,

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<sup>377</sup> Prunier, p. 99.

<sup>378</sup> Williams and Bellamy, p. 33.

<sup>379</sup> Williams and Bellamy, p. 33.

<sup>380</sup> Zisis, “Darfur: Crisis Continues.”

<sup>381</sup> John Prendergast and Colin Thomas-Jensen. June, 2007. “An Axis for Peace in Darfur: The United States, France, and China.” *Enough Project* Available at <http://www.responsibilitytoprotect.org/files/Axis%20of%20Peace.pdf> (accessed in May, 2010), p. 1-3.

<sup>382</sup> Gareth Evans and Don Steinberg, quoted in Prendergast and Jensen, p. 3.

health pandemics, and climate change”.<sup>383</sup> So to say, these factors led China to act in a more cooperative way with the Council in Darfur case.

#### 4.1.2.3. Muslim World

In terms of religion, it is known that both the victims and the criminals in Darfur have been Muslim. This characteristic of the crisis complicated the situation for the fractions of international Muslim community. Although they agreed on the unacceptability of Muslim sufferings occurring in Darfur, they were separated in terms of their attitude towards a western intervention.<sup>384</sup> *Radical* Islamists mainly focused on the US and the western interests in Darfur from a neo-colonial point of view. They believed that the main aim to intervene in Darfur would be to take the control over the Sudanese oil industry.<sup>385</sup> In addition, they were sceptical for a UN – which they thought to be a US-led organization – intervention because of the fact that the Jewish lobby in the US had pressured for it. The radicals interpreted the attempts of the Jewish lobby as an attempt to destabilize Arab countries and acquire an upper hand in Palestinian issue.<sup>386</sup> As last, they connected the UN intervention with the US failures in Iraq and Afghanistan and rejected the idea of the US presence in another Muslim country.<sup>387</sup> After the SC adopted Resolution 1706, al Qaeda declared it as “another instrument of American imperial occupation of Muslim land”.<sup>388</sup> One year later, the videotapes of Osama bin Laden himself were released in which he called for “jihad against *the crusader invaders*”.<sup>389</sup> He had said beforehand that their aim was not to defend the Sudanese government, but to defend

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<sup>383</sup> Prendergast and Jensen, p. 3.

<sup>384</sup> World Savvy Monitor. 2008. “The Situation in Sudan and the Conflict in Darfur.” Available at [http://worldsavvy.org/monitor/index.php?option=com\\_content&view=article&id=67&Itemid=115](http://worldsavvy.org/monitor/index.php?option=com_content&view=article&id=67&Itemid=115) (accessed May, 2010).

<sup>385</sup> World Savvy Monitor.

<sup>386</sup> World Savvy Monitor.

<sup>387</sup> World Savvy Monitor.

<sup>388</sup> Flint and de Waal, p. 270.

<sup>389</sup> Quoted in Flint and de Waal, p. 271, emphasis added.

Islam with its lands and people.<sup>390</sup> On the other hand, *moderate* Muslims focused on the reluctance and inability of Arab-Muslim governments to take the initiative to end the conflict. They were in favour of cooperation with the UN to stop Muslims' sufferings.<sup>391</sup> In an article of Islam Online Muslim Affairs Team, even the establishment of UNAMID was considered as a positive development for Darfur.<sup>392</sup>

#### 4.1.3. Attitude of the Sudanese Government

President Omar Hassan Ahmad al Bashir of Sudan was prejudicious about the motives of the foreign countries to intervene in Darfur. He suspected that the main intention was to overthrow him. Therefore, he believed that “the Americans, supported by the British and the French, might try to use the UN in Darfur, the European troops in Chad or even the rebels to get rid of his regime”.<sup>393</sup> This scepticism had been expressed in various speeches of both the delegates and the President himself since the beginning. For instance, in the SC meeting adopting Resolution 1556, the Sudanese delegate identified the UN involvement with “Trojan horse” and furiously asked<sup>394</sup>

...if the Sudan would have been safe from the hammer of the Security Council even if there had been no crisis in Darfur, and whether the Darfur humanitarian crisis might not be a Trojan horse? Has this lofty humanitarian objective been adopted and embraced by other people who are advocating a hidden agenda?

As a result, the Sudanese government would insist on the African Union to be the “only body” that could “deal with Darfur”.<sup>395</sup> Not only the rulers, but also the rebel groups stood against non-African intervention in Darfur. The SPLM/A stressed

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<sup>390</sup> World Savvy Monitor.

<sup>391</sup> World Savvy Monitor.

<sup>392</sup> Islam Online Muslim Affairs Team. “One Foot in 2008: What Does The Year Carry for the Muslim World”, cited in World Savvy Monitor.

<sup>393</sup> Flint and de Waal, p. 274.

<sup>394</sup> S/PV.5015, p. 13.

<sup>395</sup> S/PV.5153, p. 6.

that: “We are against foreign military intervention in Darfur. We have before us the case of Iraq. We do not want a similar situation to develop in Darfur, or Sudan.”<sup>396</sup> When the talks of UN military intervention in the region began in mid-2006, the Sudanese government started an internal campaign which created an enemy who wanted to “come in and steal their oil”.<sup>397</sup> The UN intervention was considered as an “invasion” in the eyes of Sudanese public, both in the center and the peripheries. Even the ones in prisons waiting to be executed were said that they would be given guns and be “released to go and fight the UN”.<sup>398</sup> Some of the tactics of the government to prevent the UN intervention were as follows. For example, the administration threatened the Council with undermining the economic, political, and security interests of the permanent members in Sudan.<sup>399</sup> Likewise, it used the importance of peace process in the South as leverage against a robust action.<sup>400</sup> Moreover, the Sudanese government successfully played the sovereignty card against the international community, and used “regional anti-colonialist sensitives” to gain support from the African countries in principle terms.<sup>401</sup> In addition, the government gained the support of Arab-Islam world by resembling the situation to Iraq case.<sup>402</sup> On the other hand, al Bashir threatened the West with impeding the access of humanitarian aids and conducted anonymous attacks on aid workers.<sup>403</sup>

Eventually, upon intensive public and private diplomacy efforts and Chinese cooperation, the President Bashir accepted the establishment of an hybrid force with

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<sup>396</sup> Farouk Abu Eissa, quoted in Bellamy, p. 48.

<sup>397</sup> Tomo Krizner. October 4, 2006. “Sudan Sees UN Intervention as an Invasion.” Available at <http://www.independent.co.uk/opinion/commentators/tomo-krizner-sudan-sees-un-intervention-as-an-invasion-418603.html> (accessed in May, 2010).

<sup>398</sup> Krizner, “Sudan Sees UN Intervention as an Invasion.”

<sup>399</sup> Mayroz, p. 365.

<sup>400</sup> Mayroz, p. 365.

<sup>401</sup> Mayroz, p. 366.

<sup>402</sup> Mayroz, p. 366.

<sup>403</sup> Mayroz, p. 366.

a “predominantly” African character.<sup>404</sup> However, there are still problems occurring between the government of Sudan and the UN in deployment of UNAMID.

## **4.2. UNAMID**

As it was mentioned above, with Resolution 1769, the SC authorized the establishment of the African Union-United Nations Hybrid Operation in Darfur on 31 July 2007. The following section aims to give the details of the functional, organizational and financial features of the operation.

### **4.2.1. Functions**

The Secretary-General and the Chairperson of the African Union Commission had set out the mandate of UNAMID in their report dated 5 June 2007, and the SC agreed upon those goals in Resolution 1769.<sup>405</sup> According to that report, the hybrid operation would be mandated:<sup>406</sup>

- (a) to contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance and to facilitate full humanitarian access throughout Darfur;
- (b) to contribute to the protection of civilian population under imminent threat of physical violence and prevent attacks against civilians, within its capability and areas of deployment, without prejudice to the responsibility of the Government of the Sudan;
- (c) to monitor, observe compliance with and verify the implementation of various ceasefire agreements signed since 2004, as well as assist with the implementation of the Darfur Peace Agreement and any subsequent agreements;
- (d) to assist the political process (...), and to support the African Union-United Nations joint mediation in its efforts to broaden and deepen commitment to peace process;
- (e) to contribute to a secure environment for economic reconstruction and development, as well as the sustainable return of internally displaced persons and refugees to their homes;
- (f) to contribute to the promotion of respect for and protection of human rights and fundamental freedoms in Darfur;
- (g) to assist the promotion of the rule of law in Darfur, (...), in consultation with relevant Sudanese authorities;

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<sup>404</sup> Flint and de Waal, p. 269.

<sup>405</sup> S/RES/1768 (2007), para. 1.

<sup>406</sup> S/2007/307/Rev.1, para. 54.

(h) to monitor and report on the security situation at the Sudan's borders with Chad and the Central African Republic.

In order to achieve these goals, the report provisioned tasks under three headings: support for the peace process and good offices, actively providing security conditions, and promoting the rule of law, governance and human rights.<sup>407</sup>

UNAMID was established as a Chapter VII mission. The SC stated in Resolution 1769 that the operation was authorized under Chapter VII to “take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities” in order to:<sup>408</sup>

- protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers.
- support early and effective implementation of the Darfur Peace Agreement, prevent the disruption of its implementation and armed attacks, and protect civilians, without the prejudice to the responsibility of the Government of Sudan.

The use of force in self-defense was considered as a standard for UN peacekeeping operation and was acceptable for Khartoum. However, the government had problems with the second part. One Sudanese defence ministry official, General Majzoub Rahamah, argued that UNAMID was not permitted to protect the civilians but only themselves.<sup>409</sup> On the other hand, Romeo Dallaire, the former UN commander in Rwanda, claimed that the resolution was under Chapter VII and it permitted UNAMID to use force in civilian protection.<sup>410</sup> Indeed, the same issue had been raised in the 5752nd meeting of the Security Council, which led to the adoption of Resolution 1769. Only the US delegate, Mr. Khalilzad stated that the UNAMID

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<sup>407</sup> S/2007/307/Rev.1, para. 55.

<sup>408</sup> S/RES/1769, para. 15.

<sup>409</sup> Badescu and Bergholm, p. 301.

<sup>410</sup> Badescu and Bergholm, p. 301.

could “enforce the will of the international community by the use of force”.<sup>411</sup> However, China reiterated that the purpose of the resolution was “to authorize the launch of the hybrid operation, rather than to exert pressure or impose sanction”.<sup>412</sup> As a result, in terms of civilian protection, an ambiguous reference to the *responsibilities of the Government of Sudan* was pronounced. So to say, although UNAMID was a Chapter VII mission, it was restricted to use force except two circumstances: self-defense, and as a response to “immediate threats” to civilians in its area of mission. Yet, de Waal argued, this response would not be provided with “wide-ranging powers that NATO had in Kosovo”.<sup>413</sup> In short, UNAMID’s mission would not be to wage war or to stand between belligerent militias in “full-scale combat”.<sup>414</sup>

The mandate and purpose of the mission have generally been contested and criticized to be vague.<sup>415</sup> As understood from the points listed above, the primary objective of UNAMID is civilian protection. However, there was no proper strategy to train the UNAMID leadership or its troops for this task.<sup>416</sup> In addition, the operation was rested on “flawed assumptions”.<sup>417</sup> Indeed, UNAMID was not a peace-enforcement but a peacekeeping operation, but it was deployed when there was no peace to keep.

#### **4.2.2. Organization**

UNAMID was established as an hybrid operation. Resolution 1769 recalled the Addis Ababa Agreement and confirmed that the operation would have a

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<sup>411</sup> Ademola Abass. 2007. “The United Nations, the African Union and the Darfur Crisis: Of Apology and Utopia,” *Netherlands International Review* LIV, p. 434.

<sup>412</sup> Abass, p. 434.

<sup>413</sup> Flint and de Waal, p. 270.

<sup>414</sup> Badescu and Bergholm, p. 301.

<sup>415</sup> Badescu and Bergholm, p. 301.

<sup>416</sup> Badescu and Bergholm, p. 301.

<sup>417</sup> Alex de Waal, cited in Badescu and Bergholm, p. 301.

*predominantly*<sup>418</sup> African character.<sup>419</sup> Apart from this, the operation would be very similar to other UN operations. The SC decided that there would be *unity* of command and control in accordance with *basic principles of peacekeeping*.<sup>420</sup> The command and control structures would be provided by the UN. This characteristic was mentioned in the report of the Secretary-General and the Chairperson of the AU Commission of 5 June 2007 that:<sup>421</sup>

...For unity of effort and efficiency, all United Nations and African Union personnel deployed to the operation will be administered in accordance with United Nations rules, regulations, policies, directives and administrative instructions, as well as standard operating procedures, including, but not limited to, those relating to performance, conduct and discipline.

As to say, the nature of this “hybrid” operation would be as such: command and control from the UN, troops and high rank officials from Africa. The head of the mission would be appointed jointly by the AU and the UN under the name of *the Joint Special Representative* of the AU and UN for Darfur.<sup>422</sup> The same process would be valid for the appointment of the Force Commander, the Police Commissioner and the deputies under them. In addition, those leaders would be accountable both to the AU and the UN. This was a unique, but also a problematic characteristic of UNAMID. It was mentioned that the operational responsibilities would be carried by the UN, so the mission ought to be accountable to the Secretary-General. On the other hand, communicational capabilities of the AU were not developed as of the UN, and that created an imbalance within the UNAMID

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<sup>418</sup> A force with a predominant African character is different than a force with a pure African character. See S/2007/307/Rev.1, para. 113: ...suitable offers from African troop- and police-contributing countries will be considered first. However, at the extent that African troop- and police-contributing countries are unable to meet the force requirements, offers from other contributing countries will be considered.

<sup>419</sup> S/RES/1769 (2007), p. 2.

<sup>420</sup> S/RES/1769 (2007), para. 7.

<sup>421</sup> S/2007/307/Rev.1, para. 114.

<sup>422</sup> Michel Liégeois. 2009. “Darfur: Mission Impossible for UNAMID?” *Les Rapports du GRIP* 2009/6, p. 12.

partnership in terms of the AU access to information.<sup>423</sup> So to say, the hybrid operation was rested on an *asymmetrical* partnership.<sup>424</sup>

When the composition of the military and police personnel in UNAMID are considered, the distinct African character of the mission becomes apparent. Initially, most of existing AMIS troops “rehabbed” – literally taking off their green berets and putting on the blue ones – and constituted the UNAMID force.<sup>425</sup> However, what it meant for troops to be “predominantly” African was not defined at the outset. Instead, the Sudanese government was given the right to “scrutinise contributor countries”.<sup>426</sup> That created a delay in deployment as the UNAMID officials had to await permission from Khartoum on troop composition.<sup>427</sup> It was experienced that Sudanese authorities rejected non-African troops from countries like Norway and Sweden, and accepted troops coming from Muslim or “friend” countries like Bangladesh, Pakistan and China.<sup>428</sup> So to say, almost 82% of total number of troops became African.<sup>429</sup> According to the latest figures, the troop contributing countries are as follows: Bangladesh, Bolivia, Burkina Faso, Burundi, Cameroon, China, Egypt, Ethiopia, Gambia, Germany, Ghana, Guatemala, Indonesia, Italy, Jordan, Kenya, Malawi, Malaysia, Mali, Namibia, Nepal, Netherlands, Nigeria, Pakistan, Republic of Korea, Rwanda, Senegal, Sierra Leone, South Africa, Tanzania, Thailand, Togo, Turkey, Uganda, Yemen, Zambia and Zimbabwe.<sup>430</sup>

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<sup>423</sup> Liégeois, pp. 12-14.

<sup>424</sup> Liégeois, p. 14.

<sup>425</sup> Flint and de Waal, p. 269.

<sup>426</sup> Liégeois, p. 17.

<sup>427</sup> Badescu and Bergholm, p. 303.

<sup>428</sup> Liégeois, p. 17.

<sup>429</sup> Liégeois, p. 17.

<sup>430</sup> United Nations Peacekeeping. “UNAMID.” Available at <http://www.un.org/en/peacekeeping/missions/unamid/facts.shtml> (accessed in May, 2010).

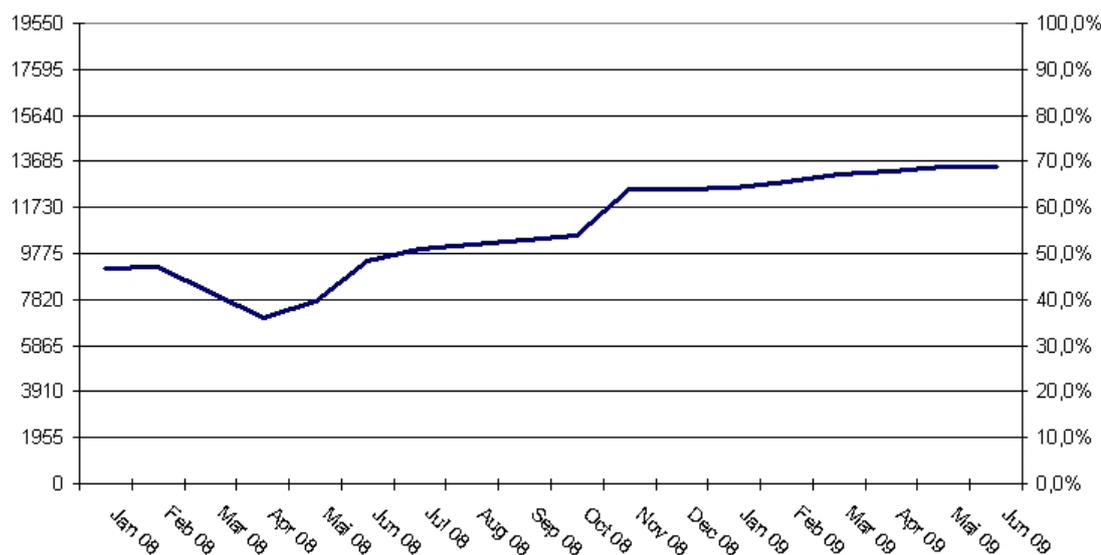
As for the number of troops, Resolution 1769 stated that UNAMID would consist of up to<sup>431</sup>

19,555 military personnel, including 360 military observers and liaison officers, and an appropriate civilian component including up to 3,772 police personnel and 19 formed police units comprising up to 140 personnel each.

Those numbers meant that at its full strength, UNAMID would have approximately 20,000 military and 6,000 civilian components. However, the deployment of the forces were rising too slowly. At the outset, the existing AMIS troops, which were approximately 10,000 in number, were converted to UNAMID troops. It was considered as the fastest way of deployment for the initial period.<sup>432</sup>

The increase in number of personnel could start in May 2008. The existing forces were added units which were mainly composed of engineers to set up the “infrastructure required by infantry and police units”.<sup>433</sup> From then on, the strength of UNAMID has increased with a low slope as seen in the diagram below:<sup>434</sup>

Graph 1: UNAMID Deployment from January 2008 to June 2009



<sup>431</sup> S/RES/1769 (2007), para. 2.

<sup>432</sup> Liégeois, p. 15.

<sup>433</sup> Liégeois, p. 15.

<sup>434</sup> The diagram is inserted from Liégeois, p. 15.

The factors affecting the progress of deployment can be given as the reluctance of the Sudanese government to cooperate; postponements of contributor states to deploy; and environmental and logistical challenges to operate in Darfur.<sup>435</sup> As for the current situation, the most recent report of Secretary-General on UNAMID declared that 79% of the mandated number of military personnel had been deployed by 21 January 2010.<sup>436</sup> This ratio became 73% for civilian staff.<sup>437</sup> Secretary-General observed – when the mission left two years behind – that “UNAMID has made significant progress towards full deployment and is *now* focused on its critical tasks of protecting civilians and facilitating humanitarian delivery”.<sup>438</sup>

### 4.2.3. Funding

In his report regarding the establishment of a hybrid force in Darfur, the Secretary-General stated that he would recommend the UN to provide funding for UNAMID “through the United Nations assessed budget”.<sup>439</sup> By its resolution 66/232, the General Assembly accepted the establishment of a special account for UNAMID, and approved a budget of \$1,275,7 million for the period between 1 July 2007 and 30 June 2008.<sup>440</sup> It meant that although the mission was formulated as a hybrid force, it would be funded through the assessments of UN members.

For the current period from 1 July 2009 to 30 June 2010, the budget of UNAMID was approved as \$1,598.94 million.<sup>441</sup>

As for providing a general roundup for this chapter, it can be said that since the outbreak of the conflict, the UN has been blamed to give a late, reluctant and

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<sup>435</sup> United Nations Peacekeeping, UNAMID.

<sup>436</sup> Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur. January 29, 2010. S/2010/50, para. 3.

<sup>437</sup> S/2010/50, para. 7.

<sup>438</sup> S/2010/50, para. 64, emphasis added.

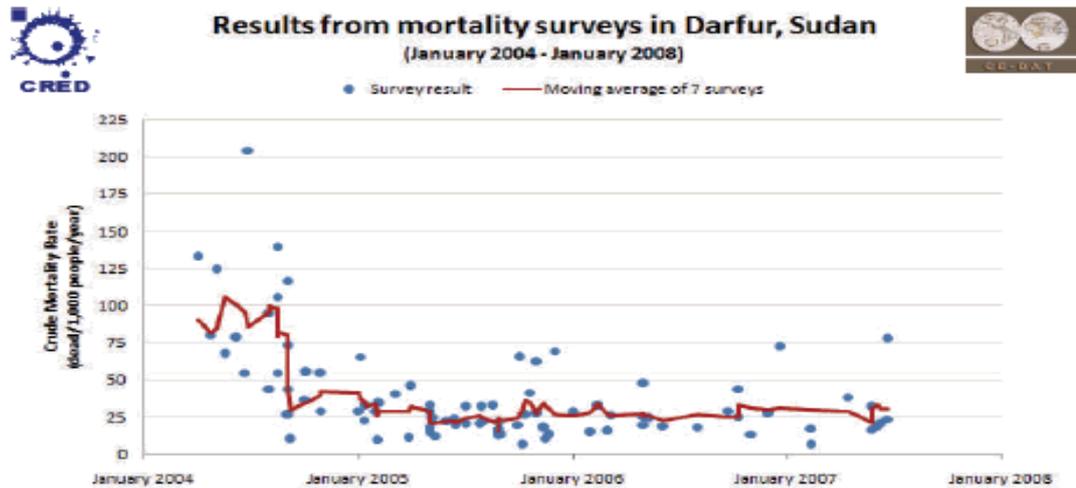
<sup>439</sup> S/2007/307/Rev.1, para. 115.

<sup>440</sup> Report of Secretary-General on the Deployment of the African Union-United Nations Hybrid Operation in Darfur. June 17, 2008. S/2008/400, para. 38.

<sup>441</sup> United Nations Peacekeeping, UNAMID.

ineffective response to Darfur crisis. Indeed, as the diagram below suggested, most of civilian deaths had occurred before the SC finally decided to *discuss* the situation in the last quarter of 2004.

Graph 2: Results from mortality surveys in Darfur between January 2004 to January 2008.<sup>442</sup>



The AU/UN hybrid operation has been criticized on the similar grounds, as well. Many commentators argued in the first year of the operation that it would *at best* be indifferent to AMIS, otherwise would become “the world’s worst peacekeeping operation”.<sup>443</sup> Indeed, the mission lacked necessary resources, and faced operational, logistical, tactical challenges. Such incapacities of the mission left the Darfurians, humanitarian workers and even UNAMID peacekeepers vulnerable to continuing attacks and widespread violence.<sup>444</sup> Up to the present, UNAMID has counted 57 fatalities among its peacekeepers due to the ongoing

<sup>442</sup> The diagram is inserted from, ReliefWeb. April 24, 2008. “Scientific Evidence supports UN OCHA Extrapolation on Darfur Mortality.” Available at <http://www.reliefweb.int/rwarchive/rwb.nsf/db900sid/AMMF-7DZHT5?OpenDocument> (accessed in April, 2010).

<sup>443</sup> Flint and de Waal, p. 270.

<sup>444</sup> The Darfur Consortium. July 28, 2008. “Putting People First: The Protection Challenge Facing UNAMID in Darfur.” Available at [http://www.darfurconsortium.org/darfur\\_consortium\\_actions/reports/2008/Putting\\_People\\_First\\_UNAMID\\_report.pdf](http://www.darfurconsortium.org/darfur_consortium_actions/reports/2008/Putting_People_First_UNAMID_report.pdf) (accessed in May, 2010), p. 1.

crisis.<sup>445</sup> Both the government of Sudan and the international community are to blame for the shortcomings of UNAMID. The Sudanese government has stalled deployment by playing the consent card on issues like troop composition, permission for night flights, etc.<sup>446</sup> On the other hand, donor countries have not kept their promises regarding their efficient support to UNAMID.<sup>447</sup> Those challenges have endangered the accomplishment of the mission's mandate. Recently, UNAMID has declared in its official website that:<sup>448</sup>

UNAMID continues to face shortfalls in troops and critical transport and aviation assets. The Secretary-General has led appeals to the international community to provide the mission with the capabilities it needs, especially helicopters, so that it can fulfill its mandate and live up to the expectations of the people of Darfur and the international community. In the meantime, UNAMID is doing all in its power and with limited resources to provide protection to civilians in Darfur, facilitate the humanitarian aid operation, and help provide an environment in which peace can take root.

Moreover, one of the main reasons of UNAMID's ineffectiveness has been *the assumption* that it was established on. The mission was established as a standard-type of new generation UN peacekeeping operation while the fighting was going on. As a result, it became inevitable for UNAMID not to get stuck in continuing fighting in the region. In short, it is argued that UNAMID was established to "satisfy western public demand for military intervention", but was "not tailored to Darfur's realities".<sup>449</sup>

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<sup>445</sup> United Nations Peacekeeping, UNAMID: Among those 57 fatalities, there were 35 troops, 10 police, 1 military observer, 2 international civilian, 9 local civilian.

<sup>446</sup> The Darfur Consortium, p. 2 and Badescu and Bergholm, p. 302.

<sup>447</sup> The Darfur Consortium, p. 2.

<sup>448</sup> United Nations Peacekeeping, UNAMID.

<sup>449</sup> Flint and de Waal, p. 270.

## **CHAPTER V**

### **EVALUATION OF THE UN INTERVENTION**

#### **IN DARFUR**

This last chapter aims to provide a final analysis of the UN intervention in Darfur crisis within the framework established in Chapter II. Under four general headings, it attempts to answer the following questions: How can the basic principles of UN peacekeeping be applied to the intervention in Darfur? Can we assess the success or failure of the mission? If so, does the ongoing operation tend to succeed or fail? Why does the UNSC decide to intervene four and a half years later than the outbreak of the crisis? In other words, what were the reasons for the capable countries to be reluctant to intervene? And as last, this chapter attempts to find out how the case can be evaluated within the context of humanitarian interventions? As it can be understood from the order of the questions, while first two parts provide a narrower analysis regarding the ongoing operation, UNAMID, the other parts try to reach more general conclusions regarding the UN practice of interventions in the contemporary era.

### 5.1. Applying Basic Principles of Peacekeeping to the UN Intervention in Darfur

This part is very much related to how to define the UN intervention in Darfur first. In that sense, the characteristics of the AU/UN hybrid operation simply fit to the framework drawn in the Brahimi Report and the Capstone Doctrine for the *new generation peacekeeping operations*. It is explained in the second chapter of this study that both documents affirm the *consent*, *impartiality* and *non-use of force except self-defence* to remain as the basic principles of UN peacekeeping. However, they re-operationalize these principles in order to improve the effectiveness of operations and to prevent the similar failures experienced in previous missions.<sup>450</sup> Now, it is worth to ask how those basic principles are applied in UNAMID case.<sup>451</sup>

The issue of *consent* has been one of the main concerns for UNAMID both during the discussions regarding the military intervention in Darfur and during the deployment and conduct of forces. It was mentioned that Resolution 1706, which decided to extend the mandate of UNMIS to include Darfur, could not be implemented due to the rejection of the Sudanese government to give its consent. Upon this, the international community started to put economic pressure on Sudan and initiated intense diplomatic efforts to be able to get the permission of Khartoum for military operation. Eventually, UNAMID could be established when the consent of the government was taken. This insistence on the Sudanese consent is one of the main indicators that although Resolution 1769 authorized the mandate of UNAMID under Chapter VII, the mission is a peacekeeping operation, not an enforcement. Apart from acquiring the consent, the Brahimi Report warns that especially in

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<sup>450</sup> See Chapter II, pp. 15-18.

<sup>451</sup> Before starting to analyze this issue, it should be mentioned that the main reference will be made to the Brahimi Report as the latter document was released after the establishment of UNAMID.

intrastate conflicts “consent may be manipulated in many ways”.<sup>452</sup> For example, “a party may seek to limit an operation’s freedom of movement, adopt a policy of persistent non-compliance with the provisions of an agreement or withdraw its consent altogether”.<sup>453</sup> Indeed, this has been the case for UNAMID constituting one of the main challenges that the operation has faced. By playing the consent card, Khartoum has slowed down the progress of deployment and has decreased the efficiency of the mission. UNAMID officials have had to wait for the government approval on troop composition, and for permission on issues like night flights, etc.<sup>454</sup>

As for the *impartiality* principle, neutral characteristic of UNAMID was mentioned even before the authorization of the mission. In their report dated 5 June 2007, the Secretary-General and the Chairperson of the AU Commission emphasized that the political solution to the conflict would only be sustainable if the parties were convinced that the peacekeeping force would be “strong, *impartial* [and] proactive”.<sup>455</sup> The Brahimi Report warns that the impartiality principle cannot be applied in *all* cases as “neutrality” or “equal treatment of all parties”.<sup>456</sup> However, in UNAMID case, impartiality has been considered as “absolute neutrality in dealing with all parties involved in the conflict”.<sup>457</sup> Joint AU/UN Special Representative

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<sup>452</sup> Report of the Panel on UN Peace Operations. August 2000. Available at [http://www.un.org/peace/reports/peace\\_operations/](http://www.un.org/peace/reports/peace_operations/) (accessed in May, 2010) (cited as “Brahimi Report in following references), para. 48.

<sup>453</sup> Brahimi Report, para. 48.

<sup>454</sup> United Nations Peacekeeping. “UNAMID.” Available at <http://www.un.org/en/peacekeeping/missions/unamid/background.shtml> (accessed in April, 2010) and Cristina G. Badescu and Linnea Bergholm. 2009. “The Responsibility to Protect and the Conflict in Darfur: The Big Let-Down,” *Security Dialogue* 40(3), p. 302.

<sup>455</sup> Report of the Secretary-General and the Chairperson of the African Union Commission on the Hybrid Operation in Darfur. June 5, 2007. S/2007/307/Rev.1, p. 30, para. 125, emphasis added.

<sup>456</sup> Brahimi Report, para. 50.

<sup>457</sup> Africa News: Sharing Views on Africa. February 7, 2009. “Sudan: Rebel Groups Withdraw From South Darfur, Says UN.” Available at <http://africaheadlines.wordpress.com/2009/02/07/sudan-rebel-group-withdraws-from-south-darfur-says-un/> (accessed in May, 2010).

Rodolphe Adada claimed that such interpretation of impartiality was the “only way for the mission to achieve its mandate”.<sup>458</sup>

In traditional peacekeeping operations, there was a symbolic *use of force* only for the self-defense of the UN operation. This characteristic has been considered as one of the main reasons of ineffective operations. Therefore, the Brahimi Report emphasizes on the necessity for more costly and robust forces in order to deter the spoilers.<sup>459</sup> Likewise, the Report of High-Level Panel argues that missions should have enough capacity to respond spoilers with force when they try to “undermine a peace agreement and put civilians at risk”.<sup>460</sup> As a result, in the Capstone document, the principle of *non-use of force except self-defence* has been changed as *non-use of force except in self-defence and defence of the mandate*.<sup>461</sup> When UNAMID is analyzed within this framework, it is seen that the mission is established according to this understanding. At its full deployment, the mission would consist of a huge and costly peacekeeping force with approximately 26,000 personnel.<sup>462</sup> In addition, it was authorized under *Chapter VII* to use force not only to protect its personnel, facilities, equipment, etc., but also to support the implementation of the peace agreement and to protect civilians.<sup>463</sup> Indeed, its authorization under Chapter VII led to discussions whether UNAMID would be a peace enforcement mission. However, it was soon understood that this characteristic was another feature of UNAMID which made it a *new generation peacekeeping* operation as Chapter VII mandate has

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<sup>458</sup> Africa News: Sharing Views on Africa.

<sup>459</sup> Brahimi Report, para. 51.

<sup>460</sup> Report of High-Level Panel on Threats, Challenges and Change. 2004. *A More Secure World: Our Shared Responsibility*. New York: United Nations, para. 213.

<sup>461</sup> United Nations Peacekeeping Operations: Principles and Guidelines. 2008. Available at [http://pbpu.unlb.org/pbps/Library/Capstone\\_Doctrine\\_ENG.pdf](http://pbpu.unlb.org/pbps/Library/Capstone_Doctrine_ENG.pdf) (accessed in May, 2010), p. 72.

<sup>462</sup> The United Nations Security Council Resolution. July 31, 2007. S/RES/1769, para. 2.

<sup>463</sup> S/RES/1769, para. 15.

become the usual practice for both peacekeeping and peace enforcement missions in the contemporary era.<sup>464</sup>

In short, UNAMID can be categorized as a peacekeeping operation which is loyal to the basic principles as outlined in contemporary reports. The next question to analyze is how the mission can be evaluated in terms of success/failure of UN peacekeeping operations.

## **5.2. Success of the Operation**

Many commentators and international actors have warned since the deployment of UNAMID that the mission was on the edge of failure due to its ambiguous mandate, the reluctance of the Sudanese government to cooperate, and “unfulfilled” commitments of international actors in terms of resources.<sup>465</sup> On the other hand, both the NGOs in field and the UN itself declared that despite enormous challenges, obstacles and tragedy that UNAMID has faced, the operation has succeeded to count several achievements, as well.<sup>466</sup>

Success is a problematic concept for peacekeeping operations. It is relative and highly depends on from which perspective one evaluates the operations. In other words, the assessment may change regarding one’s tendency to see the glass half empty or half full. It is a matter of fact that the evaluation becomes more difficult when the success/failure of a continuing mission is considered, as it is not possible to observe the long-term consequences of the operation. Therefore, one needs to be cautious before putting labels on UNAMID. As a result, this study hesitates to define

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<sup>464</sup> See Chapter II, pp. 14-18.

<sup>465</sup> A Joint NGO Statement. July, 2009. “Building A Better UNAMID.” Available at [http://www.darfurconsortium.org/member\\_publications/2009/July/ST.BuildingaBetterUNAMID.093109.pdf](http://www.darfurconsortium.org/member_publications/2009/July/ST.BuildingaBetterUNAMID.093109.pdf) (accessed in May, 2010).

<sup>466</sup> A Joint NGO Statement and United Nations Peace Operations 2009: Year in Review. 2009. Available at <http://www.un.org/en/peacekeeping/publications/yir/yir2009.pdf> (accessed in May, 2010), p. 31.

the operation as succeeded or failed. Rather, it tries to evaluate the *progress* and *effectiveness* of UNAMID. In this assessment, the definition and criteria listed in Chapter II are utilized. This means that the study of Darya Pushkina is taken into consideration which regards success according to the “completion of the mandate” and “the mission’s contribution to the UN’s broader goals of international security and reduction of human suffering”.<sup>467</sup> When the mandate of UNAMID and four criteria listed by Pushkina are combined, the operation is assessed through four basis: Can UNAMID limit the violence, improve the security conditions and protect civilians? How does UNAMID contribute to reduce human suffering? What are the developments in peace process? And, how does the existence of UNAMID affect the regional stability?

In terms of security conditions, the situation have been relatively calm than it was a few years ago. At least, civilians are not the main targets anymore. In addition, although international forces have faced attacks and counted fatalities, they have not been an “automatic” target unlike in Iraq and Afghanistan.<sup>468</sup> Yet, the operation has still been in Phase IV since July 2008 according to the five-phase security management of the UN.<sup>469</sup> The significant type of violence in Darfur has been

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<sup>467</sup> Darya Pushkina. 2006. “A Recipe for Success? Ingredients of a Successful Peacekeeping Mission,” *International Peacekeeping* 13(2) p. 134.

<sup>468</sup> Michel Liégeois. 2009. “Darfur: Mission Impossible for UNAMID?” *Les Rapports du GRIP* 2009/6 p. 20.

<sup>469</sup> “The UN uses a five-phase global security management system. Phase One – precautionary measures: warning staff that the security conditions in the country or section of the country are such that caution is required. Any travel to the affected area requires permission from the designated manager. Phase Two – travel restrictions: all staff and members of their families are instructed to remain at home until they receive further instructions. No travel to or within the country is allowed, apart from travel deemed to be unavoidable and expressly authorised by the designated manager. Phase Three – removal: signs of substantial degradation in security conditions that may lead to the removal of certain staff and members of their families, as entitled. **Phase Four** – suspension of programmes: evacuation of all international officials whose presence was considered essential thus far to the pursuit of programmes, apart from officials directly involved in emergency and humanitarian assistance operations or security matters. Phase Five – evacuation: the decision to activate Phase Five, which must be approved by the Secretary General, indicates an extreme deterioration in the situation, requiring the departure of all international officials from the country. (Source: UNHCR)”: retrieved from Liégeois, p.20.

derived from clashes between the rebel groups and government forces. In addition, especially after the signing of the DPA, there has occurred widespread inter-tribal fighting.<sup>470</sup> It is a fact that UNAMID has not been mandated to stand between fighting parties and stop the violence. However, it has even been ineffective in many situations which are within its mandate due to the lack of resources. The rebel groups has had the advantage of being highly mobile and the Sudanese army has had the air power. Therefore, when such attacks have risked the lives of civilians, UNAMID could not take action to protect them as it has been ill-equipped. Moreover, UNAMID could not be able to prevent attacks on its convoys and patrols as it has lacked *combat helicopters* which would be able to provide “backup fire” in such situations.<sup>471</sup> Therefore, the mission itself has limited its task to a *considerable* and *cautious* level. Since July 2008, the soldiers have started to concentrate on protecting UN facilities and staff, and providing security for civilians “in and around” IDP camps.<sup>472</sup> Indeed, there were incidents in which UNAMID acted robustly to save civilian lives. For example in January and February 2009, there occurred intense fighting in Muhajeria in South Darfur between the Sudanese forces and JEM putting tens of thousands of civilians at risk. As a response, the Sudanese government declared that it would use “all means possible” against JEM and warned UNAMID to pull out its troops. However, UNAMID refused to leave the civilians in the area and prevented a large-scale attack which would cost civilian lives.<sup>473</sup> Unfortunately, such cases in which UNAMID acted in a rapid and robust manner have been the exception rather than the rule.<sup>474</sup> This case has been an indicator that the Sudanese

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<sup>470</sup> Liégeois, pp. 20-21.

<sup>471</sup> Liégeois, p. 21.

<sup>472</sup> Liégeois, p. 21.

<sup>473</sup> A Joint NGO Statement.

<sup>474</sup> A Joint NGO Statement.

government was indeed reluctant to cooperate with UNAMID, and the mission could do more to save civilians if better-equipped.

UNAMID's contribution to reduce the human sufferings has been very much related to its task to protect the civilians. After realizing the mission's incapacibilities, UNAMID could provide very little to civilians outside the camps. At most, the soldiers have been patrolling the displaceds to move to safe camps.<sup>475</sup> As for the people in IDPs camps, UNAMID has shown the most significant progress. In its first six months, the mission was restricted in terms of number of staff and suitable infrastructure, and could patrol the camps only in daylight hours. Apart from this, they were escorting women who had to leave the camp in search of firewood, water, food, etc.<sup>476</sup> There were not enough troops, and civilians were complaining about the lack of security. They reported that either themselves or their friends became subjected to rape, beating, abduction, even murder when they got outside the camps without escorts and at nights when UNAMID troops were not on duty.<sup>477</sup> The turning point for UNAMID to take the initiative to change the situation was Kalma incident. Kalma has been the biggest camp in South Darfur with 100,000 IDPs. At night time on 28 August 2008, the Sudanese police forces tried to enter the camp in search for rebels and arms. When the camp residents attempted to respond, the police forces opened fire and caused death of approximately fifty civilians including women and children.<sup>478</sup> From then on, UNAMID has taken the measures for a twenty-four hour patrol presence within the camps.<sup>479</sup> This incident again has shown how desperately

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<sup>475</sup> Liégeois, p. 21.

<sup>476</sup> Liégeois, p. 22.

<sup>477</sup> The Darfur Consortium. July 28, 2008. "Putting People First: The Protection Challenge Facing UNAMID in Darfur." Available at [http://www.darfurconsortium.org/darfur\\_consortium\\_actions/reports/2008/Putting\\_People\\_First\\_UNAMID\\_report.pdf](http://www.darfurconsortium.org/darfur_consortium_actions/reports/2008/Putting_People_First_UNAMID_report.pdf) (accessed in May, 2010), pp. 4-7.

<sup>478</sup> Liégeois, p. 22.

<sup>479</sup> Liégeois, p. 22.

UNAMID has been in need of additional troops and resources to fulfill the core of its mandate.

In cases when UNAMID was provided with necessary troops and logistics, and when the Sudanese government was ready to cooperate, it was possible to observe the positive impacts on mission's effectiveness. For example for the delivery of humanitarian supply, the UN reviewed the year 2009 as:<sup>480</sup>

In a major initiative to unblock the supply routes from Khartoum to El Fasher, UNAMID managed to reduce the journey for supply convoys from Port Sudan to El Fasher from 11 days to four (...) In addition to more timely delivery of supplies, the mission received vehicles that were utilized to deliver water to the local population and building materials that enabled the construction of facilities for the mission and the people of Darfur alike.

It was mentioned that these developments could be brought by a combination of "an increased deployment of military personnel and assets, (...) improvements to the logistical supply chain" and "increased cooperation with the Sudanese police who provided escorts in areas outside of Darfur where the mission is not mandated to operate".<sup>481</sup>

As for the peace process, in Resolution 1769, UNAMID is mandated "to monitor, observe compliance with and verify the implementation of various ceasefire agreements signed since 2004, (...) assist with the implementation of the Darfur Peace Agreement and any subsequent agreements".<sup>482</sup> Furthermore, the operation was authorized even to use force when necessary to "support early and effective implementation of the [DPA]".<sup>483</sup> Indeed, this has been kind of a *mission impossible* for UNAMID. The council members did not consider (or did not *want* to consider) that as previous agreements such as the N'djamena Humanitarian Ceasefire, the DPA was a flawed peace agreement both in the eyes of the non-signatory rebel groups and

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<sup>480</sup> United Nations Peace Operations 2009: Year in Review, p. 31.

<sup>481</sup> United Nations Peace Operations 2009: Year in Review, p. 31.

<sup>482</sup> S/2007/Rev.1, para. 54.

<sup>483</sup> S/RES/1769, para. 15.

the Darfurians. The agreement was infamous for those people as it was connected to the increased violence in the region and intensified conflict among tribes afterwards. Even AMIS had lost its prestige upon its insistence on the implementation of the DPA.<sup>484</sup> As a result, UNAMID also carried the risk to be seen as illegitimate in the eyes of local people. Needless to say, the mission has not been able to succeed in supporting the implementation of the DPA. Instead, while the political process and mediation efforts have continued at the higher level, UNAMID has focused on establishing dialogue among local tribes. Its works have constituted the Darfur-Darfur Dialogue and Consultation (DDDC).<sup>485</sup> These efforts have not been too spectacular to receive huge media attention unlike big political conferences, but nonetheless have helped to “reduce the level of violence in Darfur” and “spread a culture of non-violence in conflict management”.<sup>486</sup>

Meanwhile, the government of Sudan and one of the rebel groups, JEM, agreed to attend the AU/UN mediated talks in Doha, Qatar in early 2009.<sup>487</sup> These talks have resulted in the signing of a temporary ceasefire and “framework” agreement in February 2010 including issues like compensation for Darfurians, humanitarian access, power and wealth sharing.<sup>488</sup> Yet, the other rebel group which has a strong support from the local population and IDPs has refused to attend the talks since the beginning demanding an “end to violence before negotiations”.<sup>489</sup> It is early to comment on UNAMID’s role in implementation of that agreement between JEM and Sudanese government. However, there are signals that it carries the risk to be one of the volatile ceasefires signed during seven-year conflict in Darfur. The

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<sup>484</sup> See Chapter I, pp. 25-27.

<sup>485</sup> Liégeois, p. 20.

<sup>486</sup> Liégeois, p. 20.

<sup>487</sup> United Nations Peace Operations 2009: Year in Review, p. 32.

<sup>488</sup> ReliefWeb. February 20, 2010. “Sudan signs ceasefire with Darfur JEM rebels.” Available at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/FBUO-82UHKN?OpenDocument> (accessed in May, 2010).

<sup>489</sup> ReliefWeb(2010).

rejection of SLA to negotiate and the words of the spokesman of JEM are two of them. Before signing the deal, Ahmed Hussein Adam of JEM emphasized on the temporary characteristic of the ceasefire and said, “we will not play their game if they are only interested in buying time, in tactics, in just signing papers to make it easier for them in the elections.”<sup>490</sup> He further declared that “the vicious circle can begin again and we can resume our armed struggle.”<sup>491</sup>

As for regional stability, it can be said that UNAMID has had no observable effect on. On the contrary, the tensions between Chad and Sudan have endangered the actions of the mission.<sup>492</sup> They share a common border along western Darfur and both governments bilaterally have accused the other of sponsoring the rebel groups within its territories against the Sudanese or Chadian governments.<sup>493</sup> Noticing that the conflict in one area would affect the other, the UNSC have urged UNAMID “to coordinate closely with other United Nations Mission in Sudan (UNMIS) and the United Nations in the Central African Republic and Chad (MINURCAT)” in Resolution 1881.<sup>494</sup> Since the end of 2009, the relations between two countries have been improving mainly because both governments have been searching for security and stability towards their elections.<sup>495</sup>

The analyses above indicate that although it has been two and a half years from the deployment of UNAMID, the mission has not been able to fulfill its mandate effectively except some achievements. This is due to the flaws within its

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<sup>490</sup> Quoted in ReliefWeb (2010).

<sup>491</sup> ReliefWeb (2010).

<sup>492</sup> UNAMID Press Release. January 7, 2008. “Press Statement by AU-UN Joint Special Representative for Darfur on the Sudan-Chad border situation.” No/01/2008. Available at <http://unamid.unmissions.org/Default.aspx?tabid=900&ctl=Details&mid=1073&Itemid=663> (accessed in May, 2010).

<sup>493</sup> BBCNews. February 20, 2010. “Sudan and Chad to End Hostilities.” Available at <http://news.bbc.co.uk/2/hi/africa/8507363.stm> (accessed in May, 2010), and Liégeois, p. 21.

<sup>494</sup> The United Nations Security Council Resolution. July 30, 2009. S/RES/1881 (2009), para. 10.

<sup>495</sup> AlertNet. February 9, 2010. “Sudan, Chad Agree ‘Definitive End’ to Proxy Wars.” Available at <http://www.alertnet.org/thenews/newsdesk/LDE61827T.htm> (accessed in May, 2010).

mandate to a great extent. Furthermore, both the unwillingness of supporting states to provide necessary resources such as troops and aviation assets, and the attitude of Khartoum towards cooperation have decreased the chance of UNAMID to succeed. It is understandable for the Sudanese government to show reluctance as its position has been along a similar line even before the military intervention. However, the inability of western states to keep their promises regarding reinforcement of UNAMID strengthens the argument that the mission was established just to “satisfy western public demand for military intervention”.<sup>496</sup>

Now, let's turn to pre-UNAMID era and try to analyze why the UNSC was reluctant to intervene in Darfur militarily despite the fact that the huge amount of conflict-related civilian deaths occurred in the first few years.

### **5.3. Reluctance to Intervene**

When the discussions and attitudes of member states provided in previous chapters are considered, the reasons of reluctance can be listed under two general and two specific categories.<sup>497</sup> The general reasons are first the impact of the ‘war on terror’; and second, the principles of sovereignty and non-intervention. On the other hand, the specific reasons are related to the host country, Sudan. These are first the strategic and economic interests of members states in Sudan; and second, the peace process in the other civil war of Sudan between north and south.

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<sup>496</sup> Julie Flint and Alex de Waal. 2008. *Darfur: A New History of a Long War*. London, New York: Zen Books, p. 270.

<sup>497</sup> I also utilize the articles listed below to formulate this categorization:

Andrew Cottey. 2008. “Beyond Humanitarian Intervention: The New Politics of Peacekeeping and Intervention,” *Contemporary Politics* 14(4), pp. 429-446;

James Kurth. November, 2005. “Humanitarian Intervention After Iraq: Legal Ideals vs. Military Realities.” *Orbis* 50(1). Available at <http://www.fpri.org/orbis/5001/kurth.humanitarianinterventionafteriraq.pdf> (accessed May, 2010), pp. 97-99;

Paul D. Williams and Alex J. Bellamy. 2005. “The Responsibility to Protect and the Crisis in Darfur,” *Security Dialogue* 36(1), pp. 36-40.

The 9/11 attacks had a threefold effect on the willingness to intervene in Darfur, especially for the US. First, following the 9/11 attacks, the strategic priorities of the US – the most capable country in the SC – have shifted to terrorism, the proliferation of WMD and “rouge states”. Therefore, the US administration became less willing to intervene only with humanitarian purposes in areas that were “remote from US vital interests”.<sup>498</sup> Related to this, the wars in Afghanistan and especially in Iraq led to military and financial overstretch for major western powers such as the US and the UK, and made the intervention in Darfur not feasible for those countries.<sup>499</sup> Second, emphasizing on humanitarian purposes as one of the justifications of Iraq War decreased the credibility of both the major western states arguing for humanitarian interventions and the very idea of humanitarianism itself.<sup>500</sup> The Sudanese government, most of the permanent and non-permanent members of the SC, and many countries in the GA became suspicious that such an intervention would mask neo-imperial ambitions such as “gaining access to Sudan’s oil”.<sup>501</sup> Third effect was related to the role that Sudan played in the ‘war on terror’. The US administration would not want to lose the Sudanese government as an Arab ally in that sense.<sup>502</sup>

The second factor of general reasons for reluctance is related to the notion of sovereignty and the respect to non-intervention principle. During the discussions in the SC regarding the Darfur crisis, most of the permanent and non-permanent members reiterated their respect to the Sudanese sovereignty. They emphasized that

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<sup>498</sup> Kurth, p. 98 and also see Cottey, p. 430.

<sup>499</sup> Eyal Mayroz. 2008. “Ever Again? The United States, Genocide Suppression, and the Crisis in Darfur,” *Journal of Genocide Research* 10(3), p. 365.

<sup>500</sup> Williams and Bellamy, pp. 36-37.

<sup>501</sup> Williams and Bellamy, pp. 36-37.

<sup>502</sup> Gérard Prunier. 2008. *Darfur: A 21st Century Genocide*. Ithaca, New York: Cornell University Press, p. 184.

as a result, it would be the responsibility of the government of Sudan to protect the civilians within its territory.<sup>503</sup>

As for specific reasons, the economic and strategic interests of the member states in Sudan can be given as the first concern. The strategic importance of Sudan for the US is mentioned above. The US interest was in the cooperation with Khartoum against terrorism especially in terms of intelligence. In addition, the administration chose to think strategically that advocating a forceful intervention in Sudan would deepen the anti-US attitude of Arab/Muslim world which had been heightened with the wars in Afghanistan and especially in Iraq.<sup>504</sup> On the other hand, the economic interests were related to oil and arms trade with Sudan. Two permanent members, China and Russia, considered Sudan as an important trade partner and did not want an intervention without Khartoum's consent to damage their relations.<sup>505</sup>

The last factor to be explained is about the other internal problems of Sudan. The country had been experiencing "Africa's longest running civil war" between the ruling north and the southern rebel group SPLM/A.<sup>506</sup> When the Darfur conflict was at the peak, the international community was busy with diplomatic efforts to conclude Machakos/Naivasha peace process which would end the conflict with the south. Therefore, the crisis in Darfur was placed at "secondary" level.<sup>507</sup> Any kind of forcible intervention in Darfur would threaten the completion of Machakos/Naivasha process according to many commentators. However, Williams and Bellamy believed that this process might not actually resolve the "underlying causes of Sudan's

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<sup>503</sup> See Chapter III, pp. 2-11.

<sup>504</sup> Carin Zissis. May 4, 2006. "Darfur: Crisis Continues." *Council on Foreign Relations*. Available at <http://www.cfr.org/publication/10600/darfur> (accessed in May, 2010).

<sup>505</sup> See Chapter III, pp. 14-16.

<sup>506</sup> Williams and Bellamy, p. 38.

<sup>507</sup> Williams and Bellamy, p. 38.

multiple civil wars” and would privilege the SPLM/A “at the expense of Sudan’s other groups”.<sup>508</sup>

These four concerns explained above constituted the main reasons for the unwillingness of the member states to intervene in Darfur. Now, a further analysis will be made depending on the basis provided in the second chapter. First of all, making a review of what is mentioned in that part is beneficial.<sup>509</sup> For the members to decide to involve in an internal conflict, there are two main factors: engagement of P-5 interests and the existence of a threat to international peace and security. In order to measure these factors, five criteria are listed for the former and three criteria are listed for the latter.

When the criteria concerning the engagement of interests are analyzed within the Darfur context, it is seen that the tendency would not be towards intervention, but *nonintervention*. First, the conflict did not occur “on” or “near” the territory of a P-5 member. Second, it was true that the region had strategic and economic importance for the members. However, the continuation of strategic and economic gains necessitated not to push for a forceful intervention. Third, the conflict did not threaten or involve a former ally. Fourth, there were not strong historical, ideological or political ties between one of the members and any party to the conflict. It was true that the region had been a British colony until 1956; in addition France had ties with Chad which would be affected by the instability in the region. However, those countries did not pursue a decisive policy along the lines of intervention. Fifth, as explained in the reasons part, the decision to intervene would be in conflict with calculations about “costs, benefits, and risks” to a great extent.

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<sup>508</sup> Williams and Bellamy, p. 40.

<sup>509</sup> This part summarizes Chapter II, pp. 27-29.

On the contrary, when the Darfur case is applied to the criteria concerning the international peace and security, two of them are affirmative that the situation would require *intervention*. First, the conflict was not contained within the Sudanese territory and spread to the neighbouring Chad harming the relationship between Chad and Sudan. In addition, it is possible to notice that in all resolutions discussed as regarding the conflict in Darfur, the SC determined that the situation constituted a “threat to international peace and security”.<sup>510</sup> Second, the conflict constituted serious violations of international humanitarian law. Such violations were even reported by the ICID and confirmed by the ICC. The third criterion argues that the intervention is likely if the conflict threatens “access to strategic resources such as oil” or occurs in a strategic part of the world. For Darfur, none of them existed. On the contrary, it was the government of Sudan having strategic and economic relationships with the members, and the southern part having the strategic resources such as oil. Darfur was just a land buffering between Sudan, Chad and Libya. Yet, the previous two criteria were supporting the idea for a more robust action.

In the final analysis, those two factors related to the decision-making to intervene in internal conflicts were not along the parallel lines for Darfur case. In the words of Paul Williams and Alex Bellamy, “strategic imperatives created a perceived need to appease the Sudanese government (...), while humanitarian concerns suggested the need for greater levels of coercive pressure against that government”.<sup>511</sup> In short, reluctance of member states to argue for a more robust action in the early years of the conflict shows that the concerns about interests did prevail the humanitarian ones in that case.

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<sup>510</sup> Except Resolution 1547.

<sup>511</sup> Williams and Bellamy, p. 40.

#### 5.4. Assessment within the Context of Humanitarian Interventions

As it was explained in the second chapter, the SC has the legal right to authorize an intervention under Chapter VII on humanitarian grounds. In addition, there is a “partial consensus” among “some liberal states” that in extreme humanitarian cases, there occurs a moral right to intervene without the SC authorization.<sup>512</sup> Yet, Article 39 of the UN Charter provides the SC as the main body to “determine the existence of any threat” to international peace and security. When the cases in the post-Cold War era are considered, it is realized that the SC interpretation of “international peace and security” has been expanded to include the issues like refugee flows, endangered civilians, human sufferings, coup against a democratically elected government, ethnic cleansing, etc.<sup>513</sup> Likewise, the situation in Darfur, which doubtlessly represented a “supreme humanitarian emergency”<sup>514</sup>, has been defined as “constituting a threat to international peace and security” in SC resolutions, in the declarations of UN officials, and in countless reports. Therefore, it is worth to analyze the lack of action by the SC as a whole and the individual members within the context of humanitarian interventions.

The Darfur case indicates mainly two matters regarding humanitarian intervention. The first is related to the impact of the Iraq war on the normative progress of the concept. And the second is related to the idea of *the responsibility to protect*.<sup>515</sup>

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<sup>512</sup> Alex Bellamy. 2005. “Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq,” *Ethics and International Affairs* 19(2), pp. 33-34.

<sup>513</sup> Williams and Bellamy, p. 40 and Bellamy, p. 34.

<sup>514</sup> Williams and Bellamy, p. 30.

<sup>515</sup> This analysis is mainly developed from Alex Bellamy’s in “Responsibility to Protect or Trojan Horse? The Crisis in Darfur and Humanitarian Intervention after Iraq,” which is cited in previous footnotes.

In improvement of the level of consensus on the norm of humanitarian intervention, the US and the UK have stood as the major “norm carriers”.<sup>516</sup> However, their arguments and position on Iraq war have diminished their credibility as such. This has had two implications in Darfur context. First, their arguments for humanitarianism could have less resonance among “sceptics”<sup>517</sup> due to introducing humanitarian rationale for invading Iraq.<sup>518</sup> Second, their military overstretch has become an obstacle to reveal a strict position against one of the worst humanitarian crisis in the world.<sup>519</sup> Martha Finnemore and Kathryn Sikkink argue that new norms would take the place of old ones after a period of dispute and rivalry.<sup>520</sup> Therefore, when the norm carriers are thought to be abusing the norm for their self-interests, then the process of change is “likely to be slowed or reversed”.<sup>521</sup>

As for what the Darfur case implicates for the responsibility to protect idea, one can conclude that the language of the idea has led the case for intervention to two opposite directions. One is the way to legitimize the opposition to intervene in humanitarian emergencies, while the other is the way to support.<sup>522</sup> This lies in the very basic principles of the R2P idea that the ICISS formulated in 2001. In the Commission’s report, there are two basic principles. The first one considers the sovereignty as responsibility and declares that “state sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with

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<sup>516</sup> Bellamy, p. 32.

<sup>517</sup> Bellamy, p. 33.

<sup>518</sup> Aidan Hehir. 2008. *Humanitarian Intervention After Kosovo: Iraq, Darfur and the Record of Global Civil Society*. New York: Palgrave Macmillan, pp.74-75.

<sup>519</sup> Bellamy, p. 33.

<sup>520</sup> Martha Finnemore and Kathryn Sikkink. 1998. “International Norm Dynamics and Political Change,” *International Organization* 52(4): 887-918. In Bellamy, p. 32.

<sup>521</sup> Bellamy, p. 33.

<sup>522</sup> Bellamy, p. 40.

the state itself”.<sup>523</sup> The second principle reminds the responsibility of international community and argues “where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect”.<sup>524</sup> But before analyzing the contradicting adaption of the basics of the R2P idea, it is beneficial to explain its role in the UN.

As it is mentioned in the second chapter, after the ICISS established the R2P framework, the reactions were positive to a great extent. The idea was added in the UN reform debate and embraced by the members in the UN World Summit of 2005. As a result, it was added to the World Summit Outcome Document with three referring paragraphs.<sup>525</sup> Since then, the principle has been considered as a “new declaratory commitment to protect endangered populations” and as a “normative innovation”.<sup>526</sup> However, there were some differences with the original form of R2P in the Outcome Document which were made for the sake of reaching a consensus between the opponents and the advocates. In paragraph 139, the Document declares that the international responsibility to “take collective action” would be beared “*on a case-by-case basis*” and when “the national authorities *manifestly fail* to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity”.<sup>527</sup> Cristina Badescu and Linnea Bergholm argue that this paragraph “provides foundation for taking action when *political will* exists”, but does not explain what to be done when there is reluctance.<sup>528</sup> That is to say that its emphasis

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<sup>523</sup> International Commission on Intervention and State Sovereignty. 2001b. *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Centre, p. xi.

<sup>524</sup> International Commission on Intervention and State Sovereignty, p. xi.

<sup>525</sup> See Chapter II, pp. 22-23.

<sup>526</sup> Both are quoted in Badescu and Bergholm, p. 290.

<sup>527</sup> Para. 139 of the World Summit Outcome Document, quoted in Badescu and Bergholm, p. 290, emphasis added.

<sup>528</sup> Badescu and Bergholm, p. 291.

on taking responsibility on a *case-by-case* basis and when the governments *manifestly fail* to protect their citizens create ambiguities in terms of providing political commitment of members to intervene.<sup>529</sup> This is obvious when the idea is applied to Darfur case.

For the humanitarian suffering in Darfur, almost all labels which the principle of R2P lists as necessitating action are used. The US Congress called the crisis *genocide* unanimously in July 2004, followed by the Secretary of State in September and many activist groups such as Physicians for Human Rights. Later the same month, EU parliamentarians declared that the actions of Khartoum could be “construed as *tantamount to genocide*”.<sup>530</sup> Not calling the crisis genocide, in 2005, the ICID reported that while the rebels were responsible for *war crimes*, the Sudanese government committed *crimes against humanity*. Indeed, even if there were no R2P principle, calling a crisis genocide would necessitate a further action according to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. From that dimension, many academics like Hugo Slim argue that “the response to Darfur was more shameful than the response to Rwanda” as the international community did not hide behind the denial of what was going on in Darfur to legitimize inaction.<sup>531</sup> Although the situation in Darfur was labeled as war crimes, crimes against humanity, and even genocide, what the SC did was to adopt the first principle of the R2P rhetoric and refer to Khartoum as the responsible body to protect civilians in the region. The flaws in the Paragraph 139 of the Outcome Document is apparent here that there is provided no measure to decide when the government *manifestly fail* to do so. If an administration was reported to commit

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<sup>529</sup> Badescu and Bergholm, p. 291.

<sup>530</sup> Agence France Presse. September 16, 2004. “EU Lawmakers Call Darfur ‘Crisis Genocide’.” In Thomas Weiss. 2008. *Humanitarian Intervention: Ideas in Action*. Cambridge: Polity Press, p. 54, emphasis added.

<sup>531</sup> Hugo Slim. 2004. “Dithering Over Darfur.” Quoted in Hehir, p. 69.

crimes against humanity but was not considered as failed to protect its nationals, then which state would be taken as manifestly failed in future cases? Only countries like Romania and Philippines mentioned the responsibility of the SC to stop the humanitarian crisis in Darfur, yet could not find much support among other states which insisted on emphasizing the Sudanese sovereignty as responsibility. Indeed, the language of the R2P carries the risk to create an ambiguity providing a ground for both constraining and enabling intervention even for the same case. This is very much related to the political will of states to act; and in Darfur case, such a willingness was not ranking high due to the reasons explained in previous section. In Bellamy's words, the debates in the SC have shown that "changing the language of the intervention debate has done little to forge consensus or overcome the struggle between sovereignty and human rights".<sup>532</sup> That is to say that, establishing criteria to govern humanitarian intervention does not bring the most important dimension – political willingness of states to intervene in such cases – automatically.<sup>533</sup>

In short, Darfur case took place at a time when two opposite processes were developing. On the one hand, the post 9/11 period were bringing a reversal trend to the normative progress of humanitarian intervention idea. On the other hand, the UN was adopting the R2P idea in order to create an effective mechanism to regulate humanitarian intervention norm. Through this, the members were showing their sacrifice from sovereignty principle in order to deal with genocide, war crimes, crimes against humanity and ethnic cleansing. Within this conjuncture, it would be early to reach general conclusions just considering Darfur as a test case. Yet doubtlessly, the civilians in Darfur have become the victims of both the impacts of the war on terror, and flaws in the operationalization of newly adopted R2P idea.

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<sup>532</sup> Bellamy, p. 33.

<sup>533</sup> Jennifer M. Welsh. 2004. "Conclusion: Humanitarian Intervention After 11 September." Quoted in Bellamy, p. 36.

Needless to say, both of these factors have been consequences of the same old political unwillingness. Simon Chesterman argues that the notion of sovereignty have not prevented states from acting to save strangers when they have had the means and the will.<sup>534</sup> So to say, when there are reluctance and lack of necessary means, the cost for civilians becomes higher as in the Darfur case.

To conclude, although the UN has started to reflect a greater intention to save the people facing atrocities, the practice has shown so far that the “business-as-usual”<sup>535</sup> has not changed. What exactly summarizes this position is the statement of Krasno and Das arguing:<sup>536</sup>

The paradigm shift from the notion of “national security” to the concept of the sovereign person or “human security” has not yet taken place in minds of government leaders who have their own personal agendas.

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<sup>534</sup> Simon Chesterman. 2001. *Just War or Just Peace? Humanitarian Intervention and International Law* Oxford: Oxford University Press, p. 231.

<sup>535</sup> Within the context used in Samantha Power. 2004. “Business As Usual at the UN” *Foreign Policy* 144, pp. 38-39.

<sup>536</sup> Jean Krasno and Mitushi Das. 2008. “Circumventing the Authority of the Council.” In Bruce Cronin and Ian Hurd, eds., *The UN Security Council and the Politics of International Authority*. London and New York: Routledge, p. 190.

## CHAPTER VI

### CONCLUSION

*“Alas, man and woman cannot live by rhetoric alone.”*

This study has aimed to explain and analyze the Darfur case within the context of UN interventions in intrastate conflicts. In other words, it has attempted to examine what the Darfur case has demonstrated for the UN trend of responding to humanitarian crises in the 21st century. It is a matter of fact that in the recent decade, there have been significant attempts to regulate the norm of humanitarian intervention and to increase the effectiveness of peace operations. Indeed, significant normative progress has been achieved in rhetoric especially in notion of sacrificing state sovereignty for the sake of human security. Yet, in the final analysis, it can be concluded that the decisions of *whether, when, where* and *how* to intervene in internal crisis are still shaped by the political calculations of member states.

UN intervention in intrastate conflicts is a problematic issue as one of the core principles of the organization is ‘non-intervention’, and as it may lack necessary capabilities to deal with complex nature of internal crisis. However, with the shift in conflicts from inter-state to intra-state level in the post-Cold War period, the UN has found itself as the main body to settle the internal disputes. The previous decade

witnessed severe failures of the UN in that sense such as the Somalia, Bosnia and Rwanda. As a result, the organization has conducted ‘lessons-learned’ studies and has attempted to find ways in order to regulate the *ad hoc* nature of peace operations and to increase the effectiveness of them. The crisis in Darfur outbreak during this process. Many scholars and politicians have tended to see this case as a ‘test case’ for the UN in terms of dealing with the humanitarian crises in this new era. Indeed, the Darfur case is interesting to study with the timing and the humanitarian dimension of the crisis, and with the attitudes of member states in responding to it. In examining the case, this thesis draws conclusions on the basis of four points regarding the UN operation in Darfur and what the case demonstrates for UN interventions in intrastate conflicts within a broader scope.

The first conclusion is related to peacekeeping operations in general. The characteristics of the AU/UN hybrid mission in Darfur fit to the principles of new generation peacekeeping operations. It has been authorized under Chapter VII to use force both to protect the mission and the civilians with an unprecedented number of troops for peacekeeping missions. Yet, it is not a peace enforcement as the mission could be deployed only after an agreement was signed documenting a peace to keep, and after the consent of the government was taken. So to say, the operation in Darfur constitutes an example for the future operations in which the borders of traditional peacekeeping, peace enforcement and humanitarian interventions of 1990s are blurred.

Besides that, the deployment of UNAMID reflects the development of two opposite processes in the meanwhile. The normative process and the “bold statements” of member states to stop atrocities have created a state of pressure mainly from the public and the media on the SC to act. On the other hand, the impact

of the post 9/11 period has highlighted the strategic concerns of states diminishing their political willingness to bear the responsibility to protect the civilians in another state. As a result, UNAMID was deployed with a vague mandate, with a flawed peace agreement on hand, and with unkept commitments to reinforce the mission. That is to say that the combination of political will and military means were lacking for UNAMID as necessary ingredients of an effective peacekeeping operation. Yet, as argued by Flint and de Waal, the mission was created even on flawed assumptions in order to satisfy the public demand for a more robust action.

The second conclusion is related to the success/failure of the operation. UNAMID was destined to be ineffective from the very beginning due to its inadequate mandate and ill-equipped troops. The reluctance of member states to fulfill their commitments regarding the support for the mission, and the negative attitude of the Sudanese government in cooperation have worsened situation further. Indeed, this study reveals that UNAMID has been able to achieve some of its tasks when it has been provided with necessary means and when the Sudanese government has showed willingness to cooperate. However, such incidents have been exceptions rather than the rule. It would be misleading to label an ongoing operation as failure; yet, it is a matter of fact that UNAMID has been ineffective to fulfill its mission for the previous two and a half years.

As the third, this study reaches a conclusion regarding the decision to intervene. When the engagement of P-5 interests in the conflict is concerned, the expected action for the SC would be not to intervene in Darfur crisis. On the other hand, when the commitments of the members related to the international peace and security are taken into account, the level of humanitarian sufferings and the situation in the region would require a more robust action. The attitude of the SC towards the

Darfur issue was *ignorance* in the first years of the crisis – when the conflict-related civilian sufferings had been at the peak – and *reluctance* to intervene even after the reports of the ICID, the ICC, etc. As a result, the response to Darfur case demonstrates that when the national agenda is in conflict with humanitarian concerns, pursuing interests does still prevail saving strangers.

The fourth assessment is related to the UN practice of humanitarian interventions. The case leads to two conclusions in that sense. First, the Darfur issue has been affected by the consequences of the Iraq war which has diminished the prestige of the major “norm carriers”. They have been blamed either for abusing the norm for their self-interests or for ignoring the humanitarian crises in other parts of the world as a result of their military overstretch in Iraq. As a result, the normative progress has tended to slow down affecting the response to Darfur crisis. Second, the case has demonstrated that there are flaws within the language of the responsibility to protect doctrine. The principle considering the state sovereignty as responsibility has been utilized as an alibi for inaction. This shows that the attempts to regulate the norm could not bring a solution to the most important obstacle to intervene: lack of political will. As a result, the ad hoc nature of humanitarian interventions does not seem to change for a long while.

As concluding remarks, it should be noted that the aims of this thesis have not been to discuss whether the use of military force would be the best solution in a humanitarian crisis, or ask “what if” questions considering an intervention at the earlier level of Darfur crisis. Instead, this thesis has tried to analyze the UN intervention in Darfur case through focusing on the level of consistency between the rhetoric and the action. As a result, it has reached to a general conclusion that despite the level of normative progress in the discourse, the practice has changed little than

the “business-as-usual”. That is to say that, still the political calculations shape the decisions of the SC to a great extent to intervene in humanitarian crisis.

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# APPENDICES

## APPENDIX A: SUDAN AND DARFUR MAP<sup>537</sup>



<sup>537</sup> Retrieved from <http://www.un.org/Depts/Cartographic/map/profile/sudan.pdf>.

APPENDIX B: UNAMID DEPLOYMENT MAP – JULY 2009<sup>538</sup>



Map No. 4227 Rev. 4 UNITED NATIONS  
July 2009 (Colour)

Department of Field Support  
Cartographic Section

<sup>538</sup> Retrieved from <http://www.unhcr.org/refworld/country,,UNCART,,SDN,456d621e2,4a4e14372,0.html>.