The Challenges of the United Nations in Conflict Resolution:
The Case of Darfur

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ABSTRACT

The importance of international peace and security around the World following World War II has led to the foundation of the United Nations in 1945. However, since then the international community and the UN have both been facing challenges from the Cold War to today's intrastate conflicts, Arms of Mass Destructions, environmental problems, 'terrorism', just to name a few.

One important concern of today is the difficulty dealing with intrastate conflicts that may affect international peace and order. In Darfur since 2003, conflict between the Darfur rebels on one side and the central government of Sudan resulted into one of most deadly conflict of the 21st century. The UN has been trying to end the conflict, however the organization is faced with many challenges, such as the inability of the Security Council to come up with a decision free from veto from the permanent members.

The objective of this thesis is to explain the conflict in Darfur and the activities of the UN in that region and critically analyze what the organization is doing. This will be done by using theories of conflict resolution and other peaceful mechanism of resolving conflict.

Keywords: International peace and security, international organization, conflict resolution.

ÖZ

Dünyada uluslararası barış ve güvenliğin önemi 1945 yılında Birleşmiş Milletlerin kurulmasına öncülük etmiştir. Ancak, o zamandan buyana uluslararası toplum ve BM birçok zorlukla karşı karşıya kalmıştır, soğuk savaş döneminden eyalatler arası çatışmalara, kitle imha silahları, çevre sorunları, 'terörizm', bunlardan sadece bir kaçıdır.

Günümüzün en önemli endişelerinden biride uluslararası barış ve düzeni etkileyebilecek iç çatışmalarda yaşanan zorluklardır. Darfur'da 2003 yılından bu yana bir tarafta Darfur isyancıları ve diğer tarafta Sudan merkezi hükümeti arasındaki çatışma 21. Yüzyılın en ölümcül çatışmalarından biri olarak sonuçlanmıştır. BM uluslararası bir örgüt olarak çatışmayı sona erdirmek için çalışıyor ancak örgüt birçok zorluk ile karşı karşıya gelmiştir örneğin Güvenlik Konseyi'nin bir karara varma konusundaki yetersizliği.

Bu tezin amacı, Darfur'daki çatışmyı ve BM'lerin bölgedeki faaliyetlerini ve bu örgütün ne yaptığını kritik bir şekilde analiz etmektir. Bu analiz çatışma çözümü ve diğer barışçıl çatışma çözüm mekanizma teorileri kullanılarak yapılmıştır.

Anahtar Kelimeler: Uluslararası barış ve güvenlik, uluslar arası örgütler, çatışma çözümü.

To my family

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LIST OF ABBREVIATIONS

AU..African Union

CAR...Central African Republic

CR...Conflict Resolution

DLF..Darfur Liberation front

FAN...Force Armées du Nord

FNLA……………………………….. Frente Nacional de Libertação de Angol

FUC...Front Unis pour le Changement

JEM..Jusstice and Equality Movement

ICC...International Criminal Court

ICJ...International Court of Justice

MHS...Moment of Hurting Stalemate

NIF..National Islamic Front

NMRD..................................National Movement for Reform and Development

OAU...Organization for African Unity

PDF...Popular Defence Forces

SAPs..Structural Ajustment Programs

SFDA..Sudan Federal Democratic Alliance

SLA...Sudan Liberation Army

SLM..Sudan Liberation Movement

SPLM/A..Sudan People's Liberation Movement/Army

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Chapter 1

INTRODUCTION

1.1 Introduction

The humanity has been facing conflicts around the world for centuries. History has shown that from a small misunderstanding millions of people end up losing their lives including the destructions of years of hard work, such as the case in the two World Wars. However conflicts may differ and are not always synonym of violence and war. The 1960s had seen many countries becoming independent. Most of them were from Africa. Those newly independent countries found it hard to govern their countries that were ethnically divided, with no experienced bureaucrats and harsh leaders. In addition the Cold War that ended in the late 1980s left many countries exposed to conflicts due to division brought by the indirect confrontation between Soviet Union and the United States. Thus, new types of conflicts arose (particularly those dealing with ethnicity, power sharing, and resource distributions in many states.). Today, the United Nations (UN) is facing challenges with many problems such as, conflicts around the world, human rights issues, environmental problems and maybe "terrorism". The UN is an organization established for the maintenance of peace and security around the world; however the organization has been facing many problems resolving conflict around the world and most commonly those concentrated in Africa.

The first article of the UN Charter says that the UN is engaged for maintaining international peace and security through peaceful manners and with respect to

international law and the principle of justice.[1] However this aim was challenged just after the end of the Second World War and the beginning of the Cold War till the downfall of the Soviet Union in the 1990s.

Most of the states that became independent in the 1960s are being troubled with internal conflicts, ethnic and interest based divisions, ideologies and power sharing, all these have affected those new states especially those in Africa with the case of Cote d`Ivoire, Democratic Republic of Congo, Nigeria, Somalia, Sudan and Zimbabwe today.

Since 2003 the conflict in Darfur, Eastern Sudan has left many casualties. The UN has been mediating through representatives in Africa to resolve the conflict. Nevertheless, the conflict in Darfur is still tense and has been affecting neighboring countries, such as Chad and Central African Republic.

This brings us to the fact that international organizations especially the UN have a bigger challenge dealing with intrastates conflicts that threaten international peace and security.

The focus of this thesis is to analyze theories of conflict resolution and the practice of UN in the Darfur conflict to find the missing link. Moreover this work will also provide new recommendations on how to find a better way of dealing with the conflict in Darfur.

This first chapter of this thesis is going to introduce the reader with an overview of the conflict in Darfur. The second chapter will be dealing with specific theories explaining conflicts in general and in Africa. The third chapter will analyze the role and the expected role of the United Nations regarding conflict resolution in Darfur. The fourth chapter will bring together theories of conflict resolution and the practice

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[1] Charter of the United Nations Chapter I- art.1 (accessed on, 11 September 2010)

of the UN, in order to find the missing elements in resolving conflicts and specially the one in Darfur. The last part will include recommendations for the United Nations.

1.2 Purpose of study

The purpose of this work is to critically analyze the role of the United Nations and most precisely its ineffectiveness in conflict prevention and conflict resolution in the case of Darfur. The case of Darfur is a recent challenge to the international community, and I will use it as a case, in order to analyze critical issues related to the conflict in Darfur and in relation, the role of the UN. Another important concern of this thesis: is to question the importance of having an "idle" or "incapable" international organization (i.e., the UN) and how useful it is for those who are victims of human right abuses, discriminations and marginalization.

Nevertheless there are precise **research questions** and **issues** that this work will attempt to adress:

- What is the root of the conflict in Darfur and its consequences within the region and around the world?
- To what extend has the UN been effective or ineffective in Darfur?
- What method and approaches did the UN use in trying to resolve the conflict in Darfur?

While attempting to answer these specific questions, I also attempt to answer the following broader questions in order to depict a clearer picture:

- How effective and rational are the Security Council decisions when faced with International crisis and conflict resolutions?
- What is the role of the different organs (the Security Council, Assembly, Secretariat and the International Court of Justice) of the United Nations in conflict resolution and prevention?

- What importance other regional Organizations such as the African Union have in conflict resolution and prevention, and to what extent they affect and hamper UN in handling properly crisis around the world? For example, the International Criminal court sent an arrest warrant against Sudanese president Omar Al-Basher. However the latter continues to travel around Africa and around the Arab world.

1.3 Literature Review

The different nature of intra-state conflicts gave the United Nations a hard task of dealing with conflicts in general. It is in this sense that William Zartman in his work titled 'the *timing of peace initiatives: Hurting Stalemates and Ripe Moments'* (William Zartman *the timing of peace initiatives: Hurting Stalemates and Ripe Moments*, the global review of Ethnopolitics, Vol.1, no.1 September 2001) argues that in order to resolve a conflicts some steps must be taken. For him, actors can resolve their differences only at the ripe moment, whereby the consequences of any other action can be costly. This theory implies mutual cooperation with a third party that can understand the needs of each actor and react in a clear way that would build confidence and lead to a possible solution. However it is hard to get a ripe moment anytime soon or know exactly when that would happen. Additionally, Pruitt noted that the argument of ripeness is a first step of what he calls "Readiness Theory". This theory argues that ripeness occurrence is synonymous of readiness. Actors cannot come to the table unless they are ready.

William Zartman's theory of Ripeness is extended by the 'prisoner dilemma' in which a rational decision is to be taken by players in a game where each player has a stake and should make an appropriate decision. It is also probable that actors can defect and go in an instance of what is known as chicken game. This implies that

actors would go head to head and he who deviates will become the chicken or 'coward'.

Understanding the challenges of the UN in Darfur, is as task beyond the theoretical analysis. In 1992, ex-Secretary General Butros Butros Ghali under the requeste of the Security Council delivered a report called an 'Agenda for Peace'. That report is a strong analysis of how the UN should be with conflicts such as the one in Darfur.

However, John Burton, in his piece of work "*Global Conflict: the Domestic Sources of International Crisis.* Brighton: Wheatsheaf Books 1984" provided a different scheme. Burton came with the idea of problem solving approach in which he argues that first, one problem solved will lead to another constructed situation and this new situation may become a source to future conflicts. The author further mentioned that there is a need for a combination of ideas and establishment of new conceptualization of a problem in its integrality. Instead dealing with the superficial of a conflict Burton says that conflict should be tracked back to its roots if it is to be resolved.

The above review helps us here to determine the nature of the challenge the UN has in Darfur. This include structural, political and financial problems in dealing with conflict in Darfur.

1.4 Research method

The research method of this thesis will be based on both quantitative and qualitative data. The objective of the second and third chapters of this thesis is to test and attempt to answer critical questions such:

- What is conflict and conflict resolution?

- What is the role of the UN in conflict resolution?

- How can the above two questions be linked and analyzed?

To attempt to answer these questions, I will take the case of conflict in Darfur in order to provide explanatory arguments that reveal the role of the UN in conflict resolution in order to find the missing gap in resolving the conflict in Darfur.

The conflict in Darfur is an important case study for the thesis. It will help the reader to understand descriptive analysis processed with conflict resolution theories. This combination of analytical and descriptive date will identify and elucidate important aspects of UN challenges in Darfur. The importance of this research method is another way of providing new recommendations for the UN.

Chapter 2

THE DARFUR CONFLICT

2.1 Introduction

The conflict in the western part of Sudan precisely in the region of Darfur broke out in 2003. However, the origins of the conflict have their roots deep in the historical development of Sudan on the one hand, and the region of Darfur itself, on the other. But for our work here the focus will be on the events that occurred from 2003 onwards.

Since 2003 the conflict opposing the rebels from Darfur on one side to the central government in Khartoum and the Janjaweed (according to Darfurian refugees I met in eastern Chad, The term *Janjaweed* means, literally, 'devil-horsemen') militia to the other side has resulted into one of the most dramatic humanitarian crisis of this new century. According to John Holmes UN Secretary General for Humanitarian Affairs, death toll has reached as high as 300,000. However, it remains imprecise with the rampant regime in Khartoum giving a figure of death toll of around 100,000.[2] The number of displaced according to amnesty international goes as far as 2.3 million internally and about 240,000 are living in Chad in 12 different camps.

Located in the western region of Sudan and bordering eastern Chad and with 160 000 square mile, the region of Darfur has a population of around 5 to 6 million inhabitants. Darfur means homeland of the Furs. The Furs are along other ethnic

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[2] '*Basher defies arrest warrant and disputes Darfur's death toll*'; Perspectives March 25, 2009. From www.worldfocus.com (accessed on 22 May 2010)

groups (Zagawa, Massalites, Baggara and the nomads…) living in that region of Sudan.

The causes of Darfur crisis has always been (and still remain) a paradox due to the different perspectives and explanations given by the different groups engaged in the conflict and scholars' views and perspectives on the conflict.

Leif Manger (From the Department of Social Anthropology at Bergen University) argues that the conflict in Darfur was a suit a mismanagement of an old socio-political structure. This was later transformed into a state dominated structure whereby non-Arabs became alienated. This alienation created a new Arab dominated socio-political structure in Sudan. In addition to that, the years of independence and the newly embraced Western system of statehood concentrated the previous power of regional and ethnic dominating landlords and sultanates to a centralized government in Khartoum which in the process of development made changes that created a misinterpretation from the different regional groups?[3]

Moreover, the Darfur crisis is not just an internal matter. The artificial division of frontiers by the colonizers (British, French) has brought ethnically homogenous groups separated by artificial boundaries. For instance some Zagawa live in Chad and others in Sudan bringing a complication of identifying 'who' is from 'where'[4].

Nevertheless those explanations cannot give us a clear picture of the situation without first taking a closer look into the crisis in Darfur.

2.2 The origins of the conflict

The conflict in Darfur and those in South and Eastern Sudan engender several common elements. These conflicts are all centered on issues such as power sharing

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[3] *RESOURCE CONFLICT AS A FACTOR IN THE DARFUR CRISIS IN SUDAN*, Leif Manger Department of Social Anthropology University of Bergen. (accessed on 2nd June 2010)
[4] Jennifer Giroux, David Lanz, Damiano Sguaitamatti, *"The tormented triangle : the regionalization of conflict in Sudan, Chad and the Central African Republic"*; Center for Security Studies, ETH, and Swiss Peace ; April 2009, P3. (accessed on 12 September 2010)

and political marginalization. This in turn resulted into a social discontent in under developed region triggered by a weak central government. The structural cause of the conflict in Darfur transcend from the battle between the central government in Khartoum and the region of Darfur. But the factors causing this battle between the center and the periphery is connected to the inherited colonial system and the post colonial state of Sudan[5]

Its territory is also mainly covered by the Nile and its affluent; consequently, Sudan benefits major resources for hydropower. Moreover, the rich soil by the Nile is the center for agricultural exploitation that has made the country the 'bread basket' of the continent. The central government of Sudanese administration was established and situated in the northern region of Khartoum; but enrolled labor and used resources (mainly agricultural products such as cotton, grains, spices, and later oil revenues) which come from the southern and western regions.[6]

The economic system adopted from the British colonial period affected negatively Sudan in a way that regional exploitation of resources became inevitable. This in turn forced the government in Khartoum to become dependent on the explored regional resources that kept the regime's political and military strength.[7]

The political and administrative division in the Sudanese capital is not a new development. This phenomenon is related to the previous 'exploitative' powers that were present in Sudan and goes back to the 18th century (Turkish and Egyptian and later British). Those powers established the notion of 'divide and rule' that affected the country till present days and the irregular actual evolution all over the country.

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[5] *Darfur conflict; Power struggle; Practical geopolitics; Humanitarian crisis; Genocide; Geostrategic significance,* Thu Thi Quach; December 7, 2004. P3 (accessed on 7 June 2010)
[6] Jennifer Giroux, David Lanz, Damiano Sguaitamatti, *"The tormented triangle : the regionalization of conflict in Sudan, Chad and the Central African Republic"*; Center for Security Studies, ETH, and Swiss Peace ; April 2009, P3. (accessed on 12 September 2010)
[7] Ibi

This divide and rule instituted by the British during the colonial period created a division within Sudan (geographically and ethnically). This in turn emerged into a new division that is solidified by religious believe and regional differences such as north and south or Arabs and black Africans. The above factors contributed to the creation of a state of Sudan based on discrimination, division and exploitation that became central causes of conflict and political division.

The instability in the post-colonial state of Sudan is a result of internal rivalries caused by political ideological or identity issues. A short period of multi-party was lived in Sudan from 1956 to 1958 and 1964 to 1969, followed by a military dictatorship from November 1958 to October 1964. A military coup d'état took place and changed Sudan into a one-party system in May 1969 until April 1985. It was until 1985 that Sudan regained multi-party system again but it was weakened just a few years later. The fragile regimes and political clashes that took place since independence were all resulting from on the divisive policy inherited by Khartoum.

The actual regime in Sudan came to power after a coup orchestrated by current president Omar El-Basher. The fights of this government remain the same as it was the case with its predecessors, 'monopolizing resources and continuing the peripheral dependency. Khartoum's exploitative policies were fortified with declaration of the Sharia known as the 'law of the land' in 1980s. The division between the north and the south in Sudan were since independence. However most of the country's resources such as oil, water, fertile soil or other mineral resources were in the South and the North is in scarce of such resources. Sudan's northern region has faced the scarcity of resources and the extraction of resources from South to the North has become one of the main reasons of the conflict in the country.

The discovery of oil in the south and the violation of the 1972 Addis Ababa Agreement[8] by Khartoum and the imposition of Sharia in the region triggered conflict with the creation of Sudan People's Liberation Movement/Army (SPLM/A) led by Christian in the south to resist 'Khartoum's expansionist and exploitative policy.'

The combat regarding territorial control and resources exploitation were continuing. Dissatisfaction from the regime in Khartoum led to uprising around the country. Relation between the central government and other peripheries and groups - such as the Nubians in the north, the Beja in the east and the rebels in Darfur – strained.

The second influent factor in this structural cause is the post colonial 'predatory' state of Sudan.

The present authoritarian regime in Sudan has made conflict within Sudan inevitable. This government is ruled by Omar Al-Basher holding for long time a one party system that has features of undemocratic and unpopular regime. The Sudanese state is based on a politics of self subsistence and maintenance of the regime managed by a ruling class that properties the state itself. Moreover the power and decisions are held in the hands of the president who governs with dictatorial rules, segregation and corruption which result into an exploitative and anti-semite pattern for individual aggregation of wealth and power, but also political divisions, dishonesty benefiting some groups over the rest. This has fortified public embezzlement and institutional crimes whereby the acquisition of social power became source of conflicts and social disequilibrium[9].

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[8] This agreement declared the south Sudan to be an autonomous region.
[9] Thu Thi Quach, *Darfur conflict; Power struggle; Practical geopolitics; Humanitarian crisis; Genocide;Geostrategic significance,* December 7, 2004. P6

In addition to that, there is an unofficial rhetoric of conflict within the country with racial characters, a frequent use of terms such as *abid* (slave) and *zurga* a word that means black are utilized in Sudan to identify non-Arabs. These terminologies carry the imprints of a history of segregation and domination in the country, where ethnic groups with Arab origin felt being superior over others.[10] It is also important to mention that such discriminations and exploitations are not just visible in Sudan but in many countries around Africa and the rest of the world.

2.3 Immediate causes of the conflict

The conflict in Darfur that started in early 2003 when Justice and Equality Movement and Sudan Liberation Army/Movement rebels launched an attack against governmental forces in the region. This attack was based on a request from Darfurians of inclusion in the new power-sharing agreement between the central government and South Sudan.

Rebellion in Darfur alerted the Sudanese government of the risk of a continuing threat to the whole country. The government feared that similarly disregarded regions in the east, taking their inspiration from Darfur, would demand large degrees of autonomy, and maybe even independence. The government was pushed to the corner and left with a military card on the table.

Khartoum responded by sending ground troops, air attacks and using the Janjaweed, recruited from local tribes and armed by the government. The Janjaweed were said to be killing civilians, destroying villages, committing acts of rapes on women and young girls, kidnapping children, poisoning water supplies, and destroying sources of food.

The Darfur conflict entails economic, political, and ethnic dimensions. Its economic sources ascend from "the competition between pastoralists (generally Arab Africans) and agriculturalists (generally non-Arab Africans) over resources, such as land and water.

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[10] . John Ryle, *Disaster in Darfur*, the New York Review of Books, 12 August 2004, Vol 51, No 13. P.6

Political marginalization (e.g. none inclusion of other ethnic groups in the political activities and decision making in Sudan) has also contributed to the conflict. Finally, it has acquired an ethnic component in which civilians are deliberately being targeted on the basis of their ethnicity."[11]

2.4 The Darfur Conflict Dynamic

2.4.1 The Darfur Liberation Front (DLF)

Established in late 1980s, the Darfur Liberation Front (DLF) was a counter measure to Khartoum's tribal militias in Darfur. It was in 1989 that DLF was renamed the Popular Defenses Forces (PDF). Later the PDF became an alliance of the ethnic groups which are against Khartoum's policy in the region known by its militias for their raids on settler farming communities. Abdel Whabed Mohammed al-Nur leader of DFL changed the latter to Sudan Liberation Army (SLA) in 2003 and was allied to the Sudan Liberation Movement thus making up (SLA/SLM).

The foundation of SLA brought ideological changes in DFL which was secessionist movement embracing an agenda of establishing a separate state of Darfur. SLA however has a view of building a democratic and equitable Sudan in general. The SLA/SLM objective thus is bringing about democracy, equality, changes of restructuring and devolution of power. Moreover the coalition affirm itself as a national movement that aims to address and solve the fundamental problems of the entire Sudan and separate the state from religion, thus making their objective similar with Sudan People's Liberation Army (SPLM) and Sudan's Liberation Movement (SPLA).

Another movement from Darfur is the Justice and Equality Movement (JEM) its agenda declares the achievement of peace in Sudan. It also has common point with

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[11] http://www.fayjohnson.com/e/conflict/part-1-background-information/

the SLA/SLM in the sense that it is not a secessionist movement. However their differences remain wide. JEM has no clear position concerning separation between state and religion. It is attached to Hassan Al-Turabi's National Popular Congress explaining its position with regard to the role of Islam in politics. It is said that when President Basher expelled Turabi and his Islamist supporters from the government in 1999, the act disappointed Turabi who is loyalist from Darfur formed the JEM to destabilize Basher's regime.[12] JEM also has an agenda of creating a federal state.

In December 2004 a new movement called National Movement for Reforms and Development (NMRD) emerged at the same time when the Abuja peace negotiation began between Sudan government and the two other movements (SLA/SLM and JEM) stalled, NMRD came out as an alternative and began peace negotiations at N'Djamena sponsored by Chadian president Idriss Deby. Nourene Manawi Bartcham leader of NMRD wrapped up agreement with Khartoum including cease fire, return of refugees to areas controlled by his forces.

Another Darfur opposition group is the Sudan Federal Democratic Alliance (SFDA) lead by Ahmed Draige. The SFDA's objective is the creation of a united democratic federal Sudan to some extend approaching the objective of the SLA/SLM.

Muhamed Salih argues that the Darfur Liberation Movements are internally troubled and have a lot of political divisions from the past but also loyalties. To copy his word he added that "The objectives of their struggle are not clear and the relationship between constituencies and leadership rather blurred and further

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[12] *Understanding the conflict in Darfur*, Muhamed Salih; centre of African studies, University of Copenhagen. May 2005. P22-23

confused with the lack of decisiveness on the part of educated political elite."[13] (see Appendix for a timeline of the conflict in Darfur)

2.5 From Internal to Regional Crisis

Chad is a southern neighboring country of Sudan with a multi-ethnic population of 10 million. The country since its independence (1960) has been torn by severe internal and regional conflict. Since independence there have been 5 undemocratic regimes that have –with exception of the first president appointed by France- come to power militarily. Civil war broke out in the Muslim populated northern Chad in 1966 as a consequence of the inter-ethnic divisions conducted by the weak management and a dictatorial regime of the first president Francois Tombalbaye from the south. This conflict became one sign of regional elements that indirectly played a role in Chadian politics as the main insurgent unit from northern Chad called FROLINAT (*Front de Libération Nationale du Tchad*) was established in Nyala (Sudan). In 1975 François Tombalbaye was killed in coup orchestrated by General Felix Malloum another southerner. In 1976 division within FROLINAT took place leading Hissein Habré to found his pro Western FAN (*Forces Armées du Nord*) meanwhile Goukouni Oueddei became leader of FROLINAT and became president in 1979 with Libyan support.

Late 1970s external forces trying to control Chad and were countering each other's influence. Libya stepped up with Gaddafi's inspiration to extend his influence into central Africa and his mistaken interpretation of uranium in the strip of Aouzou made him want conquer the region. Libya formed an alliance with Goukouni's rebel forces, occupied northern Chad and used Darfur to lunch attacks in the east of Chad. Habré on the other side enjoyed support from Sudanese president G. Nimeiry and

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[13] *Understanding the conflict in Darfur*, Muhamed Salih; centre of African studies, University of Copenhagen. May 2005. P25

received military aid from Egypt, France, Saudi Arabia and the United States which sought to cut Libyan expansion during a period of the Cold War.

In 1982 the FAN who pulled back to Darfur and Eastern Chad took over the capital N'Djamena and Hissein Habré declared himself president.

In 1990 Hissein Habré who became anti 'France-Afrique' (from French, meaning the ties between France and Africa) and leaned too much towards communism was removed by Idriss Deby in a military coup plotted by Libya and also used western Sudan and Darfur precisely as a strategic point where cross border attack took place between Déby and Habré's forces.

Idriss Déby once in power was unable to hold the country together but maintained a favorable relationship with France and Sudan at the same time, subsequently internal dissident rose leading in 2005 some people from the ruling elites to join the rebellion just after two years oil production in southern Chad started.

2.5.1 Sudan

During 1955 to 1972 there was a civil war in Sudan that was ended with the Addis Ababa agreement. North (mostly Muslim Arabs) south (mostly non Arab Christians) divisions kept Sudan separately disintegrated. The sources of these clashes were inseminated with the British system of administrating the north and south under different administrations and allocating power to northern elites during the period of independence. From 1972 to 1983 there was an ease of tension, whereby oil exploitation started. However, oil discovery became another equation into a country that has continuously been torn by the redistribution of economic resources and political power from the center to the rest of Sudan. In 1983 civil war broke out and

provoked a series of events that brought the involvement of other actors in the region.

The Sudan People's Liberation Army (SPLA) was formed in the 1980s as a reaction to Nimeiry's attempt to introduce Muslim political governance, imposing Sharia law and dissolving southern government. Nimeiry was ousted in a coup in 1985 and through election Sadiq Al Mahdi come to power. However Al Mahdi did not stay long in power and in 1989 another coup this time lead by the National Islamic Front (NIF) of Omar al Basher came to power. While the northern part enjoyed external help from its Muslim neighbors, such as Libya, the SPLA was aided in particular by Ethiopia and Uganda. Alliances in the region and cross-border attacks from insurgents were important combinations that shook the civil war in Sudan from 1983 to 2005. For instance, Northern Central African Republic was explored by the two parties, mainly the SPLA considering that area as a safe haven and the government of Sudan uses it to counter attack the SPLA in Bahr el-Ghazal.[14] (see Map of Darfur in the Appendix)

2.5.2 Darfur

The conflict in Darfur that erupted in 2003 as already mentioned above was initially between Janjaweed militia, Sudan military and the central government in Khartoum on one side opposed to the coalition JEM and SLM/A. the ongoing confrontations provoked allegiance and in-fighting appeared within the rebel coalitions creating division between JEM and SLM/A but also other rebel groups in Darfur. Moreover, the escalation of the conflict in Darfur affected Chad's internal situation and triggered political turmoil that enflamed crucial events such as the

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[14] Giroux Jennifer, Lanz David, Sguaitamatti Damiano, *"The Tormented Triangle: the Regionalization of Conflict in Sudan, Chad and the Central African Republic"*; Center for Security Studies, ETH, and Swiss Peace; April 2009. P1-16.

shifting alliances between the Chadian and Sudanese government. In addition to this, the refugees flow from Sudan in to eastern Chad and CAR became a factor in the process of new conflict regionalization.

In fact JEM is dominated by the Zaghawa ethnic groups in Chad and Sudan. Idriss Déby who is also a Chadian Zaghawa maintained good relations with Khartoum and tried even to arrest Khalil Ibrahim the leader of JEM. Déby also sent Chadian troops to support Sudan and also played a role in brokering the 2004 ceasefire agreement between Khartoum and the rebels. However Basher wanted Déby to put more pressure on the rebels, but the internal Chadian turmoil and Déby's loss of popularity were folded into the situation and led Déby to look for zaghawa elites support to keep his government together. By 2005, Déby has finally stopped opposing and broke up the relations with Basher and chose to throw his support the rebels in Darfur. Thus alliance shifted and producing a deep regional conflict.

Why did Déby suddenly changed his position towards Al- Basher and Sudan? First the regime in N'Djamena was weakened by domestic political malfeasance and Déby has realized that support within the Zaghawa elites has decreased. Moreover, his term was to end in 2006 but he modified the constitution and removed the two terms limit through an unpopular, unfair referendum in 2005 causing dissatisfaction and desertion from the government of many Zaghawa and especially high rank army officers. In addition to that, the production of oil in the south of Chad increased the probability of state apparatus' spoliation within which there is a great competition among elites Zaghawa. In consequence, Déby's action pulled out Khartoum to throw her support to Chadian military oppositions that try to topple Deby's regime.

The first case of this alliance shift was the January 2006 attack on the Chadian border town of Adré that was carried out by the Darfur based Front Unis pour le

Changement (FUC) of Mahamat Nouri supported by Al Basher. This act was seen by N'Djamena as a Sudanese aggression, Déby firmly condemned Sudan's support for rebels and the cross border violence. In April 2006, there was a further escalation of tension when again the same FUC used arm supplied by Khartoum trough CAR and Darfur to make insurgency to almost toppled Déby. Thus a peace agreement was brokered between the two leaders in Tripoli (Libya) under the auspices of Gaddafi; however soon fighting resumed and intensified during 2007.

A weak Deby internally disturbed and not supported by the international community was at seen his power at stake, one even that further disturbed Déby was the 2007 Zoe's Arc Association scandal. The Zoe's Arc is a French association that had tried clandestinely to smuggle more than 100 children between Darfur and eastern Chad and send them to France to some adoptive parents ready to pay thousands of Euros for a kid. Those people were arrested and sent to justice where Déby loudly and furiously said that they will pay for their crimes. While Sarkozy when newly elected had promised to the French almost everything vis-à-vis such situation, Paris needed to gamble with Déby but waited the right time.

A Similar Khartoum supported attack took place in 2008, this time the rebels came close to oust Déby who was circled by rebels in his presidential palace and saved only with French intervention. Why did France intervene to save Déby thus failing to respect (to some extend) the sovereignty of Chad?

2.6 From Regional to International; Conflict of Influence or Interest?

Hillary Anderson from the BBC stated that:

"The United Nations, suspecting Chinese involvement in Sudan, has searched for military trucks made in Chinese factories and imported directly to Sudan. Preliminary investigations by BBC located some trucks, including one with a

Chinese anti-aircraft gun inside. BBC also reports that Chinese fighter jets have been used for missions in the region. China's official stance is that it abides by all UN arm embargoes and the UN has promised to investigate the BBC claims. China and Sudan have strong economic ties: China buys oil from Sudan and provides Sudan with interest-free loans. China suggests that sanctions and confrontations between the West and Sudan are not the best way to end the violence in Darfur. Meanwhile, fighters continue to burn villages throughout the region, and drought and higher food prices lead to more misery and bitterness among an estimated 2 million refugees."[15]

When I interviewed a friend of mine (Djibrine) who was a FUC fighter and told me that they received arms supplied by Sudan and when I asked him where those arms are from he answered they are Chinese made arms. It is no doubt that China has grown interest and became one of the biggest Sudanese economic partner. Though there is a conflict in south and western Sudan buildings and businesses are growing like mushrooms in northern Sudan and particularly in Khartoum.

Moreover Déby ended his relation with the Republic of China (Taiwan) in August 2006 and Chad formally recognized the People's Republic of China. The alarming Sudano-Chinese relationship and the existence of Chadian rebellion pushed Déby to ally himself to the People's Republic of China which on the other hand has gained interest in Africa.

According to France 24 (there was a conspiracy between China and Sudan in fighting the war in Darfur and the proxy war in Chad. The primary reason according to France 24 is to change the regime in N'djamena, recall that Omar Al-Basher sees Deby as a potential regional danger as he already manipulated a coup in CAR to

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[15] *China "Is Fueling War in Darfur"* Hilary Andersson BBC News, 1 August 2008. (accessed on 17 January 2011)

bring Bozizé to power with the help of France and is arming and providing shelter to JEM. Second, bringing Chadian oil pipeline trough Sudan, so that the oil can be refined in the Sudanese sea water.[16] This, if true, could be the biggest blow to France and the United States who already have their oil companies operating in southern Chad.

Moreover the United States cannot afford to see a terrorist connected Islamist Sudan dominating the region and accept China a growing economic challenger to gain more market in the region. There was already suspicion that Sudan was developing arm industry that led the US to launch the cruise missile strike against pharmaceutical plant in Khartoum that the United States suspected was involved in Osama bin Laden's efforts to produce the deadly nerve gas VX.[17]

All those events combined with a weakened western ally (Déby) led France to intervene in February 2008 and to save him from the rebels who had almost taken the whole capital N'Djamena. One of the bargaining chip that Déby used was the Zoe's Arc association case that would maintain Nicolas Sarkozy's popularity and trust of French citizens as he just came to power. The next day after the regime in N'djamena was saved by France Deby publicly declared that he gratified the Zoe's Arc criminals. The United States did not intervene military but did put political pressure on China. For instance the 2008 Olympics in China were labeled as genocide Olympics. However interest was not only Chinese according to Mahamat Hassan the crisis in Darfur was about western US interest in one side and China on the other side. He added that France wants the deployment of the EU and UN force because its aim is to control the areas of oil in Darfur on the border with Chad. It also intends to

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[16] http://www.france24.com/fr/search/sinequa_search/darfour?page=13
[17] James Risen,"*Sudan, Angry at U.S. Attack, Freed Bomb Suspects, Officials Say*" Published: Washington July 30, 1999. (accessed on 8 February 2011)

control the uranium and diamond mining areas north of the Central African Republic.[18] (see map of Darfur in the appendix for more details)

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[18] Ahmat Hassan, *African in Chad call for removal of French troops; French military base not welcome*, Published Nov 6, 2007. (accessed on 28 December 2009)

Chapter 3

THE CONCEPT OF CONFLICT AND THE THEORIES OF CONFLICT RESOLUTION

3.1 Introduction

The debate on the concept and the theories regarding conflict and conflict resolution require deeper look to permit us to understand the complex definitions and different argumentations of scholars, commentators and sometimes 'peace makers' on what conflict is and how it can be identified explained and categorized. It is noticeable in some part of the world that conflicts seem to be persisting for decades and even longer sometimes. However those conflicts appear to have different causes and each can be explained from different theoretical perspective. For instance John Burton argues that conflicts arise from human needs that can either be ontological, values and/or interests oriented. For him the first needs (ontological) are not negotiable. Values, however, display a minimum aspect of being resolved and interests are those needs that can be negotiated.[19] Wallensteen argues that "conflicts are solvable."[20] For him no matter what the outcome might be, conflicts will end one day or another and this precede their resolution which is one way to find peaceful solutions to conflicts.

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[19] Burton (1986), p.333. (accessed on 10 February 2011)
[20] Peter Wallenstein (2002), p13 (accessed on 13 February 2011)

This chapter will define, explain and discuss through theoretical approaches and the work of scholars what conflict and conflict resolution mean, and this will be the back ground to our further discussions in the next Chapters.

3.2 What is conflict?

Most of the time we use the term conflict to express a situation whereby two opposing sides having different positions vis-a-vis a specific matter. This in turn can, for instance, be a conflict between a husband and a wife, a merchant and her or his client, between parties within a state or between two states. Nevertheless not all of those situations can be categorized and explained in the same way. Each one has it is own characteristics. But they all are related to the fact that they are all conflicts between humans of a 'same nature' and the behaviors reflect the common point that link one conflict to another.

For this thesis it is important to mention that our concern is about conflicts that encompass group of people and societies within a state or between states. Thus, our focus will rather be on the common factors that explain actions and reactions such as why conflicts occur and what makes them different. According to Kurt Lewin, conflict is defined as a "situation of 'tension' which was caused by a number of factors including the degree to which the needs of a person were in a 'state of hunger or satisfaction'."[21] This definition does not clarify the extent to which needs can be determined but expose us to the existence of tension and dissatisfaction over needs

Burton has gone to define conflict as an action over non negotiable human needs, which, for him are different from a dispute that is a tension over negotiable needs. He argues that there are differences between what he calls ontological needs from values and interests. Ontological needs are those needs that cannot be negotiated

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[21] Stewart Mills (2006), p2

transcending from human nature. However values and interests have each to its degree, solvable characteristics. Burton explains that those ontological needs are universal and he identifies nine of them: control, security, justice, stimulation, response, meaning, rationality, esteem/recognition and role-defense or self defense.[22]

Each definition of the concept conflict provide different understanding but all of them acquire same basic identification especially the presence of actors or parties, the existence of incompatibility and the presence of action. For Wallensteen, conflict is defined as "a social situation in which a minimum of two actors (parties) strive to acquire at the same moment in time an available set of scare resources."[23] Wallenstein's definition of conflict here focuses on the availability of scare resources. However, one can ask whether all conflicts are about resources. In addition, there are some conflicts that are about ideology, cultures differences, and religions and so on... These cannot be to some extent related to resources, because the presence of conflict over resources most of the time requires the existence of tangible goods such as money or oil. But that does not totally mean resources equal materials. It may also be services, for example, the exclusion of a group of people from the public services based on their ethnicity, religion or region. Such situation can bring awareness and the probability of having conflict in a country is high.

The above discussion is to help us clarify some points in the concept of conflict and its importance. Thus, I define conflict as 'a state of affair where two or more actors are in opposition or think they are opposed, on a given situation. This confrontation is a result of misunderstanding over a matter that affects each side, directly or indirectly.'

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[22] Burton (1990), p.338 (accessed on 22 February 2011)
[23] Wallenstein (2002), p.16 (accessed on 13 February 2011)

The definition gives us a general comprehension of what conflict is and what it compounds, such as all the factors that one need to include. The concept of conflict however is sometimes misunderstood and used to signify violence or war. Although these expressions are related there are differences between them that will be explained below.

Although the characteristics of each conflict are different, one cannot emphasize that based on a country or region that conflict can be categorized. For example, there is conflict in Africa, Middle East, Russia (Chechnya) but that is not to say that each one can be resolved or explained according to their geographical location. Thus, in general the common denominator of all conflicts is the existence of differences between parties and that makes them equal. One cannot say that we need African solution to African conflict or theories for African conflicts, or the same thing for the rest of the world. Although this thesis will focus on Darfur, I am going to use general theoretical framework for conflict resolution applicable to all conflicts.

3.2.1 Differences between Conflict and Violence or War

Defining conflict is not enough to explain the concept as such; there are other concepts that need to be put into the equation in order to provide substantial arguments.

Conflict does not mean violence or war per se, but a situation of conflict may lead to violence or to a greater extend war. For example, when the first president of the Republic of Cyprus decided to amend the constitution in 1963, it brought tension between Turkish Cypriot and Greek Cypriot. This tension in the first instance can be described as a situation of conflict. However by the mids-1960s violent action were taking place around the country opposing the two communities seen as actors to an

incompatible situation that is amending the constitution leading to a situation where action is required and thus prolonging the existence of conflict one step further.

Violence is a term that can be used to express different situations and understood in different context. However for this work some basic general definitions of the concept will be provided to elucidate its difference to conflict and their relation to each other. According to the online glossary provided by Mark O. Dickerson and Tom Flanagan, violence is defined as the "utilization of physical force or power as a means of achieving ends."[24] However, this definition focus on the type of violence that is only limited to the exercise of physical forces, additionally, violence can also inflict mental abuses.

According to Johan Galtung, violence is defined as "the cause of the difference between the potential and the actual, between what could have been and what is."[25] This is to say that the act of violence, if perceived, can be avoided with the present necessary and available resources. If the avoidable present goes below its level (while there is necessary and available resource to contain violence) then violence arises. For instance, malaria is a disease that could be mortal centuries ago but with the improvement of medicine and science nowadays, a death caused by malaria may be seen as an act of violence because the actual is beneath the potential. However depending on context one can explain violence, most of the time it is defined as brutal means that resolve conflict. However, the level differences between violence and war makes the later an extreme case of the first. War is a disastrous situation whereby armed groups fight against each other to resolve their differences and so destroying social constructions, human lives, economic wealth and disrupting peace.

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[24] http://polisci.nelson.com/glossary.html (accessed on 21 February 2011)
[25] Galtung, J., 'Violence, Peace & Peace Research', *Journal of Peace Research*, Vol. 6, No. 3 (1969), p 168. (accessed on 10 february 2011)

Thus we can argue that conflict is basically a situation where two or more parties have different constructed views on same issues whereby it can sometimes lead to violent actions to an extreme case a situation of war. Nevertheless in one way or another conflict are solvable.[26] The next part of this chapter will focus on the concept of conflict resolution and the different method of resolving conflict.

3.3 The Concept of Conflict Resolution

Whenever we hear the expression conflict resolution, most people tend to get the idea of a resolution of a mathematical equation whereby an unknown X must be found. However in social sciences and especially in International Relations and Political Science, conflict resolution is a concept that has deeper meaning and deals with peaceful coexistence in general. It is even beyond the argument of peace, and not only the cessation of violent activities and war but, as Wallenstein wrote, the parties to a conflict accept to respect one another and be ready to abide by the rules that govern them.[27] Nonetheless when a conflict is resolved we arrive to an instance of peace by eliminating the roots causes of what might be a challenge to future coexistence of the different conflicting parties. Lets first try to define what conflict resolutions means.

3.3.1 What is conflict resolution?

The concept of conflict resolution has evolved throughout historical development of mankind and the complex relationship of human societies. This in return, brought about the continuation of conflict to a certain extent where the need for new approaches to deal with new challenges particularly wars and the evolution of technologies regarding the fear and use of new weapons of mass destructions. In fact, conflict resolution is not a new field; it is a continuation of peace studies that for

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[26] Wallenstein (2002), p.13 (accessed on 13 February 2011)
[27] Wallenstein ibid, p.10

sometimes failed to yield positive result in appeasing and reducing conflict around the world. Before defining the concept of conflict we need to know how the historical process of this field evolved.

The failure of other peace study fields in the aftermath of the First World War, mainly "socialist and liberal internationalist movements"[28] led to the development of new peace ideas that were meant to reduce the risk of a future war. But it was until the period of post-1945 that the tendency shifted towards an institutional peace and conflict research fields precisely during the 1950s and 1960s whereby scholars such as Kenneth Boulding, Johan Galtung and John Burton were the first pillars of the field. These scholars were followed later on by Herbert Kelman, Roger Fisher, William Ury, William Zartman, Adam Curle and Elise Boulding among others.[29]

Decades later and precisely the 1970s and 1980s, conflict resolution as a field began to expand on its own sphere but still the influence of other disciplines are connected to it. During those decades research were based on three important aims that are, avoiding nuclear war, reducing inequalities and injustices around the world and also attaining environmental harmony. Attempts to analyze different situations of conflicts from different level and understanding began to take place later on. For example, interstate relations, domestic conflict analysis and also "the definition, analysis and prescriptive thinking about what were variously described as 'deep-rooted conflicts' intractable conflicts' or 'protracted social conflicts in which the distinction between international and domestic level causes were seen to be elided."[30]

The 1990s brought a new window of opportunities in the discipline of conflict resolution. Modern conflicts combined with the rapid advance of science and technologies forced the international community to be more active in the search of

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[28] H. Miall, O. Ramsbotham, T. Woodhouse (2000), P.40
[29] Ibid.
[30] H. Miall, O. Ramsbotham, T. Woodhouse ibid, P.48-49

peace and avoiding destructive conflicts. This was done on the basis of works of the already above mentioned conflict resolution scholars.

The above general historical explanation and evolution of conflict resolution needs to be clarified with clear definitions that attribute fundamental meaning to the expression. Definition may vary depending on the perception and how scholars approach the concept.

- *Wallenstein's definition*

Wallenstein, his book *'Understanding Conflict Resolution'* provides two definitions to conflict resolution. The first one defines conflict resolution as "a situation where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other's continued existence as parties and cease all violent action against each other."[31] This definition focuses, firstly on the presence of conflict that precedes resolution. Then Wallenstein further elaborates. He argues that the existence of an 'agreement' between the conflicting parties is primordial. Such agreement might be formal, informal or it could be a hidden document. The author adds that 'accepting each other's continued existence as parties' does not mean that one party surrender under pressure of the other party but it refers to the willingness of the actors to come to an equal mutual accord as background of resolving their differences. For example, in 1989 the Soviet Union backed down from Afghanistan under the 1988 agreement which brought to an end Soviet interference in domestic Afghan affair. Nevertheless there is a difference between the above mentioned agreement and a peace agreement whereby the conflicting parties recognize the existence of each other but neither side wins or loses, thus making the agreement unstable unlike in the context of conflict resolution.

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[31] Wallenstein (2002), p.8 (accessed on 13 February 2011)

The definition also mentioned that, actors should give up all violent actions, thus putting an end to direct confrontation and avoid further casualties.[32]

This definition was later reformulated by the Wallenstein and he redefined conflict resolution as "a social situation where the armed conflicting parties in a (voluntary) agreement resolve to peacefully live with- and/or dissolve- their basic incompatibilities and henceforth cease to use arms against one another." The first difference between this definition from the first one is that the second implies the existence of an armed conflict, and requiring transformation from the actors themselves without the intervention of a third party.

However, when discussing conflict, we mentioned that it is the difference between two sides on a same matter, but Wallenstein redefinition of conflict resolution concentrate on the existence of an armed conflict which in other conflict you don't need direct confrontation for a resolution to take place. Thus I will look at other definitions and see how they may differ from each other.

Carolyn Manning wrote that conflict resolution is an expression that can be understood from different angles and interpreted differently. For her, conflict resolution is viewed as a procedure that brings conflict to an end whereby war and violence can also be included among the methods of resolving differences. In addition, she argues that resolving conflict is a peaceful process that does not include violent means, and usually dealt with through understanding or the help of a third party that can help find compromise between the conflicting groups.[33]

It is important to remind that conflict is sometimes confused with other expressions such as violence or dispute. Nonetheless, when defining conflict resolution one should clarify what problems analysts and practitioners are trying to

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[32] Wallenstein (2002), p.8-9 (accessed on 13 February 2011)
[33] http://carolynmanningconsultingservices.com.au/articles.shtml (accessed on 17 February 2011)

resolve. According to Louis Kriesberg, conflict resolution as a field try to find solutions to problems that led to conflict in other words it deals with deep-rooted human needs. Kriesberg added that experts of conflict resolution have different opinion regarding coercive and violent means to resolve conflict, thus some experts say that using coercion is sharply contrasting to the idea of resolving conflict.[34]

In this section, I have tried to bring some definitions of the concept of conflict resolution. However, it appears that defining conflict resolution does not mean bringing a single formula acceptable to all. Analysts and practitioners argue differently based on the understanding of the concept. For instance the use of coercive actions to resolve differences between two parties is, according to some writers another way of resolving conflict. However, others do not agree with this and would rather focus on peaceful means of achieving compromises. This cannot be understood unless one look at the different theories of the field, because defining such concept requires deeper analysis on where each argument comes from. The next part of this chapter will be discussing theories of conflict resolution.

3.3.2 Theories of Conflict Resolution

The range of theories that deals with conflict resolution cannot all at the time be analyzed in this section nonetheless, the focus will be on those that are predominant in the field and that have been subject of practice to peace makers. The work of writers such as John Burton, john Gultang, Peter Wallensteen, Roger Fisher, William Zartman[35] and many others in the discipline of conflict resolution and precisely on

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[34] Louis Kriesberg (2002), p.416 (accessed on 17 February 2011)

[35] See : John Burton, Global Conflict: The Domestic Sources of International Crisis. Brighton: Wheatsheaf Books 1984.

William Zartman, strategies of deescalation, in Paul Kriesberg, ed., *Timing and Deescalation*, Syracuse University Press, 1991.

Peter Wallensteen, *Understanding Conflict Resolution*. War, Peace and the Global System, London: Sage edition 2002.

the use of theories have been much more debated and can be central to our discussion in this section. The most common and basic way of resolving conflict have been using a third party to assist conflicting actors to find solution to their differences or a direct mediation sometimes arbitration. However these methods of resolving conflict will further be discussed in Chapter III when discussing the United Nations (UN).

For this specific section three main theories will be used to explain conflict resolution. Burton's problem solving approach will be central to our discussion because he focuses on the causes that lead to a conflict, whereby he argues that deep root of conflicts must be found and resolved otherwise there will be no solution to conflict. On the other hand William, Zartman argues that actors fix their differences only when they are ready at the 'ripe moment' and so it is impossible to one party to take a unilateral decision to solve a conflict which in turn will not be the desire of all parties.[36] Another theory we will use is game theory, it is easier to demonstrate how actors actions and reactions intersect using this model however the aim is not just to discuss theoretical framework but those theories will further help us to understand and analyze our case study. Let s first start by demonstrating how Burton describes the problem solving approach.

3.3.4 Burton's Problem Solving Approach

Problem solving is one approach of resolving conflict that Burton has identified. The main argument as mentioned above about this approach is to identify the causes of a conflict based on an analytical research and that should be related to four different features.

First, resolving a conflict is not an open ended scheme. When one problem is resolved there is a new type of relationship, that new relation will bring different

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[36] William Zartman *the timing of peace initiatives: Hurting Stalemates and Ripe Moments*, the global review of Ethnopolitics, Vol.1, no.1 September 2001. P 8-112. (accessed on 22 February 2011)

interactions between parties and such situation can bring new type of problems. For instance, once a problem is resolved there can be economic improvement (let say in state X) this new development might be source to another problem whereby a class or group of people can be marginalized.

Second, there is a need for a combination of ideas into a complex whole and bringing new methods and "*a change in conceptualization of a problem*"[37]

Third, problem solving encompasses a state of affair in its integrality , it means that instead of dealing with parts of problem, the approach look at the pieces of the problem from up in order to combine them and synchronize to make it into one block.

Fourth, problem solving tracks conflict back to their roots and sources of a conflict. To quote Burton again, "the maladjusted individual who commits a crime has a history that made this a high probability."[38] Usually when a conflict breaks out, people tend to look at the appearing direct causes thus neglecting the deeper causes. These characteristics are basis for understanding how the process of problem solving should be envisaged.

In dealing with a conflict specially with the presence of a third party, a careful understanding of what the actors' view of reality is and most importantly a third party should interact based on what the parties assume each to be their position, argument and reality. According to Burton:

"Conflict resolution seeks to be the study by protagonists of the patterns of their own overt behaviors in an intimate and analytical interaction in which there can be detailed checking. The only reality that is relevant is that of participants. It is not for the third party, or some specialist, to define the reality. It maybe that the reality as

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[37] Burton (1990) p.203. (accessed on 21 February 2011)
[38] Ibid

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perceived by the protagonists may alter as a result of increased knowledge; but it is their reality that must be accepted in any problem solving process."[39]

This argument does not mean that the third party is idle, but he or she has the responsibility, to bring core issues of the conflict that deteriorate relations, to the attention of the parties. It is important to mention that in dealing with this problem solving procedure, there is no initial appropriate group of people or region that it can be applied to; rather it is a universal analytical and learning procedure. Third parties should not be taken away by deep historical arguments of actors but with an analytical guidance of relationships and stick to core issues. The role of the third party is fortified by the parties' understanding of their differences by using filtered knowledge and avoiding prejudices and premises, He or she should be neutral and attentive to their languages and expressions (words that can be misinterpretation such as, authority legitimacy, norms, obligations, power...) The use of what Burton call **filter** can help participants to see the reality clearly and bring them to an acceptable conclusion.

3.3.5 The Ripeness Theory and the Hurting Stalemate Moment

William Zartman is one of the scholars on peace research that brought some contribution to the field by providing different insight and theory of conflict resolution. His argument is based on the idea of ripeness and the hurting stalemate moment. Zartman perceived that for a conflict to be resolved a good timing must be awaited and once the opportunity comes peace makers must grab together with the conflicting parties.[40]

When a conflict takes place between two or more actors, third parties may be experts of conflict resolution and management. However, they cannot solve such

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[39] Burton (ibid) p.204. (accessed on 21 February 2011)
[40] William Zartman *the timing of peace initiatives: Hurting Stalemates and Ripe Moments*, the global review of Ethnopolitics, Vol.1, no.1 September 2001. P 8-18. (accessed on 22 February 2011)

problem, unless parties to a conflict are prepared to do so. This does not mean that one party, unilaterally acts, coercively to resolve differences but it is a mutual (if there are just two parties to a conflict) acceptances of differences between parties. The most important point according to Zartman is that this can only happen when there is a situation of 'hurting stalemate', whereby there is a greater risk of flaming the conflict that the consequences maybe catastrophic and only a mutual solution is the better option for a way out. Nevertheless, the time of peace initiative is doing "the right thing at the right moment."[41]

The concept of moments for hurting stalemates (MHS) is built on a cost benefit analysis "consistent with public choices notion of rationality" implying that the choices of actors in a conflict is based and driven by the heavy cost and that an alternative choice may alter greater damages. This can also be explain through game theory lens whereby, MHS indicates a shift of conflicting parties position from a prisoners' dilemma to a chicken game.[42] This can be explained by the pay off matrix in both prisoner dilemma and chicken game. Below is the sequence.

The fable in prisoner's dilemma is that two prisoners who are separately given the opportunity to denounce their crimes are offered the followings deal. The deal is that:

- If one of them tells the truth and the other denies, then the first one will be free and the second will be sentenced for five years.

- If both prisoners abnegate, then, the actual evidence of them committing the crime will at least send them to jail for 2 years.

- If both prisoners confess, then their sentences will be reduced to 4 years each.

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[41] Ibid
[42] William Zartmam (ibi) p.8-9

The complex circumstance can give result to a rational decision making process. This can be explained by the following payoff matrix. Let's call our two prisoners here Khartoum and Darfur rebels.

ACTIONS		PAYOFF	
Khartoum	Darfur rebels	Zel	Brel
Cooperate	Cooperate	-2 R	-2 R
Cooperate	Defect	-5 S	0 T
Defect	Cooperate	0 T	-5 S
Defect	Defect	-4 P	-4 P

The theory of prisoners' dilemma arranges actors' preferences from the best to the worst. That is T,R,P,S.

The terminologies (RTPS) represent codes for actors' action and are defined as follow:

R: Reward for common cooperation

S: Sucker's payoff

T: Temptation to defect

P: Punishment for mutual defection

The concept of prisoners' dilemma initiates the rational behavior of actors in a complex situation whereby each actor's action prompts another reaction and that defection is a higher reward than cooperation and irrationality. Since, neither

Khartoum nor Darfur rebel is willing to make concession, head to head collision (in other words conflict will continue) will prevail. Such collision is known as the chicken game, where the first who deviates from the action will be represented as the chicken or to some extent a 'coward'. In short, the conflict will adjust itself to a moment for hurting stalemate.

However, ripeness is an important but not fully adequate circumstance to initiate negotiations, bilateral or mediated.[43] The occurrence of MHS is first, based on the existence of a clear proof observed by all parties that their situation is getting worse with devastating result for all sides. For example:

"A classic case was at Kilometer 101 in the October War when the Israeli and the Egyptian armies literally had each other encircled, it was a mutual encirclement. They were caught like 2 hands together and neither of them could break each other's way out, although the Israelis were more toward moving toward breaking that encirclement. The parties met together and it was at that point that Kissinger came in and said, "It's silly to talk about breaking this encirclement, why don't we talk about breaking a larger stalemate which exists between Israel and Egypt on the whole border issue."[44]

Second, parties will try to find a way out from the situation. They do not have to sit for a formal solution or a given direct framework, a subjective need for solution from all parties with the willingness to accept each other. This is caused by the force of MHS letting no other rational choices for actors. However, Zartman further argues that, if parties do no observe a clear evidence of deadlock, the MHS has not yet come and in such situation ripeness cannot occur given the absence of a high risk.

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[43] Paul C. Stern and Daniel Druckman (2000) p.227. (accessed on 25 February 2011)
[44] http://www.beyondintractability.org/audio/11074/. (accessed on 15 March 2011)

Since the beginning of the conflict in Darfur, the damages have been high to all parties. The conflict has been going on and off with sometimes specific agreements being signed and later broken. Ripeness cannot be mystical; one cannot expect peace to rain from the sky unless some efforts are made. MHS needs to be triggered. Otherwise, ending the conflict in Darfur will remain an impasse.

It is also important to mention the extent to which MHS is not predictable and the opportunity should be seized. The presence of the event is determined by signs of the existence of ripeness. There is also a need for a presence of an open spokesperson for each side, because in a deadlock situation some frustrated leaders or spokesperson may lose control and show fragility to lose the one time opportunity.

Pruitt points out that, spokespersons are sometimes taken by the 'forest vs. trees' effect. In this situation leaders tend to be driven by daily activities and omit the bigger picture of a conflict, thus failing to perceive a positive result or "that their costs and risks have moved beyond acceptable levels."[45]

Such hindrance denotes the complexity of conflict and needs alternative situation to be dealt with. In such dilemma, a new shock may appear and condition the rethinking of pragmatic position of leaders. This is known as the **shock theory**, it projects the false assumptions and reveals the high risk of lost from parties and bring about rational determinations to end conflict. An example of such great risk is the Cuban missile crisis between the Soviet Union and the USA.

Pruitt further argues that the ripeness theory is a complement of what he calls "**Readiness Theory.**" For him the occurrence of ripeness is not synonymous to readiness. If actors are not ready they cannot afford to accept the existence of mutual stalemate. There should be a motivation to end the conflict and that can be triggered

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[45] Dean G. Pruitt (2005) p4 (accessed on 22 February 2011)

from a pressure of a third party or a dysfunctional conflict which feeds readiness to occur with the willingness to continue further negotiation.[46]

3.3.6 Conflicts in Africa

According to Zartman (1990) there are six major causes of conflicts in Africa:

- Power struggles resulting from decolonization (Angola, Zimbabwe, Namibia, and Sahara).

- There are problems related to the consolidation of the nation-state after independence (Shaba, Ogaden, Angola, and Chad).

- Conflicts between rival liberation movements (the FNLA and the UNITA in Angola, various movements in Chad).[47]

- Border disputes arising from the wrong identification of an area defined as the dispute between Benin and Niger, Mali and Burkina Faso, between Cameroon and Nigeria, despite the dogma of the inviolability of borders recognized by the OAU.

- Structural or traditional rivalries, for example the Morocco and Algeria.

- Finally, the boom means and the introduction of foreign weapons.

Despite the undeniable interest of this approach, it has a major weakness due to the absence of framing historical analysis. However, Kofi Annan delivered a more preferable approach, in his report of 1998 on "the causes of conflict and the promotion of durable peace and sustainable development in Africa" (New York, UN,

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[46] Dean G. Pruitts (2005) p.1-15 (accessed on 22 February 2011)

[47] The National Union for the Total Independence of Angola (UNITA) was an armed group led by Jonas Savimbi until 2002. UNITA fought a proxy war during the cold war against the Popular Movement for the Liberation of Angola (MPLA).
The National Front for the liberation of Angola or shortly FNLA (from Portuguese *Frente Nacional de Libertação de Angola)* was a group of freedom fighter against Portugal for the independence of Angola. The movement later turned into a political party in 1992.

May 1998).[48] The ex-Secretary General of the United Nations distinguishes, in fact, three categories of factors of African conflict: historical, external and internal.

On a purely historical, without ever losing sight of long-term harm of various drafts (Atlantic, Mediterranean and Saharan Africa) on African societies, subject to serious and profound deconstruction, one can hold that the main factor behind the historic contemporary conflicts in Africa is undeniably colonialism.

Among the external factors that have generated, created or maintained conflicts, we must mention the Cold War, including the extensions in Africa have turned the continent into the field for conflict - mostly of superpower rivalries. The consultation in Dakar noted that between 1984 and 1988, the former USSR delivered $11.1 billion for arms to Angola, Ethiopia and Mozambique. For the same period, the United States delivered $2.7 billion for Security Assistance to their protected Africans.[49] It is undeniable that, most conflicts in Africa were funded by foreign powers in the continent who have cleverly manipulated internal contradictions.

Regarding the latter, there is no doubt that Africa, not more than any other continent, is free of endogenous factors of conflicts, which affect multiple areas, old and new: ancient rivalries, oppositions, traditional quarrels for supremacy, various issues of regional or local history, poverty, social and political exclusion, poor governance, etc.. All these factors tend to increase and become more explosive in the context of the postcolonial state, which for its part, has not given up the mechanisms of manipulation and division created by the colonial state. Often, it has been used with more cynicism in a general context marked by growing social inequalities; the emergence of a new class of predatory neo-colonial state has turned into a hunting ground for public resources. Policy, reduced to the struggle for control of the means

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[48] http://www.un.org/ecosocdev/geninfo/afrec/sgreport/conflt2.htm
[49] AIP / CODESRIA 2000

of the state, becomes a kind of criminal industry that specializes in the capture of public resources diverted from their original purpose, and the corruption and bribery.

Therefore, regardless of the importance given to historical factors and external, it is not possible to underestimate the role of internal factors, and particularly that of African ruling elites and the public policies they have conducted or condoned.

However, there should be an accurate perception of internal factors and their diversity. In a publication entitled 'Can Africa Claim its place in the twenty-first century?' (2000), the World Bank estimates that "the civil wars in Africa are consistent with a global model, which is explained by economic and political factors as well as by ethnic, cultural and religious."[50] These internal factors can be of four types:

1) A low rate of youth employment. The idea is that more young people are placed in stable employment or income-generating activities, the less they are available for activities related to conflict.

2) The abundance of special resources like diamonds: they can represent a windfall for rebel groups and a source of privilege fueling conflict, becoming a factor 'spiral'.

3) Repression and lack of political rights: the absence of any possibility of political expression in an appropriate institutional framework may lead to the use of violence

4) Finally, ethnic heterogeneity, religious or cultural becomes an active factor of conflict if it is articulated to the rivalry between two dominant groups.[51]

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[50] http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&siteName=WDS&entityID=000094946_00072005323483 (accessed on 2 March 2011)
[51] Ibid

The first point reveals an undue assimilation between heuristic hypotheses. It also appears far too general in scope to have an operational value, and the concept of cause used here is not clear. In its strict use, the concept of cause must always be correlated to that effect. On the second question raised, it reflects an error of assessment based on confusion between cause and consequence. The battle for control of resources is a consequence of the conflict. Moreover, it can maintain a continuing spiral, but it is not a primary cause. Regarding the fourth question, it is very complex and not reducible to a single scheme. In sum, only the third cause would receive favorable consideration, all the explanation of the World Bank seems apparently too lazy. Analysts at the World Bank have forgotten, to consider, among the factors promoting conflict, Structural Adjustment Programs (SAPs) and their disastrous consequences: increased poverty, unemployment, disintegration of the educational and health systems social exclusion, marginalization of all or part of the middle class cannot be overstated, because of the irresponsibility and ignorance of African governments, not only have disrupted African societies, but also have dispossessed in favor of Western oligopolies, in all sectors economically viable. In many African states, the strategic sectors of the water, electricity and telephone have been privatized and handed over to multinational companies. In total, the African economy is in a conventional control even more exclusive than the colonial era. This situation is fraught with danger since it can cause conflicts that can lead to very serious crises such as popular uprising, economic destabilization or armed conflict.

Domination and control of African economies by a few large industrial and financial groups are accentuated by globalization. African states are put under cut set and cannot really define or implement any economic policies. As a result, they become unable to meet the social demands of citizens in the vital areas: health,

schools, infrastructure, and employment. What must be added other important factors, recently highlighted by the Dean Obou (2003), namely: the temptation of absolute power that characterizes the African governments, the rejection of alternate politic and the illegal use of resources controlled by the state. These issues become conducive to the emergence of a variety of local conflicts, also to their causes and their multiple forms. The next section will outline the typology of African conflicts, after emphasizing the determinants of new conflict.

3.3.6.1 Types of Conflicts in Africa

A first type of conflict would be to locate their development over time, and we could then distinguish (Hammouda 1999) three generations of conflict in Africa:

1) Interstate conflicts post-colonial (1950s-1960s): Senegal, Mauritania, Mali, Burkina Faso, Chad-Libyan, Nigeria, Cameroon and Morocco-Algeria. These conflicts have been the characteristic of the period, but they have not completely disappeared. The Cameroon-Nigeria conflict around the enclave of Bakassi just to find a happy ending, while the least imprudence might activate dormant factors.

2) Intrastate conflicts crypto-ideological bedrock geo-strategically linked to the Cold War and superpower rivalry (1970s-1980s). This is, in general, financially supported guerrillas and armed by their foreign sponsors, with a strong connotation pseudo-ideological: Angola, Mozambique.

3) The local internal conflicts after the Cold War (late 1980s-2000s). These conflicts appear to be much more complex than those of the first and second generations. They have in common is that they seek to loosen the iron grip of the state of politics and, therefore, to open it to the new needs of expression. In this sense, the new policy is essentially conflictual, but it

degenerates into armed conflict at the failure of the state to define mechanisms for negotiation and peaceful regulation of the political order (Ben Hammouda 1999). Liberia, Somalia and Burundi provide eloquent illustrations of this new conflictual, producer of both war and new political order.

For its part, Zartman emphasizes that crises can be distinguished by their shapes, which directly influence the choice of dispute resolution mechanisms. He proposes to distinguish, in Africa, three types of crises:

1) The crisis consumed: it is a sudden outbreak of military hostilities followed by the defeat of the invaders and return to the status quo ante, mainly due to the depletion of stocks armaments. Conflict management is first to prevent resupply and to conclude a cease-fire. This pattern is common: Ogaden War (1964, 1978), Morocco-Algeria war (1963), Uganda-Tanzania (1978), Somalia-Kenya (1963-1967)

2) The crisis escalation characterized by a series of outbreaks of hostilities that are closely and regularly with increasing intensity. Shaba crisis in Zaire, Western Sahara and the conflict in Ethiopia-Somalia are examples. In general, there are also returns to the status quo ante.

3) The crisis dragging it turns into a dead end, but remains with recurring periodic outbreaks interspersed with negotiations: Sahara, Chad, Namibia. The protagonists cannot afford an escalation, even if the conflict can experience intensification.

Chapter 4

THE ROLE OF THE UNITED NATIONS IN

CONFLICT RESOLUTION

4.1 Introduction

Understanding conflict resolutions require an understanding of the basic institutions and mechanism developed for resolving conflicts. The United Nations is one of the international organizations that have been trying to reduce conflict and seek for global peace. However an important question can be asked here: what is the role of the United Nations in conflict resolution?

The role of the United Nations in conflict resolutions has different dimensions depending on the legality laid by the Charter and the approach that can be used in conflict. According to article 1 of the Charter, the UN is engaged for maintaining international peace and security through peaceful manners and with respect to International law and the principle of justice.[52]

Under the peace and security umbrella, the United Nations provide different approaches to conflict resolutions. For instance, Chapter VI of the Charter relies on the peaceful method of settling disputes. These methods are to be used in disputes which, if escalate, can endanger international peace and security. According to Article 33 of the Charter, parties to a conflict shall resolve their differences by

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[52] Charter of the United Nations Chapter I- art.1 (accessed on 25 February 2011)

"mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangement or other peaceful means of their own choice."[53]

In addition to these peaceful means of settling disputes, Chapter VII focus on taking actions when international peace is at stake, when there is a rupture of peace or an act of aggression.[54]

The focus of this chapter is to review the role of the United Nations in conflict resolutions, mainly the role it has played in Africa. The importance of emphasizing Africa is the uniqueness of the conflicts met there. By far, Africa can be seen as the most unsettled continent facing different types of conflicts, ranging from interstate conflicts to civil wars and ethnic conflicts. Amongst others zone of conflicts are: Algeria, Central African Republic, Chad, Democratic Republic of Congo, Ethiopia, Nigeria, Somalia, Sudan and Uganda)[55].

4.2 The Role and Purpose of the United Nations

The structure of the United Nations is a follow:

- The Security Council: issues of war and peace

- General Assembly: main parliamentary, budget, and decision making organ

- Economic and Social Council: quality of life worldwide

- International Court of Justice: adjudication of international legal disputes

- Secretariat: Essentially the executive organ of the UN, led by one individual, designated the secretary-general.[56]

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[53] Charter of the United Nations Chapter VI- art.33 (accessed on 7 March 2011)
[54] Charter of the United Nations, chapter VII. (accessed on 7 March 2011)
[55] Alert 2010! Report on conflict, Human right and peaceful building. (accessed on 8 March 2011)
[56] David P. Barash, Charles P. Webel (2002) p351 (accessed on 7 March 2011)

The purpose of the UN is to maintain peace around the world, to build a friendly environment among nations. The UN also tries to bring states in a common platform to deal with social issues and combat general problems such as poverty, help developing countries to achieve a better educational system, reduce hunger, and eradicate diseases and also expend human rights respect.

Today the UN counts 193 members and has a range of activities around the world. One of the most known activities of the UN is peace keeping whereby blue helmet forces are deployed to maintain peace. Today the UN has 15 peace keeping missions operating around the world and a political mission in Afghanistan.[57] The objective of the peacekeeping is to create peaceful environment in some part of the world that are torn by conflicts. However for the UN to send peace keeping forces, consent of the conflicting parties are required. The peacekeepers should be neutral and should not use force except in a situation of self defense.

The UN is also engages in peace building, conflict prevention and resolution and humanitarian intervention. In addition, the organization works on other substantial issues that cover social life as well. For example, the UN is also working on the protection of environment, refugees and rescuing natural disaster victims. Moreover the organization promotes democracy, human rights, gender equality and social development. But our main concern here is to deal with the process of peaceful settlement of disputes.

The UN has also been a forum of discussion of international and national problems of members through the General Assembly. In some cases the organization operates as a problem solving institution through the use of a third party intervention to resolve conflict. There are many different peaceful ways that the UN uses to

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[57] http://www.un.org/en/peacekeeping/operations/current.shtml (accessed on 15 March 2011)

intervene as third party ranging from negotiation to judicial settlement. The concern of the next part of this chapter is to discuss the different method used by the UN in conflict resolution.

4.3 General Framework of the Role of UN in Africa

The United Nation's presence and activities in Africa were the results of the end of colonialism and integration of the continent with the rest of the world. The organization has been useful in addressing African conflicts. However, today it seems more complicated to achieve certain goals in the continent due to complex relationship that colonizer and colonized established in Africa. Today, the UN is faced with great challenges in Africa starting from continuing conflicts, poverty, malnutrition, diseases to desertification. The activities of the UN in Africa concentrate mainly on economic and social development with the prime objective of eradicating the lack of basic needs such as hunger, providing potable water, schooling children, and these activities are supported by the office of the special advisor on Africa since 2003. The work of this office is to improve "international support for African development and security and to improve coordination of UN system support."[58]

An estimation made by the Security Council shows that 75% of their main concern and discussions were allocated to African issues, which is noteworthy change since the end of the Cold War. This intense participation is partly related to the high presence of conflict in the region and also the Secretary General's concern on Africa. "The UN's main organ responsible for peace and security are focused on Africa, with sessions addressing issues ranging from the ongoing peace missions

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[58] http://www.un.org/en/globalissues/africa/index.shtml (accessed on 22 March 2011)

operating in 12 African countries, to the exploitation of resources in Angola, Sierra Leone, and the Democratic Republic of Congo, to the HIV/AIDS pandemic."[59]

The UN's peacekeeping missions are mostly found in Africa compared to the rest of the world, which amount to 85% of world peacekeeping and with some 50,000peacekeepers in Africa. Today the UN count six peacekeeping mission in Africa with two missions in Sudan, including one in Darfur (with the African Union), in Côte d'Ivoire, Liberia, the Democratic Republic of the Congo, and Western Sahara.[60]

Although the conception of the UN is the re-establishment of peace, chapter VII of the Charter provide some insight that need to analyze and understand the overlapping but cleat conditions laid by the Charter.

Chapter VII of the Charter defines the conditions of use of force by the United Nations and only gives the Security Council the authority of its implementation. It is the chapter of the exceptional coercion and that of collective and progressive retaliation. It is central to the enforcement mechanism under the Charter in 1945

Chapter VII is the section of the exception because it is derogatory in relation to certain principles established by the Charter as the non use of force in relations between states (Article 2 paragraph 4) and non-interference in internal affairs of a State (Article 2 paragraph 7). In its application, the Security Council may permit the use of force and military intervention in a state. Thus, the beginning of 90s, the numbers of operations of peacekeeping were created by virtue of this chapter.

Chapter VII follows Chapter VI, Section of consent, dedicated to the peaceful settlement of disputes. This order reflects the concerns and intentions of the drafters:

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[59] http://www.peaceworkmagazine.org/pwork/0106/010604.htm (accessed on 22 March 2011)
[60] http://www.un.org/en/globalissues/africa/index.shtml (accessed on 22 March 2011)

the focus on peaceful resolution and prevention of crises and conflicts. But any real prevention cannot do without a possibility of action, enforcement if necessary. Indeed, any organized society requires reactive measures or sanctions for the violation of rules is, in international society defined by the Charter, the role of Chapter VII. It tends to give the Council powers to police the international system. The measures prescribed are "to put pressure on the defaulter to desist voluntarily, even under duress, to a faulty behavior, that is to say, a behavior that is not likely to threaten or disrupt the peace and security ".[61] There are few limits to the powers of the Security Council when it acts under Chapter VII, apart from compliance with the spirit of the Charter.

This also means that in theory, the Security Council must exhaust all other methods of dispute resolution before going to an actual military action. Thus, Chapter VII sets up a mechanism of progressive sanctions, which organizes the implementation of a blockade around the aggressor nation: embargo diplomatic, economic and military. Meanwhile, the country is quarantined and banned from the international community. Ultimately, enforcement action is designed as a deterrent, since it is brandished as a measure that will be applied if the aggressor is not subject to diplomatic and economic sanctions. This deterrent is reinforced by the fact that the Council can not apply these prior sanctions and bring a direct military action. In fact, the Council is free to make decisions and its effects, it is unpredictable, its range of action is varied, and this is where the action is a deterrent. Emphasis has been placed on deterrence rather than punishment.

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[61] Nathalie Thomé, *Les pouvoirs du Conseil de sécurité au regard de la pratique récente du Chapitre VII des Nations Unies*, 2005, PUF d'Aix-Marseille, p. 27.

Chapter VII of the Charter contains thirteen articles. Articles 39 to 42 give the Security Council powers to deal with threats against peace. The five articles allow it to use military measures. Articles 48-50 set out the obligations of Member States and compensation measures to States affected by the actions of the Council. The last article (51) gives Member States the right to invoke a right of self defense, individual or collective

The Chapter forms a single body and its articles cannot be interpreted separately. In the words of Professor Marcel Merle, "the rules laid down in Chapter VII are, logically, in solidarity with each other and cannot be interpreted alternatively"[62]. According to Jean-Marc Sorel, "Chapter VII is a reflection of collective action to protect collective security: the characterization of the situation (Article 39), provisional measures (Article 40) or final (Article 41 and 42) the instruments used for these measures (Articles 43 to 45), management (Articles 46 to 49), attenuation (Article 50) and except for self-defense (Article 51) form a whole. One can, of course, discuss the basis for each article in chronological order but all reflect a consistency. However, the reading of Chapter VII is often made in the light of its implementation fragmented. It can be searched in an article or a part of the article, legitimacy which will be only partial. It is impossible to do otherwise but it is worth remembering that perversion of the interpretation of Chapter VII ".[63] However, the Security Council may also choose not to comply with this gradation.

Chapter VII is inherently linked to the Security Council and has "primary responsibility for maintaining peace and security" (Article 24). In this sense, the

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[62] Marcel Merle, *La crise du Golfe et le nouvel ordre international*, 1991, Paris, Economica, p. 56.C'est ce qui pourtant sera fait dans la pratique.
[63] Jean-Marc Sorel, French Society for International Law, Chapter VII of the Charter of the United Nations Conference in Rennes, 2-4 June 1994, Pedone, Paris, 1995, p.9

Security Council is empowered to authorize the use of force, since it alone that comes to determine the existence of a threat against peace, a breach of the peace or an act of aggression against which action types of coercive measures may be required. It is against this qualification - very subjective, the Charter does not define the situation - that the Security Council should recommend or decide what measures be taken to maintain or restore international peace and security.

The use of Chapter VII or any of its articles, like any other decision of the Security Council other than matters of procedure depends on a unanimous vote of the permanent members. According to Article 27, it must be taken by "an affirmative vote of nine members including the concurring votes of the permanent members." In practice, the abstention of a permanent member has not hindered the decision of the Security Council.

Between 1946 and 1986, the provisions of Chapter VII have been used only 14 times for cases of embargo (Southern Rhodesia, Article 41) or action taken by States (Article 48). Observation missions and operations of peacekeeping are created without reference to a Chapter or to specific articles of the Charter, including the creation and conduct of the operation in the Congo (ONUC), the only operation peacekeeping time of the Cold War specifically authorized to use armed force. In 1950, the Security Council notes that the situation in Korea is "a breach of the peace" (Resolution 82 of June 25, 1950). This same qualification that is made by Resolution 660 in the aftermath of the invasion of Kuwait by Iraq.

In the 2000s, the Security Council has tended to persist in its practice of adopting resolutions under Chapter VII operations to create peace in difficult security environments: Darfur, Sudan, Ivory Coast, Haiti, and Congo. The Security Council

also introduced a new practice of not putting in that part of the Chapter VII mandate allowing the use of "all necessary measures". The Council thus reconciled with the Chapter VII provisions governing the use of force.

Figure 1: UN peacekeeping (dark) and peace building (lighter shade) missions in Africa. Map prepared by Peace & Security Section, UN Dept. of Public Information[64]

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[64] http://www.peaceworkmagazine.org/pwork/0106/010604.htm. (accessed on 12 March 2011)

4.4 The United Nations and Peaceful Settlement of Disputes

The pacific settlement of disputes is mentioned under chapter VI of the Charter of the United Nations whereby it is written under article 33 (1) of the Charter that:

*"*The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."[65]

Usually the UN acts as a third party in a conflict and use negotiation, enquiries, mediation, conciliation, arbitration or judicial settlement. However as already mentioned in such cases the consent of the conflicting parties is given before the UN can engage as a third party. In addition there is no particular requirement upon the UN to intervene as a third to resolve any conflict.[66]

4.4.1 The Role of the Security Council

Composed of 5 permanent members and 10 others rotating, the UN Security Council is on paper the most powerful organs of the UN with binding recommendation and resolutions that member states should respect as mentioned in article 25 of the Charter. Most of the time, the Security Council evaluates the risk of threat to international peace and human rights violation, where a conflict takes place within a state before further decision can be taken. A conflict can be brought to the attention of the Security Council either by a member state, the General Assembly or the Secretary General. Primarily, the Security Council makes an informal study of the legality of the conflict regarding its involvement. Then the Security Council will push for a peaceful mechanism to solve such conflict. Unfortunately, in some cases

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[65] http://www.un.org/en/documents/charter/chapter6.shtml (accessed on 9 March 2011)
[66] Stefan Wolff and Christalla Yakinthou (2011), p.3. (accessed on 22 March 2011)

states refuse to abide by the decision of the UN, based on the notion of sovereignty which basically makes any intervention as interference to internal affairs. Chapter VII of the Charter solidifies the role of the Security Council. Article 39 gives the right to Security Council to determine "the existence of any threat to the peace, breach of the peace, or act of aggression". The article also allows the Security Council to take peaceful decision that includes non coercive actions such as economic sanctions and arm embargoes (article 41). But under article 42, coercive measures can also be taken by the Security Council, and applied in case if there is need to do so.

The legality of the power of the Security Council is observed under chapter VII. The chapter infers rights upon the Security Council to determine the rule of precedent and describe international law. Moreover, the chapter also allows the Security Council to punish norms and law breakers and also to step in, in the domestic jurisdiction of states. "In this regard, Chapter VII enforcement is the only instance that member states can decide that paramount UN principles such as sovereignty (Article 2.1) and non-intervention (Article 2.7) are not sacrosanct. As the guardian of these principles, the council is the only authority that can authorize such violations."[67]

For example, the recent elections in Cote d'Ivoire and the sudden conflict that arose afterward when Laurent Gbagbo was declared as winner by the constitutional court. The opposition of Alassan Ouattara did not accept the results and a conflict broke up. The UN and France intervened in favor of Ouattara, captured Gbagbo and Ouattara declared himself as a winner of elections and president of Cote D'Ivoire recognized by the international community. Sometimes a defaulting group or

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[67] Stefan Wolff and Christalla Yakinthou (Ibid), p.5. (accessed on 7 March 2011)

government of state can be sanctioned by the UN. For example, embargo, and cutting diplomatic relations with a state that in some case do take a step towards international anarchy to some extend it can be extended to military intervention decided by the Security Council under a specific resolution. For instance in March 2011 the Security Council voted for a no-fly zone in Libya claiming that it is a way to protect civilian.

The preamble of the UN Charter can help us here to understand the actions or UN intervention in domestic affairs. Stefan Wolff and Christalla Yakinthou argue that the use of coercive action to tackle intra-state conflict is related to the fact that the League of Nations has not been able to prevent wars and reinforcing the UN with collective security would fortify peaceful settlement of disputes.[68] And it is written in the Charter that such use of coercive action is "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."[69] However, coercive actions should not be abused by some states to intervene in domestic affairs of other states. The Security Council is the main organ of the UN to decide – if coercive measure should be taken or not- whenever international peace and security are at stake.

Although the Security Council has a bigger role in the maintenance of peace and security around the world, it is not the only UN body that is in charge of conflict resolution. The General Assembly and the Secretary General are also complementary bodies that play important role in search for conflict resolution and global peace.

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[68] ibid
[69] http://www.un.org/en/documents/charter/preamble.shtml (accessed on 17 March 2011)

4.4.2 The Role of the General Assembly

The General Assembly is a forum for the members and this body of the UN is relatively feeble compared to the Security Council. However, the General Assembly has its own role and it is mentioned under article 11 of the Charter that "The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both."[70] Moreover, the General Assembly's recommendations which require a two-third majority (resolutions) are not binding. In addition, these recommendations focus on peaceful resolution of disputes and do not include the use of coercion like it is the case with the Security Council. The General Assembly is not allowed to intervene (make recommendations) in armed conflicts unless the Security Council ask for such recommendation (article 12).

4.4.3 The Secretary General

The UN secretary general is the administrative body of the organization and this body has been active as a third party in many conflicts around the world. Thomas M. Frank wrote that "while it may be true that only the US can mount an 'Operation Desert Storm', and that only the Security Council can authorize collective military action or trade embargoes, and that only the General Assembly can approve on the funds that keep the UN's multiple operations in business, it is the Secretary-General, in fact, who has taken most of the initiatives to prevent or end the armed conflicts which threaten peace between and within nations."[71]

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[70] UN Charter (accessed on 17 March 2011)
[71] Thomas M. Frank (1995), p60. (accessed on 20 March 2011)

Even though the Charter did not specify the authority of good office, many UN secretary generals have through the use of good office mediated many conflicts. This type of mediation has practically developed itself in the international system and proven to be utile resolving conflicts. Good office is the role of the Secretary General that intervenes (trough mediation) in conflict within or between states. The Secretary General is an independent judge that tries to motivate conflicting parties to peacefully resolve their differences; s/he relies on the confidence of the international community to pursue their goals of resolving conflict.

The end of the Cold War and the new waves of domestic conflicts in Africa and East-Central Europe, with spill over consequences to neighboring countries and flood of refugees accompanied with humanitarian concerns, led to the widening of the role of the UN Secretary General in conflict resolutions. In 1992 the UN Secretary General has been instrumental in reaching a peace agreement in Rome between the government of Mozambique and the Mozambican National Resistance (from Portuguese: Resistência Nacional Moçambicana, RENAMO). This agreement brought the UN to supervise and assure its complicated provisions.

Although the Secretary General's mediations are in theory an expansion of conflict resolution methods, member states of the UN, sometimes, in pursuing their own interest interfere in the good offices of the Secretary General. For instance the US, France and Germany had criticized UN Secretaries and especially the US calling in 1993 'Boutros Ghali that he is just a servant of the members'.[72] This means that the Secretary General should only be in charge of the administrative job that he runs. Such critics show member states' inability of accepting the informal role of the UN Secretary General.

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[72] Thomas M. Frank ibid, p.363. (accessed on 20 March)

These main organs of the UN (Security Council, General Assembly, and the Secretariat) are directly related to the daily activities of the organization. However there is also the International Court of Justice which makes up a fourth component of conflict resolution mechanism within the UN.

4.4.4 The International Court of Justice (ICJ)

Established since June 1945 under the Charter, and recognized as the main judicial body of the UN, the International Court of Justice (ICJ) is open to all countries as an institution for peaceful dispute settlement. However the legitimacy of the Court is challenged by states and only 63 of the 192 UN members recognize the mandatory jurisdiction of the court and some of them (84%) take specific reservation regarding the optional clause declaration limiting the jurisdiction of the court.[73]

The ICJ has two related functions. The first is to adjudicate legal disputes that are presented to it by states, and in line with international law known as contentious cases. Secondly, the court can give advisory opinions that are presented to it by specific empowered UN organs; this is known as advisory proceedings.[74]

Moreover, the Court has been instrumental in adjudication many cases. The focus here will be on those cases related to conflict within states and to a greater extent those in Africa. According to the list of cases submitted to the ICJ, it is clear that the court deals only with cases submitted by states.[75] In this situation where there is a lack of institutions dealing with judicial settlement of intrastate conflict, substitute courts were established and (to some extend) independently adjudicate intrastate conflicts.

Accordingly, the International Criminal Court which is an independent international organization is primarily "established to help end impunity for the

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[73] Emilia Justyna Powell, Sara Mclaughlin Mitchell (2007), p.397
[74] http://www.icj-cij.org/docket/index.php?p1=3 (accessed on 21 March 2011)
[75] http://www.icj-cij.org/docket/index.php?p1=3&p2=2 (accessed on 21 March 2011)

perpetrators of the most serious crimes of concern to the international community."[76] Founded under the Rome Statute in 1998 which was ratified by 60 countries in 2002, the ICC is an institution that transcended from the great impunity committed around the world. The aftermath of the Cold War and early 1990s specific tribunals were established for example; the International Criminal tribunal for Yugoslavia and Rwanda were product of intrastate conflicts (especially that of Rwanda).

According to the ICC, "pursuant to the Rome Statute, the Prosecutor can initiate an investigation on the basis of a *referral* from any State Party or from the United Nations Security Council. In addition, the Prosecutor can initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court received from individuals or organizations."[77]

In Uganda, President Yoweri Museveni has referred in 2003 the situation concerning the Lord's Resistance Army (LRA) to the prosecutor of the ICC. This case is known as *'the prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Domique Ongwen'* whereby 5 arrest warrants were issued against the above mentioned members of the LRA. There are also 4 cases related to the Democratic Republic of Congo(DRC) being heard in the ICC (The Prosecutor v. Thomas Lubanga Dyilo; The Prosecutor v. Bosco Ntaganda; The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui and The Prosecutor v. Callixte Mbarushimana.) Two of the cases in DRC are at the pre-trial stage and two others are at the trial stage. In the case of Darfur western Sudan, four cases are in pre-trial: The Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb"); *The Prosecutor v. Omar Hassan Ahmad Al Basher;* The

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[76] http://www.icc-cpi.int/Menus/ICC/About+the+Court/ (accessed on 21 March 2011)
[77] http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/ (accessed on 23 March 2011)

Prosecutor v. Bahar Idriss Abu Garda and *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus.*[78]

In short, the United Nations is an international organization that today with the independence of South Sudan comprises 193 members. The aim of the UN is primarily the maintenance of global peace and security because of the destructive consequence of the two World Wars. Since then the UN has been active in playing a role in conflict management and peacekeeping. The organization's activities spread wide around the world and cover other social and involvement such as eradicating diseases, fighting poverty and hunger increasing the level of education in developing countries. The UN has also a conflict resolution mechanism that whereby the Security Council, General Assembly and the Secretariat use peaceful disputes settlement method to solve or manage conflict. Today the challenge is faced with intrastate conflict such as the 1994 genocide in Rwanda, conflict in the Democratic Republic of Congo, Somalia and the Crisis in Darfur region of Sudan.

The UN in fact is stratified in such a way that the Security Council alone possesses most of the power when it comes to decision making. The General Assembly and the Secretary General to some extend complementary bodies that devote their time in making recommendations to the Security Council. While the UN comprise 193 members the Security Council has five permanent members and ten elected each two years, with the system of veto power and Security Council permanent members' different interests, decisions are hard to come to a comprise. And most of the time conflicts are left unresolved, with peacekeeping forces only and no proper international concern. However the question of sovereignty often bring intrastate conflict resolution a matter of internal affairs although violation of human

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[78] Ibid

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rights are taking place spreading of conflict to neighboring countries that may endanger international peace and overflow of refugees.

Nonetheless, the main problem remains on how the UN handles cases of intrastate conflict, especially those in Africa. Our next chapter will critically analyze the practice of the UN in conflict resolutions with a focus on the case in Darfur.

Chapter 5

THE DISTINCT NATURE BETWEEN THEORIES OF CONFLICT RESOLUTION AND THE PRACTICES OF THE UN IN DARFUR

5.1 Introduction

Describing the United Nations as an international organization that maintains peace and security has always been critical. At the end of the Cold War and the beginning of new era, scholars and commentators began to questions the utility of the UN and to what extent it is an organization that reflects peace. However, today the UN is more present in Africa than in any other region of the world because most of armed conflicts, refugee crisis, human rights issues, famine, and poverty are concentrated in Africa. Nevertheless the UN has not been able to tackle some conflicts in Africa that can endanger international peace and security with seriousness and enough capability, for instance in the Democratic Republic of Congo, Darfur and Somalia.

The UN however is criticized for failing to deliver peace and being an idle organization and monopolized by great powers. Scholars in the field of International Relations and Political Science have been writing on the reform of the UN and a change in its activities in conflicting zones[79] - such as Africa. Another import vital

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[79] See:
Anne-Marie Slaughter, Security, Solidarity, and Sovereignty: The Grand Theme if UN Reform; The American Journal of International Law, Vol.99, No. 3, July 2005. (accessed on 17 October 2011)

element is how to provide a better way of resolving conflicts, conflict resolution experts and scholars have devoted their time on such researches that we analyzed some of them in chapter two.

The main focus of the chapter will be turned onto the complex relationship between the theories of conflict resolution and practice of the UN based on the conflict in Darfur, and that is the focus of the thesis. The importance of the UN can only be analyzed in relations to theories and a case study. Characterizing the conflict in Darfur chronologically with the role and practice of the UN in the region will be the first part of this chapter. Based on this ground, the next part of this chapter is going to focus on a critical analysis of the UN conflict resolution mechanism in line with the theories in chapter two. This means how one can interpret the actions of the UN in Darfur with the theories of conflict resolution. Combining theories with the role of the UN in Darfur will not give us the missing piece of our analysis, but there is a need to provide recommendations that would fill into the empty gaps and that will conclude this thesis.

5.2 Conflict Dynamics in Darfur and the UN Peace Activities

The events that unfolded in Darfur cannot be just explained and analyzed from an internal Sudanese problem. There are other factors that are neglected or omitted most of the time in explaining the crisis in Darfur. Since 2003, the conflict took a rapid transformation in terms of intensity and dimension. The international community and the UN and the African Union responded diplomatically to contain the conflict in the

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Douglas Roche, Bargaining for Humanity, global Security by 2000, University of Alberta Press, 1993. (accessed on 17 October 2011)

Spencer Zifcak, United Nations Reform; Heading North or South? Routledge, 2009. (accessed on 17 October 2011)

first place but it is a complex task to deal with. Let us first analyze the response of the UN in Darfur.

The United Nations evaluated in September 2003 the number of refugees that fled into eastern Chad to 65,000 and approximately 500,000 were in need of help internally. The international community started giving more attention to the human rights violation, as casualties increased. The first attack that came on 26 April 2003 when the two rebel groups from Darfur launched an offensive on Sudanese military post at Golu approximately 200 governmental forces are reported dead. In March of the same year, armed confrontation between the Sudanese governmental forces and two rebel groups (JEM/SLA) took place. This has generated a massive refugees flow from Darfur into eastern Chad and an internal displacement. According to Totten, this refugee crisis is a result of the confrontation between Sudanese army and the Janjaweed on one side, counter-attacking government installation led by rebel groups (JEM/SLA). Indiscriminate attacks were carried by the governmental force and the Janjaweeds especially villages of black Africans in the region are targeted.[80] On 16 November 2003 the UN high commissioner said that in order to meet the need of those refugees that flew into eastern Chad a sum of $16 millions are required.

However, the intensity of the conflict in increasing with attacks from Janjaweed that led to the UN Undersecretary General for Humanitarian Affairs and Emergency Relief coordinator Jan Egeland, announcing that "the humanitarian situation in Darfur has become one of the worst humanitarian crises in the world".[81]

The UN envoy for Humanitarian Affairs Tom Vraaslen went to N'djamena (Chad) and appealed to both the Sudanese government and rebel factions to approach peaceful settlement of the conflict. Nevertheless Janjaweed attacks continue to take

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[80] S. Toten, E. Markusen. "Genocide in Darfur" 2006. (accessed on 3 December 2010)
[81] Humanitarian and security situation in western Sudan, reach new lows; UN news center, December 5, 2003 . (accessed on 12 December 2010)

place and the UN observed in a week 18,000 refugees flowing into Chad in early January 2004.

In April 2004, under secretary Jan Egeland met with the Security Council and notified the Council with the graveness of the situation in Darfur. He told the Security Council that a "scorched the earth campaign of ethnic cleansing is being carried out by the Janjaweed against the black African in Darfur."[82] There was a call for cease fire and issuance of presidential statement of concern regarding humanitarian situation in Darfur from the Security Council without concrete action from the Council on the risk of spread of the conflict itself in the region.

Allegations of genocide were earlier in 2004 made in Darfur and the UN sent twice a fact finding mission in May of the same year. It was concluded that the Janjaweed and the Sudanese government have indeed committed atrocities against the Darfurians in terms of human right violations that are in contradiction with international law. These violations were in the form of "indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur."[83] The commission further found that the two rebel groups (JEM/SLA) have also violated international law particularly with murder of civilians and pillages. However no real threats of/or sanctions from the UN were sent at that time to the fighting parties to deter their actions in Darfur. One of the reasons is the difficulty of consensus within the permanent members of the Security Council. Another reason is that China since has been investing and developing partnership in Africa buying oil and supplying many African countries with cheaper goods, but also

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[82] Sudan: Envoy warns for ethnic cleansing as Security Council call for cease fire; UN news center, April 2, 2004. . (accessed on 12 December 2010)
[83] Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, 2005. (accessed on 27 March 2011)

with arms. This is not to criticize China's African policy but to provide important data that can help us understand some of the problem within the UN vis a vis the conflict in Darfur. Thus a heavy Chinese investment is made in Sudan consequently arms were flowing from Beijing to the government in Khartoum, making China into a difficult position whereby Beijing cannot directly intervene into an internal so called Sudanese problem.

As a result, the actions of the UN were limited within insufficient humanitarian activities rather than settlement initiative, and only unilateral actions were taken by governments. For instance the former UN secretary general Kofi Annan visited Sudan on June 30th and met with the US secretary of State Collin Powell to notify him about the gravity of the conflict. The US secretary of State pointed to the Sudanese president that he should by any means stop the activities of the Janjaweed and also to get on the negotiation track with the two rebel groups in Darfur. As consequences of the war in Iraq that the US was leading, little actions were taken to deter Khartoum and to appease the crisis in Darfur. Because China is one of the biggest investor in Sudan and most importantly sells arms to Khartoum, the US is pointing at China to play a more active role to end the conflict in Darfur.

It was until July 30th, that the Security Council under resolution 1556 (2004) demanded the Sudanese government to disarm the Janjaweed and to send to justice those who violated human rights and international law otherwise sanction will be taken against Sudanese government.[84] However nothing concrete materialized and days later after the UN secretary visit in Darfur, he informed the international community of the human catastrophe and suffering in the region. The Security

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[84] Security Council demands Sudan to disarm militias in Darfur. Press release SC8160; Security Council 5015th meeting (AM). 30/07/2004 . (accessed on 4 April 2011)

Council later sent a warning of arms embargo and travelling ban against the regime in Khartoum.

The Inability of the UN as an organization to act and (or) respond militarily or to effectively sanction Sudan or any other state violating human rights or international law is due to the unwillingness of the UN to develop a conflict resolution mechanism capable of managing crisis. This unwillingness is a result of the misperception of the existence of global threats by states and non-state actors. This unwillingness can be neutralized if states accept the existence of common international threat. For example, the presence of transnational crimes, violence within states, the spread of nuclear weapons, poverty and environmental degradation. These can endanger human security in general. Secondly, create a cooperative forum whereby issues central issues regarding international peace and security should be discussed without any link to economic interest or political influences. Such forum should not be representing states, NGOs or any interest based organizations, but independent groups such as the elders.[85]

The realism school of thought argues that the dynamic of cooperation within international organizations are subject to member states interest.[86] Jennifer Sterling Folker argues that "all outcomes in realist analysis, whether they involve trade negotiation, human rights violation, or military intervention, are ultimately dependent on the relative power of the actors involved, with those having greater power determining outcomes according to their own interests."[87]

Accordingly major powers within the UN, especially permanent members of the Security Council find it hard to jeopardize their own national interest at the expense of international peace. China has been a Sudanese business partner and has great

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[85] http://www.theelders.org/
[86] Jennifer Sterling Folker (2006), p13-14.. (accessed on 27 August 2011)
[87] Ibid

interest in Sudanese oil, any Security Council resolution that might affect this relationship can be a set back to the Sudano-Chinese partnership.[88] The US in the aftermath of the 9/11 event has been furious about combating 'terrorism' with his "Bush doctrine"[89], and viewing Khartoum as a possible harbor of terrorism. This situation gives US internal security priority over other issues such as Darfur and consensual result within the UN Security Council.

The US non intervention in Darfur was simply a real-politik game. The US was using the policy of carrots and the stick to get Khartoum to make concession, especially the US is using the argument of sanction against Sudan in the Security Council and also that of lifting embargo on Sudan. On the other hand the US is also trying to normalize relations with Sudan by solving the problem in South Sudan whereby oil concession may be granted back to US, because relations were strained between the two countries since 1997.[90]

During a Security Council meeting in September 2004, UN general Secretary Kofi Annan said that the situation in Darfur should not be considered just as an African problem but it is a global issue. Former Nigerian president and African Union (AU) chairman at that time, O. Obasanjo also said that the AU forces need funding and logistical support and newer responsibilities and role are to be played by the Union. However, the African Union lacks those needed capabilities to intervene in African crisis.[91]

On the 5th of October 2004, the Sudanese foreign minister and the UN special envoy signed an agreement whereby the Sudanese government accepted to disarm

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[88] Ian Taylor, China's oil diplomacy in Africa, international affairs82: Blackwell publishing Ltd 937-959 (2006) p940. (accessed on   2 Jannuary 2011)
[89] Dale T. Snauwaert, The Bush Doctrine and Just War Theory *OJPCR: The Online Journal of Peace and Conflict Resolution* 6.1 Fall: 121-135 (2004) p.121-123.
[90] The crisis in Sudan, "Why Whashington won't save Darfur villagers" Norm Dixon October 5, 2004. . (accessed on 25 April 2011)
[91] http://www.un.org/News/dh/dev/scripts/darfur_formatted.htm. (accessed on 1 July 2011)

the Janjaweed in the following 13 days. On the other hand, the African Union that proposed a mission of peacekeeping was obstructed by Khartoum.

The UN Security Council resolution 1556 expired on August 29. However, no agreed upon sanction was taken against Khartoum because of Security Council division. The Security Council further passed another resolution 1564 with China and Russian Federation abstaining. This resolution was about the creation of a commission of inquiry to determine whether an act of genocide is taking place and also further threat of possible sanctions against Sudan were considered if Khartoum does not comply with previous resolution. However President Omar Al Basher responded saying that "we are afraid neither of the UN nor of its resolution"[92]

On the other hand, the UN special envoy to Sudan Jan Pronk recalled that Sudanese government did not halt Janjaweed massacres in Darfur, the atrocities were still taking place and further consideration of war crimes and crimes against humanity were reported by UN secretary General Kofi Annan to the Security Council. However the scenario within the Security Council remains the same, with continuing debate without concrete action. In early 2005, threat from Janjaweed militias forced the UN to retreat its staff from inside Darfur and station them to El-Geneina border to Chad. With report from amounting death toll, diseases and malnutrition up to 35,000 in Darfur, the Security Council fails to pass a resolution that would end the conflict in Darfur. No sanction against Khartoum was agreed upon. In March 31 2005 the UN only approved a traveling ban and assets freeze of people accused of crime in Darfur with 51 people on a list given to the ICC by UN secretary general Kofi Annan. No prospect of peace is seen by the end of 2005, negotiations between Khartoum and the two rebel groups fail to materialize. On one

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[92] The crisis in Sudan a timeline, CBC news, July 14 2008. . (accessed on 21 March 2010)

hand, Sudanese government refuses to accept the presence of UN troops in Darfur and the African Union is unable to provide funding to deploy forces. On the other hand, tension between Chad and Sudan was growing with accusation for proxy-war. It was until July 2007 that the UN accepted to deploy peacekeeping forces later came to be known as UNAMID or UN-African Union Hybrid Mission. However the UN reported in 2008 that the death toll reached 300,000.[93]

The conflict in Darfur reached a stagnant point in late 2008 with JEM accepting to start peace talk with the Sudanese government in Qatar and the SLM refuses to come accept this peace talk. In August 2009 the UN military commander in Darfur announced the end of the war in the region. Does it mean the end of the conflict in Darfur? Most activists did not agree with his declaration, nevertheless JEM and Khartoum reached a peace agreement in early 2010 and Chad and Sudan normalized diplomatic relations after without diplomatic ties between the two countries and Sudan's first election since 1986 took place. But this has been an ephemera situation that the parties to the conflict had lived, month later JEM left peace talk accusing Khartoum of breaking peace talk and fight broke out again. Although the ICC launched an arrest warrant against him and Sudan being member of the ICC, Sudanese president Al-Basher travelled to Chad and Kenya last year. Till today the conflict has not ended, South Sudan recently became a new independent state and the 193rd member of the UN. In Darfur, till present days there are up to 7 refugee camps in Chad, the UN cannot easily intervene without superpowers backing their own position.

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[93] http://www.bbc.co.uk/news/world-africa-14095300. (accessed on 11 August 2011)

5.3 Awaiting Ripeness in Darfur?

The complexity of dealing with the conflict in Darfur is the difficulty accumulated on third parties such as the different positions of actors, wants and needs. The UN Secretary General does not have enough vexed power to intervene freely as a third party in a conflict. This is partly due to the fact that under article 99 of the Charter, the Secretary General can only bring issues concerning international peace to the attention of the Security Council. The latter however as I already mentioned above is divided in taking a common position when international peace is under threat. Thus, the General Assembly is a Carrefour of discussions whereby member states debate and make recommendations, although this assembly represents the 193 members no power of decision making is vested to that institution to intervene in international conflicts. Although diplomatic efforts are important element of conflict resolution, financial determinations from third parties are vital for resolving conflict. Because most of the time, parties to a conflict are induced by leverage proposed by the third party. That leverage can cover the expense or the trade off that the conflicting parties stuck on previously. The UN's financial system is comprised of a mandatory and voluntary participation of members and donors. The mandatory finance is an important political tool that usually member states use to support their policy. For instance, the US and Japan were almost paying half of UN's mandatory budget in 2004 that gives them an important political support within the organization. The figure below gives us more detail of the mandatory contribution.
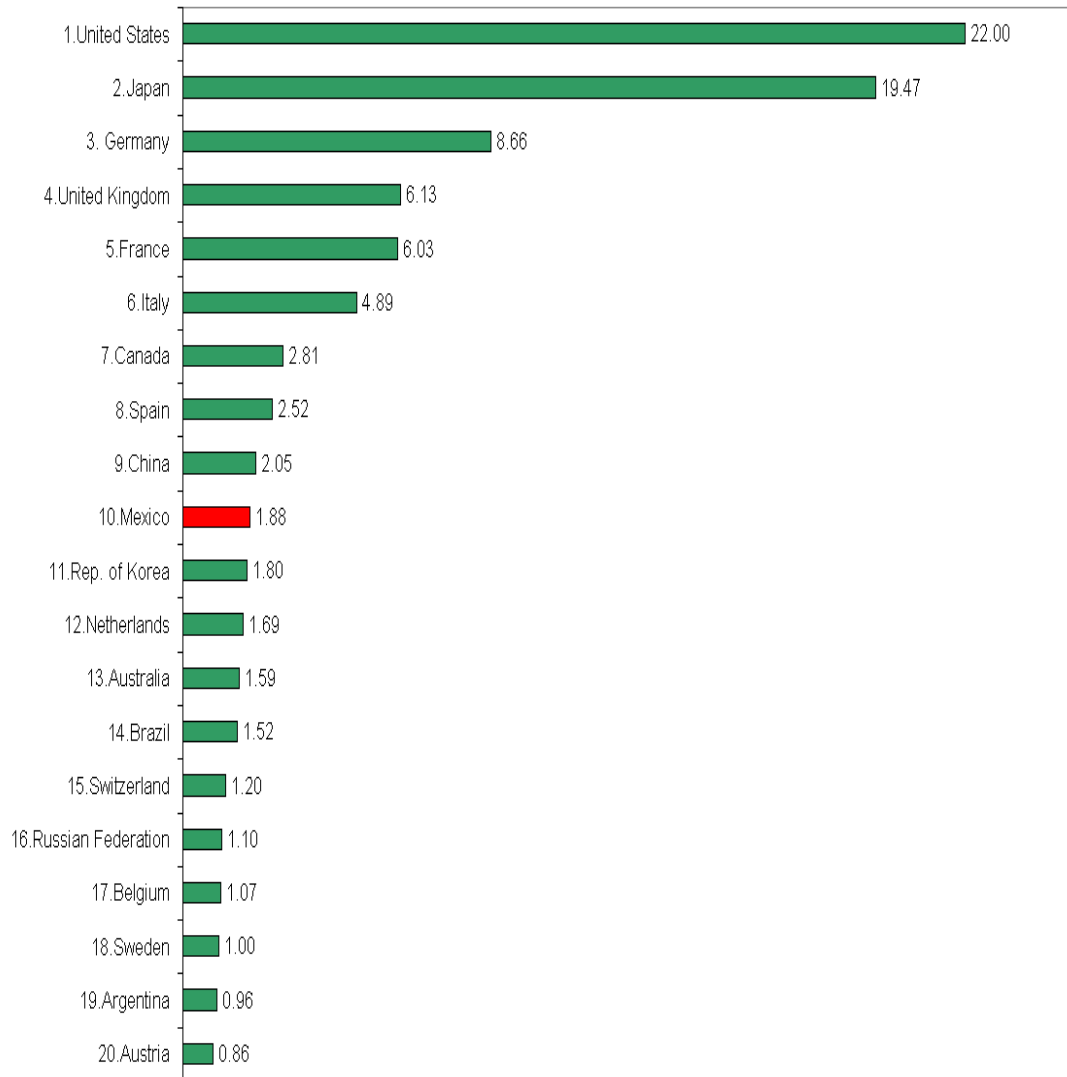
Figure 2: Most contributing Member states to UN mandatory Budget in 2005; Scale of assessments by Member States (percentage)

Source: http://www.un.int/mexico/Students/grafica_cuotas_eng.htm

From the Figure 2 above, we can understand now that financial contribution of member states plays an important role on decision making within the UN where higher the contribution greater the political leverage is.

5.4 Critics of the UN

Despite their thoroughness, the rule introduced by the Charter did not prevent the outbreak of many conflicts and wars around the world. In the name of a so called "just war", the Soviet Union and the US undertook unilateral military actions in, Hungary (1956), Czechoslovakia (1968) and Afghanistan 1979 for the first,[94] Cuba (1961), Nicaragua (1980), Grenada (1983) and Panama (1989) for the second.[95]

The end of East-West conflict has neither regenerated international law nor the UN. Hostilities triggered by states of the North Atlantic Treaty Organization (NATO) against Yugoslavia, in 1999, showed that the major powers could bypass the Security Council. This shift was strengthened after the attacks of September 11, 2001 and the "war against terrorism" launched by the United States. From the overthrow of the Taliban regime, in the absence of a prior military assault legally attributable to the Afghan state, to the intervention in Iraq in 2003, launched without the authorization of the Security Council, unilaterally action has made its return in the international scene.

Institutional weaknesses of the UN only partially explain its relative failure. From the 1950s, and the intervention in Korea, there has been the creation of UN forces (referred to as the "blue helmets") made on a case by case soldiers who are legally under the authority of the UN but from member states. The UN is thus dependent on the goodwill of its member states, with sometimes disastrous consequences, as in the withdrawal of Belgian peacekeepers in Rwanda during the Genocide in 1994.

In addition, the system of voting within the Security Council has often proved to be crippling. The veto, or more importantly the threat of its use remains common.

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[94] http://www.hs.fi/english/article/COMMENTARY+The+international+emergency+number+is+56-68-79-08/1135238763197 . (accessed on 15 August 2011)
[95] William Blum (2003) p.103-230. (accessed on 4 September 2011)

Similarly, the only UN body to be able to assess the legality of military action, the International Court of Justice (ICJ) was requested very few times since 1945. While the debate was raised on a possible intervention in Iraq in 2002-2003, no state has been capable of asking ICJ judges in Hague on the legality of a war in Iraq.

5.4.1 Does The UN Need Reform?

The world is today run by the so-called "international community", an entity difficult to define, and of course legendary.

This is a quasi polarized system. Within the UN, economic and political capabilities of member states differ. Some have greater influence than the others. But it remains clear that US influence within the organization is greater than those of other member states. In addition to this, many states are relatively set aside by major economic and political actors, including transnational corporations. The state associated with the nation that has existed for decades is no longer the one and in many cases is no longer the main player. It is questionable whether a reform of the UN such as the enlargement of the Security Council and reform regarding veto power would be enough to rebalance the forces in the world.

Certainly, as a reflection of an awakening world, the UN still has a role to play. The UN Charter, the Universal Declaration of Human Rights and other fundamental documents are key references that indicate the will or the hope of a better world. But not cynical, it should be noted that the UN is no longer the place where the real decisions are made. In the field of human rights, the global situation stalled because the reality is that many states continue to ignore the rights of their citizens.

The United States insists that the UN is a huge chaos that must be recovered. But chaos is already embedded in these problems that makes American politics prevails in most cases. Real reform would mean questioning the monopoly of speech is given

to the states. Let us not forget the initial declaration of the UN 60 years ago, "We the peoples".

Today, people are free, although this is not a general case, to express themselves, demand more from leaders or manifest their anger in the streets. They reject, in their vast majority, the neoliberal policies. They want those responsible for atrocities to be punished and that human rights should be a primary concern over business and free trade. They want the goods essential to the survival of humanity to be considered public and universal. Food, water, air, education, health, housing are not goods. Basically, the call of the UN in 1948 became the flag of social movements and NGOs that manage to draw large protests and large gatherings and times of pressure such as the World Social Forum. These movements or coalitions of these movements are dreaming of another UN where the voice of the people would be heard.[96]

The imperfections of the UN system were evident from its foundation. The UN allowed (and is still giving) likewise same voices to all types of governments, may they be dictators or democracies. Moreover, the Secretary General who is the head representative of the organization is only appointed in lieu as an administrative head. He is the servant of the states, as indicated by his office title "secretariat".

In fact, the founding argument of the UN is based on the idea that cross-border attacks, the main causes of the two World Wars were the greatest threat weighting on humanity. However, history would show that the most serious threat may come from within states that violate the rights of their citizens within their borders or other type of conflict such as "terrorism". The UN has been derided since its foundation, but it

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[96] http://journal.alternatives.ca/fra/journal-alternatives/publications/nos-publications/articles-et-analyses/articles-d-alternatives/article/la-reforme-de-l-onu-pour-qui . (accessed on 5 September 2011)

had never experienced a year as contradictory as 2004, described by its Secretary General Kofi Annan as "annus horribilis"[97]

In reality, in 2003 the organization began to suffer the most brutal attacks, when the US, the most powerful member of the organization and the United Kingdom within a divided Security Council to get to declare the war against Iraq. In 2004, things got worse. UN officials responsible for the program "oil against food" intended to supply the Iraqis in the late 1990s, and was endowed with $ 65 billion were accused of receiving bribes. The United Nations Human Rights Commission was chaired by Libya in 2003, reelected Sudan with a 3 years term in 2004, in the midst of a campaign of ethnic clashes and massacres in Darfur, which had already killed tens of thousands of victims in the country.[98]

4.4 Boutros Ghali and the Agenda for peace

The Agenda for Peace Boutros Boutros-Ghali is the result of the end of the Cold War and the promise of a 'new world order' after the first Gulf War (1990-1991). Continuing the momentum of the operation 'Desert Storm' and great enthusiasm for the role of the UN that emerges, the UN created a number of operations ambitious peacekeeping (Cambodia, Bosnia Herzegovina, Mozambique, Western Sahara, Haiti).

Although in practice peace remains a hope for the UN, the theories have proven the opposite. The activities of the Security Council grow exponentially. On January 31, 1992, the Security Council held its first meeting at Heads of State and Government with the theme 'The responsibility of the Security Council regarding the maintenance of peace and security'. Following this meeting, members of the Security Council "committed to working closely with all other Members of the United

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[97] http://www.economist.com/node/3545119 . (accessed on 6 September 2011)

[98] http://mondediplo.com/2005/09/04reforming. (accessed on 6 September 2011)

Nations in their efforts themselves for this purpose and to address without delay all the other problems that require a collective response of the international community, particularly the economic and social development. They believe that peace and prosperity go together and that there can be no peace and stability sustainable without effective international cooperation to eliminate poverty and ensure a better life for all people. They then invited the Secretary-General to prepare a study and recommendations on how to strengthen the capacity of the Organization in the fields of preventive diplomacy, peacekeeping and peacemaking, and how to increase its efficiency within the provisions of the Charter. Thus, the Secretary-General Boutros Boutros-Ghali, and his services will write an agenda for peace.

4.4.1 What is the Agenda for Peace?

Published in June 1997, the agenda for peace is a report produced by the Secretary General Boutros Boutros Ghali. The report accentuates the need for preventive diplomacy and related matters. The Security Council met once a month between June 1992 and May 1993 to consider the recommendations of the report and adopt a series of presidential statements. He ended the consideration of the report by a special meeting at which he recommended that all States to make the participation and support for international peacekeeping to peace an integral part of their foreign policy and their national security policy.

For the Agenda for Peace, The End of the Cold War provides a new opportunity for hope to achieve the primary objectives of the Charter: a United Nations capable of maintaining peace and security, to ensure justice and respect for human rights, and (...) to promote social progress and better standards of life in larger freedom. The hope is immense and the Secretary General considers that the Organization should

never be disabled as it was during a period now over (para.3). Moreover, the demands on the Organization have increased and the Security Council has become a central tool in the prevention and conflict resolution as well as in the preservation of peace (para.14-15).[99]

The Agenda for Peace is located in an "era of global transition" to "highly contradictory trends", mixed with increased cooperation between states and globalization of trade, and withdrawal and the resurgence of exclusions (para. 11). Thus, if "the concept of peace is easy to grasp: that international security is less" (para.12). All the problems of the XXI century are already identified: environmental damage, population growth, crushing burden of debt, growing disparity between rich and poor, terrorism, drugs, etc.. In this sense, the Agenda for Peace is a text looking on the world to come.

The Agenda for Peace focuses on prevention, the need to root out the underlying causes of conflict: economic despair, social injustice and political oppression. In this sense, the crisis management, the UN action will and must go beyond peacekeeping in the strict sense. This report opens the way for an expanded mission of the UN on a more systematic implementation of multidimensional operations. It defines means of action that form a coherent contribution to achieving peace in the spirit of the Charter and a gradation of possibilities of intervention and techniques of peace, ranging from preventive diplomacy the consolidation of peace through the restoration of peace.

The report explains that, preventive diplomacy includes measures to strengthen confidence, finding, early warning, preventive deployment and the establishment of demilitarized zones.

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[99] http://www.un.org/Docs/SG/agpeace.html

The document also discussed the idea of peace-making. According the Ghali, peace-making may include measures of mediation and negotiation for the peaceful settlement of disputes, the increased use of the International Court of Justice, improving assistance to victims of conflict, the use of military force and the signing of agreements under Article 43 of the Charter with the assistance of the staff, the creation of units of peace enforcement, which would be in a kind of strategic reserve forces. Additionally, the report say that peace-building may include in particular to disarm opponents, to restore order, collect weapons and possibly destroy, repatriate refugees, to provide advisory support and training security personnel, monitoring elections, supporting efforts to protect human rights, reforming or strengthening governmental institutions and promoting processes, formal or informal political participation.

The Agenda for Peace conceptualized, for the first time, a vision and an integrated approach to peacekeeping to peace, considering that peace could not be saved from a narrow perspective, limited to military matters. The maintenance of peace and security [is] a much broader concept, encompassing political, economic, social, humanitarian and ecological. It focuses on preventive diplomacy, the most effective and most appropriate to ease tensions before they lead to a conflict. Already the Agenda for Peace identifies the structural difficulties of the operations of peacekeeping, "if conflicts are unresolved, it is not because the techniques of peaceful settlement were unknown or inadequate, the fault lies within: First, the lack of political will of the parties (...) and insufficient pressure "exerted on them (para.34). In addition, it recognizes "the difficulty of obtaining sufficient numbers of police," the need to increase "the number and capacity of the military services under

the Secretariat" and improve staff training and the necessary formation of a "stock of basic equipment" can be "immediately available from an operation is launched

5.4.2 Expanding the Will Over the Greed?

The conflict in Darfur has never been the concern of the UN in its all integrality, the Security Council resolutions on the conflict were about the deployment of UN peacekeeping forces or the threat of a use of sanction. Instead that could be reallocated to the Secretary General especially former secretary Kofi Annan could have played a diplomatic role to end the conflict. This is not to say that the Security Council or the General Assembly would be idle or neutral in a conflict. Their role should rather focus on bringing together what the Secretary needs to intervene in a conflict.

Nevertheless such diplomatic efforts should – if not adequate – be leveled by punitive measures. For instance, the Security Council should take restrictive measures against any party hindering negotiations, the activities of UN forces such as UNAMID or that of ICC. Punishment must be directed against any side who violates arm embargo or international humanitarian law. The Security Council should also be responsible to pressure Sudan to cooperate with ICC and send to justice individuals who are accused of human rights violation and crimes against humanity.

5.4.3 Global governance and the UN

Indeed, global governance has been the theme of the 65th Session of the General Assembly of the United Nations. Already at the opening general debate of this session, the President of the General Assembly, Joseph Deiss, asked that efforts be undertaken to ensure that the UN finds its place in the heart of global governance. It was for this purpose, that he said "the challenges we face today have taken an international dimension and require global solutions. Our actions must have

legitimacy and be the result of inclusive processes. We must improve procedures for information, consultation and cooperation between the UN and other actors and means of global governance. "[100]

As such, global governance provided by the UN sets out the principles to be respected and standards to be followed within cooperation agreements. It formulates the goals and targets to be achieved and the establishment of a fairer world for all.

This approach is thus to perceive the UN as, according to former United Nations Secretary General Kofi Annan, a body set up, in which nations could work together to affirm the dignity and worth of every people and ensure peace and development to all peoples of the earth. At the UN, states could unite to strengthen the rule of law, highlighting the needs of the poor and try to respond, stop the brutality and greed of man, protect natural resources and nature, guarantee equal rights to men and women and ensure the safety of future generations.

In this regard, global governance is based on strengthening international cooperation to solve global problems, both security and peacekeeping, economic and political terms of the preservation of the environment.

On the security and peacekeeping concern, World War II gave way, to armed conflict in the form of civil wars or wars of self-determination, taking the examples of Africa and Middle East. These new forms of recurrent conflicts require the UN to strengthen international cooperation in its operations of peacekeeping.

On the economic and political base, the economic and financial crisis experienced by the world in recent years has undermined United Nations efforts in the fight against poverty and the promotion of democracy, good governance and the rule of law in developing countries. This remains a major challenge, and to which the United

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[100] http://www.un.org/en/ga/65/index.shtml. (accessed on 8 September 2011)

Nations should increasingly, push developed countries to be concerned about the problems of poor countries and seek to reduce their economic gap.

On top of these, climate change and environmental protection add to the list of agenda. If the major challenges can be dealt with, others can easily follow, the remaining element is the will of member states.

In sum, given the great issues of the day, which remain the expression of the growing diversity of human needs, the approach to global governance must be seen as a global partnership and should focus on poverty, conflicts, global warming, the economic and financial crisis, pandemics, "terrorism" and many other issues with implications that cannot be managed individually. Of course, establishing such a partnership is facing the difficult challenge of a consensus on future action, but the UN, as an operating entity, has the responsibility to play a central role via a strong international cooperation.

Chapter 6

CONCLUSION

The crisis in Darfur has root into the deep division created by centuries of different rules in Sudan. Nevertheless the recent conflict that broke out in 2003 involving the rebels from Darfur in one side, the Janjaweed and the Sudanese central government on the other has resulted into one of the most critical humanitarian crisis of our era the international community and especially the UN have been unable to provide basic security for internally displaced people. In addition the great powers (China and the US) seem to stay indifferent due to the high consequence of direct interference. Rather real-politik is played in the international scene. Also, the African Union which is a regional organization is so weak that it only depends on the guidance and intervention of the UN in the African continent.

We came to the conclusion of this thesis and although the UN is indispensable in the world today there are some important disadvantages and problems that the organization faces that are neglected but constitute major challenges.

Politically, the UN is not democratic because a minority (the Security Council) imposes its views on the majority (General Assembly). The veto right, which gives sweeping powers to 5 permanent members of Security Council, is inconsistent with equality by all states members. The operation of the UN is often paralyzed by the misuse of the veto by the rival powers. The representativeness of the Security

Council is increasingly criticized by Japan, Germany and the Third World. The UN action was suspended on the political will of states.

Moreover, the Security Council's resolutions regarding conflicts do not provide much of muscular aspects whereby wrongdoer can be intimidated. The Sudanese president Omar Al-Basher openly said that he does not fear UN resolutions. This saying was later strengthened by Al-Bashir's arrest warrant neglect.

Military, since 1945 we have witnessed the proliferation of conflicts around the world. The UN has no standing army soldiers and the group called the UN contingent is slow to respond to an emergency. The decision to send or bring in the "blue helmets" in a hotspot of tension depends on the interests of great powers. In Rwanda, UNAMIR, the strength of peacekeeping United Nations could not prevent the genocidal massacres of 1994. When the U.S. forces are engaged in a UN intervention, the operation command is equivalent to an American officer. The UN loses control of military and political as it refers to as his authorities. The UN is powerless against the arms race. The image of "blue helmets" is increasingly tarnished by their involvement in sexual abuse of minors, arm trafficking, gold and ivory smuggling.

On the socio-economic plan, the United Nations is facing financial difficulties. Its operating expenses are heavy while many countries are not current with their dues. The United States are the largest donors to the UN with 25% of the budget of the organization. The economic weight allows the U.S. to impose their positions. The UN failed to prevent the heavy indebtedness of Third World countries in protracted poverty and misery.

Theoretical debate about conflict resolution in chapter two illuminated the lacking concept in Darfur. It can be argued that:

- No attempt or direct elimination of root causes of conflict in Darfur were made, neither by the UN nor by the African Union or any other third party.

- The fragile and volatile agreements that took place between rebel groups and the government of Khartoum were not solidified by analytical researches that are meant to be consolidating new relationship. No Synchronization of all issues into a block to deal with. For example, between February and March 2010, JEM and Khartoum signed a peace agreement that pushed President Omar Al-Bashir to declare the end of the conflict in Darfur. However, the failure to include other rebel groups has prompted the continuation of the conflict. This is to say that the agreement was not inclusive of all parties.

- It is also noticeable that whenever the UN tries to send third party, the organization usually focus on their own reality of the conflict. For instance US official in the UN usually use expressions such as 'genocide' without concrete analysis of what is happening there in Darfur, although fact finding missions were sent in Darfur. In fact that is what usually triggered Khartoum to refuse the presence of UN official in the region. Most importantly, the reiteration of Sudanese president saying that 'we are not afraid of the UN'. Basically, Khartoum does not trust the UN as problem solving instrument.

- Instead of focusing on core issues, the international community and particularly the UN general assembly debate the increase of causalities in Darfur, the flow of refugees out of Darfur and the daily confrontations that take place around villages. Most of the time, commentators and the international community in general do not filter information about the

conflict in Darfur and use them directly in reference to the reality of what is happening in Darfur. For example the use of expressions such as crime against humanity or criticizing Khartoum on its undemocratic system.

- Even though the question of genocide has been raised in Darfur, the UN has not been able to take opportunities to explore and resolve the conflict. This clumsiness is a consequence of division within the Security Council. First, the Security Council is divided. China and the US were rather interested in Sudan's huge oil reserve and investment. Second, instead of bringing experts in African conflict, especially those that know the region better, the UN appointed in 2006 former UN Assembly General president Jan Eliasson as special envoy in Darfur. As a consequence difference, of opinion and perception of dealing with the conflict arise. For instance, is it possible to send someone from Zimbabwe to deal with internal Canadian problem?

In addition to this, conflicts in Africa have always found their sources from unavoidable colonial transitional period. Although, most of African countries were independent since the 1960s, the colonial transition has created a structure whereby social integration is problematic. For example, French and British African colonies have been structured in a way that leaders are subordinate to France and the UK. Such transition made conflict inevitable. One reason is the dissatisfaction of some groups - manipulated or ignored by the elites that are controlled by ex-colonies – raise the probability of conflict high.

Also the absence of well educated elites, the establishment of liberal economic system and the privatization of main economic sectors change the traditional economic system of states owned enterprises bring devaluation of currency and

under development closer. These are sources of conflicts in Darfur and Africa in general.

The supplement of the Agenda for Peace

Supplement to An Agenda for Peace was published January 25, 1995 [8]: "The purpose here is not to review the" Agenda for Peace "(...) [but] to call attention to some areas in which were encountered unforeseen difficulties, or only partially provided, and where it is important that Member States shall take the "tough decisions" that I referred two years ago and half of it "(para.6). The approach of the fiftieth anniversary of the United Nations should encourage fresh thinking about the failures of the first half of year 90 and to undertake joint efforts to better manage crises.

In this supplement, the Secretary-General recognizes the limits of the United Nations in resolving intra-state conflicts where the parties' consent is lacking, and where the collapse of state institutions is total. For example, "the UN does not take responsibility for the maintenance of order. It cannot impose a new political structure or new national institutions. It can only help the factions to make the necessary effort and begin to live together again "(para.14). In addition, member states often refuse to the UN the means to commit the actions that they are asked for (preventive diplomacy missions, for example, that lack of budget). But what are "governments [that] are central to all activities" (para.82).

Supplement considers that "the UN has developed a range of tools to identify and resolve conflicts between states and civil wars. The most important are: preventive diplomacy and peacemaking, peacekeeping, peacebuilding, disarmament, sanctions and peace enforcement "(para.23). But "the UN has not and does not claim a

monopoly in respect of any of these instruments. They can all be used by regional organizations, by groups of States or by States alone "(par. 24). And "if we want these efforts to succeed, we must carefully coordinate the roles of different actors in order to adopt an integrated approach towards human security" (para.81).

In terms of peacekeeping, the report identifies "new" types of operations: the use of United Nations forces to protect humanitarian operations, operations for which the "use of force is authorized under Chapter VII of the Charter, the United Nations remains neutral and impartial between the parties, and has no mandate to stop the aggressor (if it can be identified) or impose termination hostilities "(as in Bosnia and Somalia); operations with more political 'mandate is to help the parties implement the comprehensive settlement they have reached" (successful cases of Namibia, Angola, El Salvador, Cambodia and Mozambique). The report added that, the need to respect basic principles of peacekeeping: consent, impartiality and non-use of force except in self defense. And "if we examine the recent successes and failures, we see that each time an operation was successful, these principles had been met and, in most other cases, either had not been "(para.33). In fact, "the logic of peace-keeping proceeds from political and military premises entirely different from those of enforcement measures, in addition, in the latter case, the dynamics is incompatible with the political process that peacekeeping operation in the peace is supposed to facilitate. If the distinction between the two is blurred, the viability of the mission and the safety of its staff may suffer "(para.35).

The Secretary-General abandons the idea of "units of peace enforcement" of the Agenda for Peace and proposes the establishment of a "rapid reaction force", "This would be the strategic reserve force of the Security Council that could be deployed in case of urgent need for troops to peacekeeping. It may consist of units equivalent to

battalions, from several countries that would receive the same instruction, operating under the same procedures would be equipped with communications equipment built and regularly participates in joint exercises. They would be stationed in their home country while being ready to intervene at any time "(para.44). Pa higher than the previous one, this idea does not appeal to Member States.

The Agenda for Peace marked the end of the Cold War and the exponential growth of the operations of peacekeeping during this period. Its Supplement marked the difficulties they face and continue operations elsewhere to face. These two reports form a first base doctrine on which will be built by following the Brahimi report of August 2000 and the "fundamental doctrine" (Casptone Doctrine) of 2008. They are fundamental to understanding what the peacekeeping United Nations yesterday and today.

What can be done in Darfur?

Not just willingness from the UN can help solve the Darfur conflict but many other recommendations should be taken into account.

According to the report of the International Crisis Group, the African Union and United Nations mediation teams in Darfur should find an international consensus on a new political strategy, especially with China and the United States to have the necessary means to pressure the warring parties.[101] Allow time for the unification of the rebels before resuming negotiations and support the process by providing logistical support, coordinating the various efforts to unify and urging the regime in Khartoum not to interfere with the unification conference.

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[101] A Strategy for Comprehensive Peace in Sudan, Africa Report N°130, 26 July 2007. (accessed on 18 October 2011)

Give priority to a cease-fire effective and comprehensive early in the new negotiations would be ideally monitored and supported by a strong hybrid AU / UN in Darfur, which is also accompanied by a UN mission in eastern Chad and an observer mission of the United Nations Central African Republic. Set a realistic timetable for new negotiations. The United States, China, and the other members of the Security Council should work together to build consensus on a new political strategy for the application of punitive measures against those responsible (whether the Sudanese government and its members or the rebel movements and their members) who have obstructed the peace process and have violated international humanitarian law, including targeted sanctions already provided for by the Security Council.[102]

The lack of consideration of theoretical peace framework is observable within the UN conflict resolution bodies and units. There have never been moments where the UN has taken a sublime step in Darfur. The arguments discussed in chapter two by William Zartman of ripeness can basically be perceived as waiting in vain to resolve the conflict. Third parties and especially the UN should be more active in Darfur as explained above.

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[102] "Darfur revitalizing the peace process" International crisis group; April 30 2007. (accessed on 10 September 2011)http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/125-darfur-revitalising-the-peace-process.aspx (accessed on 10 September 2011)

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APPENDICES

Appendix A: map of Darfur

Source: Human rights watch/ Right map

Appendix B: Timeline of the conflict in Darfur since 2003

2003 February - Rebels in western region of Darfur rise up against government, claiming the region is being neglected by Khartoum.

2003 October - PNC leader Turabi released after nearly three years in detention and ban on his party is lifted.

Uprising in west

2004 January - Army moves to quell rebel uprising in western region of Darfur; hundreds of thousands of refugees flee to neighbouring Chad.

2004 March - UN official says pro-government Arab Janjaweed militias are carrying out systematic killings of non-Arab villagers in Darfur.

Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, are detained over an alleged coup plot.

2004 May - Government and southern rebels agree on power-sharing protocols as part of a peace deal to end their long-running conflict. The deal follows earlier breakthroughs on the division of oil and non-oil wealth.

2004 September - UN says Sudan has not met targets for disarming pro-government Darfur militias and must accept outside help to protect civilians. US Secretary of State Colin Powell describes Darfur killings as genocide.

Peace agreement

2005 January - Government and southern rebels sign a peace deal. The agreement includes a permanent ceasefire and accords on wealth and power sharing.

UN report accuses the government and militias of systematic abuses in Darfur, but stops short of calling the violence genocide.

2005 March - UN Security Council authorises sanctions against those who violate ceasefire in Darfur. Council also votes to refer those accused of war crimes in Darfur to International Criminal Court.

2005 June - Government and exiled opposition grouping - National Democratic Alliance (NDA) - sign reconciliation deal allowing NDA into power-sharing administration.

President Bashir frees Islamist leader Hassan al-Turabi, detained since March 2004 over alleged coup plot.

Southern autonomy

2005 9 July - Former southern rebel leader John Garang is sworn in as first vice president. A constitution which gives a large degree of autonomy to the south is signed.

2005 1 August - Vice president and former rebel leader John Garang is killed in a plane crash. He is succeeded by Salva Kiir. Garang's death sparks deadly clashes in the capital between southern Sudanese and northern Arabs.

2005 September - Power-sharing government is formed in Khartoum.

2005 October - Autonomous government is formed in the south, in line with January 2005 peace deal. The administration is dominated by former rebels.

Darfur conflict

2006 May - Khartoum government and the main rebel faction in Darfur, the Sudan Liberation Movement, sign a peace accord. Two smaller rebel groups reject the deal. Fighting continues.

2006 August - Sudan rejects a UN resolution calling for a UN peacekeeping force in Darfur, saying it would compromise sovereignty.

2006 October - Jan Pronk, the UN's top official in Sudan, is expelled.

2006 November - African Union extends mandate of its peacekeeping force in Darfur for six months.

Hundreds are thought to have died in the heaviest fighting between northern Sudanese forces and their former southern rebel foes since they signed a peace deal last year. Fighting is centred on the southern town of Malakal.

2007 April - Sudan says it will accept a partial UN troop deployment to reinforce African Union peacekeepers in Darfur, but not a full 20,000-strong force.

War crimes charges

2007 May - International Criminal Court issues arrest warrants for a minister and a Janjaweed militia leader suspected of Darfur war crimes.

US President George W Bush announces fresh sanctions against Sudan.

2007 July - UN Security Council approves a resolution authorising a 26,000-strong force for Darfur. Sudan says it will co-operate with the United Nations-African Union Mission in Darfur (Unamid).

2007 October - SPLM temporarily suspends participation in national unity government, accusing Khartoum of failing to honour the 2005 peace deal.

2007 December - SPLM resumes participation in national unity government.

2008 January - UN takes over Darfur peace force.

Within days Sudan apologises after its troops fire on a convoy of Unamid, the UN-African Union hybrid mission.

Government planes bomb rebel positions in West Darfur, turning some areas into no-go zones for aid workers.

2008 February - Commander of the UN-African Union peacekeepers in Darfur, Balla Keita, says more troops needed urgently in west Darfur.

Abyei clashes

2008 March - Russia says it's prepared to provide some of the helicopters urgently needed by UN-African Union peacekeepers.

Tensions rise over clashes between an Arab militia and SPLM in Abyei area on north-south divide - a key sticking point in 2005 peace accord.

Presidents of Sudan and Chad sign accord aimed at halting five years of hostilities between their countries.

2008 April - Counting begins in national census which is seen as a vital step towards holding democratic elections after the landmark 2005 north-south peace deal.

UN humanitarian chief John Holmes says 300,000 people may have died in the five-year Darfur conflict.

2008 May - Southern defence minister Dominic Dim Deng is killed in a plane crash in the south.

Tension increases between Sudan and Chad after Darfur rebel group mounts raid on Omdurman, Khartoum's twin city across the Nile. Sudan accuses Chad of involvement and breaks off diplomatic relations.

Intense fighting breaks out between northern and southern forces in disputed oil-rich town of Abyei.

2008 June - President Bashir and southern leader Salva Kiir agree to seek international arbitration to resolve dispute over Abyei.

Bashir accused

2008 July - The International Criminal Court's top prosecutor calls for the arrest of President Bashir for genocide, crimes against humanity and war crimes in Darfur; the appeal is the first ever request to the ICC for the arrest of a sitting head of state. Sudan rejects the indictment.

2008 September - Darfur rebels accuse government forces backed by militias of launching air and ground attacks on two towns in the region.

2008 October - Allegations that Ukrainian tanks hijacked off the coast of Somalia were bound for southern Sudan spark fears of an arms race between the North and former rebels in the South.

2008 November - President Bashir announces an immediate ceasefire in Darfur, but the region's two main rebel groups reject the move, saying they will fight on until the government agrees to share power and wealth in the region.

2008 December - The Sudanese army says it has sent more troops to the sensitive oil-rich South Kordofan state, claiming that a Darfur rebel group plans to attack the area.

2009 January - Sudanese Islamist leader Hassan al-Turabi is arrested after saying President Bashir should hand himself in to The Hague to face war crimes charges for the Darfur war.

2009 March - The International Criminal Court in The Hague issues an arrest warrant for President Bashir on charges of war crimes and crimes against humanity in Darfur.

2009 May - An estimated 250 people in central Sudan are killed during a week of clashes between nomadic groups fighting over grazing land and cattle in the semi-arid region of Southern Kordofan.

Alliance strained

2009 June - Khartoum government denies it is supplying arms to ethnic groups in the south to destabilise the region.

The leader of South Sudan and vice-president of the country, Salva Kiir, warns his forces are being re-organised to be ready for any return to war with the north

Ex-foreign minister Lam Akol splits from South's ruling SPLM to form new party, SPLM-Democratic Change.

2009 July - North and south Sudan say they accept ruling by arbitration court in The Hague shrinking disputed Abyei region and placing the major Heglig oil field in the north.

Woman journalist tried and punished for breaching decency laws by wearing trousers. She campaigns to change the law.

2009 August - Darfur war is over, says UN military commander in the region, in comments condemned by activists.

2009 October - SPLM boycotts parliament over a Bill allowing intelligence services to retain widespread powers.

Independence vote

2009 December - Leaders of North and South reach deal on terms of referendum on independence due in South by 2011.

2010 January - President Omar Bashir says he would accept referendum result, even if South opted for independence.

2010 Feb-March - The Justice and Equality Movement (Jem) main Darfur rebel movement signs a peace accord with the government, prompting President Bashir to declare the Darfur war over. But failure to agree specifics and continuing clashes with smaller rebel groups endanger the deal.

2010 April - President Bashir gains new term in first contested presidential polls since 1986.

2010 July - International Criminal Court issues second arrest warrant for President al-Bashir - this time on charges of genocide.

2011 January - People of the South vote in favour of full independence from the north.

2011 February - Clashes between the security forces and rebels in southern Sudan's Jonglei state leave more than 100 dead.

2011 February - Fighting near Abyei.

2011 March - Government of South Sudan says it is suspending talks with the North, accusing it of plotting a coup.

2011 April - Airstrike - allegedly by Israel - hits a car near Port Sudan, in a case thought to involve weapons smuggling to militants in Gaza.

2011 May - Northern troops overrun town of Abyei on disputed border between north and south. South describes it as "act of war". Thousands flee.

2011 July - South Sudan gains independence.

Source: http://www.bbc.co.uk/news/world-africa-14095300