

Multilateralism In Practice: An Exploration of International Involvement in Solving the Crisis in Darfur

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ABSTRACT

This paper explores aspects of the numerous international efforts (2003-2011) to solve the crisis in Darfur, paying specific attention to the failure of these attempts. Answers to two specific questions are sought: How do we explain the failure to reach a resolution to this crisis despite the scope of international involvement through various international organisations? Second: What do we learn about 'multilateralism in practice' by studying the Darfur crisis? The paper concludes that the involvement of multiple actors does not necessarily constitute 'effective multilateralism', but may in fact inhibit the search for a resolution of conflict, especially in instances where actors have different interests at stake and desire different ways in which to resolve the conflict. Furthermore, there are clear indications that there are different interpretations between the African Union on the one hand, and other actors, such as the United Nations and the European Union as to a) what a multilateralist approach entails, with the African Union demanding the role of *primus inter pares* and b) the implementation of the doctrine of the responsibility to protect (R2P). Of specific importance in strengthening R2P is the need for global actors to find a solution as to the relationship between peace and justice, as was clearly illustrated in the debate about the indictment of Sudanese president al-Bashir by the International Criminal Court. At a practical level, the Darfur case points to the need for a clear overarching framework within which multiple international peacemaking and humanitarian efforts should be coordinated.

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Introduction

International public attention focused on the crisis in Darfur reached its zenith in early 2008. Activists worldwide pressed for a boycott of the Beijing Olympics in protest over China's alleged support for the government of Sudan in its attempts to crush the Darfur rebels. These protests were preceded by a resolution of the US Congress in 2004, labelling the Darfur crisis a 'genocide'. By 2009, global attention had shifted to the Comprehensive Peace Agreement (CPA) of 2005 signed between the Sudan government and the Sudan People's Liberation Movement. At this point, fears arose that the referendum set for early 2011 might result in a resumption of the civil war between North and South.

Similarly, in official circles, attention continued to focus largely on ending the civil war between North and South Sudan, first through support to the CPA, then to the establishment of the new state of South Sudan in mid-2011. More recently, the objective has become prevention of renewed conflict between what is now two countries – Sudan and South Sudan. Yet international attempts at resolving the Darfur crisis continue, despite the failure of the 2006 Darfur Peace Agreement brokered in Abuja (see De Waal 2006 and Nathan 2006) with UNAMID (the African Union-United Nations (AU-UN) Hybrid Operation in Darfur) and the Doha peace agreement of July 2011, and efforts to ensure its implementation, being the most visible signs of international involvement and concern. Despite the August 2009 announcement by the UNAMID military commander (BBC 2011) that the war in Darfur was 'over', the human suffering and deprivation in the region continue unabated (see Georgieva 2010; IRIN 16 March 2011). In November 2011, the United States (US) State Department expressed deep concern about the situation in the region. A month later, UNAMID peacekeepers warned of resurgent violence in Darfur.

The number of international actors involved in finding a solution to the crisis in Darfur is impressive. Apart from the AU and the UN (the key actors involved), the European Union (EU), NATO, the Arab League (AL), and a range of individual states are or have been part of the efforts, amongst these the US, the United Kingdom (UK), France, the Netherlands, Norway and China. Closer to home, Libya at one stage hosted talks between the government of Sudan (GoS) and the Darfur rebel groups, and from 2010-2011 Qatar hosted

the negotiations between the GoS and Darfur rebels – referred to as the Doha Peace Process. Implementation of the agreement reached in 2011 remains tenuous and difficult. In June 2011 the UN Security Council extended the mandate of UNAMID for a further 12 months.

Apart from the humanitarian crisis in Darfur (by some estimates more than 5m people have been affected),² the spill-over effects have been felt in neighbouring countries such as Chad and the Central African Republic (CAR). Between mid-2010 and early 2011, UNAMID fatalities increased from 64 to 80 – an increase of 20 per cent. Access to some areas of Darfur for humanitarian operators remains problematic (a shrinking humanitarian space/operating environment). Rapid environmental degradation,³ ever increasing safety concerns, and deteriorating living and health conditions continue to be the order of the day.

The question that arises is: given the scale and scope of international involvement over the past nine years, how do we explain the failure to reach a resolution to this crisis? Is Darfur a case of failed multilateralism? And if so, why? Conversely, what do we learn about ‘multilateralism in practice’ by studying the Darfur crisis? This paper explores these questions by discussing the nature of multilateral conflict resolution and management efforts in Darfur. It offers some explanations for the apparent failure/s of these efforts by focusing on some of the problems encountered during international attempts aimed at resolving the crisis. The purpose is not to study the role of the EU in the Darfur crisis in detail, but rather to pay attention to broad multilateral attempts to address the conflict in Sudan. After a brief overview of the actions of each of the main actors, some of the problems experienced in the process of international cooperation and intervention are discussed. In conclusion, reflections are drawn on the nature of multilateralism in the international search for a resolution to the long-standing Darfur crisis.

A survey of the literature on multilateralism makes it clear that there are ‘competing’ definitions (see for example Bouchard and Peterson 2011),⁴ though the MERCURY

² Estimates of casualties and the extent of numbers of people displaced and/or suffering as a direct result of the conflict in Darfur vary greatly. See Gustafson (2010).

³ When the first internally displaced people arrived (2003) in what became Kalma camp, they settled in a forest – today the forest ‘is long gone, used for fuel, construction and household materials...’ (Georgieva 2010:2).

⁴ This paper relies heavily on the work of these authors (and the conceptual work of other MERCURY partners) who argue, after an extensive discussion of the growth of multilateralism and the main factors conditioning it, that ‘multilateralism *in practice* has outpaced efforts to understand it’ (emphasis added). The case study of Darfur attempts to illustrate at least some of the ways in which practice has outpaced understanding.

definition captures the essential features of multilateralism (generalised principles of conduct, indivisibility and diffuse reciprocity)⁵ in its working definition:

Three or more actors engaging in voluntary and (essentially) institutionalised international cooperation governed by norms and principles, with rules that apply (by and large) equally to all states.

The qualification of some of the characteristics of this definition ('essentially institutionalised international cooperation' and 'rules that apply *by and large* equally to all states') reflect the ambiguity of the term, which could perhaps be best explained as difficult *not* to qualify, given, at least at the global level, the sheer number of actors involved in multilateralism/multilateral forums. The discussion in this paper of the case of Darfur as an example of multilateralism 'in action', also sheds some light on the very real problems experienced in practicing multilateralism. In a later section, these will be discussed in more detail.

Multilateralism in Practice: the Case of Darfur

Providing an overview of the unfolding of the Darfur crisis and the involvement of the international community in finding a solution to the crisis, is impossible within the scope of this paper.⁶ Rather, events, and the main actions involving international actors, will be described briefly. We focus in particular on the roles of the UN, the EU, the AU, the UK and China.

The international community's involvement in the conflict in Darfur has yet to deliver durable peace and stability. Many would say that this is not through lack of trying: apart from the large number of state and inter-state organisations involved, a host of non-state organisations (NGOs and civil society groups) are active as campaign and advocacy groups and as providers of humanitarian assistance inside Darfur.⁷ However, some observers insist that the US and the EU missed an opportunity to deal effectively with the Darfur crisis by not having insisted at the time of the negotiations of the CPA (2005) that Darfur should have been included (Gya, 2010:19; see also Prendergast and Sullivan, 2008). The CPA's reference to 'comprehensive' seems misdirected, as the Darfur conflict cannot be separated

⁵ It could be argued, though, that these features are perhaps more relevant to some forms of multilateralism, for instance as practiced in the WTO, than in other forms, such as security multilateralism.

⁶ For a comprehensive overview of the history of conflict in Sudan, see Flint and De Waal, 2005. For some of the facts contained in the discussion, and unless otherwise indicated, the authors found the timelines provided by the BBC (2011), HSBA (2012) and United Nations (undated) very useful.

⁷ The groups include Save Darfur, Enough Project, Protect Darfur, Oxfam, International Crisis Group, International Red Cross, Doctors Without Borders, Save the Children, World Vision, Action Against Hunger and International Rescue Group.

completely from the broader conflict that raged for more than two decades between the North and the South in Sudan.

This shift of attention toward the CPA was inevitable as the date of the referendum grew near, with concerns that little preparation was in place; that Khartoum, indeed, would sabotage the referendum. Failure to reach any kind of accommodation on the Abyei border region, despite both parties' initial acceptance of the decision of the Permanent Court of Arbitration in 2009, was a further concern. In addition, there was the threat from al-Bashir that his government would not recognise South Sudan's independence. Although al-Bashir ultimately joined the rest of Africa and the international community in acknowledging the new state in Juba, the unresolved border region indeed became a flash point even as South Sudan was ushered into independence in July 2011. Towards late 2011 fears increased that the 'two Sudans' might go to war. Feverish diplomatic activity eventually resulted in the two countries concluding a non-aggression pact in February 2012. These tensions between Sudan and South Sudan conspired to push Darfur onto the margins of African and international concern, despite continuing violence and tension between the Government of Sudan (Gos) and Darfur.

United Nations

The UN has remained the chief actor searching for a resolution of the conflict. During the early months of the uprising, UN agencies such as its Refugee Agency (UNHCR), the World Food Programme (WFP) and a UN Disaster and Assessment Coordination Team (UNDAC) became involved in the crisis, attempting to relieve the unfolding humanitarian disaster. The UN under-secretary general for humanitarian affairs and emergency relief coordination, Jan Egeland, became the 'face of the UN' in the early phases of the crisis, negotiating with the GoS in an attempt to find a solution, with Tom Eric Vraalsen, secretary general Anan's special envoy for humanitarian affairs in Sudan, deeply involved in negotiating access for aid agencies. In April 2004, Egeland for the first time briefed the Security Council and a presidential statement was issued, calling for a ceasefire between the Darfur rebels and the GoS. The first Security Council resolution mentioning the crisis was issued in June 2004, calling on all Sudanese parties to end the fighting in Darfur. The same month saw US secretary of state, Colin Powell, and Mr Annan hold discussions about the humanitarian situation, indicating the increasing concern of the international community about the crisis. However, in July Annan announced that only \$145m of the requested \$349m for humanitarian disaster relief had been forthcoming from member states.

In July 2004, the Security Council adopted a resolution (with China abstaining) that paved the way for action against Sudan should there not be progress in implementing the pledges made by the GoS to Annan, amongst which was a commitment to disarm the Janjaweed militias and to restore security for the inhabitants of Darfur. A second resolution, no 1564 of 18 September 2004, called for sanctions against Khartoum and a genocide inquiry by Annan – the first time that the Convention on the Prevention and Punishment of Genocide was invoked. Importantly, this resolution also authorised the establishment of an AU peace mission in Sudan (AMIS). AMIS would repeatedly be renewed over the next several years until 31 December 2007 when it was replaced by the joint UN-AU mission, UNAMID. China and Russia abstained from voting on resolution 1564, but the fact that they did not use their veto, indicated that they were not fully opposed to the details of the resolution. Their main reservation was that sanctions against Sudan would not have the required outcome, but might in fact obstruct the search for a peaceful solution to the conflict. By 2006 there were calls for the African Union peace mission in Darfur, AMIS, to be replaced by a UN operation, followed by a Security Council resolution to this effect in August. The deployment of a UN mission was rejected by Sudanese president Bashir, who expelled Annan's special representative, Jan Pronk, in October 2006.

2006 also saw the signing of the Darfur Peace Agreement in Abuja, Nigeria.⁸ This agreement was a failure from the start, and in November the AU and UN decided to 're-energise' the peace process through joint mediation with Salim Ahmed Salim and Jan Eliasson as AU and UN mediators respectively. This hybrid mission failed, and by mid-2008 a single mediator, Djibril Bassolé of Burkina Faso, was appointed chief mediator, representing both the AU and UN. Peace talks moved to Doha, under the auspices of the Qatar government.

By April 2007 the GoS agreed to a hybrid UN-AU force to be deployed in Darfur, though this would not become a reality until early 2008. In May 2007 the International Criminal Court (ICC) issued warrants of arrest for a GoS minister and a Janjaweed militia leader, based on evidence presented by the International Commission of Inquiry on Darfur. In May 2008 the ICC filed charges of war crimes, crimes against humanity and genocide against al-Bashir, thereby eliciting much criticism around the issue of 'justice before peace' (see for example Flint and De Waal, 2009). Sudan rejected the indictment. In March 2009 the ICC issued a warrant of arrest for al-Bashir.

⁸ For a detailed and critical discussion of the peace talks, see Nathan (2006).

In early 2010, the main Darfur rebel movement, the Justice and Equality Movement (JEM), signed a peace agreement with the GoS and al-Bashir declared that the war in Darfur was over. Yet the Doha peace process, sponsored by Qatar, continued until the signing of the Doha Peace Document in May 2011. However, not all the rebel movements and parties to the conflict signed the agreement. By early 2012 there was still no clear indication that the civil war in Darfur had come to an end. In July 2011 the Security Council extended the mandate of UNAMID for another 12 months, a clear indication that the international community had no expectation of the conflict genuinely ending, despite the signing of the Doha Peace Document, and that the UN would remain involved in the peace process.

The European Union

The EU's involvement in Darfur evolved prior to the establishment of the EU External Action Service which strives, in the context of the Lisbon Treaty, to formulate and implement joint EU foreign policy. During the years that saw the height of the Darfur crisis (2003 until the deployment of UNAMID in 2008), the EU's most visible 'face' in Sudan, dealing also with the crisis in Darfur, was the EU special representative, and this remains the case. The overarching framework within which the EU conducts its relations with Sudan is the revised Cotonou Agreement which guides EU policy towards the African, Caribbean and Pacific (ACP) countries that are signatories to the Agreement. Furthermore, the EU has an African Working Group which discusses and analyses events and developments in Sub-Saharan Africa. The EU's actions in Sudan have been mainly in the areas of development and relief aid, support to AMIS (before it was replaced by UNAMID in early 2008) and the UN, and support for peace negotiations and mediation between the various Darfur rebel groups and the GoS. It also has been part of various 'coalitions' promoting negotiations, including the 'quartet' of the US, Britain, Canada and the EU, and provided support for UN-AU actions and the 'Envoy 6' consisting of the special envoys to Sudan from the EU, China, France, Russia, the UK and the US.

As for development and humanitarian aid, the EU remains one of the biggest donors to Sudan, having provided more than €500 million between 1990 and 2005 in relief aid through the European Development Fund (EDF). Sudan's refusal in 2009 to ratify the Cotonou agreement prevented access to a further €300 million of development aid for the period 2007-2013 (Ferhatovic, 2010:48; see also EU Factsheet, 2006), but funding through non-EDF budget strands, channelled through the UN and NGOs, is still possible (Gya, 2010:17). Overall the financial aid from the EU to Sudan is linked to relief, recovery and development. In contrast to the US' use of sanctions in order to push the GoS towards compliance with

demands, the EU is largely considered an unconditional donor (Ferhatovic, 2010:48), failing, or unwilling, to coordinate aid disbursements with member states and other actors that apply conditionality to exert influence in moving the peace process forward.

Given the deteriorating humanitarian situation amongst civilians in Darfur (including internally displaced persons), the plight of refugees from Darfur in camps in Chad and the Central African Republic, the insecurity of UN personnel in the region and serious problems related to delivering humanitarian aid, there was some talk in the EU about a possible large-scale military intervention. France was the main propagator of such an approach, but the political will and capacity for such an operation among EU members was lacking, and the AU and GoS were strongly opposed to such action. Eventually, under permission granted by the Security Council in September 2007, an EUSDP mission, EUFOR/Tchad/RCA, was launched in January 2008 as a bridging mission that would eventually hand over to the UN MINURCAT operation in March 2009. The purpose of this mission was aimed solely, according to a report of the UN secretary general (UN, 2010), at the protection of civilians.

Opinion on the nature, mandate and success of this EUFOR mission remains divided. Some saw it as a French attempt to strengthen its influence in Chad under the guise of 'multilateralism' (FRIDE, 2008⁹); others saw it as a 'rather embarrassing exercise' that demonstrated the limits of Europe's ESDP (Tull, 2008:1-2). For his part, Kuehne (2009:30) argues strongly that 'so-called political considerations [had] taken precedence over the need for international peacekeeping'. Regardless of widely differing assessments, the mission saw strong cooperation between the EUSR and the EU force commander (Gya, 2010:14). To the surprise of many, it was possible to also successfully cooperate with Russia who contributed, apart from personnel, a number of helicopters after it became clear that none would be forthcoming from the participating EU member states (Kuehne, 2009:5).

Despite the EUFOR/Tchad/RCA operation that had been approved by Chad president Idris Déby, Sudan and the AU remained strongly opposed to accepting international troops in Sudan, with the result that it was agreed that the EU would provide supporting actions for AMIS, which itself was premised on African 'ownership'. The EU managed the bulk of the mission through its African Peace Facility with additional voluntary contributions from some EU member states. EU member states' support to UNAMID (which succeeded AMIS), is low, largely due to Sudan's insistence on African and non-Western personnel.

⁹ At the time France had a military force stationed in Chad – Operation Epervier.

At the political level, EU support for the Darfur peace process(es), negotiations and mediations lies mainly with the EUSR. Its mandate is to serve as primary contact with the AU regarding matters related to ESDP missions and to act as main interlocutor for EU efforts to achieve a settlement of the Darfur conflict (Gya, 2010:15) in a way that respects African ownership of the process. Yet, several EU member states also appointed their own special envoys (UK, Germany, France, Austria and the Nordic countries), intent on pursuing national policies. The resignation of EUSR Pekka Haavisto in 2007 was due in large measure to 'some member states' not wanting the EU to maintain a high profile which could perhaps undermine their own policy objectives (Helsingin Sanomat, 2012). Haavisto asserted that pressure was put on the EU to 'withdraw from active peace mediation work', and that his successor implemented a 'much lower profile... to the liking of these countries'. In his assessment of the Haavisto situation, Ferhatovic (2010:50) concluded that the 'lack of support for a more proactive and unified approach weakened the mission and kept the EU from becoming a real actor'.

In the meantime, some EU member countries remained strong actors, especially as far as pushing for a peace agreement was concerned. Nathan (2006: 18), who took part in the Abuja peace process which produced the (subsequently failed) Darfur Peace Agreement in May 2006, ascribed this failure largely to 'deadline diplomacy' which saw huge pressure by foreign funders (the US, UK and Netherlands) on the mediators and warring parties in Abuja to achieve a 'quick peace', coupled to a failure on the part of international actors to act on their threats, which 'emboldened the belligerents'. The international actors involved in the peace process wanted different things (apart from a 'quick agreement' on which they all agreed): for the UK and the Netherlands the financial costs involved in the process were becoming too high, and they were not willing to fund a drawn out process with no end in sight. For the US, it was important to achieve a peace that was agreeable to Sudan, as it wanted to reduce pressure on Bashir who was seen to be an ally in the war on terror.

The United States

A perusal of the unfolding crisis in Darfur and international involvement in finding solutions points to a leading role for the US in these efforts. The main reason for the US' continued involvement has been the vast advocacy campaign to "save" Darfur (De Waal, 2008) which was adopted by the US government as policy focusing in particular on dispatching troops to Darfur. As early as 2004, Colin Powell, then secretary of state, visited Darfur and initiated a concerted effort in the Security Council to sanction the GoS and to have its actions (and those of the Janjaweed) recognised as genocide. In April 2007, the US announced unilateral

financial sanctions against the GoS and, according to De Waal (2008), the US used the Security Council as its instrument in promoting international negotiations with the Sudanese government. As the (separate) negotiations for a peace agreement between the GoS and South Sudanese rebel forces gained pace, the US promised that upon conclusion of the Comprehensive Peace Agreement (CPA) between the warring parties, it would normalise relations with the GoS, lift sanctions, provide development assistance and facilitate debt relief. These promises were, however, implicitly tied to a resolution of the Darfur crisis.

Importantly, the US' insistence on the deployment of troops to Darfur eventually overshadowed the US' initial commitment to a peace agreement. There was unhappiness on the part of the UN and Khartoum about a troop deployment without a peace agreement, as it resulted, as was feared, in 'no peace to keep', despite the deployment of a peacekeeping force. During the Darfur peace negotiations in Abuja in 2006, the US used both incentives and threats to force the various parties to sign an agreement that nobody really wanted. The main reason, though, for the failure of the Darfur peace agreement (DPA) of May 2006, was the fact that neither the US nor any of the other international actors involved in the peace process (including the EU and individual EU countries such as the UK), could, or would, provide the cast-iron security guarantees demanded by the rebel leaders (see De Waal, 2008; Nathan, 2006). Promises were made, but no guarantees were given, and subsequently neither the US, nor the AU who had made these promises, fulfilled them. The Americans escalated their threats against Khartoum and increasingly, during the course of 2007, financial sanctions were impacting negatively on the GoS, eventually forcing Sudan to accept the replacement of the AU peacekeeping force with a hybrid AU-UN force (UNAMID) that was deployed in early 2008.

China

In many ways, perceptions of China's involvement in the Darfur process have been shaped by the civil society campaigns in the US, especially in the run-up to the Beijing Olympics, dubbed by some as the 'Genocide Olympics'. Characteristic of the campaign to 'name and shame' China at the time, was the activism of international celebrities such as Mia Farrow, who galvanised a campaign for putting pressure on the US to deal with the Darfur crisis.¹⁰ International condemnation of China centred on Chinese investment in Sudan, its sale of arms to the GoS and assistance to Sudan in developing its local arms industry, its pre-2007 abstention from voting on Security Council resolutions criticising the GoS and the fact that it

¹⁰ In a March 2007 opinion piece in the *Wall Street Journal*, Farrow and one of her children unpacked China's support for the GoS and argued that an international campaign should focus on drumming up support for a boycott of the Beijing Olympics.

bought eight per cent of its oil from Sudan (which amounts to about 60 percent of Sudan's total oil production).

To understand China's initial (2004-early 2007) reaction to international efforts to isolate Sudan and to pressure the GoS to solve the Darfur crisis, it is important to keep in mind China's long-standing principle of non-interference in the internal affairs of other countries and its commitment to the principle of sovereignty. In terms of its stated foreign policy principles, China considered the crisis in Darfur to be an 'internal affair' and attempts by Western countries to internationalise the crisis as driven by their own interests (House of Lords, 2011).

Increasingly, though, China's position on Sudan changed (see Contessi, 2010). It was, on the one hand, fearful of the impact of international criticism on the success of the Beijing Olympics. On the other hand, it started accepting that its role as a great power and permanent member of the Security Council was demanding involvement. But other factors over time also came into play. After the conclusion of the CPA between the GoS and South Sudan in 2005, the Chinese set up a consulate in Juba in South Sudan and later (twice) invited the rebel leader, Salva Kiir (since 2011 the President of independent South Sudan) to visit Beijing in an obvious attempt to start building good relations with the future country that would be of great importance to Chinese energy requirements. Continued fighting between the North and the South also saw Chinese workers kidnapped and, in some instances, killed. These events and processes all contributed to China's changing policy towards Khartoum.

In 2007, China appointed Liu Guijin as its special representative to Sudan and he started propagating an approach of 'persuasion'. This approach was also followed by China in the Security Council, with its insistence that the GoS should be persuaded to cooperate with the Council in finding a solution to the crisis. With Liu on the scene, China for the first time became actively involved in supporting international initiatives to resolve the Darfur crisis, and was instrumental in convincing Bashir to accept the replacement of AMIS by UNAMID. Chinese president Hu Jintao met with Bashir in Beijing in November 2006 and again during a visit to Khartoum in early 2007, and used bilateral diplomacy to convince Bashir to accept UNAMID. In 2008, Liu Guijin publicly stated that the GoS would have to do much more to address the Darfur crisis, an indication that China was moving away from its hard-line stance on the inviolability of sovereignty, to a more nuanced approach that supported intervention, even though on a limited scale (see Large, 2009)

With the appointment of Liu as special representative, China became more involved in the Darfur crisis through multilateral channels of cooperation. Liu consulted with the AU, the Arab League and Western powers (notably through visits to London and Paris) and pushed the idea that, although pressure had to be put on Sudan to end the violence in Darfur, the Darfur rebels should also share responsibility. Over time, therefore, and given the changing political landscape in Darfur and continued international pressure to become involved, China moved from a position of non-interference, non-cooperation (with Western powers) and, at the very least, covert support to the GoS, to playing a role in multilateral efforts to resolve the crisis. However, China never played as direct a role in the various peace processes as did other actors, especially the US, the UK and other Western countries, and later Qatar. It did, however, contribute military personnel to UNAMID and has retained contact with those involved in the Doha peace process, receiving regular reports and briefings from the UNAMID joint special representative and joint chief mediator, Ibrahim Gambari.

The African Union

When the crisis in Darfur erupted in early 2003, the AU was barely one year old and still struggling to establish its various organs and organisational divisions and sections. However, its Constitutive Act makes provision, in article 4(h), for intervention in the internal affairs of member countries on recommendation of the Peace and Security Council (PSC) in the event of war crimes, genocide, crimes against humanity and serious threat to legitimate order. From the outset, the AU pursued a negotiated settlement and interacted closely with the UN Security Council in addressing the crisis. In 2003, Chad mediated a ceasefire agreement between the GoS and the SLA. After having departed the 'peace stage' due to increasing tensions between the two governments, the peace negotiations nevertheless proceeded, led formally by the UN and the AU, although the process was plagued by differences between the two organisations (Bah, 2010:8). A Security Council resolution in 2004 mandated the establishment of a peace operation in Darfur, AMIS, yet this mission was under-resourced from the outset, and was constantly and continuously obstructed by the GoS, making for a difficult and largely ineffective operation and one that frustrated the PSC. In March 2006 the PSC decided on a transition of the mission into a UN operation, within the framework of the AU-UN partnership and on condition that the 'lead role of the African Union in the overall Darfur peace process is maintained' and that the 'African character of the mission, including through its composition and leaderships, is maintained' (PSC 2006). Sudanese intransigence and opposition to a UN force eventually resulted in the establishment of the first UN-AU hybrid mission, which was deployed in early 2008.

In July 2008, the AU Peace and Security Council (PSC) established the AU High-Level Panel on Darfur (AUPD) under chairpersonship of former South African president, Thabo Mbeki. The Panel was established to explore an *African-led* solution to the crisis in Darfur. In its 2009 Report to the AU Council (AUDP 2009: para 37C), specific mention is made of the international nature of the crisis: 'It is an international crisis, insofar as foreign governments and multilateral organisations have stakes in Darfur...'. In preparing the Report, Mbeki consulted widely within the international community. The spirit of the Report remains, however, firmly rooted in the idea of African ownership of the process, with a supportive role for the international community, yet very little actual implementation of the recommendations of the Report has occurred. This can be explained in light of the fact that the mandate of the Panel was extended in 2009 to deal also with other issues in Sudan, and Mbeki's attention has increasingly been focused on the tensions between Sudan and South Sudan.

The failure of the joint mediators of the AU and UN, Salim Ahmed Salim and Jan Eliasson, in negotiating a lasting peace agreement resulted in the appointment of a single AU-UN mediator, Djibril Bassolé, in 2008. After the conclusion of the Doha peace negotiations in mid-2011, Bassolé's term officially ended. Ibrahim Gambari, head of UNAMID, was then appointed to oversee the implementation of the Doha agreement (he was also deeply involved in the Doha negotiations).

The ICC warrant of arrest for al-Bashir, issued in 2009, opened a rift between the AU and its international partners. The indictment of al-Bashir was never rejected by the AU (contrary to portrayals in the media), but the AU expressed deep alarm about the timing of the indictment, believing that it would exacerbate the crisis in Darfur and obstruct the peace process. It requested the Security Council to invoke article 16 of the Rome Statute in terms of which it would be possible to defer the prosecution of Bashir for a period of 12 months.¹¹ It also entreated their EU peers to place a moratorium on detentions until such time that the matter had been discussed by the AU, EU and the UN (see Bah, 2010:13). The Security Council did not respond to the AU's request for a deferral and the EU was not willing to support the AU request (see for example European Union@United Nations, 2011). In his Report to the AU Summit (art 25b), Mbeki recommended the establishment of a Hybrid Court consisting of Sudanese and international judges to deal with the most serious cases. Yet little, if any, implementation has taken place since October 2009 and little effort seems to

¹¹ For detailed discussion and analyses of the AU response to the Bashir indictment, see Akande (2012) and Du Plessis and Gevers (2011).

have been exerted by the international community to encourage implementation (see for example Human Rights Watch, 2010).

An assessment of the multilateral efforts to solve the Darfur crisis

An overview of the Darfur crisis over the past nine years provides a number of insights into 'multilateralism in action,' both with reference to Sudan, and, more generally with the practice of multilateralism. In his assessment of multilateral efforts to intervene in Darfur in the early days of the conflict, Slim (2004:818) pointed out that 'acknowledgment of the problem, alliance-building and common purpose and practical action take long to develop' – perennial problems of international cooperation. Given the number of actors involved, it comes as little surprise that consensus-building would be a difficult and time-consuming process.

Addressing violent conflicts remains the function, first and foremost, of the Security Council. Within the Council, at least during the early years of the conflict, building a consensus on how to deal with the issue of Darfur remained difficult. To this could be added the difference in interests of the various parties involved. China is often made out to be the main culprit in delaying responses to the crisis. Although it never vetoed resolutions, China could not initially (at least during the first three years) be persuaded to support resolutions that would entail intervention in Sudan and a unified voice condemning Sudan was therefore absent. Common purpose remained elusive. Furthermore, the ending of the war between the North and the South, the implementation of the CPA of 2005, culminating in the referendum of 2011 that resulted in the partition of Sudan into two countries that same year, followed by greatly increased tensions between the two countries, drew attention away from the Darfur crisis.

Importantly, the ICC indictment of Sudanese president al-Bashir divided the international community (specifically the AU vis-à-vis the Western powers on the Security Council and the EU) on the debate over the sequencing of the search for peace and justice: which comes first? De Waal (2008) also points to the fact that, to the extent that there was agreement amongst international actors on common purpose and practical action, the humanitarian and peacekeeping aspects of this action overshadowed the political process; that is, the search for 'a peace to keep'. Here there are two aspects related to successful or effective multilateralism that need to be highlighted. First, some consensus needs to be reached on the difficult question of the relationship between peace and justice. The evolving doctrine of the responsibility to protect (R2P), often invoked in the case of Darfur, focuses on justice.

How does peace fit into this equation? This issue relates not only to the extent that common purpose and action is required when multilateral approaches are used, but goes to the heart of multilateralism, which is concerned with 'common' norms and principles. If there is no agreement on which norms and principles are being privileged, then the cooperation at which multilateral efforts are aimed is doomed to failure.

Second, the ICC's indictment of Bashir and the lack of common ground between the AU and other actors involved in the crisis on this matter perhaps explains, at least in part, the EU's heavy emphasis on humanitarian assistance: the path of least resistance. European public opinion, as in the US, wanted 'something to be done' – humanitarian assistance and an arrest warrant for al-Bashir showed the 'audience' that something was being done. Yet the very difficult part of getting things done – negotiating a peace to keep – has remained largely elusive, due to weaknesses in the process, such as unrealistic deadlines, and a lack of support for the implementation of the Doha agreement.

An important point to be made about multilateralism in the search for resolution of the crisis in Darfur takes us back to the definition of multilateralism: multilateralism as 'institutionalised international cooperation'. For the EU, the institutional focus of cooperation to resolve the Darfur crisis has been, as far as the political process is concerned, the UN as the main forum through which international attempts should be driven. For China it has been much the same. But the AU's insistence on 'African ownership' of the problem brought to the fore the difficult relationship between the UN as a global organisation and regional organisations (the so-called Chapter VIII relations),¹² especially given the AU's lack of capacity in dealing with the Darfur problem. How does such an implied hierarchy impact effective multilateralism when it brings an element of 'non-equality' to the position of those involved? One could argue that 'deferring' to the AU as lead actor in this case was to sidestep involvement and responsibility, knowing that the AU was incapable of dealing with the crisis. Yet, the AU has constantly expressed its resentment of external actors intervening in Africa (the case of Libya and the UN-sanctioned NATO intervention is a case in point). African leaders have been rather cynical as to the achievements of EU-AU cooperation, with South African president, Jacob Zuma, asking during the November 2010 Africa-European Union Summit in Tripoli, whether 'indeed this partnership that brought us here today is "on a new, equal, and

¹² In October 2010 UN Secretary General Ban Ki-moon issued a special report on UN support to AU peacekeeping missions, emphasising that 'the complex challenges of today's world require a revitalized and evolving interpretation of Chapter VIII of the United Nations Charter' (Lamamra 2010). The AU has since, in the words of Kwesi Aning (2008), 'reserved for itself an interventionist role that only reverts to the UN where necessary', whilst the UNSC, according to the AU, is increasingly ignoring the AU in matters of African peace and security, e.g. the cases of Cote d'Ivoire and Libya in 2011.

strategic level”.... after ten years of this partnership we have very little to show in terms of tangible implementation....’

The EU has been concentrating on capacity-building within the AU, but this is a long-term effort. Even if capacity was not a problem, there is no guarantee that the AU would have been able to resolve the crisis: like the EU and the UN, it is not an independent actor, and internal differences make for a lack of political will (see Gya, 2010). Some observers view the EU’s capacity-building efforts as an excuse for avoiding more drastic action (see Kubicek and Parke, 2011). The ability of Africa, through the AU, to genuinely take ownership of its problems, and to deal with these effectively, remains problematic, not only due to capacity problems, but also because there is no clarity as to exactly what this ownership entails and what it implies as far as the role of other members of the international community is concerned.

Similarly, within the EU and the UN, members do not necessarily agree on what course of action to take, nor are member states necessarily willing to allow these organisations to play independent roles. The EU, UN and AU are ‘three more actors’, together with a range of individual states (the US, UK, Canada and others)¹³ who became involved in dealing with the crisis. The norms and principles each actor brings to the process do not necessarily coincide (*vide* China’s insistence on the bare minimum of external intervention, and again, lack of agreement on the relationship between peace and justice referred to earlier). Cooperation may be institutionalised to an extent, but in the case of Darfur, a clear overarching framework for coordinating the various efforts to address the crisis has been missing. With so many actors involved, some confusion and ineffectiveness inevitably resulted. This missing link (lack of an overarching framework to focus and drive action) points to the fact that a multiplicity of actors does not necessarily result in ‘effective multilateralism’. Apart from the various states and organisations involved in the case of Darfur, there are also, as mentioned, further divisions within these states and organisations, or what Bagoyoko and Gilbert (2007:26/31) refer to as the different loci of decision-making in the form of competing bureaucratic positions. In a speech delivered in 2005, Javier Solana, EU high representative for common foreign and security policy from 1999-2009, admitted the various technical and logistical problems experienced by the EU in dealing with Darfur, amongst which was that of ‘competing bureaucratic positions’. Added to this has been the problem of a lack of decision-making procedures to overcome dissent from member states (Toje, 2008:135). Moreover, between EU members and non-members there seemed to be considerable suspicion. In

¹³ At one stage there were 20 special envoys for Darfur/Sudan, representing the major powers, including the P5 member states.

2006, the Brookings Institute's Michael Surkin (2006) commented in a critique of France's conduct in the Darfur issue that 'the crisis in Darfur... has placed France in the familiar position of resisting American activism in the United Nation'. 'What is France up to?', he asked, continuing that 'France does have an interest in checking American power.'

Within the AU, as mentioned, there were also divisions. Mbeki, chair of the AU panel on Darfur, expressed anger and frustration with Bassolé, the chief mediator (Wikileaks, 2011). Bah (2010) points to deep divisions between Africa's Arab states and those in Sub-Saharan Africa when it came to dealing with Darfur. Such divisions, whether amongst states or other important players, undermine the effectiveness of multilateral efforts to deal with problems such as Darfur.

The case of Darfur also illustrates the difficulty for an organisation (as opposed to individual states) to play a key role, especially in the realm of peace and security issues. As pointed out by Wissenbach (2007:1), the EU plays a peripheral role, with its large member states steering the organisation. The EUFOR/Tchad/CAR mission was a clear example – the mission was largely made up of 're-hatted' French troops already in Chad, with very little support from other European countries. For the EU, being an independent actor on the international stage is difficult as its foreign policy is not cohesive to the same extent as that of its member states and the national interests of its members often diverge. De Vasconcelos (2008:24) comments that the 'EU needs a world governed by an encompassing and effective multilateral system if it is to exert its influence'. This 'effective multilateral system' is not yet established, and as far as its external relations are concerned, the EU has also not yet managed to establish such a system in terms of functioning vis-à-vis its own members. The case of Darfur exhibits the extent to which member states still seem to pursue their own interests (see Olsen, 2009: 256), and, concomitantly, the EU as an organisation suffers weaknesses in terms of coordinating responses by its members, and by various divisions and sections within the organisation. This is, however, not a problem unique to the EU, but one that all international organizations have to deal with, including the AU.

Conclusion

The crisis in Darfur serves as an excellent example of how far the international community still has to travel before it will be able to address international threats to peace and security through effective multilateralism. It is a case study that illustrates a wide range of

philosophical and practical issues and problems that need to be dealt with in order to build 'effective' multilateralism. We conclude by highlighting only a few of these.

The case of Darfur draws attention to these, and provides researchers and policy makers with a rather daunting research agenda. Three of the issues on this agenda need particular, serious and urgent attention. The first relates to what Naim (2009) refers to as 'the magic number'. Multiple actors ('three or more') is a defining characteristic of multilateralism, emphasising the underlying principle of inclusiveness as necessary for success/efficiency. Yet the question of the optimal number of actors to be involved to ensure success/efficiency has important implications in practice.

Van Langenhove (2010:3) comments that 'the more states take part in the multilateral system, the more difficult it becomes to govern it'. What Naim (2009), and supporters of the idea that 'bigger may not be better' (see Wright 2009) have in mind is small groups of states who can take the lead in solving issues of international concern and attract support for their positions and recommendations – a kind of 'horizontal subsidiarity'. Yet this might not be as easy as it sounds – small groups might smack of 'coalitions of the willing' with all the attendant negative consequences that the concept implies. In the case of African crises in particular, the form that a multilateral response should take, needs to be thought through carefully in light of the demand of 'African ownership'.

A second issue relates to the 'future of R2P' from an African perspective. Not only Darfur, but also the intervention in Libya in 2011 created huge resentment in some quarters on the continent. In both instances the AU had adopted a road map, yet these plans were rejected by the rest of the international community. The argument might be made that the plans were unrealistic given the AU's lack of capacity, yet the idea of multilateral approaches to (African) crises was severely discredited in the process, while the refusal of the international community (the Security Council and the EU) to consider support for a request to have the al-Bashir indictment referred made matters worse. Much effort needs to be invested in promoting mutual understanding of norms and principles, and recognition of different priorities and interpretations on the part of the AU and the UN.

Third, one of the key prerequisites for agreement amongst multiple actors involved in solving violent conflict is the overarching framework that would guide action. It must address not only of norms and principles, but also, very practically, the importance of a holistic approach to the crisis. This would ensure that both peace and justice, as well as humanitarian relief, are addressed.

Ultimately, the key lesson to be learned from 'multilateralism in practice' in the case of Darfur is that confidence and trust amongst the various parties involved in resolving a conflict are crucial to the success of such an endeavour.

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