

## **CHAPTER I**

### **INTRODUCTION**

Chapter I describe about introduction which consist of Background of the topic, Research Question, Theoretical Framework, Hypothesis, Methodology, Scope of Research, and Organization of Writing.

#### **A. Background**

The African Union (AU) is a provincial association which uproots The Organization of African Unity (OAU) set up on May 25<sup>th</sup> 1963 in Addis Ababa, Ethiopia. Disbanded on July 9<sup>th</sup> 2002 by South African President Thabo Mbeki, and supplanted into the African Union (AU). The African Union (AU) is a regional union consisting of 54 nations in Africa. The main African purpose is becoming United Nations member. The explanation for OAU replaced by The African Union (AU) is the OAU is as yet powerless in African nations to assemble to put down and resolve the split divisions happened, the effectiveness of the OAU is constrained by target figures that are outside the duty of the African nations. This demonstrates the level of local familiarity with African nations is as yet constrained by national interests more than the fundamental normal enthusiasm as a substance in such a tremendous territory (Jatmika, p. 163). The most important things of the AU were made by the Assembly of the African Union, a semi-annual meeting of the heads of state and government for each member states. The AU's secretariat and the African Union Commission are based in Addis Ababa.

Since the Cold War's end, Africa has frequently been the site of severe humanitarian violations, including many that were perpetrated or directed by a national government against its own citizens. Governments that commit such atrocities do not do so lightly. Powerful motivations lie behind their "preferences for repression," which is a tool that they employ to retain political power, secure and distribute resources, and ultimately ensure their regime's survival (Hafner-Burton & M., 2005). When this is the case, changing an abusive regime's behavior will require significant pressure, whether through diplomatic criticism, economic sanctions, or humanitarian military intervention. The case of Darfur started in 2003 when the government of Sudan supports the militias against non-Arab ethnic groups in the Darfur region of Sudan, and assesses the contribution of the African Union and the UN Security Council to the effort to halt those violations (Hafner-Burton & M., 2005).

According to Barash and Webel (2002), conflict is a part of life that cannot be separated from human being as individual and social creature who definitely are interconnected with one another. From the micro level, conflicts can occur between individuals up to the level of groups, organizations, communities, and countries. At the macro level, the war as a tangible manifestation of the conflict can be seen as a form of political problems, economic, social, and security that disrupt civilization of human life or even threaten human survival. The word *conflict*, on the other hand, derives from the Latin *confligere*, which means literally "to strike together." It is impossible for two physical objects, such as two billiard balls, to occupy the same space. They conflict,

and if either is in motion, the conflict will be resolved by a new position for both of them. Within the human realm, conflict occurs when different social groups are rivals or otherwise in competition. Such conflicts can have many different outcomes which are one side changed, one side eliminated, both sides changed, neither side changed, or (rarely) both sides eliminated. Conflicts can be resolved in many ways: by violence, by the issues changing over time, or by mutual agreement (Barash & Webel, 2002).

The presence of contentions in human life can some of the time be certain which implies useful or even negative which implies ruinous. A marvel that occasionally clashes is certain, things being what they are the suppositions basic the rise of contention ought to be overseen legitimately keeping in mind the end goal to be helpful for the advancement of human life, not to mention struggle is a piece of the human life that can be settled so it doesn't prompt the division of society. The administration's part as the coordinator of the state, for this situation, happens to significant significance on the grounds that the legislature has the obligation to deal with the social orders into a superior life and amicability. In spite of the fact that the contention is required by people throughout his life keeping in mind the end goal to prompt an improve, however, there is an inclination clash prompt brutality which brought about a philanthropic emergency (Waal A. d., 2007).

The reason why the conflict is interesting because Africa is a continent which has several humanity conflict around the 21<sup>st</sup> century and also conflict is the second vital problem after the spreading of HIV/AIDS disease and Zika virus.

The author really has an interest in Darfur conflict because besides those conflicts occur caused by the government of Sudan, the conflict also drew attention to the African Union in order to resolve the conflict. The responses of the UN Security Council and the AU Peace and Security Council (PSC) consisted chiefly of ad hoc steps rather than a systematic or strategic approach to the crisis.

Africa had more than 18 civil wars after the establishment of African Union (AU) itself on 2002, one of the major conflicts came from Darfur which is located in South Sudan. Flint and de Waal stated that the group which was called as the Darfur Liberation Front (DLF) start the genocide on February 26<sup>th</sup> 2003 claimed for an attack on Golo, the headquarters of Jebel Marra District.

April 25<sup>th</sup> 2003, a joint Sudan Liberation Army (SLA) and Justice and Equality Movement (JEM) force entered al-Fashir, the capital city in North Darfur and kill the garrison. Further four hour, they attack four Russian Antonov airplane bombers and helicopter gunships were destroyed, 75 soldiers were killed. The African Union soldiers after those raid had been humiliated by the rebel groups, placing the government in a tough strategic situation coupled with the weakness from its armed forces. In the middle of 2003 , the rebels won at least 34 of 38 engagements. In May, the SLA demolished a battalion at Kutum, a town in North Darfur, killing 500 people and the SLA began to infiltrate farther east, threatening to extend the war into Kordofan, a province of central Sudan (Flint & Waal, 2008).

African Union as regional organization which had influence within International atmosphere especially the African continent theoretically could prevent some humanitarian issues. However, the fact is not as it seems, African Union can be inferred to lose its influence in solving the humanitarian crisis such as Darfur. It is proven from the implementation of several Peace Agreement and could not resulting a settlement of the crisis yet the conflict keep in tension between the rebellion group with South Sudanese government around 2003 – 2014.

## **B. Research Question**

Based on the background, the research question of this undergraduate thesis would be: *Why did the African Union fail in resolving the Darfur Crisis in 2008?*

## **C. Theoretical Framework**

In order to explain the phenomenon which happened in Darfur, it took rigorous ability and usage of analyzing systematic and relevant data. In order to answer and describe the problems occurred above, it needed a foundation of theory and concepts as well as supported by some variants of other science.

### **1. Theory of International Organization**

According to Teuku May Rudy (1998), the international organization has a meaning as a model of cooperation among state borders with a transparent, complete, and well-planned organizational structure and to carry out its function in a continuous and institutionalized way in order to pursue the realization of the specific objectives and agreed between the government and the other

government, and also between non-governmental groups on the basis of different countries (Rudy, 1998).

LL. Leonard (1951) from his book created a wide characteristic about international organizations (Leonard, 1951), which are:

- a. The Charter or constitution is usually in the form of a multilateral treaty devoted to the obligations of member states, limits the power and responsibility of the organization to produce the structure and provides procedures for the organization that will work.
- b. Members notified to signatory countries that participated in a delegation meeting by their governments.
- c. The structure comprising the decision-making body composed of representatives of all members of the Government and fixed-term meetings of 1 to 5 years.
- d. Sometimes the decision-making body and reserves of the executive body have been provided which consist of a limited composition, have more clearly defined power and more frequent meetings.
- e. Voting procedures are generally observed one vote for each member, major decisions must be taken unanimously.
- f. The structure also includes a secretariat headed by a secretary general or a secretary of administrator and usually consists of an international

organization of civil servants employed by the organization to carry out daily activities.

- g. Members are required to make contributions to meet the organs of the organization.

Governments may form treaties for many of the same reasons that they enact statutes in order to achieve domestic goals. This approach differs from that of the current international law literature, which views treaties as qualitatively different from domestic law. While it is generally accepted that domestic law reflects interest group lobbying, treaties are conceived as the products of unitary interstate relations, immune from the vagaries of domestic politics. There are several implications of the interest group approach that are neglected in the conventional approach. First, because the structure of the domestic political system affects constituent demand for treaty law, government decisions to enter into treaties reflect the domestic rules governing law-making. Second, the interest group approach leads to question whether international agreements will uniformly enhance general welfare (Brewster, 2004).

In case of Darfur dispute on November 9<sup>th</sup>, 2005 the government of Sudan and the two leading rebel groups, the Justice and Equality Movement (JEM) and the Sudanese Liberation Army (SLA), signed two short term peace agreements aimed toward progress in order to ending the conflict. The first treaty signed a no-fly zone over the area which controlled by the rebel of Darfur,

a measure designed to end the Sudanese military bombing of rebel villages in the region. The second treaty signed and granted by international humanitarian aid agencies unrestricted access to the Darfur region. The accords were the product of African Union sponsored peace talks in Abuja that began October 25<sup>th</sup>, 2004.

In order to support the Comprehensive Peace Agreement between the government of Sudan and the Sudan People's Liberation Movement, the United Nations Security Council (UNSC) established the United Nations Mission In Sudan (UNMIS) under Resolution 1590 on March 24<sup>th</sup>, 2005 because the Security Council saw the situation in Darfur to be a "threat to peace and international security." (Council, 2005).

## **2. Theory of Ethnic Conflict Emergence**

According to Ted Robert Gurr (2001) on *Turbulent Peace: The Challenges of Managing International Conflict*, the emergence of ethnic conflict cannot be detached from three context below (Crocker, 2001):

### **a. Local Context**

The local context as a main reason for the emergence of ethnic conflicts is a very vital thing that concerns the awareness of the differences existence of vision and mission of life togetherness in several area.

### **b. National Context**

The crisis of national context on a country, which there are national conditions giving rise to the bad aspects of the conflict. Social, economic, and political crisis which threatens the survival of the community creates the society resistance movements.

#### c. International Context

International context is a conflict situation due to the influence of third party. The ethnic conflict is a conflict because of different ethnic blend living in a country, the friction of the conflict occurred because of different interests and religion. But according to Robert Gurr, ethnic conflicts are not only involves the two warring ethnic as an actor. But the ethnic conflicts that occur in a country cannot be separated from the third party which is the foreigners, especially the ethnic conflict in the Middle East.

Based on those brief explanation above, the researcher would like to put in those 3 (three) points of ethnic conflict emergence into the Darfur crisis. First in local context, the emergence of Darfur crisis started from a land disputes between semi-nomadic livestock herders and those who practice sedentary agriculture. Water access has also been identified as a major source of the conflict (Wachman, 2007).

Second subject is about national context which the Darfur crisis in Southern Sudan also emerge by the civil war between the northern, Arab-dominated government and Christian and animist black southerners. Yet

another origin is conflict between the Islamist, Khartoum-based national government and two rebel groups based in Darfur which are Sudan Liberation Army and the Justice and Equality Movement (Straus, 2005). Third is about the international context in Darfur crisis. The United Nations Security Council (UNSC) approved a resolution to send a new peacekeeping force on August 31<sup>st</sup> 2006 consists of 17,300 troops to the region. The international attention to the Darfur genocide largely began with reports by Amnesty International in July 2003 and the International Crisis Group in December 2003. In 2007, Amnesty International issued a report accusing the third party involvement such as China and Russia of supplying arms, ammunition, and related equipment to Sudan, some of which the government may have transferred to Darfur in violation of a UN arms embargo (Coile, 2007).

### **3. The Concept of Law Enforcement**

According to Hess and Orthmann, the idea of law enforcement is any framework by which a few individuals from society act in a composed way keeping in mind the end goal to implement the law by finding, discouraging, restoring, or rebuffing individuals who disregard the standards which administering that society. In spite of the fact that the term may including courts and detainment facilities, it is most as often as possible connected to the individuals who specifically participate in watches or reconnaissance to find criminal movement, and the individuals who examine violations and catch

wrongdoers, an undertaking commonly completed by the police or another law authorization organization. In fact that law authorization might be most worried with the anticipation and discipline of wrongdoings, the associations exist keeping in mind the end goal to debilitate a wide assortment of non-criminal infringement of guidelines and standards, affected through the burden of less serious outcomes (Hess & Orthmann, 2008).

Likewise, Hess and Orthmann expressed that the majority of law authorization is led by some sort of law implementation organization, with the most normal office satisfying this part being the police. Law implementation offices have a tendency to be constrained to working inside a predetermined locale. Now and again, purview may cover in the middle of associations. Different particular fragments of society may have their own interior law requirement game plans. For instance, military associations may have military police (Hess & Orthmann, 2008).

The International Criminal Court's (ICC) case regarding the conflict of Darfur, Sudan reveals insight the advancement of the complementarity guideline under the Rome Statute of the International Criminal Court. The case additionally illustrates the trouble of upholding ICC decisions in the territory of a non-State Party such as Sudan. The United Nations has mandated that non-State Parties, including Sudan and surrounding nations cooperate in the ICC case in Darfur. Also, a specific part of the United Nations, the African Union,

ICC member states, and Interpol will be examined regarding to implementation of the capture warrants (Totten & Tyler, 2008).

The UNSC stated that “the circumstance in Sudan keeps on constituting a danger to worldwide peace and security”, and alluded this situation to the ICC in March 2005, taking note of the report of the International Commission of inquiry on violations of international humanitarian law and human rights law in Darfur. The UN Secretary-General established the Commission to detect reports of violations of international humanitarian law in Darfur by all parties, to determine also whether or not acts of genocide have occurred (Court, 2005).

#### **D. Hypothesis**

The tentative answers that can be taken as hypotheses why The African Union (AU) cannot solve Darfur crisis because:

1. The African Union has a small support from another international institutions in order to solve Darfur stalemate because AU is limited by objective factors that are outside the responsibility of the African countries. This indicates that the level of regional awareness of African countries is still limited by national interests more than the main common interest as an entity in such a huge area.
2. The African Union (AU) has been admirably engaged in the Darfur crisis but has ultimately proven ineffective, hindered by poor resource and weak political experiences.

3. The African Union Law Enforcement is considered failed due to genocide causing serious bodily or mental harm and inflicting on each target group conditions of life bring into physical destruction.

## **E. Methodology**

The data collecting method used is the study of the literature (Research Library) which applies the processing of data obtained from the literature, media, website data, as well as data from a variety of sources that have relevance in order to support existing problems. The technical analysis of the data used is descriptive techniques. Descriptive research is a study of a variable without making comparisons, or merge with another variable. Descriptive research is a study that seeks to answer the question. Descriptive analysis is also useful to show the state or position of a subject at certain times.

The descriptive study includes the following important steps:

1. Identify important problems to be solved by descriptive methods.
2. Restrict and formulate problems clearly.
3. Determine the purpose and benefits of the research.
4. Conduct an analysis of the literature related to the question
5. Determine the right frame of mind, and the research question or hypothesis and research.

6. Design research methods to be used, including, in this case, specify population, sample, sampling techniques, determine the instrument of data collection and analyze the data.
7. Collect, organize and analyze data using relevant statistical techniques.
8. Make a research report.

In order to analyze and authenticate the research that can be explained earlier, it is very important to describe the method of research and data analysis was preceded through the following:

1. Data Analysis which the relevant findings were analyzed and examined to reach the validity and relevancy to be used as the source in the research.
2. Study of Literature which this method was practiced to examine the relevant data related to the case in an endeavor to explore the main problem as the starting point of this research. Conduct of this research was synthesized from a reference list of books; magazines; internet-based sources as well as the scripts and articles.

## **F. Scope of Research**

In this undergraduate thesis, the writer limited the scope about this phenomenon from 2003 until 2014 in Darfur and its surroundings, because the writer believed that the dynamic condition of this humanitarian disaster around 2003 until 2014 had increasingly changed. The Darfur crisis started when the rebels' first military

action successfully attacked on an army garrison on 25 February 2002. Another massive genocide in 26 February 2003 was declared by Darfur Liberation Front (DLF) which are the suspect for the case in 2002 (Hancock, 2005).

In March 2003, the Sudanese Liberation Army (SLA) created several organized attack on Sudanese government. The GoS (Government of Sudan) responded by recruiting militias to fight the rebels, with support from Sudanese Armed Forces (SAF). One month after at the same year, the United States reported to the United Nations High Commission on Human Rights that atrocities, such as rape and ethnic cleansing, were taking place in Darfur. They also noted that humanitarian access and government services had been blocked from non-Arab villages while they continued in Arab villages nearby.

On February 2014, Khartoum deploys the rapid support militia force in Darfur. The militia attacked villages displacing at least 30,000 people. According to the United Nations, around 2014 some 3.5 million people in Darfur needed some kind of aid. About 3.1 million relied on food aid and more than two thirds of children are stunted by hunger. An unknown number of displaced people were sheltering with host families and villages in Darfur. Aid workers faced attacks and harassment by militia, rebels, bandits and police. The number of aid workers in Darfur more than halved between 2009 and the end of 2013 (Johnson, 2011). According to UN, until March 2009, some 16,370 air workers were providing relief to more than 4.7 million people in Darfur.

## **G. Outline of Writing**

This undergraduate thesis, consists of five chapters and each chapter describe more detail into several sub-chapters. The description inside the chapter 1 is connected with the other until in the end will create a coherent and systematically writing.

**Chapter I** Describe Introduction consist of Background of the topic, Research Question, Theoretical Framework, Hypothesis, Methodology, Scope of Research, and Organization of Writing.

**Chapter II** Describe the explanation of the objectives and contribution of The African Union (AU) for Africa. It started from the history of African Union establishment, the prospect, the purpose of African Union itself, and replacement from the Organisation of African Unity (OAU) until The African Union (AU) on 2002.

**Chapter III** Describe the dynamic condition of Darfur crisis started from challenges and constraints of African Union and the history of ethnic conflict emergence in Sudan. The factors of Sudanese Civil Wars in 26 February 2003 until 2014 which are the main reason the African Union involved in Darfur crisis.

**Chapter IV** Describe the analysis and status of the topic which is the reason behind The African Union (AU) cannot autonomously resolving the Darfur crisis. describe several peace agreements from AU itself and the UN in order to solving the Darfur crisis.

**Chapter V** Describe the last chapter as the conclusion and the result of the analysis of this undergraduate thesis.