THE IMPLICATIONS OF SUDAN’S LACK OF COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT ON DARFUR’S PEACE BUILDING PROCESS

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DECLARATION

I, the undersigned, declare that this is my original work and has not been submitted to any other college, institution or university other than the United State International University in Nairobi for academic credit.

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DEDICATION

This work is dedicated to my family, friends and colleagues who gave me inspiration, encouragement, understanding and appreciation as I went through the intricacies involved during preparation of this paper, and for their patience during my absence.
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I am deeply indebted to the team who contributed in one way or another to the successful completion of my studies. My warmest appreciation is especially reserved to my wife Anne Nanietoi, my sons Joel Tajue and Emmanuel Melita and all my friends for standing with me throughout my study period. Their support is immeasurable.

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**LIST OF ABBREVIATIONS AND ACRONYMS**

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AMIS</td>
<td>African Union Mission in Sudan</td>
</tr>
<tr>
<td>ANC</td>
<td>African National Congress</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CAR</td>
<td>Central African Republic</td>
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<tr>
<td>CEN-SAD</td>
<td>Community of Sahel-Saharan States</td>
</tr>
<tr>
<td>CPA</td>
<td>Comprehensive Peace Agreement</td>
</tr>
<tr>
<td>DRC</td>
<td>Democratic Republic of the Congo</td>
</tr>
<tr>
<td>GoS</td>
<td>Government of Sudan</td>
</tr>
<tr>
<td>HIP</td>
<td>High-level Implementation Panel</td>
</tr>
<tr>
<td>ICC</td>
<td>International Criminal Court</td>
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<td>ICJ</td>
<td>International Court of Justice</td>
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<td>ICTY</td>
<td>International Tribunal of the former Yugoslavia</td>
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<tr>
<td>IDP</td>
<td>Internally Displaced Person</td>
</tr>
<tr>
<td>IR</td>
<td>International Relations</td>
</tr>
<tr>
<td>IWPR</td>
<td>Institute for War and Peace Reporting</td>
</tr>
<tr>
<td>JTRC</td>
<td>Justice, Truth and Reconciliation Commission</td>
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LRA: Lord Resistant Army
MLC: Movement for the Liberation of Congo
NATO: North Atlantic Treaty Organization
NGO: Nongovernmental Organization
OTP: Office of the Prosecutor
SLA: Sudan Liberation Army
SPLA/M: Sudanese People’s Liberation Army/Movement
TRC: Truth and Reconciliation Commission
U.S: United States
UN: United Nations
UNMID: United Nations Mission in Darfur
UNSC: United Nations Security Council
ABSTRACT

In pursuit for peace in Darfur, both regional and international involvement has been witnessed after a decade of killings, destruction of properties and lawlessness. Nevertheless, not much has been achieved in terms of restoring peace as a result of these diplomatic initiatives. This study is an analysis of the implications of the actions of Sudan’s government against the issuance of arrest warrants to its leaders by the International Criminal Court, on Darfur’s peace building process. Furthermore, the reaction of civil society groups on issuance of arrest warrants to Sudan’s leaders on Darfur’s peace-building prospects has been analyzed. The study is qualitative in nature and motivated by the fact that the approach pays significant attention to detailed observation in an attempt to produce a deep description of a study area. The qualitative data was analyzed using content analysis method. The study findings show that the International Criminal Court’s intervention, and particularly the request for an arrest warrant for the Sudan’s President Omar Al-Bashir, triggered attention for the topic of transitional justice by the civil society groups like the NGOs, religious groups and the media. The study findings further show that, both African Union and International Criminal Court have stepped efforts in ensuring accountable justice in Darfur. The study concludes that, the disagreements between the International Criminal Court and the African Union mostly outshine one important aspect that Africa is trying to deal with impunity and this has not improved pursuit for justice in Darfur. The study recommends that it is critical that the International Criminal Court coordinates with other judicial institutions in its plans, taking into consideration that these other bodies work for the same purpose of providing justice to the victims. Civil society organizations should engage more comprehensively by not taking sides but ensuring delivery of justice no matter the intimidations faced. There is need for a more robust application of fair mechanisms by African Union in ensuring justice and the adoption of additional measures that will ensure effective justice in Darfur. Thus peace in Darfur should rely mostly on home grown solutions by solving African problem with African solution philosophy.
1.0 INTRODUCTION

1.1 Background of the Study

The civil war in the Darfur, Sudan attracted a number of regional and international efforts meant to restore peace and justice after more than a decade war between the Khartoum regime and factions of the Darfur rebel groups – a war that began in 2003 (Evenson, 2014). The outbreak of this war is based on the acts of the rebel group in early 2003, who targeted government installations while claiming that they were politically and economically marginalized. While the immediate cause of the Darfur crisis was the Comprehensive Peace Agreement (CPA), the root cause was bad governance of the Government of Sudan (GoS) and discrimination at the hands of the Arab dominated local governments (Berewa, 2011).

Janjaweed was formed in 2003 by a revolt groups which started to openly mock the Sudan Government defense forces and the Arab militants. On the 25th of April of the same year, the Sudan Liberation Army (SLA) forces hit a military camp at the airport of Al Fasher, in the capital of North Darfur, demolishing almost half of the aircrafts and took to custody a Sudanese Air Force general (Amnesty International, 2011). In return, the government’s counterinsurgency faction strengthened as combined Janjaweed attack and Sudanese Armed Forces air strikes were given directives to hit at the villages of rebels in Darfur. By the use of proxy militias, security forces now aimed at the locals in an increase of revenge and oppression to gain the control of the local people (Branch, 2011).
Regional attempts to deescalate the conflicts have included the African Union (AU) mediation bringing the warring factions through mediation efforts by Thabo Mbeki who was the Head of the AU-High-level Implementation Panel (HIP), and the Addis Ababa Agreement on Abyei was signed by the Sudanese People’s Liberation Army/Movement (SPLM) and the Government of Sudan on 20th June, 2011 (Bell, 2015). The core purpose of the Addis Agreement on Abyei was to guarantee that this border zone remains disarmed until a clear outline is attempted (Vinjamuri, 2012). A similar agreement was given to the operation of the United Nations peacekeeping mission composed of Ethiopian forces and among other forces.

Another global response comes from an international treaty body International Criminal Court (ICC). This is in the recent indictment, by the prosecutor of the International Criminal Court and arrest warrant issued by its Pre-Trial Chamber (Wohlfforth and Little, 2014). On the 1st of May 2007, the International Criminal Court issued an arrest warrant on two Sudanese officials who had been prosecuted for their contribution in violations against humanity and war crimes in Darfur. Instances of crimes against humankind, atrocities, and other enormous violations of human rights in Darfur were referred to International Criminal Court in 2005 by the United Nations Security Council 1593 (Brady, 2013).

The Pre-Trial chamber of the International Criminal Court decided that the International Criminal Court Prosecutor’s evidence must be acceptable and with "sensible grounds" that the suspects have to be involved in the crimes under the International Criminal Court Rome Statute of gross violations of international humanitarian and human rights law thus charged with crime against humanity (African Union, 2012). Regardless of the possibility that Sudan is not among the member states, the state however is lawfully bound to follow the decision of
the court as the arraignment depends on the demand of the United Nations Security Council (UNSC) (Autesserre, 2012).

Due to President Omar al Bashir of Sudan crimes on humanity, Wohlforth and Little (2014) indicated that on July 2008, Prosecutor Luis Moreno Ocampo issued a warrant of arrest. This move led to the prosecutor’s opponents that indicated that the move called for change of regime and would risk future peace agreements and still fragment the sending of peacekeepers. Altogether, human rights groups hailed Moreno Ocampo's boldness and commended the demand as a striking and a long step towards testing impunity for state-supported brutality against people (Branch, 2011).

According to the African Union (2012), lack of support from Sudan was one main challenge that faced the work done at Darfur by the International Criminal Court. The United Nations, other countries and other Inter Governmental Organizations have likewise failed in enforcing actions by the International Criminal Court. Enforcement to International Criminal Court is very critical as without it, decisions made by them mean so little compared to where they are written (Autesserre, 2012). When the International Criminal Court lacks an administrated police force or any other enforcement group, they mainly rely on two aspects to make sure their decisions are executed (Ntalaja, 2012). Besides due to lack of corporation by Sudan government in handing AL Bashir to the International Criminal Court has caused fear to the civilians who have been leaving with fear as peace building process in Darfur is yet to be accomplished as targeted by International Criminal Court.
1.2 Problem Statement

In pursuit for peace in Darfur, both regional and international involvement has been witnessed after a decade of killings, destruction of property and lawlessness (O’shea, 2013). Nevertheless, not much has been achieved in terms of restoring peace as a result of these diplomatic initiatives. Besides the intervention of the international community and the International Criminal Court to bring justice to the victims of the violence, the situation has not improved. The involvement of international and regional actors had only led to optimism of the possibility of bridging the huge gap of institutional failure but the actual transformation of the long running crisis in Darfur into peaceful relations is yet to be achieved. As it stands now, the international efforts to solve the current situation in Darfur has failed (Amnesty International, 2011).

Due to the crimes against humanity that were committed in Darfur, the International Criminal Court (ICC), issued a warrant of arrest to Omar al Bashir who was the sitting President of Sudan on March 4th 2009 (Schwebel, 2013). Bashir still remains in concern of the courts lack of enforcement strategies together with a great international community with lack of cooperation have made the case weak four year down the line. Since its opening on July 2002, the International Criminal Court has been affected by issues of enforcement. Till date, efforts on dealing with the issue have been unsuccessful due to inadequacy or political issues (Chitiyo, 2016). Not unless the court lays down appropriate mechanisms to deal with enforcement, the court stands risks of not dealing appropriately with international crimes.

The unwillingness of the Sudanese government to cooperate with International Criminal Court in handing over the culprits of crime against humanity has resulted to crisis in Darfur
which remains unabated claiming more lives, destroying livelihoods and shaking the very foundation of Sudan’s survival as a country. International and regional peace initiatives are too slow, too little and ineffective. The Darfur crisis produced more than 2.6 million forced displacements of Darfurians and death of hundred thousand (Evenson, 2014). According to the African Union Mission in Sudan (AMIS), the death toll by late 2005 had reached as high as 500,000 and 2.5 million displacement (Internally Displaced Persons and refugee). Over three quarters of the villages in Darfur had been destroyed. Immediate causes of the deaths of Darfur people are various, ranging from violence to displacement, malnutrition, epidemics and various diseases. Another figure made by the British Parliament shows that the number of deaths in Darfur is about 300,000 (Stensrud, 2014).

Various studies that include Tim and Allen (2015); Stensrud (2014) and Joao (2012) have examined International Criminal Court in promoting peace in Africa but there is no single study that has looked at the implications of Sudan’s lack of cooperation with the international criminal court on Darfur’s peace building process thus creating a knowledge gap. This study aimed to fill a crucial gap in the literature. First, the peace debate has applied to the International Criminal Court, but not in a systematic way, and with little attention to the domestic politics of the affected countries. Second, there were few studies that consolidate, in this context, intellectual findings from institutionalism theory that address clearly the implications of Sudan’s lack of cooperation with the International Criminal Court on Darfur. It is therefore this literature gap that this study aimed to fill.
1.3 Objectives of the Study

The main objective of the study is to assess the implications of Sudan’s lack of cooperation with the international criminal court on Darfur’s peace building process.

The specific objectives of the study include the following.

i. To analyze the implications of the actions of Sudan’s government against the issuance of arrest warrants to its leaders by the International Criminal Court on Darfur’s peace building process.

ii. To analyze the implications of the reactions of civil society groups on issuance of arrest warrants to Sudan’s leaders on Darfur’s peace-building prospects.

iii. To evaluate the checks and balances set by International Criminal Court and African Union in the implementation of accountable justice in Darfur.

1.4 Research Questions

The guiding questions were;

i. What implications does the actions of Sudan’s government against the issuance of arrest warrants to its leaders by the International Criminal Court have on Darfur’s Peace building Process?

ii. What are the implications of the reactions of civil society groups on issuance of arrest warrants of Sudan’s leaders on Darfur’s peace-building prospects?

iii. Which are current checks and balances set by International Criminal Court and African Union in the implementation of accountable justice in Darfur?
1.5 Justification of the Study

The Court having been in the justice system for more than a decade has managed to define its role and strategies in the global system. Studies on peace building have focused on criminal prosecutions and have found that amnesties have impacted on International Criminal Court operations in achieving justice. The academic sources covering Argentina, Cambodia, Uruguay, Chile, El Salvador, Guatemala, Haiti, South Africa, Algeria and Sierra Leone mention amnesties as a means of securing peace in favor of justice. This research therefore show the implications of Sudan’s lack of cooperation with the international criminal court on Darfur’s peace building process aimed to address the missing knowledge gap in conducting a study focusing on Darfur.

This research is instructive to governments, non-governmental organizations, peace mediators, human rights advocates and academics and as they develop policies to address the court’s legacy in state parties. It is also a reminder that the consultation of individuals prompts a deeper understanding of the International Criminal Court which is essential to building its reputation. The current research therefore shows how the Court can provide sustainable peace and justice simultaneously without one outdoing the other. Further it forms a basis for further research for future researchers.

1.6 Scope of the Study

The study assessed the implications of Sudan’s lack of cooperation with the International Criminal Court on Darfur’s peace building process. The research covered African countries that are members of International Criminal Court but much focus is in Sudan’s Darfur region. The choice for Sudan was based on the effort for peace to keep peace through International
Criminal Court however this has not been achieved. The International Criminal Court investigation reveals that many high-ranking Sudanese officials were involved in the crimes committed in Darfur. The International Criminal Court prosecutor has issued three arrest warrants for the leaders of the Sudanese government and the Janjaweed militia, including President Omar Al-Bashir. All remain at large. The International Criminal Court has also submitted confidential requests for summons to appear for three Darfur rebel commanders, allegedly responsible for attacks on African Union peacekeepers. The study took a period of one month to collect the needed data since the data was qualitative and from many references.

1.7 Definition of Terms

**African Union:** Is a continental union comprising of 54 states in Africa. Morocco is the only African country that is not a member of the African Union but is a member of the United Nations.

**Collaboration:** Is a working practice whereby people cooperate to a common reason to accomplish a given advantages. Collaboration empowers people to cooperate to accomplish a clear and common purpose.

**International Criminal Court:** According to this study it is a global tribunal that sits in The Hague in Netherlands and its jurisdiction is to arraign people for international crimes of genocide, crimes against mankind, and war crimes.
**Cooperation:** The process of International Criminal Court and other stakeholders including Government of Sudan, African Union, Civil society groups working together for a common goal. In this study is to ensure justice to the victims of violence.

### 1.8 Chapter Outline

Chapter one deals with the introduction to the Study. It contains the introduction, the problem statement, the research objectives, research questions, and significance of the study among other aspects which are discussed under this chapter.

Chapter two is a review of literature by other scholars on International Criminal Court’s interventions in Africa, Africa’s view of the International Criminal Court and the Rome Statute, relationship of the African Union with the International Criminal Court and immunity. Gaps are drawn from the literature reviewed and the study aimed at filling the identified gaps.

Chapter three presents research methodology that was used to collect data that shows the current position of the implications of Sudan’s lack of cooperation with the international criminal court on Darfur’s peace building process.

Chapter four provide a presentation and discussion of the research findings and an analysis of those findings. It applies theory to practice in the case study also by making cross references through secondary sources. The results were analyzed and interpreted.

Chapter five contains a summary of the findings, conclusions and recommendations for improvement, and also provide an area for further research.
CHAPTER TWO

2.0 LITERATURE REVIEW

2.1 Introduction

This section presents the study’s literature review. The chapter has literature as compiled from other scholars and contains the theory that underpins the study. The section further concludes with the identified gap that the study aims at filling.

2.2 Implications of Governments’ reactions on the Issuance of Arrest Warrants by the International Criminal Court to Leaders on Peace Building

A study by Wohlforth and Little (2014) shows that arrest warrants have been issued in Lebanon for four individuals and include; Hizbullah members, Salim Ayyash, Mustafa Badreddine, Hussein Oneissi and Assad Sabra. The Hague-based tribunal indicted sent arrest warrants for them to Lebanese authorities in June 2011. Interpol also issued a red notice in July the same year and the four suspects remain at large. The government of Lebanon looked at the impediment impact arraignments would have on potential future culprits. Recently, this contention was supplemented with the possibility of particular discouragement, the proposal that arraignments in progressing clashes can hinder struggle parties who have officially dedicated barbarities from proceeding with their activities, and add to the de-legitimization and defeat of culprits in power positions (Wippman, 2012). While in office no much effort was seen supporting the International Criminal Court in implementation of the arrest. According to (Jeong, 2015), Leaders in governments described the court as a United States and Israeli tool aimed at targeting the resistance and sowing sectarian strife in the region.
IRIN (2014) report shows that Al-Bashir was for sure the third sitting head of state ever who has been the subject of a global prosecutor's application for a warrant of arrest (after Slobodan Milosevic of Yugoslavia in 1999, and Charles Taylor of Liberia in 2003). Taylor was sentenced of supporting and abetting violations against mankind and atrocities in the nation's ruthless equipped clash from 1991-2002 the West Africa sub-area, and universal endeavors to guarantee culprits of the gravest crimes are considered responsible. When still in power the Liberian government did not offer much support in ensuring justice to the victims by cooperating with International Criminal Court. Eyewitnesses indicated that the making of the International Criminal Tribunal for which was Yugoslavia (ICTY) and Liberia had as of now been spurred to some degree by Western pioneers' underlying energy to keep away from military inclusion, while additionally being viewed as accomplishing something in light of the torment (ICG, 2016). This experience drove a few experts to reason that an ICC that will last would sustain the ethical risk issue and turn into a prudent reason for states to choose not to see to abominations (Doyle, 2014).

Coglan and Pascal (2014) posit that other court skeptics cautioned that the ICC would repress compassionate intercession for another reason. Its skill to arraign even the nationals of states that are non-members under specific conditions and in addition its locality over the (yet-to-be-characterized) crime of hostility would demoralize potential mediating nations from presenting their pioneers to the danger of International Criminal Court indictment (Evenson, 2014). The Taylor trial advanced against a setting of feedback and worry over the reasonability of attempting the most elevated amount pioneers before worldwide or high atrocities courts taking after the 2002-2006 trial of previous Serbian President Slobodan Milosevic before the International Criminal Tribunal for the former Yugoslavia (ICTY).
trial was prominent for its occasionally confused state and the death of Milosevic before a judgment could be issued for seven years after his prosecution (Cherif, 2013).

Tim and Allen (2016) study shows that the letter of July 2005, the Central African Republic government alluded to the International Criminal Court all violations inside the purview of the court submitted somewhere on the domain of the Central African Republic since July 2002. In May 2007, the prosecutor chose to open an examination on grave crimes. Regular citizens were slaughtered and assaulted; and homes and stores were plundered. The asserted violations happened with regards to an equipped clash between the government and revolt powers (Mahnoush and Arsanjani, 2014). In the year 2008, the International Criminal Court issued a warrant for the arrest of Jean-Pierre Bemba, pioneer of the DRC revolt bunch Movement for the Liberation of Congo (since changed into a DRC political party), for atrocities and violations against humankind conferred in the Central African Republic in 2002-2003. Bemba was captured by authorities of the Belgian government in May 2008 and taken to the custody of the International Criminal Court (Schwebel, 2013).

The unsealing of the Joseph Kony arrest warrant which matched the movement from South Sudan to the National Park of Garamba in Congo (Democratic Republic of the Congo- DRC) of the Lord’s Resistance Army. This operation of the Iron Fist affected Lord’s Resistance Army from its original ways of operating in the South Sudan (Knowles, 2014). Lord’s Resistance Army’s operations were affected further by the Comprehensive Peace Agreement signed in January 2005 which was between the government of Khartoum and the rebel Sudanese People’s Liberation Army/Movement (SPLA/M). This resulted as the agreement put Southern Sudan under the rule of independent of Sudan’s Government which was governed by the SPLA/M (Wippman, 2012). Additionally, the government of Khartoum
lessened its support to the LRA because of the Comprehensive Peace Agreement. So as to counter Sudan People’s Liberation Army in 1994, Lord’s Resistance Army had been supported by Khartoum government (Hobsbawn, 2012).

While Uganda and the DRC are state parties to the Rome Statute, Sudan is not a state party. The International Criminal Court Prosecutor has been approaching the nations in the locality to execute the capture warrants (Henkins, 2015). As indicated by Roy (2014) the International Criminal Court's (ICC's) Arrest Warrants for the Lord's Resistance Army (LRA) Leaders and the Peace Prospects for Northern Uganda' and somewhere else, the legislature of the DRC is excessively feeble, making it impossible to capture the prosecuted Lord’s Resistance Army pioneers. The Government of Uganda is not in a position to impact the captures either. This is on account of the arraigned Lord’s Resistance Army pioneers are past its locale and the Ugandan People’s Defence Forces has the limit and support to enter the DRC to capture them. Sudan could without much of a stretch have executed the warrants in light of the fact that right off the bat, the Lord’s Resistance Army worked from its region. Besides, and much more imperatively, regardless of the possibility that the Lord Resistant Army is presently situated in Garamba National Park in the DRC, they effortlessly cross again into Sudanese region (Ankumah and Kwakwa, 2015).

According to Cryer, Friman, Robinson and Wilmhurst (2016), there are two main reasons that led Sudan not to implement the arrest warrants. The first reason is due to the cordial ties between the government of Khartoum and Lord Resistant Army and second is because it’s not a state party to the Rome Statute. It’s also important to note that the International Criminal Court concluded a Memorandum of Understanding to work together. Even as it’s easy for Sudan to undertake the arrests, they are still hesitant to do so. This has mostly been
caused by the ties between the government of Sudan and Lord Resistant Army and some aspects of its leadership (Evenson, 2014).

Chris (2013) study shows that it is now over a decade since the Prosecutor of the ICC (International Criminal Court), Luis Moreno Ocampo, unlocked the warrants of arrest for the five pioneers of the Lord's Resistance Army (LRA), which had been issued and fixed by Pre-Trial Chamber III of the ICC on 8 July 2005. The five were: Joseph Kony, Vincent Otti, Okot Odhiambo, Dominic Ongwen and Raska Lukwiya. The arrests had been issued and fixed to guarantee the security or physical or mental prosperity of and to keep the divulgence of the character or whereabouts of any casualties, potential witnesses and their families (Brady, 2013). While giving arrests, Pre-Trial Chamber II inferred that 'there are sensible grounds to trust that they [the five LRA leaders] requested the commission of crimes inside of the court'.

Besides the cases above, the Office of the Prosecutor is presently directing preparatory investigation of circumstances in various nations including Chad, Afghanistan, Georgia, Colombia and Palestine (Evenson, 2014). Concern for utilizing the International Criminal Court to research circumstances has risen fast. By February 2006, the prosecutor had gotten 1,732 correspondences affirming crimes. Starting at July 2009, the prosecutor has gotten more than 8137 correspondences from more than 130 states. In this way, the prosecutor got almost four times the number of interchanges in the previous years (February 2006 to July 2009) as in its initial years (July 2002 to February 2006). As a foundation, the International Criminal Court has performed nearly nothing, assuming any, and superior to the specially appointed tribunals that it was made to displace. Like the Rwandan and Yugoslavian tribunals, the International Criminal Court is not fast to act (Brady, 2013). The prosecutor
usually doesn’t stick much expectation on the quick execution of such a warrant. The collaboration of the State which is led by the head of state are clearly not imminent as long as the heads of states are the once charges and remains in power.

In addition, the participation of different countries even States Parties to the International Criminal Court Statute, where the heads of states are discovered case at a universal gathering, have not helped the International Criminal Court in executing the warrants, as, for political vital reasons, heads of state and the administration of those states commonly are seen to opposed to humiliate their partners by executing arrest warrants against them (Berewa, 2011; Amnesty International, 2011). Since the execution of a capture warrant against a sitting head of state will typically demonstrate tricky, regardless of the possibility that the individual is discovered off guard, for a fixed warrant won't demonstrate invaluable, rather despite what might be expected.

2.3 Implications of the Reactions of Civil Society Groups on Issuance of Arrest Warrants to Leaders by International Criminal Court on Peace-Building Prospects

Thomas Lubanga of Congo turned out to be the first principal individual to be indicted by the International Criminal Court of war crimes for having recruited, enrolled, prepared and utilized children under 15 in outfitted dangers in March 2012 (Knowles, 2014). In April 2012, Charles Taylor, Liberia's leader cum-warlord from 1989–2003, was accountable to 11 charges of helping and abetting a few atrocities in Sierra Leone: the principal head of state to be indicted by a global court since Nuremberg. Western governments and Western-based Non-Governmental Organizations responded decidedly to the walk of universal criminal justice. Casualties of the savagery cheered and celebrated (Brownlie, 2013).
In Yugoslavia and Liberia after the issuance of arrest warrants of their leaders, the success of peace-building targeted by the civil society groups (example; NGOs, human rights bodies and media) was in a turmoil as there was no grassroots to support their pursuit for the enforcement of arrest warrants (ICC, 2015). The heat of the rebelling was from the government and the citizens of the two countries who termed the civil society groups as traitors in their own lands as they collaborated with the ICC in enforcing the arrest warrants.

A comparative study by Xinhua (2010) in Yugoslavia and Liberia recommended that without the association of common society groups who interpret the requirement for authorization of universal criminal law into a neighborhood, unmistakable vernacular, that need will stay outsider to the people that the warrants are definitely intended to serve and genuine implementation challenges will be experienced. States, even dictator ones, do in fact frequently not have any desire to conflict with the desires of their people because of a paranoid fear of savage uprisings. The road now fills in as a helpful reason for not upholding arrest warrants, despite weight by the global society.

Berewa (2011) asserts that to the preceding investigations, however, civil society and civilian perceptions of the ICC’s involvement in the Central African Republic (CAR) have remained neutral to positive. This environment has greatly assisted the Office of the Prosecutor (OTP) during its investigations into the atrocities committed in the state since 2002 (Feher, 2013). The shift in environment between the reception of the ICC in the CAR versus its reception in Northern Uganda and the DRC is due in large part to actions taken by civil society groups in the Central African Republic that began prior to ICC involvement and have continued since. These actions can be characterized in two main categories: actions taken to build and maintain a positive relationship with the ICC and support its investigations, and actions taken
to end the social stigma of victimization in the CAR and build a support network amongst victims (Shannon, 2014).

In 23 May 2008, the Pre-Trial Chamber III of the ICC issued an arrest warrant for Jean-Pierre Bemba Gombo, the alleged leader of the Movement for the Liberation of Congo (MLC), which operated in the CAR for former President Patasse (Dougherty, 2014). As the alleged military commander of the MLC, Bemba was charged on two counts of crimes against humanity (rape and murder) and three counts of war crimes (murder, rape and pillaging). While Bemba is currently the only individual involved in the CAR conflict under indictment by the ICC, civil society organizations are calling for further investigations of both the armed rebel groups operating in the north and of government forces, particularly after the increase in violence in 2005. While civil society remains committed to ICC involvement, they recognize that civilian support for the Court is tenuous. The delays in bringing Bemba to trial and the lack of action against other perpetrators contribute to an increase in frustration levels regarding the judicial process amongst communities and in particular, victims (Jolana, 2012).

According to Allen (2013) the World Crisis Group announced that the arraignment of Al-Bashir interfered with the peace procedure in Sudan. Al-Bashir's prosecution resulted to the ejection of UN arms and 13 non-legislative associations that had been giving philanthropic help since 2003 on the affirmation that they were working for the ICC, making the human crisis worse. Others have required the requirement for the ICC to focus on the household settings of its mediations as far as timing and political expediency is concerned (Doyle, 2014).
Anderson (2016), for instance, posit that culprits of murder crimes in Darfur ought to be considered responsible, yet when and how are political choices that can't have a place with the ICC prosecutor. More than the purity or blame of the President of Sudan, it is a connection amongst law and the government issues. The ICC is blamed for being a piece of another component of neo-imperialism (Guibert and Blumenstock, 2011). Supporters of the ICC and specifically those for the arraignment of the Sudanese president kept up that the ICC's mediation is a correct stride towards the acknowledgment of human nobility, tending to impunity, encouraging majority rule government and peace, and for guaranteeing justice for the casualties. That the prosecution has filled in as a discouragement against future misuse and forestall advance killings (Arieff, 2011).

Witte (2010) points that though the organization connection between the Court and the Security Council has soured staggeringly in the period since the underlying issuance of the warrant of the arrest for Omar Al Bashir and three others for crimes against humanity on 4 March 2009 and on 12 July 2010 for genocide. To date, the Prosecutor has issued a sum of twenty one reports to the Security Council on the situation in Darfur, seven out of ten of these, interchanges trenchantly listing different occurrences of non-collaboration by the Government of Sudan and different states party to the Rome Statute of the ICC and asking the Council to make the fitting move against these states (Ankumah and Kwakwa, 2015).

Plessis (2012) asserts that the Darfur referral, though, seems to have been overextended by other determinants of conflict sought after by the Security Council in Sudan, all of which rely on the proceedings with participation of the Sudanese Government headed by President Al Bashir. The Security Council had demonstrated either unwilling as well as incapable, inside the common importance of those terms, to support the Darfur referral by demanding state
consistence in regard of the arrest and surrender of Al Bashir. The hard-headedness, both by the Council and by states, has showed itself in different ways and has constrained even the Office of the Prosecutor (OTP) to abrade abnormal state United Nations (UN) authorities for their superfluous contact with Al Bashir and individuals from his Government, even while they are liable to warrants of arrest (Moynire, 2011).

While the formation of the International Criminal Court (ICC) is an essential stride toward consummation impunity for people blamed for acting infringing upon universal law, for the ICC to satisfy its command and make solid strides towards arraigning people and making a culture of prevention, participation from state characters and common society is basic (Stahn, 2013). Because of its restricted spending plan for the two examinations and trials, support and help from the state and neighborhood organizations will enormously upgrade the capacity of the ICC to work successfully. One way state and neighborhood organizations can help the ICC is by aiding the accumulation of casualty and witness declarations and encouraging the arrests of arraigned people. Without this help, the ICC stands minimal possibility of satisfying its desires.

2.4 Checks and Balances Set By International Criminal Court and African Union in the Implementation of Accountable Justice

International Criminal Court as a legal institution is anchored by a set of core legal norms that provide the animating purpose of the treaty (Mahnoush and Arsanjani, 2014). The Rome Statute which is embedded on the Rule of law has a duty of criminal prosecution and penal sanctions for grave crimes in which the perpetrators are the subject of criminal responsibility (Lone, 2010). One of the significant contributions of the statute is to identify crimes of
aggression, war crimes, genocides, crimes against humanity which are the most serious forms of violence in the international system. It is a global court enshrined with a global mandate but its current activities seem to focus on African countries because of the numerous violent conflicts occurring in the continent. Historically, the Court has been strongly backed up by the African society because of their simultaneous needs for sustainable peace and accountability for dubious behaviors within the states and it would not be what it is today without the backing of Africa (Cherif, 2013).

In addressing the case of Sudan the ICC will establish whether the violence committed in Sudan has violated this article. Article eight talks of war crimes where the ICC shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes (Wippman, 2012). The war crimes means Unruly killing, torment or brutal treatment, including natural investigations, adamantly bringing on extraordinary enduring, or genuine damage to body or wellbeing, broad devastation and allocation of property, not advocated by military needs and completed unlawfully and wantonly, convincing a captive or other ensured individual to serve in the strengths of an antagonistic power, stubbornly denying a captive or other secured individual of the privileges of reasonable and standard trial, and unlawful expelling or exchange or unlawful control, taking of prisoners (Roy, 2014). When addressing the war crimes in Sudan the ICC assesses whether they involve acts that violates the human rights (African Union, 2012).

According to Schwebel (2013) the Court is liable to begin investigations only when a situation is referred by a state party government, the United Nations Security Council or the Prosecutor in his/her own initiative (propriomotu). The prosecutor may apply article fifteen
of the Rome Statute to initiate investigations *propriumotu* on the basis of information on crimes in Sudan within the jurisdiction of the Court. The Prosecutor shall analyze the seriousness of the information received from the various investigative units in Sudan (Sarooshi, 2015). For this purpose, he or she may seek additional information from States, organs of the United Nations, intergovernmental or non-governmental organizations, or other reliable sources that he or she deems appropriate, and may receive written or oral testimony at the seat of the Court. Further in relation to article twenty eight of the Rome Statute, the prosecutor may prosecute the commander of the military if he/she is criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces (Subotic, 2012).

The Court is liable to begin investigations only when a situation is referred by a state party government, the United Nations Security Council or the Prosecutor in his/her own initiative (propriumotu). Currently the Court is investigating and prosecuting individuals accused to be involved in the heinous crimes against humanity which took place during the numerous devastating armed conflicts in Africa: namely Darfur in Sudan, Northern Uganda, the Democratic Republic of Congo (DRC), Libya, Central African Republic (CAR), Cote d’Ivoire, Mali and Kenya (Feher, 2013). The ICC has brought about progressive sustainable development of transitional justice, transnational justice and international criminal accountability. Their effort has created a clearer and stronger belief in favor of accountability and against impunity respecting the heinous abuses. The Rome Statute offers a solution, a new instrument of peace for creating global governance without a global government but
with international laws and courts. Intervention by the court can help end conflicts; hold those responsible thus encouraging national proceedings (Dougherty, 2014).

In Libya the International Criminal Court first became involved after the United Nations Security council passed Resolution 1970 which referred the case of Libya to the ICC on February 2011 (Jolana, 2012). The UNSC (2011) decided that the Libyan authorities shall cooperate fully and provide necessary assistance the court. The office of the prosecutor for the international criminal court issued arrest warrants for perpetrators of human violations after series of violent conflicts in Libya. Muammar Gadhafi, Saif Al–Islam Gadhafi and Abdullah Al-Senusi were accused of committing killings and other atrocities in their country. In the aftermath of the rebel victory, opposition forces captured and killed Muammar Gadhafi on 20th October 2011 thus terminating the ICC investigations against him (Stahn, 2013). However the cases of SaifAl-Islam Gaddafi and Abdullah Senusi have remained in contention. The case of Libya’s relationship with the International Court is complicated by the fact that Libya is not party to the Rome Statute which is the foundation treaty of the ICC (Shannon, 2014).

The genesis of the wrangles between the International Criminal Court and Africa started when ICC issued arrest warrants to a sitting president (Berewa, 2011). The President was charged with individual criminal responsibility for committing war crimes, crimes against humanity and the crime of genocide in the Darfur region of South Sudan. The Government of Sudan, under Al Bashir, has questioned this activity of purview in connection to Sudan (Stearn, 2012). It has contended that Sudanese sovereignty is being violated both by the Council, which eluded the matter, and the ICC, which was accused of executing the decision.
Sudan's complaints have typically brought about a strained relationship and constrained participation with the Court.

According to Leila (2010) despite the hard efforts by the ICC to promote international criminal justice in the situation in Darfur there still exist gaps. This is because it has been seen to lean on one side in addressing the matter and has been harassing leaders of countries they have interest in. Wippman (2012) posits that the main aim of these procedures is to maintain peace, justice and reconciliation in all states. Some insights can be offered by the Special Court for Sierra Leone and the Truth and Reconciliation Commission for Sierra Leone due to their experiences in the past. Before the Special Court Statute was enacted, already the TRC statute was also put in place (Tim and Allen, 2016). The laws did not address their legal relationship.

According to Simpson (2016) the laws setting up the two organizations did not outline their separate purviews concerning restrictive individual, universal and topic jurisdictions. Their orders covered. Therefore they both had an enthusiasm for similar individuals and similar issues, by and large. As the TRC was calling individuals for compromise, the Special Court was pursuing them for indictment. Their relationship had not been depicted by their laws; the Special Court guaranteed power over the TRC while the TRC asserted equality with the Special Court. This offered ascend to unjustifiable debates and pressures in zones that should have been facilitated for a congruous concurrence (Rudolph, 2012). It achieved a head-on crash between them, particularly when the TRC looked for access to the prisoners of the Special Court, prompting a breakdown in their relationship. General society ended up noticeably befuddled and couldn't value the separate parts of the two organizations in the peace-building process (Pace, William and Thieroff, 2014).
The quest for International Criminal Justice in Africa through the ICC stage has not been without hitches (Nick and O'Brien, 2010). There is a fracture between the African Union (AU), as a mainland body, and the ICC inferable from the AU's view of the ICC as seeking after particular justice. Some state parties in Africa have additionally declined or neglected to consent to their commitments to coordinate with the ICC under the Rome Statute. Critics have contended that it has hindered the peace-building process in a portion of the nations included (O'shea, 2013). The ICC's arraignments have made pressures and disturbed conflicts and helpful circumstances in spots, for example, Uganda and Sudan, Darfur. Joao (2012) detailed that the Lord's Resistance Army heightened their assaults against the non-military personnel and help specialists as a response to the ICC's arraignment of its pioneers. Further, the Lord's Resistance Army (LRA) likewise retreated from the peace procedure, asserting that a truce would be misconstrued by the ICC and government as occasioned by the prosecutions (Bassiouni, 2016).

2.5 Theoretical Framework

2.5.1 Institutionalism Theory

The research relies mainly on institutionalism as a theoretical framework. Institutionalism whose proponent is Kraft assumes there exist processes by which structures, including schemes; rules, norms, and routines, become established as authoritative guidelines for social behavior (Hobsbawn, 2012). The theory further emphasizes that the processes are created, diffused, adopted, and adapted over space and time; and how they fall into decline and disuse. In relation to the study the theory assumes that the guidelines set by both the ICC and the AU are meant to shape the criminal behaviors which are adopted by many leaders in
various countries around the world. They are meant to establish authority in dealing with issues to do with humanity.

As per Kraft's Public Policy (2007); Institutionalism Theory is an approach making that stresses the formal and legitimate features of government structures. "Institutional hypothesis is "A generally acknowledged hypothetical stance that stresses normal myths, isomorphism, and authenticity." Institutional hypothesis concentrates on the more profound and stronger parts of social-structure. It considers the procedures by which structures, including plans; standards, norms, and schedules, get to be distinctly settled as definitive rules for social conduct (Huggins, 2014). Distinctive mechanisms of institutional hypothesis clarify how these components are made, diffused, received, and adjusted over space and time; and how they fall into decrease and neglect. In contrast, Brownlie (2013) contend that the most ideal approach to comprehend political conduct is through a "rationale of propriety" that people secure through their participation in foundations. Individuals working in organizations carry on as they do because of standardizing guidelines as opposed to their desire to exploit singular utilities. Moreover, these models of conduct are obtained through association with at least one organization and the organizations are the real social vaults of significant worth (Jackson, 2007).

The choice of this theory helps in understanding the central focus of this study which is about advancing International Criminal Justice in Africa. Every country leadership regardless of size has a structure which determines the reporting structure and seniority of employees. This leadership institution governs how information and instructions flow for optimal decision making (Kleffner, 2008). This theory is concerned with the manner in which the ICC interacts to affect the achievement of peace and justice in the various warring countries. This
theory is about formal rule sets and how they influence the work of leaders in directing the affairs of their countries (Kasaija, 2006). Different countries have different set of rules on how the affairs of the country are run. The set of rules may be written or unwritten but are all geared towards achievement of peace and justice in the country. This theory hinges on three major theoretical arguments, the historical institutionalism, the sociological institutionalism, and the political institutionalism. Thus valid in this study in an effort to explain how different the ICC guidelines are implemented to help countries achieve peace and justice.

A different approach advanced by critical theorist, Mark and Goldstone (2010), argues that a focused approach that keeps up a strict refinement amongst law and legislative issues does as such in view of the apparent standardizing quality of the law, which should be appeared to tie states paying little respect to their conduct or interests. Despite that universal law is the result of global legislative issues and discretion, institutionalism expects that the law bafflingly rises above these to tie states paying little heed to their interests or sentiments when it is summoned against them. Although, the predicament in the ideological origination of institutionalism in totally separating law from governmental issues, power and state intrigue is that it is commensurate to returning to conventions of regular and awesome law, though global law decidedly gets from state conduct (custom), will and interests (Ntalaja, 2012).

Certainly Wohlfforth and Little (2014) posits that, the assigned nature of the Rome Statute demonstrates this point. All international criminal tribunals no matter what owe their reality to the communicated will of states. Consequently, the legalist results of keeping up the unbending refinement of the law and legislative issues is that, when state conduct neglects to adjust to lawful principles in view of an outright refusal to acknowledge certain norms for
any number of reasons, legalists attribute this inability to governmental issues. Branch (2011) portrays this marvel as an expression of remorse for governmental issues. In that occasion, the quirk of the uncompromising way to deal with govern taking after compels legalists to underline that in spite of the adjustments in state conduct and interests out of a yearning to get away from the compelling impact of global law in a specific circumstance, the lawful principles are as yet official on states (Mathew, 2010).

This study in this way embraces the logical focal point of the second type of vital or inventive institutionalism that disposes of the myth that law can be mystically and bafflingly isolated from its political predecessors. Key institutionalism considers the political provenance of the law in propounding that law and governmental issues are inseparably entwined in one social continuum and that institutionalism can be changed and guided by political judgment. Therefore, as indicated by Brownlie (2013) ICC is intelligent of innovative or vital institutionalism by reference to the standardizing and legitimate duties lying next to each other with the discretionary deals, political interests and bargains sanctioned into the arrangements representing state collaboration under the Rome Statute amid the Rome Conference.

2.6 Chapter Summary

Chapter two covered literature review as done by other scholars on Implications of the actions of government against the issuance of arrest warrants to its leaders by the ICC on peace building process, implications of the reactions of civil society groups on issuance of arrest warrants of leaders on peace-building prospects and checks and balances set by ICC and AU in the implementation of accountable justice. From the literature reviewed very little
has been done on the current issue of Darfur and peace building in relation to ICC a gap that this study aimed to address. Chapter three provides a presentation and discussion of the research methodology which was used to carry out the study.
CHAPTER THREE

3.0 RESEARCH METHODOLOGY

3.1 Introduction

This topic assesses the implications of Sudan’s lack of cooperation with the international criminal court on Darfur’s peace building process. This chapter therefore presents the study design, data collection methods, analysis methods and ethical consideration for the study.

3.2 Research Design

The study was qualitative in nature. According to Mugenda and Mugenda (2003) qualitative research is characterized by strategies that take the subject’s perspective as central. In qualitative research, detailed consideration is given to the holistic picture in which the research topic is embedded. The study took this design as the approach pays significant attention to detailed observation in an attempt to produce a deep description of a study area.

3.3 Data Collection Methods

In this research, secondary data sources were used. This method is an intensive literature search, review and synthesis of all relevant documents concerning the topic. Documents reviewed in this research included the ICC official website with particular focus on the official monthly and ad hoc bulletins from the information desk of the OTP and announcements and press releases from the ICC Prosecutor herself. Resolutions and communiqués from the AU website were also reviewed together with papers from reputable
academics on the subject of ICC on Sudan’s case. Details of the magnitude of conflicts and the security situation within states with cases before the ICC were also monitored.

3.4 Data Analysis

The qualitative data was analyzed using content analysis method. This involved developing a classification system to record information collected from the journals, internet sources, the frequency with which an idea and issue that were interpreted as a measure of importance, attention or emphasis and put into context. The qualitative analyst’s effort at uncovering patterns, themes, and categories were also included using both creative and critical faculties in making carefully considered judgments about what was really significant and meaningful in the data. First step was developing some manageable classification or coding schemes.

Data as indicated was grouped in themes that helped me as a researcher to come up with important information regarding the involvement of ICC in peace building efforts in Africa particularly in the Darfur region. I then made a list of master themes and sub-titles that became sub-themes which were clustered under several headings.

Although the data analysis stage was conducted after the data collection stage, the data analysis stage was progressing during the data collection phase rather than as a final stage in a linear model. This then led me as a researcher to have second classification of records which produced comparisons of positions held by various authors related to the topic of discussion. In addition, as a researcher, I was also able to trace connections and thoughts; explore recurring patterns and phenomena’s during whole process of data analysis. Preliminary and subsequent notions and thoughts were recorded in detail, thus highlighting the organic nature of this method for data analysis.
3.5 Ethical Considerations

The study took into consideration all the logistical and ethical issues that pertained to research. Mugenda and Mugenda (2003) affirm that these are the issues that the researcher must be aware of and consequently be prepared to save the study a great deal of resources and will also ensure high quality research. The researcher consulted his supervisor on the areas that needed to be covered and which the study should avoid. Advice given was taken into consideration.

3.6 Chapter Summary

This chapter has presented the study design, data collection methods, analysis methods and ethical consideration for the study on assessing the implications of Sudan’s lack of cooperation with the international criminal court on Darfur’s peace building process. The next chapter presents the link between objectives of the study with the theoretical framework in presenting the research findings and discussing them as obtained from various secondary sources.
CHAPTER FOUR

4.0. DATA ANALYSIS AND PRESENTATION OF FINDINGS

4.1 Introduction

This chapter presents the findings as obtained from various secondary sources through desktop review approach. The qualitative data is presented based on the thematic areas of analysis. The results are presented according to the objectives of the study which reflect the research questions that were set out for answering.

4.2 Implications of the Actions of Sudan’s Government on the Issuance of Arrest Warrants to its Leaders by the ICC on peace building prospects in Darfur

A study by Fallace (2014) shows that the Rome Statute, which built up the ICC, involves everybody despite their official capacity in government. Any immunity that the individual may have in his or her own particular country in view of authority position doesn’t keep the ICC off from pressing charges. Article 27 of the Rome Statute states expressly that heads of state are not invulnerable from arraignment. On March 31, 2005, the United Nations Security Council received resolution 1593 by a vote of 11 in support, none against and four abstentions on the issue in Darfur to the ICC. The resolution takes note of that administration of Sudan and all different groups to the contention in Darfur alone have a commitment to coordinate completely with the International Criminal Court and give any vital help to the Court and the Prosecutor according to the above resolution. Although, it just constrained participation from different States and global organizations (Sproat, 2015).
According to Totten (2014) on March 4, 2009, the pre-trial assembly of the International Criminal Court (ICC) issued a warrant of arrest for President Omar al-Bashir of Sudan and three other Sudanese officials on charges of crimes against humanity and war crimes. The warrant has however not been enforced by the Government of Sudan (GoS), the government urged that the resolution did not have any specificity as far as level of collaboration required or commitments given to Sudan. Eminently, the refinements in States' commitment and absence of specificity have actuated rebelliousness (Bar-Tal, 2015)

Despite the collaboration commitment offered to the government of Sudan, Sudan challenged ICC by declining to coordinate and hand over the indictees (Kalmin, 2013). Additionally non-collaboration, the Sudanese government has kept in position and even advanced people who are accused of the outrages in Darfur. Since Sudan is not a State party to the Rome Statute it doesn't fall under the ICC's authority (Claude, 2014). Subsequently, as talked about above, it would have been improbable that Sudan would participate with the ICC and Sudan has exhibited this unwillingness all through the ICC procedures.

Additionally, the Prosecutor has over and again requested that the Sudan government declare collaboration with the Court (Udombama, 2015, pg 34). Recently, the ICC Prosecutor Fatou Bensouda communicated its disappointment about absence of help when she introduced the ICC's sixteenth give an account of Darfur to the Council: “My Office and the Court as a whole have done their part in executing the mandate given by this Council in accordance with the Rome Statute. The question that remains to be answered is how many more civilians must be killed, injured and displaced for this Council and the GoS to be spurred into doing its part?”
The Security Council, though, has picked not to make any move exhibiting its absence of enthusiasm for completing on its resolution and authorizing States' participation with the ICC. Regardless, as per Mugwanya (2015) the court is not ordered to consider the issue in choices to issue capture warrants. The court is in charge of conveying to justice those most in charge of war violations, crimes against humankind, and genocide. It must act freely and un-opinionatedly to satisfy its order and is not enabled to settle on choices concerning peace and security (Thembani, 2014).

A study by Hatchard (2014) however points out that it is hard to anticipate the impact of the warrant on political growth in Sudan, however the peace procedure in Darfur has for quite some time been slowed down for reasons completely random to the ICC. Or maybe, the parties don't seem focused on finding an answer through the peace talks. The authentic record from different clashes demonstrates that warrants for arrest of pioneers can really reinforce peace activities by demonizing and underestimating these pioneers. Even so, the Bashir Administration has rejected ICC locality over Darfur as an infringement of its authority and an instrument of Western burden for administration change, and blamed the Court for being a piece of a neocolonialist plot against a sovereign African and Muslim state (Olusola and Amadu, 2015).

The Bashir government has more than once denied that genocide or ethnic cleansing is happening in Darfur and has blamed the Prosecutor for basing his examination in light of declaration by revolt pioneers and "spies" acting like humanitarian workers (Ademola, 2015). The government has banned ICC from addressing Sudanese authorities, and experts have taken a hard-line position against Sudanese associated with identifying with the International Criminal Court’s prosecution in an attempt to bring justice to the victims. The government
likewise reacted by expelling over twelve universal guide organizations that it blamed for working together with the ICC. In July 2010, when the ICC warrant was issued for Bashir, Sudan removed two senior humanitarian officials from Darfur (Fordham, 2015). In November, Sudanese security powers tried to close down a free radio station working in Darfur whose staff they blamed for collaborating with the ICC and Darfur rebels.

Makau (2014) study further shows that the warrant has no effect on the commitments of either the leadership of the National Congress Party or the Sudanese People's Liberation Movement (SPLM) under the Comprehensive Peace Agreement (CPA), which took place for over two hundred years of ethnic divisions and resource based conflicts. The two groups have financial and political interests in observing the influence and riches sharing sector of the CPA put into impact. Additionally, since the prosecutor's July 2008 declaration that he was initiating an arrest warrant against Sudanese President Omar al-Bashir, both parties have demonstrated that they are focused on executing the implementation of the agreements and to staying away from any situations that would lead to conflict. In July, the two sides made huge progress in settling the Abyei debate, which again caused conflicts in May 2008, and in October 2008, the groups passed various laws acknowledged by the CPA, however not much has come to any attempt in the arrest of Sudanese President Omar al-Bashir (Evans and Murray, 2015).

Chidi and Odinkalu (2015) posits that having ruled for a long time, the Sudanese President Omar al Bashir is not going to yield authority in light of the warrant of arrest. Despite the fact that trials of removing him in power are not successful due to the strong opposition by some of the powerful individuals in the government, Omar al Bashir has continued to exercise power as President of the Government of Sudan. The warrant will not be effected, in
any case, and will compel the Khartoum’s government to take action on the Darfur crisis. It
won't pull back its army from Darfur that would force them to surrender and would endanger
its survival against Sudan's many rebellious groups. Killander (2013) study further shows
that the administration in Khartoum cannot discharge its grasp over the insubordinate loyalty.
The aftermath of Darfur region or the South Sudan could empower guerilla groups to
organize their operations and overpower the Sudanese military and intermediary volunteer
armies to topple the Sudanese government. Moreover, withdrawing from South Sudan would
trade off Khartoum's control over the oil concessions that are the nation's financial lifeline.
As opposed to surrender to the arrest warrant, Omar al Bashir is likely to look for extra truce
arrangements to make light of the arrest warrant’s atrocities charges.

4.3 Implications of the Reactions of Civil Society Groups on Issuance of Arrest
Warrants to Sudan’s Leaders on Darfur’s peace building prospects.

The civil society groups issued many resolutions after the arrest warrants of Sudan’s leaders
calling on the Sudanese Government to take steps to end the violence and human rights
violations in Darfur and bring to justice to those found guilty of humanitarian charges and
their associates who have been accused of human rights and international humanitarian law
violations as well as other atrocities (Vincent and Nmehielle, 2016). Sudanese authorities in
many events announced that the local courts would arraign the suspects of Darfur’s atrocities,
yet as a general rule, no solid moves were made. Rather, individuals from the janjaweed have
discreetly been fused into consistent police, the armed forces, and the prevalent barrier
powers. Indeed, even in the few events where courts arraigned a few authorities, impunity
remained a major issue since when they are indicted, pardon is frequently conceded by a
presidential announcement - Presidential Decree No. 114 of eleventh June 2006 for example,
pronounced a general pardon that awards insusceptibility from household criminal indictment to the developments that bolstered and consented to the Darfur Peace Arrangement (André and Mangu, 2011).

Studies by Manisuli (2016) and Maio (2016) shows that the space for civil society had been steadily shrinking prior to the conflict and has now reached an all-time low. Journalists and human rights defenders are routinely harassed and detained for reporting and conducting advocacy on issues that state actors deem to be contrary to their interests. After the International Criminal Court issued an arrest warrant on Sudan’s President Omar Hassan Al-Bashir, the government expelled ten humanitarian groups in Darfur. Oxfam, CARE, MSF-Holland, Mercy Corps, Save the Children, the Norweigan Refugee Council, the International Rescue Committee, Action Contre la Faim, Solidarites, and CHF International were the Non-Governmental Organizations that were concerned with the expulsion in Darfur.

The government of Sudan requested the ten humanitarian groups to leave Sudan as they were suspected to be included as a team with the ICC in Darfur crimes (Mark, 2011). Sudanese security forces broke down two neighborhood associations: Khartoum Center for Development and Environment and Amal Center for Rehabilitation of Violence Victims. The main objective of disintegrating the said two associations was on the perceived abuse of their main agenda as philanthropic associations. Sudanese Vice President Ali Osman Taha showed that at whatever point an association takes helpful guide as a cover to accomplish a political plan that influences the security of the area and its steadiness, measures are to be taken by law to ensure the nation and its interests (Boraden, 2015).
As a result of the above Hinton (2012) posits that civil society groups which include aid organization stressed they are independent bodies that have no link with the International Criminal Court. They further said that this move comes in a time where the Darfur civilians are in dire need for their aid. United Nations Secretary General Ban Ki Moon said that the expulsion of the Non-Governmental Organizations "represents a serious setback to lifesaving operations in Darfur." The civil society has also urged the Sudanese government to reverse over its decision. The media also urged the Sudanese government to overturn its decision saying that these organizations provide necessary aid to the displaced who have suffered from violence and insecurity for over six years. Aid agencies described the eviction as deeply regretful but expressed some hopes that the decision would be reversed (Flanzbaum, 2015).

According to Hall (2011) Amnesty International and Human Rights Watch have issued media statements calling upon the Sudanese government to cooperate with the International Criminal Court and hand over suspects to the Court. The Institute for War and Peace Reporting (IWPR) includes reactions by Golzar Kheiltash (Citizens for Global Solutions), Eric Reeves (Sudan researcher and professor) John Washburn (American NGO Coalition for the ICC), and Carla Ferstman (REDRESS). The order or the arrest warrant issued by the prosecutor of the International Criminal Court against the two brothers; Ahmad Harun and Ali Kushayb according to their view was absolutely null and void and should have had no consequence. Its invalidity stems from the fact it is a violation of the principles of international law (Hinton, 2014).

According to Hinton (2014) Non – Governmental Organizations had a message to the Sudanese government on the issuance of arrest warrants by International Criminal Court to
the Sudanese leaders that they should continue the peace process, because that is the most mature reaction to the attainment of arrest warrant. The civil society also called for the respect of the rule of law as what was seen in Darfur and to them (the civil society) they feel that the international community is lawless or that it applies laws that were made for the benefit of one side and with the aim of harming the other.

Marsoobian (2015) asserts that due to these concerns a number of reports by the civil society groups on accountability in Darfur have recommended that an alternative international body should provide the necessary checks and balances on the Situation in Darfur. Others recommended that the Sudanese leaders should be bound through the peace agreement to ratify the Rome Statute, thereby enabling the International Criminal Court to intervene if they attempt to undermine the efforts of the international court. Although the peace agreement is vague about the role of the transitional government in the international court, Chapter 5(1.1) of the agreement states that the transitional government ‘shall initiate legislation for the establishment of the transitional justice institutions’, and Chapter 5(1.5) expects the international court to cooperate with the African Union and the international community in the operationalization of the court (Melson, 2015). This gives the transitional government some leverage in influencing the establishment and mandate of the hybrid court (a court that has various local and international judicial components) from the outset. The amount of support the transitional government will give the hybrid court is also questionable in view of newspapers by South Sudanese leaders, for the court to be scrapped. They argue that it will destabilize the country and scupper any peace deal.

Edward and McMahon (2012) asserts that under the Rome Statute, the International Criminal Court State Parties could bring cases against another state before the International Court of
Justice (ICJ). Apparently, State Parties are under a commitment to convey such authorization activities compliant with their obligations under the Statute to give any help [to the ICC] which is not disallowed by the law of the accused States, with a view to encouraging the examination and arraignment of offences within the jurisdiction of the Court. The Assembly of States Parties (or even the ICC’s Office of the Prosecutor) could likewise convey demands for the investigations and prosecution by the International Court of Justice. For example, on account of Omar al-Bashir, an admonitory demand could be conveyed to determine the contending commitments on African states subject to orders from both the African Union and International Criminal Court. As a matter of fact, the International Court of Justice can’t be a panacea for the ICC’s implementation issues. It is an organization of constrained assets, with as not as much as staggering reputation for rendering choices in an opportune way. There are also various other important issues which have been raised by potential International Court of Justice process (Nsongurua and Udomban, 2014).

4.4 Checks and Balances Set by ICC and AU in the Implementation of Accountable Justice in Darfur

According to Cryer et al., (2016), the African continent through African Union seemed to have two antagonistic parties: those opposing and those supporting the International Criminal Court. This is, obviously, a distortion of the issue of conflicts ravaging the African continent. Regardless, it can't be denied that as the calls of rivals and advocates altogether end up being plainly louder than the calls of those of spectators with a more goal and reconciliatory perspective are overwhelmed. Critically, what is by all accounts missing is a genuine, wide running and useful level headed discussion between the restricting camps. The nonattendance of such a verbal confrontation is maybe best exemplified by the choice of the African
National Congress (ANC), the decision political party in South Africa (customarily a solid advocate of the ICC), to pull back its help for the ICC, a choice that John Dugard has called 'defeatist, gullible and reactionary (Ankumah and Kwakwa, 2015).

Roy (2014) assert that by concentrating on the requirement for justice and peace and reconciliation, and embracing the wide comprehension of justice that is common in Darfurian culture, the African Union Panel on Darfur (AUPD) broke the ICC's imposing business model on the meaning of justice and made transitional justice discussable in Sudan. Transitional justice ended up noticeably leading to the Sudanese law makers accurately on the grounds that it included more than, and could maybe be recognized from, criminal justice, perceiving that occasionally adjust and must be aligned with other beneficial jurisdictions, for example, peace and reconciliation. While global consideration concentrated on the Government of Sudan's dismissal of the possibility of hybrid courts, the Government of Sudan did not expel the AUPD report in general. The report in this manner furnished advancement organizations with openings to examine transitional justice with the Sudanese law makers, to spread handouts with the ABC (Africa’s forms of social harmony) of transitional justice among Sudanese legal and law offices and to lead to the preparation for state authorities. Transitional justice, for some time is restricted as a result of its relationship with the International Criminal Court, thus ends up being an issue of discussion as another option to the International Criminal Court. This impact was not seen as a straightforward catalyst by the International Criminal Court's inclusion, but rather interceded by the individuals who looked for other options to the ICC, specifically the African Union (Henkins, 2015).
Wohlfarth and Little (2014) assert that the Sudanese government has gained help from numerous Arab and African countries, and among inter-governmental organizations, for example, the African Union (AU), the Arab League, the Community of Sahel-Saharan States (CEN-SAD), and the Organization of the Islamic Conference (OIC), all of which have reprimanded the International Criminal Court and called (unsuccessfully to date) for a deferral of indictment by the United Nations Security Council. The choice to arraign an African head of state has remarkably started a reaction among African governments, and the African Union has settled not to coordinate with the International Criminal Court in enforcing the arrest warrants to African leaders. Some African and Middle Eastern pundits and common society bunches have commended the choice of issuing an arrest warrant against Omar al Bashir as a stage against impunity in the area, while others communicated concern that the move showed inclination or a neocolonial state of mind toward Africa. In October 2009, an African Union board on Darfur led by former South African President Thabo Mbeki presumed that an extraordinary "crossover" court, comprising of Sudanese and global judges, should attempt to prosecute the gravest crimes committed in Darfur, yet did not take a position on whether such a court would look to attempt to prosecute cases presently before the ICC (Hobsbawn, 2012).

The International Criminal Court’s arraignments of Sudanese officials have been praised by human rights advocates. In the meantime, the ICC Prosecutor's selection of cases and the discernment that the Court has lopsidedly centered on Africa have been disputable (Wippman, 2012). The Prosecutor's endeavors to arraign two sitting African heads of states: Sudan's Omar Hassan al Bashir and Libya's Muammar al Qadhafi, have been mostly challenged, and the African Union has chosen not to uphold ICC arrest warrants for either of
the Presidents. Neither Sudan nor Libya is a State Party to the ICC; in the two cases, the referral was conceded through a United Nations Security Council resolution. Congressional enthusiasm for the work of the ICC in Africa has emerged regarding worries over gross human rights infringement on the African continent and past, alongside more extensive worries over ICC purview and United States strategy toward the Court. The Obama Administration authorities have communicated support for a few of the ICC indictments. At the ICC's 2010 audit in Kampala, Uganda, the Obama Administration authorities emphasized the United States' aim to give discretionary and enlightening help to ICC arraignments on a case-by-case premise (Schwebel, 2013).

The Council came to a decision that nationals, present or previous authorities or faculty from a contributing State outside Sudan which was not a party to the Rome Statute would be liable to the select purview of that contributing State for every asserted demonstration. Wippman (2012) affirms that additionally the oversights emerging out of or identified with operations in Sudan approved by the United Nations Security Council or the African Union, unless such restrictive purview had been explicitly postponed by that contributing State. Welcoming the International Criminal Court and the African Union to talk about viable courses of action that would encourage the Court's work, including the likelihood of directing procedures in the area, the United Nations Security Council empowered the International Criminal Court, as per the Rome Statute, to help global participation with local endeavors to advance the control of law, secure human rights and battle impunity in Darfur. It additionally stressed the need to advance mending and reconciliation, and in addition the formation of organizations, including all divisions of Sudanese society, for example, truth or reconciliation commissions,
so as to supplement legal procedures and accordingly fortify the activities to reestablish peace (Mahnoush and Arsanjani, 2014).

The foundation of the High-Level Panel on Darfur (AUPD) by the Peace and Security Commission following the issue of the arrest warrant for President Omar al Bashir was maybe the most prudent step the African Union took in confronting up to the problem (Jeong, 2015). The board (AUPD), comprising of prominent Africans, was ordered to 'look at the issue top to bottom and submit proposals to the United Nations Security Council on how best the issues of responsibility and battling impunity from one point, and reconciliation and mending on the other, could be adequately and completely addressed. The board was built up against the background of a developing concern among African leaders of what they see as the mishandling of the rule of widespread injustices. These worries were depicted by a 2008 African Union summit as an improvement that could jeopardize universal law and security indicating what the AU seen as the political idea of legitimate procedures started by non-African judges, most eminently from France and Spain, against authorities in the present governments (Doyle, 2014). These judges' activities added up to an infringement of Rwanda's authority and regional honesty, as indicated by these critics. In this manner, the summit approached individuals not to enforce such arrest warrants and forced State Parties to ban any detainments until the point that the issue had been completely addressed in all strategic, political and lawful multifaceted nature by the African Union.

The panel marks an important step in the African Union’s response to the International Criminal Court decision and the need to strike an appropriate balance between dealing with impunity and promoting peace and reconciliation (Coglan and Pascal, 2014). It is to be hoped that the panel’s recommendations will contribute to shaping the African Union’s response to
the ever shifting justice versus peace dilemma. The African Union is faced with the challenge of treading the fine line between upholding its principles on one hand, and promoting peace and reconciliation on the other hand. The International Criminal Court has widened the gap in the absence of an African Union framework and/or capacity to bring the perpetrators of such crimes to justice through institutions such as the International Criminal Court. Despite its far-reaching recommendations which included the establishment of a hybrid court, some had raised doubts as to the impartiality of the High-Panel due to the African Union’s decision not to cooperate with the International Criminal Court (Evenson, 2014). Following that decision, some armed groups in Darfur refused to meet with the panel accusing it of trying to protect President Omar al Bashir.

The board portrays a critical stride in the African Union's reaction to the International Criminal Court’s choice and the need to strike a suitable harmony between managing impunity and advancing peace and reconciliation (Coglan and Pascal, 2014). It is to be trusted that the board's suggestions will add to forming the African Union's reaction to the perpetually shifting justice versus peace struggle. The African Union is confronted with the test of treading the almost negligible difference between maintaining its standards from one viewpoint, and advancing peace and reconciliation on the other. The International Criminal Court has connected the space to the non-appearance of an African Union system or potential ability to bring the suspects of such offences to justice through specially appointed establishments, for example, the International Criminal Court. In spite of its sweeping suggestions which incorporated the foundation of a hybrid court, some had raised questions with regards to the process being biased by the High-Panel because of the African Union's choice not to coordinate with the International Criminal Court (Evenson, 2014). Following
this choice, some rebel groups in Darfur declined to meet with the board blaming it for attempting to protect President Omar al Bashir.

In accordance with its recommendations, the High-Panel did not take a position on the International Criminal Court's prosecution of President Omar al Bashir, or the call by the African Union for a suspension of the arrest warrants (Cherif, 2013). Rather, the board embraced an approach that suggested remedial and retributive ways of justice. To encourage reconciliation and mending, it required the foundation of a Justice, Truth and Reconciliation Commission (JTRC) and a half breed court to prosecute those in charge of genuine violations of human rights and war crimes in Darfur with an objective of ensuring responsibility is taken by those accused/suspected since the International Criminal Court can deal with a moderately modest number of cases (Tim and Allen, 2016).

The temporary position of the Darfur conflict to the International Criminal Court in itself is now an understood affirmation of the International Criminal Court's responsibility in securing justice for the casualties of the Darfur war (Hobsbawn, 2012). All in all, the board's suggestions were extensive and elaborate, vindicating it according to its commentators. Presently, the world waits to see whether the Khartoum government will consent to the suggestions and, if it neglects to do as such, regardless of whether the African Union will request it does as such, and provided that it is able to accomplish (Huggins, 2014). Early signs are not promising, since the Government of Sudan had just shown that it would not uphold any suggestion requiring the foundation of a hybrid court in light of the fact that such a body would add up to an infringement of its constitution and authority (Brownlie, 2013).
CHAPTER FIVE

5.0. SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary, conclusion as well as suggested recommendations for the implications of Sudan’s lack of cooperation with the International Criminal Court on Darfur’s peace building process. Drawing from the various literature reviewed, it is clear that there are a number of capacity constraints and other strategic challenges which inhibit effective establishment of Darfur’s peace building process.

5.2 Summary of Findings

According to objective one on the implications of the actions of Sudan’s government against the issuance of arrest warrants to its leaders by the International Criminal Court on Darfur’s peace building process, the study findings shows that Government of Sudan has not been cooperating with International Criminal Court to enforce the arrest warrants (Fallace, 2014; Sproat, 2015; and Mugwanya, 2015). The arrest warrant of Sudan’s President Omar al Bashir made the topic of the day on International Criminal Court that took place in the second phases of 2008 and 2009. There were posters all over the streets on President Omar al-Bashir but later the subject changed of the fight against injustice to the elections that were to be held in 2010. While Omar al Bashir was at the helm of the National Congress Party (NCP) he got tired of the case against him for 21 years of being in charge. Despite the arrest warrant issued by the International Criminal Court, Omar al Bashir insisted that he couldn’t risk being protected by the Republican Palace. When he won the elections, all the attention by the
people on the International Criminal Court has vanished and this proved more of their weakness to conquer the National Congress Party.

The second objective was to analyze the implications of the reactions of civil society groups on issuance of arrest warrants to Sudan’s leaders on Darfur’s peace-building prospects, the study findings also show that the International Criminal Court’s intervention, and particularly the request for an arrest warrant for the Sudanese President, triggered attention for the topic of transitional justice by the civil society groups such as the NGOs, religious groups and the media (Vincent and Nmehielle, 2016; André and Mangu, 2011; Manisuli, 2016; Maio, 2016). Media in Sudan also led to the involvement of International Criminal Court to be limited by the government on views from people. The main discussion on transitional justice by the media was mostly a term on international injustice. This was also viewed in the newspapers that provided information on the government being against International Criminal Court which led them to discussing issues on international criminal justice and Darfur. The arrest warrant of the Sudanese President made the topic of the day on International Criminal Court that took place in the second phases of 2008 and 2009. However as much as the civil society groups tried to push for the warrant of arrest their efforts where in vain since the government did not support them.

The third objective aimed to evaluate the checks and balances set by International Criminal Court and African Union in the implementation of accountable justice in Darfur. Findings show that both African Union and International Criminal Court have stepped up efforts in ensuring accountable justice in Darfur (Cryer et al., 2016; An Kumah and Kwakwa, 2015; Roy, 2014; Henkins, 2015). However there are a number of challenges that affected the combined effort of the two institutions in mediating for justice. Selfish interests have taken
the core of the efforts by African Union accusing the International Criminal Court for being political and targeting the African states unjustly unlike their counterparts in the Western countries where the same vices were experienced. The main role of International Criminal Court was to ensure that they fully dealt with impunity around them to a complementary capacity. Despite the fact that some states were in support with the International Criminal Court’s actions, it is evident that some governments in the continent of Africa had created a gap between them and the International Criminal Court and the African Union as a continental organ. The African Union blamed the International Criminal Court on involving too much on selective justice that only relies on conflicts in African. The African Union also complained of the International Criminal Court’s mis-handlement and arrests of some head of states in the continent. In Darfur the International Criminal Court experienced a lot of serious challenges and political implications. Although the African Union is part of the International Criminal Court’s process, its views have led to many countries not supporting the court.

5.3 Conclusion

The study from the first objective which was to analyze the implications of the actions of Sudan’s government against the issuance of arrest warrants to its leaders by the International Criminal Court on Darfur’s peace building process concludes that, the lack of cooperation between the government of Sudan and the International Criminal Court in ensuring effectiveness of the arrest warrant issued for the cases in Darfur has resulted to continued chaos and lawlessness in Darfur. This jeopardizes peace building prospects in Darfur. Therefore, it can be said that the existence of the warrants of arrest for the regime leaders suspected of committing war crimes, has indeed affected peace talks in Darfur. Also the
study has concluded that the court’s intent in pursuing international justice has enhanced the national or domestic law of states through the principle of complementarity. This principle ensures that states incorporate the International Criminal Court crimes into their domestic/national law. For instance, in reference to ‘enhancing international cooperation’ and in Article 93(10) of the Rome Statute, allowing States to make requests to the International Criminal Court for assistance in matters such as: identification of persons, collecting evidence, and victim protection, suggests that the International Criminal Court system is interdependent and mutually reinforcing.

The study from the second objective which was to analyze the implications of the reactions of civil society groups on issuance of arrest warrants to Sudan’s leaders on Darfur’s peace-building prospects concludes that, there are efforts by the civil society to ensure the warrant of arrest are implemented however there is no much support from the government. The government stand is seen as double standard as the civil society groups are termed as the enemies of the state and traitors working with the western countries thus jeopardizing the peace process in Darfur. The government unlike the civil society felt that the warrant of arrest acted as a green light to anyone who wishes to offend Islam, and this threatened Darfur's security and stability. The study also concludes that the Government of Sudan was unable to cooperate with the International Criminal Court due to perceived tool for United States and China. The peace process in Darfur has been found to be isolating some of the stakeholders focusing on state actors and neglecting the non-state actors. The non-state actors excluded in the peace building process include rebel groups and some of the local NGOs.

Further, the study from the third objective which was to evaluate the checks and balances set by International Criminal Court and African Union in the implementation of accountable
justice in Darfur concludes that, African Union still lacks the institutional capacity and human resources necessary to conduct effective mediation and peacemaking initiatives and complex peace operations. According to its own internal assessment, the African Union Commission acknowledged that it suffers from weak bureaucratic processes and management systems; poor information technologies; inadequate physical infrastructure; a lack of professional and motivated personnel; weak reputation and inadequate sources of funding.

The above challenges limit the effectiveness of the African Union in carrying out its mandate in mediation. Limited finances remains a major hindrance when the African Union is undertaking any peace efforts processes. The disagreements between the International Criminal Court and the African Union mostly outshine one important aspect; that Africa is home to marker endeavors to deal with impunity. Therefore the African Union ought to put more efforts to enforce responsibility; that will enhance efforts to fight impunity in Africa. International Criminal Court’s strongest supporters are in the continent as they don’t have confidence in home organizations to provide justice. This aspect should never lose meaning in International Criminal Court’s role in Africa.

5.4 Recommendations

The study recommends that the government of Sudan should collaborate International Criminal Court in ensuring the warrant of arrest are enforced in order to bring justice to the victims and apprehend the perpetrators to trial. Members of the Assembly of States Parties (ASP) need to make sure that the International Criminal Court has sufficient resources so as it undertakes its roles efficiently, especially in undertaking the investigations, making sure that defense and the victims are secured, and preach peace to the affected communities. This is important to the reliability of the International Criminal Court. Measures of cost saving
and management of cases and also the rights of victims need to be heard. Much emphasis should also be placed in ensuring an African court is functional in order to deal with the Darfur case. Thus peace in Darfur should rely on home grown solutions, by solving African problem with African solution philosophy.

The study recommends that for peace building to be effective, the process should be holistic in nature. It should be able to accommodate all the parties (state and non-state actors) this includes; rebel groups, the communities, NGOs, interested groups etc. The inclusion of the said parties will ensure check and balances in ensuring peace in Darfur.

The study finally recommends that the African Union ought to investigate and interrogate methods of improving the associations that rose out of Darfur by ensuring that lessons from these organizations are appropriately comprehended and understood by all parties. All the same, in doing as such, the African Union ought to prepare for associations that negate its sense of duty regarding advancing and upgrading human security in Africa. The African Union states need to regard their settlement commitments to the International Criminal Court; the International Criminal Court and partners ought to adjust the conspicuous requirement for security with that of justice as far as convenience. Timing is basic in circumstances where the International Criminal Court's mediation winds up plainly vital; generally the impact will be counterproductive; the International Criminal Court shouldn’t disregard domestic political exigencies in the quest for equity in the wake of a vicious conflict. Simply, political inquiries shouldn’t be settled on justice; and the State Parties ought to guarantee that, in adhering to truth and justice commissions, peace understandings, and so on, do not undermine their commitments to the International Criminal Court.
5.5 Suggestions for Further Research

The research was carried out on Darfur. A similar study needs to be carried out in other more diverse regions in the Africa in order to stimulate a comparative study anchored on adequate information to warrant generalization.

The study needs to be carried out such as to investigate interaction of other variables that may influence International Criminal Court working environment in Africa, political and cultures and other similar factors.

A replication of this study should be carried out where more time is allocated to the same and a combination of data collecting instrument should be used like, questionnaires, interview and focus group discussions these will help to counter check the information provided.

5.6 Limitations of the Study

Though deliberate effort is being made to have a worthwhile study with sufficient validity and reliability, this work should not be viewed as a final solution to the impact of the differences between African Union and international Criminal Court in promoting peace in Africa.

There was constraint of resources for reference as gathered from the secondary data. Many authors gave biased responses probably because of their relation with the country, foreign affair interest, image protection, personal reluctance, unnecessary fear of legal implications and so forth. All these created room for data manipulation. However the researcher ensured
to the best of his knowledge that he gathered as much information as possible from various sources.
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