



Darfur Relief and Documentation Centre

DRDC/BP/2006/03

Geneva, 30.05.2006

The Darfur Peace Agreement: A Raw and Irrelevant Deal

The African Union (AU) brokered Darfur Peace Agreement (DPA) was signed on Friday 5th May 2006 in Abuja (Nigeria) between the government of Sudan and a faction of the Sudan Liberation Movement and Army (SLM/A) led by Mr. Minni Minnawi. The other SLM/A faction led by Mr. Abdul Wahid M. A. Al-Nur and the Justice and Equality Movement (JEM) so far refused to be part of the agreement unless some of their concerns are satisfactorily met. The SLM/A concerns are about the right of the victims of the armed conflict in Darfur to satisfactory compensation, quality participation of the people of Darfur in the political decision-making process, proportionate share for Darfur in national economic wealth, restoring the status of Darfur as one region with its border lines as defined in 1956, and a greater role for the movements in disarming the Janjaweed and protecting the civilian population in Darfur. On 15th May 2006 the AU Peace and Security Council (AUPSC) held a Ministerial Meeting in Addis Ababa to endorse the DPA and also to consider measures for its implementation. The meeting decided that 31st May 2006 would be the final ultimatum for signature of the agreement as proposed by the AU mediation team and invited the holdout rebel groups to express their commitment to the peace process and join in the deal. If the disgruntled rebel groups continued their objections to sign the DPA, the AU decided that it would ask the UN Security Council (UNSC) to slap targeted sanctions on them.

The DPA was reached under unhealthy conditions with dramatic increase in violence and insecurity in Darfur. It was negotiated and signed in the absence of a real ceasefire arrangement respected by all the parties to the conflict. It seems that efforts of the AU mediation team to persuade the parties to reach a negotiated political settlement based on mutual consent and informed opinion were obstructed by the delaying tactics and unwillingness of the government negotiators to accommodate the basic political demands put forward by the Darfur insurgent movements. Some provisions addressing these demands were discussed and approved by the parties and the AU mediation during the negotiations, but for unknown reasons they were not included in the final DPA text. The government of Sudan embraced the DPA as presented by the AU mediation while Mr. Minnawi signed it under pressure from African and western political leaders. He did so only after the US and UK observers introduced important changes to the text and assured him that their governments will scrupulously follow-up implementation of the deal. In a flagrant violation of the norms of fair and impartial mediation, the AU mediation team allowed intensive pressure, threats, intimidation and blackmailing to be used in a bid to persuade the parties especially the Darfur insurgent groups to sign the agreement. In yet another bad precedent the AU mediation allowed individual members of the SLM/A negotiation team to sign the DPA in their personal capacity or on behalf of hitherto unknown splinter rebel groups.

The AU and the international community at large hailed the signing of the DPA as the first step in a series of other necessary measures needed in order to end the armed conflict in Darfur and arrest the threats that it poses to peace and security in the African sub-region. Because of the unusual conditions under which the Inter-Sudanese Peace Talks on Darfur that led to the DPA were held, it was natural that the AU considered the signing of any text of an agreement as a successful conclusion of this process without regard to the contents of the agreement or the chances that it brings peace to the region. It seems that for the AU mediation as well as for the government of Sudan coercion of the Darfur insurgents to sign the DPA was more of a political and psychological victory rather than a genuine deal that would yield a lasting solution of the reasons underneath the armed conflict in Darfur.

The international community on its part is concerned, among other things, about the acute humanitarian situation on the ground and the protection of defenceless civilians in Darfur rather than a time-consuming political exercise for a comprehensive solution that addresses the root causes of the armed conflict in the region. The international community is more concerned about preserving the gains of the Comprehensive Peace Agreement (CPA), which ended Sudan's 20 years of civil war in the South and the adjacent areas. It therefore looked forward to the DPA as a necessary measure upon which it reckons for launching a robust UN-sponsored operation to protect the civilian population in Darfur and provide them with the necessary humanitarian relief. The objective is to stabilize the overall political situation in the country and maintain the *status quo* under the CPA. The DPA does not provide for the deployment of international peacekeeping force to protect civilians in Darfur. This point is being used by the government as additional argument in its rejection of the deployment of UN peacekeeping force to protect defenceless civilians in Darfur. Nevertheless, on 16th May 2006, UNSC unanimously adopted resolution 1679 (2006) through which it decided to accelerate planning for a UN peacekeeping force in Darfur and called for the deployment of a peacekeeping planning mission to the region within a week. This ultimatum passed by while Sudan maintained its position of rejecting the deployment of a UN-sponsored peacekeeping force to protect the defenceless civilians in Darfur.

At home the DPA was met with discontentment from the major stakeholders in Darfur particularly the internally displaced persons (IDPs) and war-affected communities. Civil society groups from Darfur including women groups, students, lawyers, intellectuals as well as some major national political parties have rejected the DPA. Most of them were under the impression that the DPA was an awfully incomplete project proposal imposed upon the Darfur insurgent groups by the government of Sudan with the complicity of the AU and the international community. Frustration and anger about the contents of the agreement provoked violent demonstrations and clashes throughout the three Darfur States and the national capital Khartoum. On Saturday 13th May 2006 at least six persons were killed and two others injured in Abou Shouk IDP camp, near Al Fashir in North Darfur State when police used tear gas and excessive force including firearms to disperse an anti-DPA demonstration.

Anti-DPA violence also cut short a visit of Mr. Jan Egeland, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to the region. During Mr. Egeland's presence in Darfur on 8th May 2006 some frustrated IDPs in Kalma camp, near Nyala (South Darfur State) attacked an aid worker and then ransacked the AU Civilian Police Station in Kalma camp, lynching to death Mr. Ahmed Defala a Sudanese national serving the AU as interpreter. The IDPs have expressed anger about the lack of protection of civilian population provided for by the DPA and also about the shrinking humanitarian assistance. On 16th May 2006 angry demonstrators in Abou Shouk IDP camp and other areas in Darfur expelled the AU force and demanded the immediate deployment of international troops to protect them. It was all too

evident that most of the protests and violence unleashed by IDPs in Darfur in the aftermath of the signing of the DPA were in fact directed toward the AU Mission in Sudan (AMIS). In addition to human casualties, a number of AMIS vehicles and other properties were burnt down, damaged or vandalized.

It was observed that the signing of the DPA by only one rebel faction is increasingly polarizing the inter-tribal relationships in Darfur. The situation is particularly disturbing among the IDPs and other war-affected communities. Members of the Fur and Masalait tribes who represent the overwhelming majority of the victims of the armed conflict that live in the miserable IDP camps in Darfur violently oppose the agreement. Furthermore, dispute about the feasibility of the DPA has emerged among members of the SLM/A faction that signed the agreement. On Tuesday, 9th May 2006 Mr. Ibrahim Ahmed Ibrahim, Secretary of External Relations and top advisor to Mr. Minnawi on international affairs addressed an open letter to the UN Secretary General urging the world body to freeze implementation of the DPA. He indicated that his group had been pressurized into signing an "*incomplete agreement*" that would probably not solve the crisis in the region. On 20th May 2006 Mr. Minnawi's spokesperson Mr. Mahjoub Hussein accused the government of Sudan and the Janjaweed of launching a major military offensive against some of their bases in Katal Area (Dar Assalam) about 150 km east of Al Fashir in North Darfur State. The military attack was carried out on 18th May 2006 and the SLM/A claimed to have confiscated military vehicles and other military provisions owned by the government army. According to AMIS on Friday 19th May 2006 the Janjaweed launched two separate attacks that killed a total of 35 African villagers. In a separate incident on 19th May 2006 villagers attacked a Janjaweed militia in Kalaka, South Darfur State. During this attack 11 villagers and 8 Janjaweed were killed in what believed to be a retaliatory reaction to a 5th May Janjaweed raid that killed Mr. Minnawi's brother on the very day he signed the DPA.

To face the mounting rejection by the people of Darfur of the DPA, the AU mediation team resorted to unconventional methods in such situations. On Wednesday, 10th May 2006 they issued an open letter addressed to the rebel groups who rejected the agreement, explaining in detail the benefits the deal is designed to bring to them and to the people of Darfur. The AU meditations are also planning to issue pamphlets addressed to the IDPs and the war-affected communities in Darfur propagating for the DPA and asking the people to support it. This was an open attempt to win wider acceptance for the deal after it was greeted with contempt and violent demonstrations throughout IDP concentration points in Darfur and also among Darfurian communities inside the country and in the Diaspora. By engaging in such explanatory adventure the AU mediation team mistakenly assumed that the Darfur insurgents and indeed the people of Darfur are unaware of the contents of the proposed agreement. This would yet be another unjustifiable AU misunderstanding of the delicate situation in Darfur. For the beleaguered people of Darfur such an attitude amounts to adding insult to injury.

On the ground in Darfur the DPA made little change, if any, on the security and humanitarian situation. Since the DPA signing on 5th May 2006, Janjaweed attacks on villagers inside Darfur and across Sudan's international border against refugee camps in eastern Chad have been regularly reported. Reports indicated that fighting between various militia groups in Darfur has also intensified in recent weeks. On Friday 26th May 2006 militiamen attacked an AMIS patrol team in the Masteri area in West Darfur State near Sudan's border with Chad. One soldier was killed and two others were wounded during this attack. Reports also indicated that on Saturday 27th May 2006 between 50 and 60 militiamen attacked AMIS base in Masteri and wounded five soldiers. The growing insecurity provoked continuous pull out of relief agencies and workers from the region. UN sources estimate that at present there are at least 700,000 IDPs and other war-

affected communities inside Darfur that are left without access to life-saving humanitarian relief material. The death rate among these groups is high. The Janjaweed are becoming increasingly active in eastern Chad attacking Darfur refugees and the local population alike. According to UN sources the security situation in much of Chad's eastern regions has virtually collapsed and that humanitarian workers are being pulled out progressively. They are expected to leave behind more than 350,000 people both refugees from Darfur and the local Chadian population. These groups will be left in a dire situation without protection from the Janjaweed attacks.

The main features of the DPA are the following:

1. The DPA requires that the government of Sudan disarm and demobilize the Janjaweed militia by mid-October 2006. It should also restrict movements of other militia groups i.e. the Popular Defense Forces but without commitment to disarm them. The AU is to certify that the Janjaweed have been disarmed before the rebel forces assemble and prepare for disarmament and demobilization under the AU supervision.
2. The agreement stipulates that 4,000 former rebel combatants be integrated into the Sudanese Armed Forces and 1,000 be integrated into the police force while 3,000 are to be supported, through education and training programs, and eventually employed in civilian positions to help in the reconstruction and rehabilitation of Darfur.
3. Buffer zones are to be established around camps for internally displaced persons and humanitarian assistance corridors. A commission is to be created to work with the United Nations to help refugees and displaced persons return to their homes.
4. Rebel signatories of the agreement are to occupy the 4th highest position in the government of Sudan i.e. Senior Assistant to the President and Chairperson of the Transitional Darfur Regional Authority (TDRA), which is responsible for implementation of the DPA.
5. In July 2010, a popular referendum will be held to decide whether to establish Darfur as a one region with a single government.
6. For the three-year period prior to elections, the agreement grant the rebel groups 12 seats in the National Assembly, 21 seats in each of the Darfur State legislatures, one State Governor and two Deputy State Governors in Darfur. It also provides for unidentified number of senior positions in State Ministries, and key posts in local governments.
7. On the wealth sharing the government of Sudan agreed to contribute US\$ 300 million as an initial payment and then US\$ 200 million per year for the next two years for the rebuilding and reconstruction of the Darfur region. The DPA requires the international community hold a donors' conference and pledge additional funds for Darfur. It invites the TDRA Chairperson to present to that conference a summary of needs and priorities. A Joint Assessment Mission (JAM) similar to the JAM done for reconstruction of South Sudan after the Comprehensive Peace Agreement will be established to determine the specific reconstruction and development needs of Darfur.
8. The agreement provides that the government of Sudan is to make a onetime token payment of US\$ 30 million in compensation to the more than two million victims of the armed conflict in Darfur.

These provisions were rejected by the Darfur holdout insurgent groups on the ground that they fall far short of meeting their minimum political demands. They were concerned that the DPA has overlooked some basic criteria agreed upon in the Declaration of Principles on the Resolution of the Sudanese Conflict in Darfur of July 2005 (DoP). The insurgents claimed that the DPA ignored most of the ardent work conducted by the negotiators and experts during the last six months and since the 7th Round of the Inter-Sudanese Peace Talks on Darfur were convened in November 2005. They also claimed that certain provisions that were proposed by the AU mediation in an earlier draft agreement presented at the beginning of February 2006, which were accepted by the parties on the understanding that they will form part of the final agreement, have disappeared from the final text. These provisions addressed critical issues such as power-sharing; wealth-sharing and security arrangements, together with issues of general principles, guarantees for implementation, implementation mechanisms and timeframe for implementation.

The DPA has rightly placed special emphasis on the security arrangements on the ground and for that reason disarmament of the Janjaweed was considered as a central issue. This represent a substantial break through in the history of the conflict that should be consolidated and seriously implemented. However, the Darfur insurgent movements expressed fears that the haste with which this issue was addressed indicate that the whole process was in reality a security deal to disarm them rather than a political agreement that addresses the root causes of the conflict and lay down the foundation for sustainable peace in the region. It is to be noted that the SLM/A faction that signed the DPA would have not done so if the USA, UK and the EU had not introduced some critical amendments on the security arrangement section. However, serious concerns remain as to the practical modalities for implementation of this part of the agreement especially with regard to the Janjaweed disarmament.

According to the agreement AMIS will be responsible for disarming, encamping and demobilising rebel forces. Disarming and dismantling the Janjaweed is the responsibility of the government of Sudan. The DPA provides that disarmament of the Janjaweed is to be completed by October 2006 and that the AU is to certify the completion of this process. Sudan's acceptance to disarm the Janjaweed is one of the positive points of the DPA because it has put an end to the government denial of any links with these murderous groups. Asking the government of Sudan to disarm the militia groups it has created seems to be logical, but the government's intransigent disregard on previous occasions of AU and UN demands to rein in the Janjaweed leaves serious doubt about its undertaking to do so under the DPA. The government military policies against civilians in Darfur are at the origin of the current humanitarian crisis in the region. Our experience with the conflict during the last two years clearly showed that disarming the Janjaweed is beyond the government intention and that it has been absorbing them in the regular forces. Hence entrusting the government of Sudan to disarm the Janjaweed and protect the civilian populations in Darfur amounts to the political equivalent of imploring the hyena to guard the sheep.

On the other hand disarmament of the Janjaweed is a complicated exercise and cannot be effectively undertaken without a clear strategy based on careful study of all possible options. Sudan lacks expertise in this area and it is, therefore, practically impossible that it will be able to carry out this task on its own before mid-October 2006. There are no available government records of the exact numbers of the Janjaweed including the ones absorbed or currently being absorbed into the regular security forces. The government is not likely to disclose the kind of arms that it has provided them. The agreement does not provide for any sound independent mechanism to supervise the government work in this regard or check its compliance with the DPA provisions addressing this crucial subject. In light of its practical experience in Darfur during the last two years, AMIS clearly lacks the necessary political backing and ability to verify

disarmament of the Janjaweed and to that extent certify the completion of such a complicated technical issue. Indeed, to certify completion of the Janjaweed disarmament, AMIS should unambiguously be empowered to directly control and supervise this delicate process. This basic requirement was not provided for under the DPA. Another serious weakness is that the DPA does not provide for apprehension of the Janjaweed leaders or holding them accountable for the war crimes and crimes against humanity that they have committed against civilians in the region.

The Power Sharing and Wealth Sharing sections are the weakest parts of the DPA. The general and sweeping nature of the provisions in these sections represents a time bomb in the future implementation of the DPA. Absence of specific numeric goals as well as unclear implementation mechanisms or the lack thereof means that there would be no positive prospect for satisfactory implementation of these provisions. The only exception was the commitment that the government would employ 8,000 former rebel combatants in the army, police force and the civil service. Employment of former rebel combatants in civil service was unambiguously limited to the specific role that they can play in the reconstruction and rehabilitation of Darfur.

The DPA minimized the participation of the Darfur insurgent movements in the national and regional political power structures to marginal positions that fall far short of their initial demands. The DPA was carefully drafted in a way that the Darfur insurgents would only be allowed to play advisory role on local and regional issues concerning the situation in Darfur and without effective control over political decision-making both at the regional and/or national levels. The DPA allows the government party to dominate the executive and legislative branches of government in Darfur leaving the movements with less than one third share in these structures. At the national level and because of the arrangements wrought by the CPA and Sudan's Interim Constitution, the participation of the Darfur insurgent groups would be negligible to be enumerated here.

Equitable distribution of national wealth between the rest of the country and Darfur which was called for in the DoP has been limited to the rehabilitation and reconstruction of the damage done to the region by the government military operations. In total the government of Sudan committed to provide a token amount of US\$ 700 million to be paid over a period of three years. This simplistic approach is clearly irresponsible and betrays the letter and spirit of the DoP, which commands that: "National wealth shall be distributed equitably." Perhaps the greatest injustice of the DPA was its treatment of the question of the right of the victims of the Darfur armed conflict to reparations of the damage done and satisfactory compensation for their losses. It is ironic that all the parties to the conflict, the AU mediation and observers alike agreed that the right of the victims of the conflict to compensation is a basic right based on fundamental justice and law. However, political rhetoric was not matched by good will and faithful commitment. The DPA provided that the government of Sudan makes a onetime payment of US\$ 30 million in compensation to about 600,000 families victimised by the conflict. They include a total of more than three million individual victims of the armed conflict and war-affected communities in Darfur. This means that in practice individual victims would receive less than US\$ 10 each in compensation for the stolen wealth, lost or destroyed properties, lives lost or the physical and psychological suffering incurred.

It is of serious concern that only the government of Sudan and one rebel faction have signed the DPA leaving behind at least two organised rebel groups. As such the DPA is at best a patchy solution. Growing polarization of inter-tribal relations in Darfur indicate that the DPA is in fact a divisive device rather than a unifying factor. In its present shape the DPA would not bring the required peace and tranquillity to the Darfur region. Violent reaction of the IDPs and war-affected communities and their selective targeting of AMIS installation and personnel that followed the

signing of the DPA indicate a lost confidence in AMIS efforts to address the situation. It is also of concern that the political demands put forward by the dissident Darfur insurgent factions – which they considered as largely ignored by the mediation and the international community in the final text – are demands that are supported by the overwhelming majority of Darfurian intellectuals, civil society groups, and most importantly by large numbers of the IDP and the war-affected communities in the region. Unwillingness to address the concerns of these important segments of the Darfur society would eventually generate serious future confrontation, civil unrest and even armed conflict of a larger scale and magnitude. Under the circumstances it is safe to say that the DPA is far from being a viable solution to the armed conflict in Darfur but rather the breeding ground for potential violent unrest and conflicts in the region.

Conclusion and Recommendations

1. The intensive military operations, Janjaweed attacks and fighting in Darfur with its cross-border implications requires immediate intervention to protect the civilian population in Darfur and avert a possible humanitarian crisis in the African sub-region.
2. Continued reports of renewed government use of aerial bombardment against civilian targets in Darfur necessitates that the UN Security Council consider declaring Darfur as a "no-fly zone."
3. The adoption of UNSC's resolution 1679 (2006) on 16th May 2006 was a step in the right direction. It should be followed by the deployment of a robust UN-sponsored peacekeeping force in Darfur. The security and humanitarian situation in Darfur is so acute and so urgent that the dispatch of international peacekeeping force into the region should commence immediately with or without the consent of the government of Sudan.
4. The AU efforts to mediate a political settlement of the armed conflict in Darfur were substantially flawed, raw and irrelevant. The AU is not likely to play a successful future role or follow-up implementation of the DPA unless a radical change is made in its *modus operandi* with regard to the situation in Darfur.
5. As a member of the AU, Sudan is using its membership of the AU institutions in particular the Peace and Security Council to advance its own agenda. By its decision of 15th May 2006 to endorse the DPA despite the serious objections from two Darfur insurgent groups and an important segment of the people of Darfur, the AUPSC demonstrated total disregard of the concerns of some of the aggrieved parties. It has showed intolerable inflexibility to be able to continue playing the role of an independent and impartial arbitrator.
6. Decisions of the AUPSC regarding the situation in Darfur should be well calculated. Forcing the remaining insurgent groups to sign the DPA without sincere efforts for a suitable formula to accommodate their concerns would further jeopardize the AU image in Darfur. It would generate unpredictable reaction from the IDPs and war-affected communities and could put the lives of AMIS personnel in the region in danger.
7. Slapping sanctions on the holdout insurgent groups or the threat thereof is an unadvisable measure. It would probably incite more people to support the movements, strengthen their position on the ground and eventually lead to the collapse of the DPA altogether.