



# Darfur Relief and Documentation Centre

---

DRDC/BP/2006/01

Geneva, 25.01.2006

## The Darfur Peace Process a Hollow Exercise

The destructive armed conflict in Darfur continues unabated despite regional and international efforts to put an end to it. At present, no negotiated political resolution of the conflict is in sight. This happens despite the political negotiations for a peaceful settlement of the conflict under the banner of the Inter-Sudanese Peace Talks on Darfur, which are currently taking place in the Nigerian capital, Abuja. For the third consecutive month representatives of the government of Sudan and the main Darfur insurgent groups i.e. the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) are meeting at the seventh round of talks to reach a negotiated political agreement that puts an end to the armed conflict in the region. The ongoing process is substantially flawed and fruitless. The previous six rounds of political negotiations that started in Addis Ababa in July 2004 under the auspices of the African Union (AU) have made very limited progress on some minor issues. The adoption of the Declaration of Principles on the Resolution of the Sudanese Conflict in Darfur in July 2005 is yet to be followed by a real breakthrough in its implementation. By all accounts the progress made at the negotiations is marginal and disproportionate with the extent and magnitude of the humanitarian crisis in the region and its devastating effects on millions of civilians who are being held hostage for political bargaining.

The poor results of the ongoing process should be blamed on the lack of political will on the part of the conflicting parties as well as the failure of the regional and international community to act decisively for a resolution of the conflict and to enforce the existing political arrangements. A case in point is that the Humanitarian Ceasefire Agreement reached in N'djamena on 8<sup>th</sup> April 2004 and the Abuja Protocol on the Enhancement of the Security Situation in Darfur and the Protocol on the Improvement of the Humanitarian Situation in Darfur signed by the government of Sudan and SLM/A and JEM on 9<sup>th</sup> November 2004 have not been respected by the conflicting parties. These agreements have had no effect on the ground in terms of protection of civilians and the return of normal life in Darfur. As such, there is an urgent need for a new and steadfast approach to reinvigorate and consolidate the ongoing process.

On the ground in Darfur the situation is catastrophic. Insecurity, violence, destruction, looting, banditry and lawlessness are growing at an alarming rate. The situation is seriously aggravated by what looks like an endless mushrooming of splinter militia groups and autonomous warlords. The splinter militia groups are accountable to no one but to themselves. It is observed that most of these groups are active in stockpiling logistical material and to that end they specifically target the seizure of vehicles and fuel tankers to increase their mobility, which implies their intention to expand the areas of their operations. They spare no one from their wrath, attacking even AU military monitors, United Nations (UN) agencies and national and international humanitarian relief organisations. It is widely reported that militia groups deliberately destroy fields and crops in a

bid to impede any possible return of the internally displaced populations (IDPs) and refugees to their original areas. The ongoing insecurity and deliberate destruction of livelihoods also forces tens of thousands of IDPs who venture to return home as well as the local host communities to seek refuge near towns and in existing or makeshift IDP settlements. In November 2005 alone, up to 20,000 people were forced to leave their villages in the Gereida area and in other areas in West and South Darfur. The targeting of the AU military monitors, UN agencies and national and international relief organisations, together with the deliberate destruction of all means of subsistence of the local populations, should be read within the context of the scorched-earth campaign against civilians in Darfur which has been notoriously pursued by the government of Sudan and its allied paramilitary groups, in particular the Janjaweed, since mid 2003.

In his monthly report on Darfur to the Security Council of January 2006, the UN Secretary General stated that: *"reports from the ground confirm the marked deterioration in the situation since September [...] Large-scale attacks against civilians continue, women and girls are being raped by armed groups, yet more villages are being burned, and thousands more are being driven from their homes."*

The conflict in Darfur is in a process of spiralling out of control with serious consequences to peace and stability in the African sub-region. In addition to Chad, African countries that could be affected by the armed conflict in Darfur include Libya, Nigeria, Central African Republic and Niger. Perhaps the most direct cross-border casualty of the armed conflict in Darfur is peace and stability in Chad. Political unrest, instability and dissension within the armed forces are currently intensifying in Chad with the emergence of rebel groups that vowed to overthrow the government of President Idriss Deby. The situation became serious in October and November 2005 when two well-organised rebel groups declared themselves and started military operations in the eastern region of Chad in earnest. One of these groups is named the Platform for Change, National Unity and Democracy better known by its French acronym (SCUD) while the other group is known as the Rally for Democracy and Liberty. Chad promptly accused Sudan of organising, arming, harbouring and supporting these rebel groups. Since then open hostility has been lingering between the two countries with accusations and counter accusations of cross border militia incursions and military operations between the two countries. In fact, the governments of Chad and Sudan are in a situation of postponed inter-state war. It is reported that both countries are actively building up military troops and consolidating their presence alongside the Chad-Sudan international borders. In December 2005 the government of Chad officially declared that it is indeed in a state of belligerence with its eastern neighbour.

The conflict in Darfur and the role of the government of Marshal Al Bashier in aggravating the humanitarian crisis in the region are generating political polarization among African leaders and political decision-makers. While some African governments, especially in north and east Africa, are supporting Khartoum in its handling of the armed conflict and the humanitarian crisis in Darfur others have expressed their disagreement. Chad for its own reasons objected to Sudan hosting the 6<sup>th</sup> AU Summit of Heads of State and Government and to the prospect of Sudan's election to the AU Presidency ahead of the summit meeting in Khartoum on 23-24 January 2006. Early in January 2006 Chad convened a special summit of the six-nation Central African Economic and Monetary Community (CEMAC) in N'djamena in a bid to secure their support against what President Idriss Deby called the "subversive plots" of neighbouring Sudan. He also asked them to support Chad's position that the venue of the 6<sup>th</sup> AU Summit should be shifted to another African capital and that Marshal Al Bashier should not be elected as AU President for 2006-2007. These diplomatic efforts to prevent Khartoum from hosting the 6<sup>th</sup> AU Summit failed for legal and practical reasons. The decision to hold the 6<sup>th</sup> AU Summit in Khartoum was adopted

through a resolution of the 4<sup>th</sup> AU Summit held in Abuja in January 2005 and therefore cannot be altered without a resolution from another summit to be convened for this purpose.

However, a few days before the convening of the 6<sup>th</sup> AU Summit in Khartoum President Olusegun Obasanjo and other African leaders supported by about 50 African civil groups declared that Marshal Al Bashier could not be entrusted with the task of driving peace moves in Darfur and consequently should not be entrusted with the AU Presidency. This pronouncement from a heavyweight African political leader showed that the continent of Africa was divided over Sudan's bid to ascend onto the AU Presidency when African Heads of State and Government gather for their 6<sup>th</sup> AU Summit in Khartoum in January 2006. The implication of these different positions is that while most African leaders agree on the gravity of the situation in Darfur and that an immediate end to the crisis should be reached they are divided about the very methods that could help achieve this objective. A divided AU would be severely crippled to mediate a peace process in such a complex situation as we see in Darfur. It would not be in a position to collectively send a decisive signal to the negotiating parties to agree on a peaceful resolution of the conflict and end the suffering and destruction in Darfur.

It is under such gloomy circumstances that the Inter-Sudanese Peace Talks on Darfur are taking place in Abuja. In July 2005 the negotiators agreed upon the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur (DoP). The document was adopted under intensive pressure exercised by the mediators, some African States, observers and facilitators on the negotiating parties especially the insurgent groups rather than through the informed consent of all the parties. Although the DoP is the basis of the ongoing negotiations, yet it seems that some of the parties still have reservations on its contents. The DoP contained 8 preamble paragraphs and 17 operative paragraphs with some details that could have been better elaborated in the final agreements. At best the DoP can be considered a middle way document between a Declaration of Principles and a general framework agreement. Issues of political power sharing seem to be one of the main stumbling blocks. The parties have refused to make any concessions on their positions including on the modest demand of the Darfur insurgents for the post of vice president to be occupied by an individual from Darfur. It is ironic that the unionist sentiments expressed by the Darfur insurgent groups and their demand for social justice, an end to marginalization and discrimination, equitable power sharing and representation of all the people of the country in the State structure according to the population density of each region are being fiercely resisted by the government of Sudan. It perceives this political discourse as a threat to the *status quo* and the domination of the State and the country by minority elite groups.

Thus far, the Power Sharing Commission has concluded the three first items on its agenda relating to the general principles for power sharing, criteria and guidelines for power sharing, and human rights issues. The discussions are, however, currently stalled because of the parties' divergent positions on the fourth item on the agenda, namely federal structure at all the levels of governance and their competencies. The parties presented their respective positions on the question, underlining four aspects of the federal system, which are of specific concern to them. These aspects include the status of Darfur as one region or 3 states, representation of the SLM/A and JEM at the Presidency, their participation in the administration of the federal capital and the boundaries of Darfur.

Perhaps the most serious difficulty to be faced by the Inter-Sudanese Peace Talks on Darfur is the rift and dispute between the SLM/A leadership, which reached a turning point following the 6<sup>th</sup> round of the Darfur peace talks. Intensive consultations undertaken by the AU mediators, observers and facilitators to narrow the differences between the SLM/A leaders did not generate

the desired outcome. From 29<sup>th</sup> – 31<sup>st</sup> October 2005 the SLM/A Secretary-General convened a congress in Hasskaneita, in eastern Darfur during which he was elected as the new SLM/A Chairman. Subsequently, the Chairman and Vice Chairman, as well as some other members of the SLM/A, rejected the outcome of the conference as "*illegal*" and, therefore, "*null and void.*" The convening of the Congress and elections has deepened the division within the SLM/A. Although the SLM/A leadership conflict seems to be contained, they no longer participate in the talks as a united and cohesive Movement. Two meetings held in Nairobi and El Fasher in November 2005 upon the AU initiative to reunite the SLM/A around one delegation and adopt a common negotiating position for the next stage of the negotiations failed. This rift has serious implications at the present negotiations, for the post Abuja peace process and the overall efforts to end the conflict in Darfur.

The process of peace in Darfur is also greatly influenced by other important factors created by Sudan's internal political dynamic in the aftermath of the conclusion of the Comprehensive Peace Agreement (CPA) signed in Nairobi in January 2005, which is expected to end the country's deadliest internal armed conflict in South Sudan and other adjacent areas. In this respect it is to be reemphasized that the Nairobi agreement would have not been possible without the full involvement of the regional and international community represented by the Inter-Governmental Authority on Development (IGAD), IGAD Partners and the UN Security Council. Regional and international involvement in the process of peace in Darfur is therefore a crucial element that needs to be further consolidated and strengthened. Policy options that led to the successful completion of the Nairobi agreements should be replicated in the situation of Darfur. Special efforts are necessary to take stock of the progress made and revisit the role played by the AU Special Envoy and Chief Mediator on Darfur, the secretariat as well as the role of other co-mediators and observer States known as the "*Facilitators.*"

The international community, represented by the UN, has its own concerns about the whole process of peace negotiations in Darfur. A paper presented by UN Mission in Sudan (UNMIS) to the Special Envoys on Sudan in November 2005 outlined the characteristics of any post Abuja process in Darfur. These characteristics include: the need for consistency between a framework for peace in Darfur and the broad framework of the CPA and the interim Constitution of Sudan; respect for the constitutional arrangements already developed with respect to South Sudan and the transitional areas; consistency with the national commitment to make unity attractive; flexibility which would allow similar interim arrangements to be worked out in due course for East Sudan; measures to effectively enforce a permanent ceasefire; and a clear commitment to the binding nature of the outcomes of the talks. The paper suggested the need to acknowledge that other forces have become part of the final dispensation; and that there would be an end to transitional power-sharing following elections.

Some of these characteristics represent valid concerns. The armed conflict in South Sudan, the Nuba Mountains and Southern Blue Nile continued for too long and caused so much destruction and suffering that it should be stopped by all means. The CPA, which is believed to be the vehicle to reach this goal, was achieved after painstaking efforts. However, the overall political crisis in Sudan is complex and multifaceted. No comprehensive peace is attainable in Sudan while half the country is in a state of war as the case in Darfur or in a state of no peace and no war as the case in East Sudan. The UNMIS position on the post Abuja process must have been greeted with contentment by the government of Sudan. It provides the government with an open-ended space for manoeuvring and resistance to avoid any genuine dialogue to end the Darfur crisis and eventually East Sudan on the ground that issues to be discussed contravene the CPA.

Unbalanced pursuit of the realization of the CPA would inevitably have the effects of forcing the Darfur insurgents to sacrifice some of their main concerns. Most importantly it would undermine the declared position of the negotiating parties to address the root causes of the armed conflicts in Darfur, which are largely linked to the imbalanced power relations between the region and the central government in Khartoum. The concerns of the people of Darfur could not be addressed without constitutional guarantees and additional national mechanisms that were not provided for in the CPA and the current Interim Constitution of Sudan. On the other hand the position of some members of the international community on uncalculated support of these concerns encourages the government of Sudan to continue its scorched-earth campaign in Darfur and evasive tactics to resolve the crisis during the ongoing political negotiations. The government of Sudan will have every reason to relax in the absence of any real pressure from the international community to compel it to put an end to the destruction campaign in Darfur.

The Inter-Sudanese Peace Talks on Darfur are served by a functional secretariat that tirelessly endeavours to follow up the outcomes of the negotiations and prepare for further rounds of talks. The secretariat is composed of high calibre AU diplomats with track record service of African inter-governmental bodies under the leadership of Dr. Salim Ahmed Salim the long time Secretary-General of the former Organisation of African Unity. They have deep knowledge of African regional structures, their *modus operandi* and most importantly the mood of African political decision-makers. However, this reality carries within it elements of serious limitations. As trained career diplomats, members of the secretariat are naturally inclined to weight the interest of African governments heavily and to avoid any conduct that could offend them. The government of Sudan is taking full advantage of its status as an AU Member State to dictate its position and exercise the utmost inflexibility during the negotiations. As such, the secretariat was left alone with the impossible task of reconciling the demands and exigencies of an intransigent and noisome AU Member State with those of the Darfur insurgent groups. Unlike the government of Sudan, the Darfur insurgents have no institutional links with the AU or any influence on the functioning of its mechanisms.

The secretariat is yet to develop a known resource persons group to assist it in its work behind the scenes, and to undertake some necessary initiatives including evaluation of the process, proposal of alternative policy options and solutions for trouble that may arise. An independent resource persons group would also provide valuable assistance to the secretariat in the preparation of balanced position papers for the consideration of the negotiating parties. By neglecting this aspect the Inter-Sudanese Peace Talks on Darfur have been deprived of the assistance of an independent body that could help immensely in narrowing the gaps that may exist and in bridging points of divergence.

Finally it should be appreciated that the AU is playing a critical role in finding solutions to the armed conflict in Darfur, both by mediating between the parties to the conflict through the Inter-Sudanese Peace Talks on Darfur and also by deploying about 7,000 military monitors on the ground to oversee implementation of the ceasefire agreements, document and report violations thereof and to a lesser degree protect civilian populations. For a number of reasons, the AU efforts to end the crisis in Darfur have not yielded the desired results both on the political negotiations table and through its military presence on the ground. It is therefore imperative that a viable alternative strategy for peace in Darfur be worked out without any further delay. As was the case with the Nairobi agreement that ended the armed conflict in South Sudan and the adjacent areas, a more prominent role for the UN Security Council in resolving the armed conflict in Darfur could well be the most determinant factor in spelling out the end of the suffering of millions of civilian populations deliberately held hostage to the war in the region.

## Conclusion and Recommendations

1. The Inter-Sudanese Peace Talks on Darfur are substantially flawed, futile, time consuming and ineffective. Despite the parties declared commitment to negotiate in good faith, the process is manifestly disingenuous marred by reciprocal mistrust and suspicion. The Inter-Sudanese Peace Talks on Darfur therefore needs to be reinvigorated and reinforced with new approach and commitment.
2. With the worsening of the humanitarian situation in Darfur, the escalation of violence and atrocities against civilian populations, banditry, lawlessness and increased military activities in the area with serious cross-border implications, the international community is no longer justified in leaving the quest of peace in Darfur solely to the regional efforts of the AU.
3. Protection of civilian populations in Darfur from wanton killing, systematic and deliberate destruction of their livelihoods and forced eviction from their homeland should be the collective responsibility of the international community. The UN Security Council should authorize the deployment of an international force to protect the civilian populations in Darfur.
4. It is unlikely and even unusual that the negotiators reach a political agreement while fighting and military activities continue on the ground in the absence of any meaningful ceasefire arrangement. The UN Security Council should take the lead in ensuring effective enforcement and strengthening of the existing ceasefire agreements. Disarmament of the Janjaweed militia groups and apprehension of their leaders should be at the heart of any measure to be undertaken by the Security Council in this regard.
5. The current stagnation at the political negotiation table seems to be deliberate and serves the interests of those involved in the crisis. It is, therefore, imperative that no progress can be achieved without an external helping hand beyond the region. This is the only possible way to see an end to this crisis and save the lives of the countless civilians that were held hostages to the war in Darfur.
6. The role of the mediators, observers or facilitators needs to be reconceptualized around a greater understanding of the situation in Darfur and most importantly a greater support and involvement. A formal relationship is much desirable to organise the role of the observers and facilitators as it provides them with the necessary additional political backing at home and within the AU.
7. The AU secretariat serving the Inter-Sudanese Peace Talks on Darfur needs to be further strengthened and consolidated. The secretariat is to be encouraged to seek the assistance and advice of an independent resource persons group, which could provide it with additional moral support, expertise and practical contributions to successfully conduct its task.