

The Darfur Peace Agreement

Expectations unfulfilled

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The war in Darfur erupted in 2002-03 when the Sudan Liberation Movement/Army (SLM/A) and Justice and Equality Movement (JEM) emerged to fight the Government of Sudan (GoS). The conflict is rooted in ongoing political, economic and cultural marginalization since the colonial-era absorption of the Western Territories into Anglo-Egyptian Sudan. Violent conflict in the region had been steadily increasing since the 1980s when drought intensified the competition for scarce land and water resources. Amidst increased resource-competition, 'Arab' and 'African' identities were invoked and used to incite violence. Add to this extensive interference in Darfur by Libya and Chad, and with the availability of modern weaponry to supersede traditional forms of conflict resolution, the combination proved fatal.

The tribal/identity-based explanation of the conflict has been put forward by the government both as a means to stoke conflict and to suggest that a solution can be found through traditional mechanisms based on discussions between communities and clans. The SLM/A and JEM, on the other hand, insist that Darfur's three states are totally marginalized and demand better political representation in Khartoum and a share of national wealth. JEM's political agenda is more national than the SLM's and stems from conflict within the ruling regime.

While the SLM/A and JEM largely draw their support from the 'African' ethnic groups, such as the pastoralist Fur and Massaleit and the semi-nomadic Zaghawa, the government in Khartoum has relied on 'Arab' militias for support (the so-called *janjaweed*, which is Arabic for 'ghostly riders' or 'evil horsemen') in quashing what it saw as a rebellion, and any southern Sudan People's Liberation Army (SPLA) involvement in it. The *janjaweed* are difficult to define; some belong to regular security forces such as the Popular Defence Forces (PDF), the Border Intelligence Unit and the Central Reserve Police. This has not prevented them from attacking and plundering the civilian population.



The birth of a peace process

The 'rebellion' in Darfur caught the government by surprise. The Governor of North Darfur, Ibrahim Suleiman, was inclined to negotiate with the 'rebels,' but was soon removed from his post by Khartoum.

The first international involvement was led by Chadian President Idriss Déby, who was concerned about the effects of conflict-induced displacement on Chad, and had some standing both with the GoS (who had helped him achieve power) and Zaghawa leaders within the SLA (his own ethnicity is Zaghawa). He mediated a 45-day ceasefire between the GoS and the SLM/A in the Chadian border town of Abéché in September 2003. The ceasefire soon disintegrated and further Abéché meetings collapsed, with Déby blaming the failures on the demands of the SLM/A and JEM. This assertion severely compromised his credibility as an impartial mediator and led the rebels to demand international observer presence at any further talks. With African Union (AU) assistance, Chad mediated a ceasefire agreement to allow humanitarian access in Darfur at N'Djaména, Chad in April 2004 between the GoS and a joint SLM/A and JEM delegation. The GoS had objected to US, EU and UN participation and eventually compromised on the AU as mediators, with international observation only for talks on humanitarian issues.

The Agreement on the Modalities for the Establishment of the Ceasefire Commission and Deployment of Observers, signed in Addis Ababa in May 2004, acknowledged the AU as the lead international body in Darfur. This was followed by the protocols on security and the humanitarian situation, both signed in the Nigerian capital Abuja in November 2004, and the *Declaration of Principles*, signed in May 2005.

The signing of the Comprehensive Peace Agreement (CPA) in January 2005 by the GoS and Sudan People's Liberation Movement/Army (SPLM/A) had little impact on the AU-mediated process in Abuja. There had from the start been minimal overlap between the two processes. IGAD was a small regional grouping; the Sudanese peace process and the Somali transitional process were its only experiences of mediation, and the AU saw no need to consult it. In addition, a piecemeal, regional approach to talks favoured GoS policy.

Talks in Abuja

The Abuja talks were complicated. Trust between and within parties was very low, and the GoS team was stronger, understood the process better and held most of the cards. The AU continued to deal with the SLM/A as if it were one party long after the split between Abdelwahid Mohamed en-Nour and Minni Arkou Minnawi was public, only recognizing the two factions as separate negotiating parties in December 2005. Causes of the split included tribal confrontation between the Fur and Zaghawa, the personal ambition of the leaders, influence from a mostly Zaghawa JEM and disagreement about how or whether to proceed with negotiations. Perhaps taking its lead from the AU, the international community was unsure how to deal with the internal politics of the SLM/A, especially in a climate where both sides had broken ceasefire agreements and at least some elements of the GoS were now "the good guys" having signed the CPA. Incidentally, similar disagreements between military and political leaders in the Beja Congress were simultaneously hampering efforts to begin negotiations for a political settlement in Eastern Sudan, which faltered throughout 2005.

Under pressure from the international community, the mediators set deadlines for a final agreement, which were repeatedly extended until finally the *Darfur Peace Agreement* (DPA) was signed by the GoS and Minni Minnawi's faction of the SLM/A in Abuja in May 2006. To the surprise of many, Abdelwahid's SLM/A faction, like JEM, refused to sign. There have been competing interpretations of this, from the draft agreement's failure to meet high expectations, to the strong pressure put on the parties by the AU mediators and international observers.

However, the failure was probably more linked to the profound flaws within the Abuja negotiations themselves: on the one hand Sudan's regional peace processes were being addressed independently of each other, with each expecting a quasi-CPA of its own, while at the same time the CPA itself placed significant limitations on what could be agreed; the SLM/A and JEM expected a comprehensive agreement of their own but this was politically impossible. The CPA had shared out power between the ruling National Congress party (NCP) and the SPLM/A (while creating some limited space for other political forces), and neither was or is inclined to convert their ruling partnership into a larger configuration.

While the rebels in Abuja were struggling to obtain the equivalent of what the SPLM/A had obtained in the CPA, the new Government of National Unity (GNU) was refusing to give more than what was allowed for by the Interim National Constitution spawned by the CPA. Any lingering SLM/A and JEM hopes of favour from the SPLM/A, now in government, were quashed in January 2006 when the SPLM/A made it clear that it would countenance no revision of the CPA: there would be no modification of the Interim National Constitution, and they would have to settle for a share of power, wealth and security within this interim framework.

Despite these limitations and the fact that different teams worked on the CPA and DPA and the processes took place in different countries, Abuja was a close replica of the CPA process. Both peace agreements are built on a Declaration of Principles (DoP) followed by protocols for each topic of negotiation (wealth-sharing, power-sharing and security issues). Even though little is said about implementation in the DPA compared to the CPA, the three protocols do include some indication on who should do what, when and how. The committees, principles, protocols and process already used for the CPA were borrowed by the AU without reference to the lessons learnt by the IGAD mediators, the specific context of the Darfur conflict, or the expectations of the parties and the international community. The CPA was addressing a conflict that had been fought for over

23 years between the GoS and an increasingly politically aware SPLM/A; the DPA was addressing a conflict that had become violent in 2002-03 and was being fought between the GoS and much younger armed groups. Neither the actors nor the terrain were the same. And while there is in Darfur, as all over Sudan, a highly complex ethnic mosaic of tribes competing for access to land and water, Darfur lacks the religious divisions and the substantial oil and mineral wealth of the south.

In the sections below, I review the provisions of the DPA and how they have or have not satisfied the demands of the negotiating parties.

The provisions of the DPA

Wealth sharing

Given the lack of oil or mineral assets within Darfur, the major wealth-sharing provisions are:

- A Darfur Reconstruction and Development Fund (DRDF), to which the GNU will contribute US\$300 million for 2006 and US\$200 million for each of 2007 and 2008.
- A Joint Assessment Mission supported by multilateral organizations, similar to the one for southern Sudan, which will determine reconstruction and development needs and, if required, adjust the sums allocated to the DRDF.
- A Fiscal and Financial Allocation Monitoring Commission (FFAMC), which will manage financial transfers from Khartoum to Darfur's three constituent states (Northern, Western and Southern Darfur). It reports to the national legislature but its definitive form is not yet known. Meanwhile, the agreement establishes a panel of experts to establish a formula for allocation of funds from the National Revenue Account to Darfur.

The agreement also provides for a Compensation Commission, with membership nominated by the parties, to define mechanisms for reviewing and enforcing the Commissions' decisions. The GNU has agreed to provide a first down-payment of US\$30 million. Finally, a commission will have to be established to work with the UN in assisting refugees and displaced persons to return to their homes.

Most of the rebels wanted a greater financial commitment to compensate victims, and clearer engagement by Khartoum to transfer wealth to Darfur. Abdelwahid subsequently stated that he would need much more detail about the DRDF and the FFAMC before signing. This shows that the final deal was thrashed out by the mediation team and its partners, rather than won by hard negotiation.

Power sharing

The power-sharing provisions of the DPA have to be broken down into different levels. Nationally, the rebels get the fourth highest position within the GNU, the Senior Assistant to the President, who is also the chairperson of a new Transitional Darfur Regional Authority (TDRA). As this position was only available to the parties who signed the DPA, Minni Minnawi was appointed in August 2006. In addition, the GNU has allocated twelve seats in the National Assembly to the other signatories.

Within the state governments, the rebels obtained one of the three governors, the deputy governor of the two other states and in each state two of the eight state ministers. The GNU controls 50 per cent of the state legislature, the other signatories 30 per cent, and 20 per cent is to be shared between independent candidates and other political parties. Locally, the SLM/A and JEM (if signatory to the DPA) can nominate a commissioner in six localities, and in another locality they can designate six executive directors. Elections at every level of government will take place no later than July 2009. The TDRA, eight of whose ten members are nominated by the rebels, will run until July 2010, by which time a referendum shall be held to decide whether to establish a single Darfur regional government instead of the existing three states.

The states maintain routine responsibilities on education and health while the TDRA is responsible for the implementation of the DPA. If the TDRA's work is blocked, the matter should be referred to the Presidency, where the Senior Assistant to the President is consulted on all matters relating to Darfur.

The non-signatories of the DPA strongly opposed preserving the status quo of three Darfur states, wanting a single Darfur region immediately. The political weight of a region would be calculated by population and geographical area (Darfur covers 20 per cent of the area of Sudan), whereas under the current system states votes are calculated by population and number of states (Darfur has just 3 of Sudan's 25 states). They also claim the right to a new Vice-President, ranking number three in the national hierarchy. Finally, they demand more representation in the federal and state structures.

Security

The security-related provisions in the DPA call for a comprehensive ceasefire, where all armed groups are to disengage and withdraw to their respective areas of control. In parallel, demilitarized zones are to be created along humanitarian supply routes and around camps for Internally Displaced Persons (IDPs).

Disarming the *janjaweed* remains the responsibility of the GNU with verification by the African Union Mission in Sudan and the Ceasefire Commission. Surprisingly, the rebels are not required to disarm until the Sudanese Armed Forces have withdrawn to their garrisons and the *janjaweed* are under control. The GoS is to punish ceasefire violations by their militias. A deadlock mechanism refers matters to the presidency if required.

Another clause was added in the final version in order to acquire, it was hoped, the signature of all parties. It was agreed that 4000 former combatants would be integrated into the army and 1000 into other security institutions (eg police force and border control), with 3000 combatants joining programmes of assistance and education. SLM/A and JEM would be represented in leadership positions of the SAF, and the GNU would review the security institutions, including the paramilitary forces, to ensure professionalism and the rule of law.

Although these substantial concessions were obtained within the security-related provisions on the last days of bargaining in Abuja, JEM and some parts of SLM/A continued to insist on more detail on implementation. They also demanded a greater role in security institutions in Darfur and nationally, and participation in supervising the disarmament of the *janjaweed* and other militias. Abdelwahid wanted greater involvement in providing security to displaced civilians as they return home.

Conclusions

The current regional piecemeal approach to Sudanese peace agreements suits the government's divide and rule policy. While the CPA is being implemented with some difficulties, only Minnawi and the GNU have signed the DPA and its implementation appears increasingly remote. An agreement on eastern Sudan has recently been negotiated in Asmara between the GoS and the Eastern Front. One model of agreement, the CPA, continues to be replicated, despite the limits on further political remodelling imposed by the CPA itself. Yet it is highly questionable whether this is the appropriate answer for all conflicts within Sudan. Peace agreements usually reflect the nature and characteristics of each conflict: no one pattern suits all.