

Failings of the DPA

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The *Darfur Peace Agreement* (DPA) of 5 May 2006 has not led to peace and stability and in certain respects has heightened conflict in Darfur. This is primarily because it was not signed by all the armed groups in the region and because the signatories have not honoured their commitment to refrain from violence.

Moreover, the DPA is not a negotiated settlement. The Sudanese parties that participated in the peace talks facilitated by the African Union (AU) in Abuja did not engage in serious negotiations. They made no effort to accommodate each other's positions and forge common ground. There was no bargaining, let alone collaborative problem-solving. For months on end the parties simply reiterated their demands, rejected their opponents' positions, traded accusations and attempted to gain a military advantage in the field.

Under pressure from the international community, which wanted a quick accord, the mediators presented the parties with the draft DPA five days before the 30 April deadline set by the AU Peace and Security Council. In these circumstances the parties were never likely to have a sense of ownership of the agreement. The Government of Sudan (GoS) and Minni Minnawi's faction of the Sudanese Liberation Movement (SLM) signed the document but the deal was rejected by the Justice and Equality Movement and by Abdelwahid en-Nour, the leader of the other SLM faction.

Intransigence

There were four reasons for the lack of serious negotiations in Abuja. First, successful negotiations to end a civil war require at least some trust and a willingness to co-operate with one's enemy. The parties did not achieve this and continued to view each other with acute suspicion and loathing. The GoS believed that the rebels were not representative of the people of Darfur, posed little military threat and were too divided to achieve a unified negotiating posture. They therefore saw no need to take the rebels seriously. The rebels, on the other hand, viewed the government as a perfidious, evil regime that had repeatedly broken its promises. It had enormous wealth and power and could therefore make substantial concessions, whereas the rebels had nothing to give up.

Second, divisions among the insurgents inhibited progress and precluded flexibility. The rebels were unable to speak with one voice and at times even refused to meet in the same room. Third, the balance of power reinforced intransigence. The armed groups – militarily weak, unconfident intellectually and frightened of being outmanoeuvred in negotiations – faced a strong and sophisticated adversary. Intransigence is typically the refuge of weak parties in negotiations. Perversely, as in this case, it is also sometimes a negotiating option chosen by strong parties that do not feel threatened and see no need to make concessions. Fourth, most of the parties in Abuja appeared to view the battlefield as the strategic arena of conflict; the negotiations were simply a tactical arena. The net result was that the Darfur conflict did not appear to be ripe for resolution.

Short cuts and cul-de-sacs

The international community, frustrated with the lack of progress, deeply worried about the humanitarian catastrophe in Darfur and bereft of viable strategies for ending the conflict, pursued a weak form of deadline diplomacy. As they hopped from one missed deadline to the next, the AU, UN, EU and donor governments complained that the negotiations were moving too slowly and warned that funding for the mediation might dry up in the absence of a quick accord.

This deadline diplomacy was intended to create pressure on the belligerent parties but the deadlines came and went without any negative repercussions and they were utterly unrealistic. By comparison, in the early 1990s earnest negotiations aimed at reaching a settlement in the context of civil war took over two years in the case of Mozambique and over four years in South Africa.

Unlike the parties, the AU mediators were obliged to heed the deadlines set by their political masters and donors. This inhibited the development of a meaningful mediation strategy. With the talks always due to end in a few weeks, there was no point in preparing a 6-month plan of action. The external pressure thus stifled a programmatic effort to build momentum over time, leading to an *ad hoc* approach and a haste incompatible with effective peacemaking.

The only sustainable solution to a civil war is a settlement shaped and embraced by the protagonists. The mediator's job is to help them overcome their enmity and mistrust, build their confidence in negotiations and facilitate dialogue, bargaining and cooperative problem-solving. This requires protracted efforts and immense patience: there are no quick fixes.

Laurie Nathan was a member of the African Union mediation team that produced the Darfur Peace Agreement.