

The DPA and its national context

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The May 2006 *Darfur Peace Agreement* (DPA) was negotiated as part of a step-by-step approach to solving Sudan's problems. In 2004, fearing the north-south peace would be held hostage to an intractable conflict in Darfur, the international community made the talks between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) the priority. After July 2005, political attention switched to ending the Darfur war. However, the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) complained that many of their demands were ruled inconsistent with the *Comprehensive Peace Agreement* (CPA). For example, JEM had wanted five regions in Sudan, with a Vice President from each one, while the SLM had wanted a clear separation of religion and politics in northern Sudan, an issue that the GoS, SPLM and international partners insisted had been settled.

Many claimed that, especially in the DPA's power-sharing chapter, the AU mediators' 'compromise' proposals were too close to the GoS position. Victims of the conflict in Darfur demanded much stronger guarantees for their rights, political participation and protection, in the face of a government responsible for their suffering. This view is not only legitimate but consistent with the Constitutive Act of the African Union, which is strong on human rights and humanitarian intervention. However, the AU remains an association of states dedicated to state-based stability, constitutional rule and democracy, and the AU's chief mediator therefore aimed to preserve the CPA and Interim National Constitution (INC) as the foundations for Sudan's sovereignty and democratization.

The CPA was a framework for negotiating the DPA. The GoS negotiators insisted that its core principles and the delicate and hard-won north-south division of power should not be significantly altered. The AU was sympathetic to these arguments, reminding the movements that any DPA power-sharing formula would last for just three years. "Better to ensure effective representation in electoral institutions" they argued, "than to push for a few extra seats today." But where trust is low, people demand assurances today.

The SPLM genuinely sees the CPA as the best chance for unity and democracy, but unfortunately some of the

Darfurian movements' leaders perceived this as indifference to the rights of Darfurians. Opportunities for building a coalition in support of unity and democracy have thus been squandered.

The Abuja Declaration of Principles specified that anything agreed in the DPA should become part of the INC, giving the DPA full legal standing alongside the CPA. For example, the Constitution must be adjusted to provide for a Senior Assistant to the President with far-reaching powers. This was not *carte blanche* for the DPA to override any aspect of the INC, but major changes to Darfur State Constitutions, the creation of the Transitional Darfur Regional Authority (TDRA) and the organization of the 2010 referendum on the status of Darfur are all important amendments.

At a national level, the DPA requires much more modest changes to the INC and the national balance of power. For example, an increase in the number of National Assembly seats, to make room for the Darfur movements, was rejected; it would have reduced the south's share, pushed the National Congress Party quota below 50 per cent and led to the relative over-representation of Darfur. Because the GoS and the movements could not agree a formula for the National Assembly, the mediators proposed allotting 12 seats to the movements until the 2009 elections, wishing to minimize changes to the percentages agreed in the CPA. On the principle that there should be no losers in a peace agreement, the mediators did not want any MPs to lose their posts and wished to leave room for the Eastern Front.

The movements were ultimately disappointed by the DPA's power-sharing formula, but the allocation of posts is just an interim measure until the elections and the DPA does offer the movements the majority of positions in the TDRA. If the DPA can be revived and provide stability to Darfur – especially through the faithful implementation of the security arrangements and the wealth-sharing provisions – then efforts can switch back to the national agenda of implementing the CPA and transforming Sudan into a functioning democracy. The rising tide of democracy can enable Darfurians, along with all other Sudanese, to achieve their democratic right of fair participation in all aspects of national life.

Rather than treating the nation's problems one by one, Sudan's political leaders need to focus on reconstituting Sudan as a united and democratic nation. The DPA could allow the Darfur movements to become part of this common national process – albeit with smaller representation for now than they had wanted. The same is true of the *Eastern Sudan Peace Agreement*, which like the DPA is a buttress to that common national process; CPA and the INC are the central pillars.

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