

## **Explaining the Darfur Peace Agreement – May 2006**

### **An open letter to those members of the movements who are still reluctant to sign from the African Union moderators**

We are writing this open letter to our dear friends and colleagues in the Sudan Liberation Movement/Army and Justice and Equality Movement, who are hesitating to support the Darfur Peace Agreement that was presented by the African Union Mediation to the Parties on 25 April, and which was enhanced with the support of the United States, United Kingdom, Canada and the European Union, and signed by Dr. Magzoub el Khalifa on behalf of the Government of Sudan and Mr. Minni Arkoy Minawi on behalf of the Sudan Liberation Movement/Army, on 5 May.

Although we are members of the Mediation Team in Abuja, we are writing this as individuals who are deeply concerned with the situation in Darfur and committed to bringing about peace. We are concentrating on the actual paragraphs of the Darfur Peace Agreement, explaining its provisions, rather than exploring the wider political context and choices facing the leaders of the Movements.

We believe that the Darfur Peace Agreement represents a good deal for the Movements and for the people of Darfur. It is not perfect and it does not meet all the aspirations of the Movements. But it is a very strong deal in each of three main areas: power-sharing, wealth-sharing and security arrangements. And the Darfur Peace Agreement has stronger guarantees for implementation than any other peace agreement in this African continent.

In this open letter, let us explain some of the most important provisions of the Darfur Peace Agreement. We believe that many of the suspicions about this Agreement are based on misunderstanding and the fact that many of you have not had time to study the text in detail, and understand what it provides.

The Darfur Peace Agreement does not demand that anyone gives up on their political demands. The SLM and JEM are still able to pursue their political objectives, by peaceful means, and they still have the opportunity to gain power in Darfur and establish governments at the level of State and Region, through democratic processes. At the moment you have nothing. Everything in the Agreement is a gain, and if you obtain the support of the people, you can gain still more.

#### **Power-Sharing**

A basic principle of the DPA is compromise. The Movements did not win the war and were not in a position to dictate their terms. The Government is in power and has no intention of handing over that power at the negotiating table. The Movements did not control a single state capital and controlled very few sizeable towns. The Mediation squeezed many concessions out of the Government. But we would never have been able to squeeze the Government so hard that it agreed to hand over a majority of control at any level of government.

If we could not find a means to provide the Movements with majority control of government structures in Darfur, what did we do for them? What the Darfur Peace Agreement does is create new structures especially for Darfur. Our solution to this problem was to set up a new position in the Presidency, a new Regional Authority with six subsidiary bodies, and enable the Movements to have at least equal representation in these. The purpose of all these bodies is to implement the Darfur Peace Agreement. Most of these bodies are directly supported by the international community. Most of them are transitional: they will be dismantled in a few years when their job is done. But in three years time, elections will be held. Whoever wins those elections, governs Darfur. A year after that, a referendum is held for the people of Darfur to decide whether Darfur should be a region or three states. The future will be decided democratically, depending on the decision of the people.

Let us go into some more detail on the DPA proposals for power sharing.

The central proposal is the creation of the Transitional Darfur Regional Authority (TDRA). The TDRA is headed by a Chairperson, who is also the Senior Assistant to the President, and the fourth-ranking person in the Presidency. His competencies are equal to those of a Vice President.

The TDRA has eleven members. The Senior Assistant to the President, who is chosen by the Movements, is the Chairperson. The three Governors are members—one from the Movements, two from the Congress Party. But the majority of members are the heads of the new bodies set up:

- The Darfur Rehabilitation and Resettlement Commission;
- The Darfur Reconstruction and Development Fund;
- The Darfur Land Commission;
- The Darfur Security Arrangements Implementation Commission;
- The Darfur Peace and Reconciliation Council; and
- The Darfur Compensation Commission.

In each case, the Senior Assistant to the President will nominate who is to be appointed. The heads of these Commissions should be individuals of integrity who enjoy the confidence of all Darfurians. This means that the TDRA has eight members nominated by the Movements and two by the National Congress Party.

Examine for a moment the powers, competencies and resources available to the four Commissions, the Fund and the Council that fall under the TDRA. These are the bodies that will determine the real fate of the people of Darfur, which will decide how the key questions of rehabilitation and resettlement, reconstruction and development, land and compensation are decided.

The Security Arrangements Implementation Commission will oversee the integration of the Movements' combatants, the disarming of the Janjaweed and other militia, and the downsizing of the Popular Defence Forces. The DSAIC is also responsible for a

thorough-going reform of the Police. Within it is a Security Advisory Team from a foreign country or an international organization. And it is to be chaired by a person of integrity who enjoys the confidence of all, who will be a nominee of the Movements, with the Movements and the Government equally represented under the Chairperson.

These bodies will be well-funded. The DRDF in particular will have resources that completely dwarf what is available to states. The GoS has agreed to fund the DRDF to the tune of \$300 million this year and \$200 million for each of the following two years. How many times greater is this than the budget of a State Government? And that is just the GoS contribution: the international donors are likely to double the amount, at the minimum. Already, contributions are being offered.

The head of the DRDF is nominated by the Movements. He reports to the TDRA which has eight out of ten members nominated by the Movements. And the President of Sudan is required to consult with the Senior Assistant to the President on every decision relating to Darfur.

The Movements demanded a Region for Darfur. The Darfur Peace Agreement does not give a Region today. But it sets up a process whereby the people of Darfur can vote to set up a Region. After four years there is a referendum that allows every Darfurian to vote for or against the creation of a region. Any Darfur Region will have the borders of Darfur as of 1 January 1956, one of the Movements' central demands.

If we turn to the State Governments, here the Movements enjoy significant representation, but it is short of a majority. One of the three Governors is from the Movements, and the deputy Governors of the two other states. In each state, two of the eight ministers are from the Movements. The NCP has about 50% of the seats in the State Legislatures, with the Movements getting about 30% and the balance with the other parties including the SPLM. In six of the localities, the Movements nominate the Commissioner; in another six, they nominate the Executive Director. Clearly the Movements do not get a majority in the Darfur States, either in the executive or the legislature. But one Governor is a Movement nominee too.

But, dear friends in the Movements, reflect on the comparative power and respective roles of the States and the TDRA. They are designed to do different things. The States continue to function with routine activities such as health and education. It is the TDRA that is responsible for the things that the displaced people, the victims of war, and the members of the Movements themselves, care most about.

What happens if the States try to block the programmes of the TDRA? At the specific request of the Movements, we built in a mechanism for breaking the deadlock and overcoming any such obstructionism. The matter is referred to the Presidency. And the President is required to consult the Senior Assistant to the President on all matters relating to Darfur.

This arrangement is in place for three years. Then there are elections and the winner governs. Many in the Movements are fearful that the Congress Party will use its influence to win those elections even though the people of Darfur's true loyalties may be elsewhere. But consider that the elections will be monitored and international donors have promised extensive funds for the SLM to transform itself into a political party and campaign in the elections.

Before leaving Power-Sharing, let us briefly examine four other issues. One is the post of Senior Assistant to the President. This is not the Vice Presidential post that the Movements demanded. In fact, it has more competencies. A Vice President functions at the request of the President. This position of Senior Assistant is specifically designed to have powers over Darfur. He will be the fourth-ranking member of the Presidency.

A second point is representation in Khartoum. Paragraph 89 provides that one minister in Khartoum State should be a nominee of the Movements.

An additional question is representation in the civil service. Here, a Panel of Experts under the National Civil Service Commission is to determine the correct representation of Darfurians, using the criteria of population size, affirmative action, and precedents (the Comprehensive Peace Agreement). This has to be done within a year. In the meantime, the Government is required to take action to put Darfurians in senior positions across the civil service.

Related to this is the provision for education in paragraphs 86-88. There is a quota for Darfurians to be represented in universities, both in Darfur and in Khartoum. And education for Darfurians is to be free.

Lastly, we must mention the Darfur-Darfur Dialogue and Consultation. This will be an opportunity for every Darfurian voice to be heard, for all those who have not been at the table in the peace process to come and join in the peace process during its most important phase, which is implementation.

## **Wealth-Sharing**

Turning to Wealth-Sharing, there is less to explain. The great majority of the text was agreed by the Movements. There are three key issues to elucidate.

One of these issues is how much money is to be transferred from central government to the states, through the Fiscal and Financial Allocation Monitoring Commission (FFAMC). The FFAMC has been set up but has not yet completed its formula. Mindful of this delay, the DPA proposes that a panel of experts is appointed to work out a formula to enable the government to make an allocation from the National Revenue Fund to the States.

The second issue has been the seed money for the Darfur Reconstruction and Development Fund (DRDF). On this issue the DPA provides US\$300 million for the year

2006 and US\$200 million for 2007 and 2008 respectively. These amounts will be adjusted after the Joint Assessment Mission outcome and recommendations. Already donor governments have committed themselves to literally hundreds of millions of additional dollars for this fund and a big donor conference has been scheduled for September in Holland.

Finally we have the most controversial issue of all: compensation for victims. Fourteen paragraphs in the DPA—from 199 to 213—provide the details for setting up a Compensation Commission. Agreement on this was reached only at the last moment, against strenuous opposition from the Government. The Government has agreed to \$30 million as its first payment. Let us repeat: the DPA includes compensation. Let us repeat again: the Movements' demand for a Compensation Commission has been met. This is a victory for the Movements.

### **Security Arrangements**

For the Movements, the security arrangements are the strongest part of the document.

The first section of the Security Arrangements chapter is a comprehensive ceasefire and transitional security arrangements. The core of this is three phases over five months. In stage one, the Parties disengage their forces, to their respective areas of control. Demilitarized zones are created along humanitarian supply routes and around camps for internally displaced persons, and in buffer zones that separate the forces of the Parties.

In the coming months, the GoS is required to neutralize the Janjaweed armed militia. Given that the GoS has been slow in proposing its plan for how to do this, the DPA has done most of the work of developing this plan. The first step is that all Janjaweed, militia and PDF must be confined to their camps, strictly designated areas or their own communities. Then all heavy weapons must be taken from them. Read Paragraphs 314-317. This is all to be verified by AMIS before the Movements are asked to withdraw their forces. There is also a special provision that they cannot be active in areas where civilians live or where the Movements are asked to redeploy their forces, in paragraphs 366-368.

At long last, there is a clear plan for dealing with the problem of the Janjaweed. This is another victory for the Movements' negotiators in Abuja.

The DPA also includes extensive measures for providing security to IDP camps including the creation of a community police force, which acts as a temporary guarantee of the safety of IDPs until such time as normality is restored.

The second section of the Security Arrangements is the long-term question of the final status of security in Darfur. This includes three main pillars, organized under a new institution which we are calling the Darfur Security Arrangements Implementation Commission, which is to be supported by a Security Advisory Team.

The first pillar is provisions for integrating former combatants from the Movements into the Sudan Armed Forces and other security services. This section is remarkably strong: 4,000 former combatants into the army, 1,000 into other security institutions, and 3,000 for special programmes of assistance and education. Read paragraphs 399-416 for the details.

Equally important is a robust mechanism for disarming the Janjaweed and other armed militia. The obligation on the GoS to disarm the Janjaweed, contained in UN Security Council Resolution 1556, is given concrete form in Paragraph 457. Let us repeat: the Darfur Peace Agreement sticks to the principle that the Janjaweed must be disarmed, and creates a practical process whereby this can be accomplished.

The third pillar is the reform of selected security institutions in Darfur, specifically those that have been expanded during the war as paramilitary branches of the army, such as the PDF and Border Intelligence. The aim is to return these to their normal size and function. (Paragraph 429.) Alongside this, the civilian police is to have its capacity built so that it can become the instrument of law enforcement in Darfur.

## **Guarantees**

Most of the members of the Movements are deeply worried that the Government will not implement this agreement fairly and faithfully. You fear that implementation will lag behind or be blocked. You are looking for guarantees.

The DPA in fact has some of the strongest guarantees of any peace agreement of recent times. There are four layers of guarantee.

The first and the most important guarantee is the sequence of the implementation of the agreement itself. The Movements are not required to lay down their arms until the Sudan Armed Forces have withdrawn to its garrisons and the Janjaweed and other militia have been brought under strict control and disarmed. If the Government doesn't stick to its obligations, then the armed forces of the SLM do not have to do their part: they don't have to redeploy, or assemble, or disarm, until they are sure that the Government has done what it promises. Overall, the Agreement also has a Darfur Assessment and Evaluation Commission and the deadlock-breaking mechanisms of referring matters to the Presidency, where the Senior Assistant to the President has to be involved in every decision relating to Darfur.

The second guarantee is the monitoring mechanisms of AMIS and the Ceasefire Commission. The Agreement strengthens all of these. Every stage needs to be verified. And we must not overlook one of the most important facts about this Agreement: now it is place, it is possible for the UN to send a force to Darfur. All of these mechanisms will be much stronger if the UN is involved. The DPA provides a Security Advisory Team from an international partner.

The third layer of guarantee is international mechanisms at the African Union and the UN. This Agreement does not supercede any of the existing UN Security Council Resolutions relating to Darfur. There will be resolutions at the AU Peace and Security Council and the UN Security Council supporting it, and Resolution 1591, which provides for individuals who obstruct the peace process to be subjected to individual sanctions, can also be applied to individuals who obstruct the implementation of the DPA. Darfur will remain on the agenda of the Security Council until this agreement is fully implemented and normality has returned.

Lastly, there are the bilateral guarantees of the international partners. There is no conflict in the world that has obtained more international attention than Darfur, and this will continue. There is no peace agreement that has obtained greater international recognition. The President of the United States, George W. Bush, wrote personal letters to both Abdel Wahid Nour and Minni Minawi, assuring them both that he would do his utmost to ensure the faithful implementation of the Agreement.

What more guarantees could one have? One cannot go higher than the UN Security Council and the President of the United States. These are stronger guarantees than were provided to the CPA, stronger than any other peace process in Africa today.

In summary, we firmly believe that many of the reasons why members of the SLM and JEM have hesitated in accepting the Darfur Peace Agreement, are not based on an accurate reading of the actual text of the Agreement. It is understandable that many people have not had the time to read and analyze this long and complicated document fully. We hope that this open letter enables you to better understand how the DPA does indeed meet the core demands and concerns of the Movements, and can be the basis for a just and lasting peace in Darfur.

Yours very sincerely,

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