

Darfur Peace Process: Analysis and Prospects

March 2006

Overview

1. The political process in Darfur is reverting to type: a provincial elite has failed to create the political infrastructure needed to challenge the centre and is instead presenting a mixture of unrealizable demands and specific requests to join the ruling elite, which in turn has fastened onto its adversaries weaknesses and is ruthlessly playing a game of divide-and-rule.
2. The GoS appears to have decided to pursue a military solution against the forces of SLA-Minawi, with some battlefield successes. It plans to continue. The war in Chad is suspended while in the run-up to the Arab League summit scheduled for the end of the month in Khartoum. This offensive has coincided with a high-level deal with Eritrea and a hardening of the GoS negotiating positions in Abuja.
3. The window of optimism for progress in Abuja during December-January has closed. The SPLM has failed to play the role of political broker between NCP and SLM. The GoS is feeling international pressure, but not sufficiently to compel it to take the initiative to make generous offers for a peace deal. It anticipates that the Darfur Movements will be militarily defeated and politically fragmented, and that it can manage the current level of international pressure, and make minimal political concessions.
4. The Darfur Movements are fragmenting further. The SLM-Abdel Wahid is keen to make a deal but is too disorganized to pursue this effectively, and is damaged and distracted by defections of senior commanders to an as-yet-unnamed faction of the SLM which is proclaiming unity among the Movement. Abdel Wahid's central negotiating positions have only shifted slightly, though he is now indicating that many issues should be resolved in the Darfur-Darfur Consultations. The SLM-Minawi has yet to decide whether to pursue peace or war. JEM is in disarray. The latter two parties' positions have not perceptibly shifted in the last three months.
5. The best assessment of the AU Mediation is that a comprehensive negotiated agreement will take a further three months minimum and will require concerted international pressure for success. However, with appropriate coordination between the Mediation and key internationals, an Enhanced Humanitarian Ceasefire could be adopted by March 20. The Mediation has finalized a document, agreed by the technical advisors to all parties and the parties' political leaders would sign it if the political calculus were right. The Mediation has almost finalized its mediation papers on wealth-sharing and is making slow progress on power-sharing, but at present has no strategy for bringing the parties to agreement.

The Elusive Search for Stability

6. In his 1990 book, Sudan: The Unstable State, Prof. Peter Woodward surveys almost a century of Sudanese history and concludes that the Sudanese polity is marked by a succession of failed attempts to establish a stable governing coalition among competing elites. Building on Woodward, we can identify the following:

- a. The traditional sectarian elite of the Ansar/Umma Party, including landowning interests and the rural aristocracy of western Sudan;
- b. The traditional sectarian elite of the Khatmiyya/Unionist Party, including trade interests and the rural aristocracy of the northern and eastern regions, which along with the Umma has dominated each of Sudan's parliamentary periods;
- c. The administrative elite including the military, overlapping with each of the above but with distinct interests in the civil service and army;
- d. The 'modern forces', overlapping with each of the three above groups, politically organized through trade unions, professional associations, and the Communist Party;
- e. The Islamist movement, drawing its members from each of the above, its finance from the diaspora, the remittance-driven consumer sector, and the emergent informal sector, adopting an ideological nationalist project of socio-political transformation, which had by the late 1990s become exhausted.

7. What these five contending elites share in common is the domination of an ethnic group: the three riverain tribes that inhabit the Nile north of Khartoum. The Sudanese state can be characterized as a project of these three tribes. In the 19th century they were the spearhead of Egypt's imperial expansion; the British found it convenient to use them as their favored intermediaries; and since independence they have continued to treat the Sudanese state as their vehicle for quasi-imperial rule.

8. In addition, there are fragmented regional elites in the South and the Northern peripheries, whose members have both flirted with and been disappointed by each of the above in turn. Political deals have brought segments of these elites into government, where they may rise individually but have never succeeded in forming a bloc with sufficient influence to change the character of national politics. Many still hope that a grand alliance of the marginalized can push through a 'modern' 'New Sudan' agenda. But successive attempts since the 1950s to establish a solid financial, organizational and ideological base for such regional parties have failed. What tends to happen is that regional leaders revert to tribalism for building a (limited) political base, and are encouraged to do so by their patrons from the central elites, who want to use these leaders as a means of securing provincial voters or mobilizing a local militia.

9. The only partial exception to this failure has been the Southern elites which coalesced around the SPLM in exile, which had a political infrastructure underpinned by foreign money and military support. Inside Sudan, no regional entity has ever been strong enough to sustain a political elite or political process of its own: instead Khartoum's power of patronage has invariably held sway. It is probable that the GoSS in Juba, with international backing, will emerge as a quasi-autonomous power center.

10. The Darfurian elite is a fine exemplar of the incapacity of Sudan's regions to organize and run their own affairs. Darfur was always neglected by Khartoum, but misgovernment and corruption in Darfur are primarily the responsibility of Darfur's own elites. They have repeatedly demanded constitutional or economic rights—such as a regional government (in 1980) or the construction of a paved highway to el Fashir—and whenever the central government has agreed, it is the Darfurian leaders who have let their people down. To repeat: this is not because they lack insight or skill, it is because the material basis for their organization is so weak compared to Khartoum, so that they invariably succumb to becoming clients of one or more of the competing elites in the capital. The demands of Darfurian regional parties has often regressed to demands for individuals to have political posts—what the Sudanese call 'jobbism'.

11. Sudanese politics consists of varying combinations of coalition, co-option and coercion. Each government, whether dictatorship or elected civilian, has used all three. Military governments start with fierce repression and are then compelled to liberalize, ending up with quasi-democratic forms of political participation in which a single ruling party encompasses a broad spectrum of opinion, while the leadership negotiates with civil and armed opposition. Civilian governments begin with unbounded liberal hopes and promises and end up adopting states of emergencies and using clandestine measures to fight civil wars and intimidate civilian opponents. Successive Sudanese leaders are accused of hypocrisy and vacillation—but rather than asking whether the country deserves such poor leaders, we should ask, what is it about ruling Sudan that repeatedly brings out these characteristics in those who try to govern it?

12. Coercion has 'failed' in two important respects: it has neither won a war nor established a stable state. But coercion has brought other benefits to those in power. Many of the merchant-officer-administrator class have become wealthy. Constant states of emergency justify the maintenance of a security apparatus removed from legal accountability, and which is itself an important locus for financial profit. The coercive apparatus remains employed even when it is not fighting a war or detaining political opponents. Coalition and co-option, meanwhile, use the patronage resources of the state and ruling party to bring regional elites to the center to play a subordinate role in government.

13. Sudan's rulers are proven experts at managing multiple crises. There can be few governing elites which have managed to stay in power despite being bankrupt, at war internally and with powerful neighbors, internationally ostracized and sanctioned, while all the time lacking a strong governing apparatus. Crisis management has become a political way of life, and when Sudanese leaders aver that they are unafraid of any measures the international community can envision and implement, they are not joking. Amid apparently intractable crisis, Sudan's elite has continued to prosper. The absence of a 'solution' to each of the conflicts in the periphery is not intrinsically a problem for this group.

14. No political agreement reached in Abuja, or at a Darfur-Darfur Conference, will resolve the Darfurians' long-term problems. The Darfurian elites look enviously at the South and see a potential model there, but focus only on the constitutional provisions and international support for the CPA, overlooking the structural political factors that made the GoSS possible (though not yet a success). The Movements have signally failed to address the structural reasons for their own weakness, and as time passes their lack of political infrastructure, and their inability to create such an infrastructure, becomes painfully apparent.

The Military Situation

15. In the middle of February, the principal GoS activity in Darfur was to launch a military offensive by attacking the forces of the SLA-Minawi in eastern Darfur. Contrary to the prediction made in the February briefing, the first front of this 'new war' has been in Darfur while the Chad front has been quiet.

16. The prelude to the offensive was high-level meetings in Khartoum with the Eritrean Government, in which the latter agreed to halt military supplies to both the Eastern Front and the SLA. Subsequently, two weeks of fighting have seen the GoS capture significant territory and destroy a large segment of the SLA-Minawi forces. Two senior commanders have been killed and as many as a third of Minawi's vehicles captured or destroyed. Minawi's forces were also in conflict with the militia of the Baggara Rizeigat, which Minawi has now taken to describing as 'Janjawiid'.

17. Prior to this attack, the tribal leaders of the affected areas (especially Berti) were in contact with SLM-Abdel Wahid to ask for assistance. No military assistance was forthcoming but Abdel Wahid's group did not help out Minawi in the face of the assault.

18. This offensive will continue with assaults on Haskanita, Goreida, and SLA-Minawi camps north of el Fashir and Um Keddada. SLA Meidob forces will also be attacked. If the GoS can pass the hurdles of the Arab League summit and the UNSC it may continue unchecked.

Chad

19. The Sudan-Chad war is on hold. One immediate reason is the Arab League summit in Khartoum on March 27-28, though it may be brought forward in order for the GoS to canvass greater support for its opposition to a UN force in Darfur. Meanwhile both sides have been extensively mobilizing and arming. The GoS has moved two divisions to el Geneina and continues to support the FUC coalition. The Chad Government is also purchasing arms, but has recognized that it cannot hope to succeed in a military confrontation with Sudan. To this end, Idriss Deby (perhaps at French prompting) is now encouraging SLA leaders to be more constructive about peace in Darfur. Daju groups in eastern Chad are mobilizing their self-defence militia.

20. A humanitarian crisis is beginning to unfold in eastern Chad, with about 4,000 people crossing to Darfur as refugees and about 13,000 displaced people south of Adre.

The GoS Strategy

21. The February offensive in eastern Darfur marked a qualitative shift in recent insecurity. This was neither a breakdown in law and order nor an isolated ceasefire violation but instead the first significant step in a strategy aimed at eliminating, or at least substantially reducing, the military capacity of the SLA-Minawi. Presumably, this strategy will continue with further offensives in northern Darfur. We would then expect to see the GoS making minor political concessions to the SLM-Abdel Wahid, perhaps along with financial incentives, for a political deal. Aware that the AU is considering an agreement signed first with one party (i.e. Abdel Wahid) which then brings in the others, the GoS is hoping that it can achieve an internationally-blessed agreement with minimum concessions.

22. Hence the GoS approach to the Abuja negotiation is essentially passive. It has not been tested by the Movements. It wants a deal but is not prepared to take political risks to obtain one. The earlier signals of a possible political breakthrough were extinguished in February when Majzoub al Khalifa took charge of the negotiations, bringing to an end the quiet, constructive contacts with the SLM-Abdel Wahid. The NCP has signalled that it is ready to re-open those talks but with considerably less flexibility on offer.

23. The GoS hard line springs in part from the failure of the SPLM to play the expected role of political broker with the Movements. In December and January, individuals from the SPLM explored creative options with the Mediation. These options disappeared in the paper produced by the GoS in Khartoum in late February and passed to the U.S. and from the State Dept to the AU. When Foreign Minister Lam Akol visited Abuja he met with Abdel Wahid but neither made any move towards the other.

24. The GoS position was tested at end of February and the first days of March when the Mediation orally presented its ideas on power-sharing and circulated the text of a proposed enhanced humanitarian ceasefire. The GoS responses were in line with the Khartoum paper and had actually retreated from positions proffered in January. In power-sharing, Khalifa treated the existing provisions of the CPA and Interim National Constitution, down to the smallest detail, as a sacred text that could not be touched. His constant refrain was that revising the CPA would ‘open a Pandora’s Box’ or ‘create conflict’, as if oblivious to the fact that he was facing a real conflict with ongoing adverse consequences for his government. He canvassed no compromise on any key issue and was only ready to make concessions to the Movements where their participation could be fitted into existing arrangements, i.e. within the small quotas allocated to other Northern parties in national and state institutions. This would have give the SLM and JEM just six seats in the National Assembly and 8% in the state assemblies. This position was, if anything, less flexible than a month earlier. Other GoS delegates indicate that the Government position has more flexibility but there is no sign of this.

Further Disarray in the Armed Movements

25. The Armed Movements’ political platforms and strategies remain disappointing. Despite rhetoric of ‘transforming’ Sudan, they fail to go beyond articulating specific demands, such as compensation, certain quotas for Darfurians, and certain government posts. Liberation movements can normally be expected to uphold a long-term vision, a powerful rationale for why they took up arms. This is notably lacking for the SLM and JEM. They do not recognize the CPA as a foundation for transforming Sudanese politics, but rather see it as an elite pact from which they are excluded.

26. Abdel Wahid Nur belatedly formalized his separate negotiating position in early February, after obtaining agreement from most of his senior members and commanders. Since then, the SLM-Abdel Wahid has had a month of separate negotiations. The results have been disappointing. There has been modest flexibility on power-sharing. The best outcome is a clear readiness to sign a ceasefire—which reflects the group’s military vulnerability. The movement is too fractured and undisciplined to develop and pursue coherent negotiating positions and Abdel Wahid himself is disorganized and unreliable to sustain a strategy. Even a simple shift in position requires a very slow process of internal discussion to accomplish, while the weakness of decision-making procedures means that it is open to critique by those

who disagree. Every senior member of SLM-Abdel Wahid has his own views and must be heard, both within the Movement and also publicly at the negotiating table. Leading members have multiple allegiances, both personal, tribal and political.

27. Abdel Wahid's breaking ranks caused much vocal critique from SLM-Minawi and JEM. A number of SLM commanders who were formally aligned with Abdel Wahid objected to the move. Among them were Khamis Abbaker, Suleiman Marajan, and Suleiman Jamous—some of whom had only recently supported Abdel Wahid's move. Jamous, who also serves as SLM humanitarian coordinator for the northern sector, was meanwhile active in mobilizing a number of Zaghawa commanders who feared the way in which Minawi was exposing them to both political isolation and military danger, through his alliance with Chad and repeated ceasefire violations. Following an SLA-Minawi attack on another Zaghawa commander's positions, Jamous indicated that he intended to 'reunite' the movement, displacing both its leaders. Minawi promptly attacked and captured Jamous, who was released when UN SRSG Jan Pronk made that a precondition for the UN to transport Minawi to Abuja.

28. On March 4, 19 dissident commanders publicly severed their ties with Abdel Wahid, while still maintaining their critique of Minawi, forming a de facto third faction of SLM ('SLM-19'). Their stand reflects the structural weakness of the SLM-Abdel Wahid and his erratic leadership. It also stems from political work by JEM, Libya and Chad to detach them. The new faction is itself fractious and cannot agree on its rationale or political position. The fragmentation reflects the reality in Darfur.

29. Abdel Wahid's best (perhaps his only) chance to salvage his position is his readiness to submit a number of important issues, including the selection of candidates for executive and legislative bodies in Darfur, to the Darfur-Darfur Consultation for ultimate decision. This arises from the extensive and ongoing contacts he has had since December with Darfur's tribal leadership, which have resulted in him being given a limited mandate to negotiate a settlement, on the condition that it is submitted to the people in this manner. Abdel Wahid is hoping to have a mini-conference of senior tribal leaders to agree on negotiating positions. However, organizing such a consultation will take many weeks, and it seems likely that the Mediation and the international partners will run out of patience before he is able to organize it. Such a mini-conference would also require external funding.

30. SLM-Minawi and JEM remain obstructionist. Their delegations have scarcely shifted at all, rejecting almost every proposal offered by the Mediation and sticking to the positions they held at the opening of the 7th round in November, with only very minor adjustments to abandon the most extreme positions. Minawi is publicly proclaiming that he has accepted '90%' of what the mediation has proposed, while his delegates have in fact refused the majority of mediation proposals. On security arrangements, their position continues to be that they will only accept an enhanced ceasefire as part of a final package. Minawi is loath to divulge the locations and size of his forces.

31. However, both Minawi and JEM want to talk to the GoS in private. JEM has always had its lines of communication and may be banking on the NCP's recent flirtation with Hassan al Turabi. On his return to Abuja in late February, Minawi tried to open a channel of communication with the GoS, but was rebuffed. The tone of his public statements has also changed positively.

Reaching a Ceasefire

32. After more than a month of painfully slow discussion, the AU Mediation has produced a text for an Enhanced Humanitarian Ceasefire. It is a strong and workable document which has real teeth. It has taken far longer than it should to reach the current stage. Reasons for this include:

- a. Extremely limited technical competence among the Movements for negotiating;
- b. Limited AU capacity to organize the negotiations;
- c. A common position by the GoS, SLA-Minawi and JEM that a ceasefire should only be agreed as part of a final comprehensive package;
- d. Unresolved questions about the status of the agreement: is it an interim measure that can be amended as part of a final status of forces agreement and/or comprehensive agreement, or will it have to be implemented exactly as it is? If it is the latter, then a great deal of long-term significance rides on this document and the UN will need a greater input into it, because UNMIS will be responsible for its monitoring.

33. The security experts in Abuja estimate that agreement on the Enhanced Humanitarian Ceasefire could be achieved in two weeks or so, conditional on strong international pressure on the parties (especially the GoS). Given that such a document would be popular and uncontroversial internationally, it should not be difficult to orchestrate this pressure. The GoS will seek reasons to delay. Once there is a serious conflict on the Chad border, the GoS will have the pretext it needs for refusing to sign an Enhanced Humanitarian Ceasefire.

Reaching a Comprehensive Agreement

34. Best estimates are that it will take a further two months minimum to develop a mediation text for a final security agreement, including full DDR provisions and final status of forces. It could take a further one-to-three months to negotiate this. These estimates are in line with the security specialists' estimate in November 2005 that it would take 6-9 months to achieve an agreement.

35. The Mediation has made more progress on power-sharing and wealth-sharing in the limited sense that they have exhausted the arguments on both sides and converged on workable compromise proposals. (Plans for a Darfur-Darfur Consultation remained to be developed and will be worked on during the coming weeks.) The Mediation is considering tabling its proposals in March and has clearly expressed its wish to conclude the negotiations within the month. But this is a deadline without a plan. Having produced its papers, the Mediation then faces a dilemma: whether to wait until it has the full package including security arrangements, or to press the parties to agree to an incompletely-worked out deal, with the real risk that both sides will reject it.

36. There is a real, if remote option of closing the Abuja Mediation in March with a limited deal. This would be an incomplete deal in several respects: security arrangements would remain to be concluded and most of the power-sharing details would need to be worked out in the Darfur-Darfur Consultations. For this to work would require a well-crafted set of draft agreements, a robust and credible mechanism for resolving the outstanding issues, and a very

high level of coordinated international pressure. The capacity for achieving this does not currently exist within the Mediation mechanism including the on-site international partners.

International Troops

37. The very public debate over the UN and NATO has created confusion among all parties and may also create some strains between the AU and UN. For some in the GoS, the talk about NATO confirms long-held suspicions that the U.S. is intent on overthrowing the government in Khartoum by any means necessary. This mindset implies that there is nothing to lose and no point in negotiating. As these individuals' preferred approach is precisely the GoS's default option—keeping Darfur as a security file—they may yet win the day. The immediate outcome has been for the GoS to reverse its position on the AU-UN handover in Darfur.

38. GoS Foreign Minister Lam Akol is engaged on a campaign across Africa to persuade governments to vote against the AU-UN handover in the AU Peace and Security Council on March 10. (The meeting was postponed from March 3 and may well be postponed again.)

39. Many in the Movements fail to recognize that a UN-NATO intervention would not be to their direct advantage. Minawi and his people are angered by the suggestion that they are 'naïve' for thinking that the international community would intervene and fight their war for them—precisely because they still cling to this hope. JEM is opposed to the UN and NATO (reflecting the Libyan position). Abdel Wahid is ready to support any option as long as it works.

40. This writer's long-held view is that the questions of numbers of troops, equipment and mandate are all secondary to the issue of mission: what are the troops there for? Only when a mission strategy has been worked out, does it make sense to speak of the numbers required.

41. If the task of an international mission is to provide physical protection to all civilians at risk, and/or disarm the Janjawiid, very large numbers will be needed. On the basis of the 10:1 force ratio needed to disarm a group without its consent, 300,000 troops would be required to disarm the Janjawiid. To provide physical protection to 1,000 villages would demand only a slightly smaller force. Those who advocate military intervention should first contemplate the scale of what they are demanding.

42. However, if the mission strategy is to facilitate the implementation of an agreement, using force where necessary against those elements that all parties agree are in violation of the agreement, a much smaller force can do the job. The geography of Darfur is such that control of a relatively small number of key localities (wadi crossings, deep bore holes), allows for de facto control of the territory. More importantly, the cooperation of a relatively small number of key individuals provides a force multiplier. For forty years after conquering Darfur in 1916, the British never had more than eight political or administrative officers in Darfur, despite the fact that, for the first decade at least, there were a number of well-armed groups at large and at least two significant rebellions. Their mechanism was simple: they got Darfurians to police themselves through the tribal structure. Preliminary calculations with the military specialists present in Abuja suggests that a force of 10-13,000 could achieve the major protection and stabilization goals in Darfur, provided that (a) there is an enhanced ceasefire agreement, (b) there is a long-term mission strategy and (c) there is a political dimension to the stabilization project.

Next Steps

43. Even in the best case scenario, the Abuja talks cannot produce an outcome that can support the transformation of Sudan envisioned in the CPA. The most we can expect is a stabilization of Darfur and the incorporation of certain elements of the Darfurian elite into the governing apparatus. If this logic is accepted, a sober reassessment of the prospects for the CPA itself should be undertaken.

44. The killing can, however, be stopped. This demands pressure on the GoS and SLM-Minawi to accept an Enhanced Humanitarian Ceasefire without delay, and strengthening of AMIS to enable it to properly monitor and enforce the ceasefire. For this to work, the UNSC and AU Mediation need to coordinate closely. This must be in place before any serious fighting on the Chad border renders it impossible.

45. With the prospects of GoS-SLM agreement receding, the U.S. needs to contemplate various scenarios for the coming months, and two main options for achieving a political settlement. One option is to sustain the Abuja talks for what appears to be their 'natural' lifespan, that is until June-August. Success would still require concerted political pressure, and would be followed by a lengthy process of Darfur-Darfur Consultation. A second option is to gun for an incomplete agreement in March or early April, notably without a final security agreement, and then complete the negotiation in an expanded Darfur-Darfur Consultation. This would require both close coordination with the AU Mediation and greater political leverage.

46. Deployment of international troops in Darfur without agreement from the parties is not feasible. The proposal for NATO involvement in AMIS or UN deployment in Darfur is essentially a distraction from the more significant challenges of obtaining an agreement on security arrangements, modalities for deployment of forces by consent, and development of a long-term strategic plan for security in Darfur.

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