

Explaining the Darfur Peace Agreement

Part 5

How to Include the Different Darfur Movements

Alex de Waal

This is the fifth in a series of articles concerning the Darfur Peace Agreement (DPA), including what has happened since the signing on 5 May. This article is concerned with the question of representation of different Movements and fractions of Movements.

One of the biggest obstacles to the Darfur peace process has been the fragmentation among the Movements, and the fact that many groups have knocked at the door and sought representation. There is no solution to this problem that satisfies everyone. This meant that the African Union, in partnership with the international community, had to make a number of difficult decisions. This article outlines how those decisions were made and what provisions exist in the DPA for including additional groups.

The Darfur peace process began in September 2003 with a 45-day ceasefire between the GoS and SLM/A and continued in April 2004 with the N'djamena Humanitarian Ceasefire. JEM joined the negotiation process at that point, and the meetings shifted to Abuja, Nigeria, in August 2004. The first major dilemma on the question of who was to be represented arose when the NMRD split away from JEM and demanded representation at the talks. The AU, supported by its partners, decided not to allow NMRD to join the negotiations. Instead, the AU invited the NMRD to join the peace process after an Agreement had been reached, at the Darfur-Darfur Dialogue and Consultation. The main reason for turning away NMRD was the fear that if any new faction was recognized, this would encourage the Movements to fragment and any ambitious commander or political leader to form a breakaway faction and demand a seat at the table.

The second major dilemma was who to recognize as the leader of the SLM/A. At the beginning, Abdel Wahid al Nour was acknowledged as Chairman. But by the Fifth Round in Abuja, he was using his authority as Chairman to reject SLM/A commanders who came to the talks. Those commanders represented real groups on the ground and wanted a stake in the negotiations, as part of the SLM/A. Abdel Wahid pushed them aside and refused to contemplate any dilution of his authority as Chairman. Meanwhile, Minni Minawi had organized the Haskanita Conference which chose him as Chairman, in the absence of Abdel Wahid and many of his supporters. The AU chose to recognize both Abdel Wahid and Minni Minawi as leaders of different groups in the SLM/A. At a meeting in Nairobi in November 2005, the U.S. tried to bring the two factions together and failed. It then persuaded them to at least adopt a common negotiating position—which lasted only a couple of months.

During the last round in Abuja, a group of 19 delegates from Abdel Wahid's faction split, and tried to seek recognition from the AU. The AU refused this, on the grounds that it would only recognize the two SLM/A leaders, but it allowed the "Group of 19" to stay in

Abuja and engage in informal discussions, in the hope that it would rejoin Abdel Wahid (or one of the other groups) and find a means for joining whatever agreement was signed.

The DPA itself has two provisions that provide space for other armed groups. The first is in the Comprehensive Ceasefire, Paragraphs 334-337, “Compliance with the Ceasefire by Other Armed Groups and Militia That Are Not Parties to This Agreement.” These paragraphs were drafted with groups such as the NMRD, the “Group of 19” and other armed groups aligned with the Movements in mind. Paragraph 334 requires the signatory parties (to date, GoS and SLM/A-Minawi) first of all use non-military means to ensure that the other armed groups comply with the ceasefire. For example, negotiations and traditional forms of conflict resolution are proposed. Paragraph 335 requires the signatory parties to report on these activities to the Ceasefire Commission (CFC) each month. Paragraph 336 enjoins the CFC to determine the best ways of dealing with groups that do not respect the ceasefire, if necessary referring the matter to the AU Peace and Security Council. Paragraph 337 suggests some tougher measures that the PSC may decide to authorize against groups that persistently violate the ceasefire, such as interdicting arms and ammunition, creating new buffer zones and forcible disarmament.

The second provision is the Darfur-Darfur Dialogue and Consultation, which is a mechanism whereby all Darfurian groups can be represented. The DDDC is also required to set up a Peace and Reconciliation Council which could find ways and means of ensuring that other armed groups become part of regionwide peace.

In the event, of course, the DPA was signed by only the GoS and Minni Minawi. This leaves an important anomaly in the Comprehensive Ceasefire. This is that the SLM/A-Abdel Wahid and JEM remain signatories of the N’ djamena Ceasefire and several other agreements, and therefore remain as members of the CFC and Joint Commission. However, the CFC and JC have gained extensive new powers under the DPA. There are many more activities to be monitored and verified than in the past. These include the disarmament of the Janjweed, the disengagement and redeployment of GoS forces, and the demilitarized zones around IDP camps. Because it has signed the DPA, the GoS is required to disarm the Janjaweed and redeploy its forces. But the SLM/A-Abdel Wahid and JEM, which have not signed, are not required to disengage and withdraw their forces, and therefore should not have any role in monitoring and verifying GoS actions under the DPA Security Arrangements chapter. This implies a two-tier CFC and JC, which restricts SLM/A-Abdel Wahid and JEM to merely monitoring violations of the former ceasefire.

Also, Paragraph 250 gives the strengthened CFC and JC new powers for publicizing violations, recommending prosecution of violators, and referring cases to the AU PSC for further action. The SLM/A-Abdel Wahid and JEM, because they did not sign the DPA, will not be in a position to decide on any of these measures—though they may have such measures imposed on them in accordance with the procedures.

The fact that only Minni Minawi signed from among the Movements has led to the situation in which the significant individuals from the SLM/A-Abdel Wahid and JEM have approached the AU wanting to be associated with the DPA.

The failure of Abdel Wahid and Khalil Ibrahim to sign the DPA left many of their followers deeply unhappy—especially those who had been involved in negotiating the DPA. Abdel Rahman Musa, who had headed Abdel Wahid’s negotiating team, arrived at the signing ceremony in the Presidential Villa in Abuja with 13 colleagues and a letter, asking to be admitted to the peace process. Abdel Rahman and his group were embraced by President Olusegun Obasanjo, who was presiding over the ceremony, who then asked both Dr Majzoub al Khalifa and Minni Minawi to embrace them too. After this, several leading individuals either contacted the AU or traveled to Addis Ababa to find a way of becoming part of the process.

The AU leaders were clear that only the three recognized leaders were authorized to become full signatories to the DPA. Up to now, the signature page of the DPA contains only the signatures of Majzoub al Khalifa and Minni Minawi, plus the African and international witnesses as guarantors. But the AU could not turn away individuals who wanted to express their support. Individuals cannot “sign up” to the DPA as if they were recognized parties. But they can sign a “Declaration of Commitment” to the DPA.

The AU delayed until after the final deadline for Abdel Wahid and Khalil to sign on 31 May, before making any response to those additional individuals wanting to commit themselves to the peace process. One reason for the delay was continuing efforts to try to bring those two leaders into the fold. A joint AU-EU-Norwegian effort continued with Abdel Wahid until the deadline, trying to convince him to meet with First Vice President Salva Kiir and Minni Minawi in Yei, to bridge the remaining differences. AU and international representatives stayed with Abdel Wahid until the very end, discussing his concerns over compensation, security arrangements and guarantees for implementation and trying to find means of meeting whatever legitimate concerns he was raising. The efforts of the AU and its partners finally failed when Abdel Wahid abruptly cancelled his trip to Yei, after Salva Kiir had already arrived in the town to receive him.

Meanwhile, the EU and the Slovenian Government continued to engage with Khalil Ibrahim right up until the deadline. This effort did not succeed either.

Having been spurned by Abdel Wahid and Khalil, the AU could not turn away those senior members of the SLM-Abdel Wahid and JEM who wished to come forward and express their support for the peace agreement. But the AU also did not want to create any further splits in the Movements. In particular, it was worried that some individuals who came forward claiming to be members of the Movements might not in fact be genuine. So the AU decided two criteria for allowing individuals to sign the “Declaration of Commitment.” Either they had to be accredited delegates to the peace talks, or military commanders or political leaders known to AMIS in Darfur. Based on these two criteria, the AU accepted a Declaration of Commitment signed by four individuals: Abdel Rahman Musa, Ibrahim Madibo, Abdel Rahim Adam Abu Risha and Adam Saleh Abbaker. The ceremony for signing this Declaration took place in Addis Ababa on 8 June and the document was received by the AU’s Commissioner for Peace and Security, Said Djinnit.

What does this Declaration of Commitment mean? It is a sign of good faith by the individuals who signed it and their followers. But in terms of inclusion in the implementation of the DPA—for example having a right to participate in the allocation of posts under the Movements’ quota—that depends upon the decision of the sole Movement signatory, Minni Minawi. How Minni cooperates with those who have already signed the Declaration of Commitment, and those who may sign in the future, is a political decision. Minni would be well advised to carefully welcome his brothers-in-arms from the other Movements into the institutions and processes for implementing the DPA.

It is now too late for Abdel Wahid and Khalil to sign the DPA, unless the existing signatories—the GoS and SLM/A-Minawi—should agree to change the rules. But political leadership requires that Minni seek a way to expand the political base of support for the DPA by including all Darfurians who are committed to peace and who believe that the DPA provides a framework and a stepping stone to a just and lasting peace.