

Darfur Peace Process: Analysis and Prospects

May 2006

Overview

1. No mediation effort can bring about an agreement between parties who are not willing to reach agreement. A bad mediation can, however, destroy the chances for peace when the parties are willing to reach a deal, but need some assistance to succeed. During April, the GoS was ready to make a deal and the Movements were ready to fasten onto any fair deal that was tabled by the Mediation. The AU Mediation had its chance but it misjudged on timing and content. The best assessment of the current state of play in Abuja is that the Mediation snuffed out any immediate chance for a Darfur peace agreement.
2. The draft Darfur Peace Agreement (DPA) tabled by the AU Mediation on April 25 fell short of expectations on two main counts. First, its content did not reflect the amount of time and effort spent in the mediation: given its content, it should have been tabled two months ago, giving time for the content to be refined. Second, its power-sharing provisions failed to meet the minimum reasonable expectations of the Movements. We cannot rule out the possibility of the Movements rejecting the process, or at least stalling on it for some months. Having tabled the draft DPA, the AU Mediation now thinks its task is done, and that it is the responsibility of the international community (i.e. the U.S.) to press the Parties to agree. There is still no strategy for closing the deal and much precious time has been lost.
3. The Abuja peace process can still be salvaged, but not by the African Union as currently constituted. A vigorous effort at mediation conducted directly by the U.S. can bring the Parties together on the key issues of power-sharing and security arrangements, resulting in a new text that can be adopted by the Parties and, for appearance's sake, be heralded as the AU's proposal.

The AU's Draft Darfur Peace Agreement

4. The April 25 draft "Darfur Peace Agreement" tabled by the AU Mediation contains the following provisions on Power-Sharing:
 - a. The senior Darfurian in the Presidency is Senior Assistant to the Presidency, chosen by the President from the Movements' nominees. He/she has extensive competencies. This is a workable compromise: the Movements' main problem will be the title (it is not their demand for Vice President) and the fact that the President retains the power to choose from the nominees.
 - b. Darfur has a "Transitional Darfur Regional Authority" (TDRA) headed by the Senior Assistant to the President. After four years there is to be a referendum on whether Darfur becomes a region or reverts to being three States. This is a sound idea in terms of practicality but removes from the Movements one of their few potential symbolic victories. The GoS objects to the terms 'regional' and 'authority'. The Movements object to the limited competencies of the

TDRA, but some of these misgivings can be overcome if donors are ready to give it direct financial support.

- c. The Movements are to get one cabinet minister, two state ministers and one Presidential Advisor. This is remarkably modest and certainly less than the GoS was ready to concede.
- d. The Movements are to get 12 seats in the National Assembly, equivalent to 18% of Darfur's 66 allocated seats. The rationale for this is that the CPA provides for the NCP to retain its majority and does not allow the National Assembly to be expanded. It reflects the Mediation's assessment of the Movements' political weaknesses. This is far less than the earlier AU proposals (which were shared with the Movements) and is more accommodating than the GoS can have anticipated.
- e. The Movements are awarded one out of three Governors of Darfur states, two deputy governors, and two ministers (out of eight) in each state. The State Assemblies are expanded from 48 to 65 with the Movements getting 18 seats in each (28%). This reflects the rationale that the NCP should retain its majority in each State, the Mediation's low opinion of the Movements' capacity, and the Mediation's reluctance to expand the size of State Assemblies any further. The GoS had indicated that it would accept the "Nuba Mountains formula" which had provided 55% to NCP and 45% to SPLM; earlier Mediation drafts were based on this but the final proposals fall well short.
- f. The Mediation proposes that one ministerial position in Khartoum State Government be awarded to the Movements. The GoS wanted to rule this out and the Movements demanded much more.

5. Provisions (c)-(f) had not been explored in any detail with the Movements before the draft was presented. The Movements' attitudes to the Senior Assistant and the TDRA had been explored informally, but none of the issues had been tabled in writing for the Parties to discuss prior to 25 April. The Mediation had conducted extensive discussions on each one of these with the GoS and was aware that they mostly fell within the GoS's stated positions, and therefore the Mediation was confident they would be accepted by the GoS.

6. Substantial parts of the power-sharing agenda, including local government and native administration, have been omitted entirely. There may be a rationale for postponing these for the Darfur-Darfur Consultation but this has not been discussed with the parties.

7. On Wealth-Sharing, the positions contain no surprises for the Parties. Individual compensation has been eliminated and compromises reached on the questions of seed money for reconstruction and fiscal allocations to the States.

8. On Security Arrangements, there are still important unresolved issues:

- a. The question of the integration of the Movements' former combatants into the Armed Forces remains unresolved, with Minawi demanding that his forces retain formation as units for some period.

- b. The Movements want the integration process to have stronger international guarantees than are in the DPA. The GoS demands that the integration authority be vested in the Presidency and not in an organ of the TDRA as proposed in the draft, and also objects to a foreign country or international organisation providing a Security Advisory Team with considerable power over the security arrangements implementation process.
- c. Earlier progress on disaggregating the phenomena of Janjawiid and tribal militia into different categories has been reversed, leaving the GoS with the responsibility of complete disarmament of Janjawiid and all other armed militia within 120 days, and as a prerequisite for the assembly of the Movements. A linkage between control/disarmament of the Janjawiid and the assembly of the Movements' forces is necessary but the demand that all militia are treated in this way is completely unrealistic and means that the security arrangements provisions will never proceed beyond the initial disengagement phase. However, the draft does contain provisions for the reform of selected security institutions in Darfur, which includes the Popular Defence Forces, nomadic police and border intelligence units, all of which have absorbed large numbers of Janjawiid. The GoS has (reluctantly) accepted the need to reform these institutions.
- d. There are still disputes over the functions of the GoS police in IDP camps and demilitarized areas.
- e. The proposal to create a Darfur Security Arrangements Implementation Commission with extensive powers for security sector reform, including over all the GoS paramilitaries, is bold. (It is bolder than the Movements, which are to nominate its head, seem to appreciate.) If there is one proposal in the entire text that crosses a GoS red line, it is this one.

9. On the Darfur-Darfur Dialogue and Consultation (DDDC), the text has moved beyond generalities into a framework for how this conference could occur and could tackle many of the critical issues. However, much detail is still lacking and work needs to be done, for example on the envisioned Darfur Peace and Reconciliation Council—a council of elders tasked with preventing and resolving local conflicts. The DDDC could, if correctly handled, serve as the most important mechanism for establishing sustainable peace in Darfur.

10. The Power-Sharing positions are the problematic issues. Frankly, they pay much heed to the GoS stated positions and very little to the Movements'. There are difficulties with Wealth-Sharing but they can be overcome. The issues in Security Arrangements are substantial but the current proposals take a middle position between the Parties, and are amenable to a negotiated compromise.

The Government of Sudan

11. The GoS delegation headed by Vice President Ali Osman Taha, in Abuja from April 7, scored notable tactical successes with the AU Mediation. Taha presented himself as reasonable, flexible and keen to reach an agreement. He brought a high-level SPLM delegation, which presented the GoS's harder-line positions on power-sharing issues. Over

two weeks of intensive contacts with the AU, Taha succeeded in moving the Mediation's positions several shades towards his own position. The draft Protocol on Power-Sharing, which had been finalized by the Mediation in February, was duly amended. The February draft was already pressing the outer limits of what the Movements might be prepared to accept. The April 25 version, presented to the Parties, went several steps further.

12. The Power-Sharing chapter of the DPA is a tactical victory for the GoS. It can—and most probably will—agree to the provisions and thereby claim the backing of the international community and the moral high ground. This might well be enough for Taha to return to Khartoum with much political credit that he can use both domestically and internationally. But that would not be enough to secure a real peace agreement.

13. The GoS has only two significant problems before it can sign up to the draft DPA, which are (a) the requirement for disarming the Janjaweed and armed militia as a precondition for the assembly and demobilization of the Movements and (b) the post of the head of the Security Arrangements Implementation Commission. These are in fact the only negotiating cards that the Movements have to play in the next phase of the negotiation, but they are strong ones.

The Movements

14. The Movements were shocked by the Mediation proposals on Power-Sharing. They have used words such as “empty” and “humiliation.” Their first reaction is to reject the proposals completely and to walk out. They feel betrayed by the Mediation, which has not held a significant meeting on Power-Sharing issues since February, and has yet come with a document that contained new and untested concepts as well as surprisingly modest proposals for their representation.

15. The Movements are too weak to walk out, unable to sustain serious negotiation with the GoS, and have not been given the hoped-for lifeline by the Mediation. Their most likely response is to stall on the negotiations for as long as they can, in the hope that something better will emerge.

16. JEM has ceased to play a constructive role in Abuja. Khalil Ibrahim banked on Idriss Deby and has been marginalized as a result. The fighting in N'djamena in April has ruled out JEM from serious negotiation for the time being.

Next Steps

17. The Abuja process is salvageable but not by the AU Mediation. The current format of talks no longer serves any useful purpose. But the alternative of direct negotiations between the Movements and the GoS is unlikely to work, as long as the Movements remain divided and disorganized. The only remaining option is facilitated bilateral talks with a select group of observers and facilitators, all of whom are trusted or respected by the Parties.

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