

## **Sudan: Analysis and Prospects**

(focusing on Darfur)

**April 2006**

### **Overview**

1. Optimism that a settlement is in prospect has risen sharply at the Abuja talks in the last week of March. There is certainly a new seriousness among all parties. But it is not yet clear if the objective conditions exist to translate this into either a ceasefire or a comprehensive Darfur peace agreement (DPA).
2. There are two optimistic signs. The first is that senior members of the GoS Abuja delegation and well-placed individuals in Khartoum are indicating signs of flexibility. Even Majzoub al Khalifa, the infamously inflexible GoS chief negotiator, is showing a modestly different demeanor, and has made improved offers in private to SLM-Abdel Wahid. The second is that the recent switch in AU negotiating tactics, to emphasize the empirical aspects of the conflict on the ground, has led to both the GoS and Minni Minawi gaining confidence in the process. Progress on developing maps for the ceasefire is a genuine breakthrough.
3. Major constraints on the Abuja process remain. One is the speed limit of the negotiating process. Until today, no amount of pressure or appeals for haste have accelerated either the parties' or the mediation's ability to move faster. Fundamental to this is the deep distrust that exists on the side of the Movements. For example, Minawi refuses to contemplate some essential steps. A second obstacle is the inherently difficult nature of the issues that remain to be resolved. Five issues remain critical: how to settle the short-term military control of eastern Darfur, the integration of SLA combatants into the national army, how to control and disarm "undisciplined militia" (the GoS-accepted euphemism for GoS-aligned Janjawid), control of the border and Chadian rebels in Sudan, and the process of consultation and democratization.
4. The Darfur Ceasefire Agreement is practically ready. It will contain no surprises for either side and is acceptable to the GoS military, albeit with much reluctance. But Minawi is still far short of the necessary trust to accept it, without significant pressure and guarantees from the U.S. The tabling of the final draft of the Ceasefire Agreement paper, expected on April 6, could be followed within a week by the tabling of all the Mediation papers on the comprehensive Darfur Peace Agreement (DPA).
5. However, the Mediation still lacks a clear strategy for concluding the peace process: the most likely scenario is one in which the Mediation tables its DPA, but there is no mechanism for getting the Parties to agree. The Mediation positions are broadly acceptable to the GoS, and represent a fair deal for the Movements. But the Movements are still weak, fragmented, unable to negotiate, and deeply fearful. There have been no significant face-to-face negotiations in Abuja. Making the SLM—especially Minawi—agree to a fair and workable deal will demand further U.S. engagement and reassurance. And even if the proposals fall within what the GoS can accept, Khartoum is likely to stall on agreeing and press for more.

## **A New Readiness for Peace?**

6. The GoS delegation in Abuja is showing unfamiliar flexibility. The main signal of this is that in private meetings arranged by President Obasanjo between the head of the delegation, Majzoub al Khalifa, and Abdel Wahid Nour, al Khalifa has been more forthcoming than before. In addition, other senior members of the GoS delegation have shown signs of flexibility. A likely reason for this is the re-entry of Ali Osman Taha into Khartoum's policy-making circle on Darfur.

7. Second Vice President Ali Osman Taha's meetings in Paris and Tripoli did not have a discernible direct effect on GoS positions in the Abuja talks, but several indirect impacts are evident. Immediately on hearing the news of the meetings, Majzoub al Khalifa returned to Khartoum. Before coming back to Abuja in February, he had insisted on a letter from President Bashir to President Obasanjo which gave him full authority for the Darfur negotiation. He was visibly angered by the news of Ali Osman's meetings and was noticeably anxious after his return. It is possible that his greater flexibility is due to this. Alternatively, it is possible that with a power struggle within the Presidency, a solution in Abuja will be harder to find. Senior GoS delegates say that the GoS position is more accurately described as indeterminate, and the decision on any deal must now be made in Khartoum and no longer in Abuja. However, Chief Mediator Salim Ahmed Salim judges that it is appropriate to deal with the assigned lead negotiator, Majzoub al Khalifa, and that his current visit to east Africa is not yet the right time to visit Khartoum.

8. Among the Movement leaders, Minni Minawi has been a constructive intermediary. He handled his meeting in Tripoli with Ali Osman well. He has been engaging in a clear and decisive manner with Mediation proposals, identifying the major problems and showing readiness to compromise. But Minawi still retains a conspiracy reflex when faced with new ideas and it will be a painstaking process to bring him to accept a package with innovative proposals and significant concessions. He still has a sharp tendency to make unrealistic demands, for example insisting that the GoS withdraw from all its garrison towns in Northern Darfur except al Fashir, and claiming that his scattered forces exercise real control of wide swathes of eastern Darfur.

9. Abdel Wahid Nour has shown his worst character traits of being indecisive and arbitrary at the same time. Efforts to reunite his group foundered, partly on the deliberate wrecking tactics of some of the dissenters, and partly on his own intransigence. He has been weakened but not destroyed by this breakaway group. Abdel Wahid has misread Obasanjo's gestures towards him as meaning that he is personally favored as a Vice President for Sudan, and the heady prospect of high office has not helped his leadership style. However, he has also signally clearly that if he is given assistance to transform his SLA into a political party, including help for a media strategy and electoral campaign, he is prepared to swallow the compromise proposals the AU is planning to offer.

10. Khalil Ibrahim is not engaging seriously at Abuja, still staking out extreme positions, throwing up procedural roadblocks and trying to confuse his SLM allies by indicating that the GoS will accept their most radical demands if they hang together. He has said that if his demands for the post of first vice president and a region are not met in full, he will consider demanding self-determination for Darfur. He looks like a small man incapable of handling the position in which he has found himself.

## **Empirical Negotiation**

11. For months, the Abuja process was stuck on “first principles” negotiation in which the two sides argued interminably over the same points, chiefly concerned with abstractions. This has often made the Abuja process seem wholly irrelevant to the empirical realities on the ground in Darfur including the day-to-day ceasefire violations and humanitarian crises. But neither parties nor mediation were ready to seek a way to focus on concrete issues that might have concrete solutions. The tabling of the Enhanced Humanitarian Ceasefire Agreement on March 12 and the GoS response, that it needed to know the positions of the Movements’ forces, provided an opportunity for a new approach.

12. This approach would not have been possible before. Only in the last few weeks have the Movements been sufficiently confident in the Mediation to provide it with sensitive military information on their positions and troop deployments. Nor was the GoS ready to make any significant concessions concerning disengaging and redeploying its forces. In the last two weeks both these have changed. This is a genuine breakthrough.

13. The “empirical approach” begins with the map of Darfur. Although Darfur is big, the geography of the war can be broken down into a handful of distinctly different chunks of territory, each with specific problems. Each chunk requires a slightly different formula for a workable ceasefire, because of the nature of the terrain (desert, mountain, sandy savanna, etc), the type of roads in the area, the character of the Movements’ forces (guerrilla infantry or mobile squads), and the local tribal politics. Taking the chunks of territory one by one, locality-specific security arrangements emerge. In most areas the solutions then become obvious because of the simple constraints of practicality. For example, just four major humanitarian access routes are contested between the parties and each faces a different problem. It is far easier to work out a solution for these four roads one by one than to draw up a general formula that would demand that AMIS protects every humanitarian convoy in Darfur.

14. The empirical approach has generated the most evident progress for months. However, the GoS political leadership continues to throw up roadblocks, insisting on absolute sovereign control of the international border, insisting that the Movements cannot control territory (only “sites”) and that the GoS entitlement to police the whole country cannot be compromised. It is likely that the political leadership will only give the signal for a ceasefire when it has more confidence in the final outcome of the Abuja process.

## **Constraints on the Negotiating Process**

15. Experience of negotiating an end to civil wars in Africa indicates that they almost invariably take much longer than the mediators and partners expect. The international consensus is that the key preconditions for a settlement are (a) pressure from powerful foreign governments and (b) the political decision to seek a compromise by the main actors. By contrast, bitter experience suggests that (c) externally-imposed deadlines and arm-twisting rarely work, except when the process has already reached its final stage, (d) that the technical skill of the mediation is equally or more important than the power of the partners, and (e), even when a political decision to seek a settlement has been made, it can take months for the final agreement to be detailed and signed. In addition, (f) security arrangements are usually the most time-consuming element (Naivasha being an exception), while also being

the issue on which engagement of an external power in providing guarantees can be most effective.

16. The considerations (c)-(f) above would suggest that we are still some months away from a comprehensive Darfur Peace Agreement. Trust between the parties is the main element that is lacking, and no amount of pressure and ingenuity can create mutual confidence among parties who fear one another. The Movements are deeply fearful of the GoS and the GoS has taken no steps to reassure them, treating them with evident contempt.

17. The AU Mediation has not been adventurous or proactive in anticipating the issues that will arise and the political intelligence and engagement it will need in Khartoum and other places outside the Chida Hotel in Abuja. This has left it with some significant pieces missing from the jigsaw, including final status security issues (notably integration of SLA combatants into the national armed forces), the Darfur-Darfur Dialogue and Consultation, and most importantly, a clear idea of where the GoS's bottom lines are. The Mediation enters the critical stage rather ill-prepared to ensure that all the necessary pieces are in place.

### **The Five Tough Issues**

18. Five tough issues are evident, which need both careful discussion and political decision.

- a. Eastern Darfur. Most of the territorial issues of military control are straightforward. The issue of who controls eastern Darfur (roughly the square bounded by Nyala, the railway line, the Kordofan border, Um Keddada and el Fashir) is not. Mediators and partners need to acquaint themselves rapidly with the tribal and geographical complexities of this area as it will be critical. It is a sandy plain with settlements clustered around deep bore holes (known locally as "donkey wells") with waterless savanna and farmland in between. The local people are chiefly Berti and Birgid. From the 1970s onwards, Zaghawa migrants settled among them. The SLA-Minawi has the bulk of its forces in this area in seven main camps. Its force is mobile. It also has irregulars scattered more widely. The GoS has several garrisons in the area and more on the fringes. The local population is becoming increasingly unhappy with the SLA-Minawi presence, as the rebels are almost entirely Zaghawa and appear to have an agenda of tribal domination. The GoS is whipping up this anti-Zaghawa sentiment. The nature of the terrain means that there are no fixed front lines but instead points of control and indeterminate areas. Demarcating an SLA area of control is technically very difficult and politically contentious, because any area will include Berti or Birgid civilians who will object. The GoS says that because the SLA is unpopular it should withdraw entirely. The SLA says it controls the whole area. Political decision on both sides is needed, most likely in the form of a territorial compromise.
- b. Integration of combatants. This is a key issue that has not been explored yet. Best estimates are that if the GoS were to offer to integrate a minimum of 2,000 SLA into the regular army and a further 1,000 into the Popular Defence Forces, Border Guards, police and other uniformed services, the Movements would accept. Nothing has been floated to either side yet.

- c. The “undisciplined militia”. The issue of defining the Janjawiid is being handled by creating a category of “Janjaweed, outlaw militia and undisciplined militia.” The GoS insists that the Janjaweed are bandits hiding in the hills. All others insist that the GoS’s own militia are responsible. GoS generals are ready to assimilate the category “undisciplined militia” within the Janjawiid bracket and deal with them at the same time. This is a big step forward. Needed next is a plan for assembling, controlling and disarming “undisciplined militia.” This is the contentious part: the GoS insists this must be slow and parallel with the Movements’ redeployment and assembly, while the Movements insist on complete disarmament before they redeploy (while privately recognizing that complete disarmament cannot be accomplished in less than five years). There are clear opportunities for leverage here.
- d. The border and foreign combatants. The GoS is presenting its sovereign right to protect its borders as an absolute red line, and is insisting that border monitoring and control of Chadian rebels in Darfur is its business alone. The GoS generals have conceded that the Chadian rebels are beyond their control and are harassing and killing Darfurian civilians, and that the desert border can never be controlled by the government. Their political masters take a hard line. Minawi and JEM insist that to lose control of the border is tantamount to suicide, and that most Chadian rebels are Janjaweed who must be disarmed. The situation is complicated by the 8 February Tripoli Agreement between Sudan and Chad which is only a theoretical solution because it lacks any effective implementation mechanism. As the AU Mediation in Abuja, AMIS, and the Tripoli implementation mechanism all report to the AU Peace and Security Council, it is there that a solution should be sought.
- e. Democratization and consultation. The GoS makes no secret of its aim of dismantling the Movements through a process of inter-tribal consultation and democratic elections. It may not even need to engineer this dismantling because the Movements may fragment by themselves. Abdel Wahid anticipates this and is planning to build a new power base on tribal leaders. Also anticipating this, Minawi and JEM are opposed to meaningful democratic consultation.

19. Some of the hoary old issues are still hotly contested, although the Mediation is confident that it has identified workable compromises that the parties will ultimately accept. Central to these are the creation of a transitional regional authority for Darfur and the award of the post of Senior Assistant to the President to the Movements, rather than the Vice President position they hope for. Another chestnut is compensation, debated for months without agreement.

### **“Ceasefire First” versus “Big Bang”**

20. The rationale for “ceasefire first” was:

- a. Repeated ceasefire violations were slowing down the talks by seeding distrust and distracting the parties.
- b. The Security Commission expected to take 3-4 months at least to negotiate final status security arrangements on completion of the ceasefire document, and other protocols were still some way away from completion.

- c. The establishment of a ceasefire would create confidence and trust and accelerate the rest of the negotiations.
- d. The risks of tabling a comprehensive set of Mediation papers were high: the GoS might stall on the whole process while it sought a military solution instead.
- e. The ceasefire provisions would be necessary in any case.

21. The “Enhanced Humanitarian Ceasefire Agreement” is in fact a proper, potentially permanence ceasefire. Its rather misleading name arose from appeasing GoS sensibilities: the GoS insisted in January that it would not negotiate a “new” ceasefire but was ready to “enhance” the existing N’djamena Humanitarian Ceasefire, signed in April 2004 and honoured solely in the breach. The GoS has now changed its tune and prefers “Permanent Ceasefire” but Minawi wants to call it “Temporary Ceasefire”—which is not a popular suggestion in the Mediation.

22. The arguments for the “big bang” of tabling papers on all aspects of the DPA are:

- a. The Movements are incapable of conducting sustained face-to-face give-and-take negotiations, so that any solution will be based upon the AU presenting what it considers a fair solution, and then pressing the parties to agree to its fundamental concepts.
- b. There is nothing more the parties can say on the basic issues of power- and wealth-sharing, so that talking for longer will make no difference.
- c. The GoS, SLM-Minawi and JEM all say that they want to conclude the DPA as a single package.

23. The major documents for the DPA are the Power-Sharing Protocol, the Wealth-Sharing Protocol, the Final Status Security Arrangements, and the plan for the Darfur-Darfur Dialogue and Consultation. The first two can be ready as Mediation papers within days. The latter two are far from complete. It is possible that a short-cut for the Final Status Security Arrangements could be found, with an agreement on integration of the Movements’ combatants and the other issues (assembly, DDR, sequencing, local security arrangements) put with a technical committee. But Minawi will need very strong guarantees before he accepts a short-cut of this type.

24. The biggest problem with the “big bang” is that the Mediation still lacks a strategy for getting the GoS to agree. The most likely scenario is that the papers are tabled, perhaps with President Obasanjo and Chief Mediator Salim visiting Khartoum, and President Bashir receives the papers, asks for a few days to study them, and a week later comes back with a lengthy restatement of his earlier positions. Members of the Mediation have received signals that package that the Mediation will present is acceptable to the GoS. But the GoS may still stall, sensing the weakness of the Mediation and hoping for better.

25. The secondary problem is that the Movements are still incapable of making a collective decision or indeed negotiating seriously. There are still no real face-to-face negotiations in Abuja. The Movements’ cohesion is likely to buckle further as the prospect of a deal nears. If the GoS signals acceptance, some will see this as a trap and revert to the comfort of rejectionism. JEM may become the focal point for this, possibly attracting freelance paranoids and hardliners. Or the JEM leaders may be the first to embrace the deal. It is possible that Minawi will agree, under U.S. pressure and guidance, when he has had the

chance to persuade his commanders. Alternatively, he may listen to his fears and jump the other way. The Abdel Wahid group may disintegrate. For this reason it is better for the Movements to agree first—but this will work only if the GoS has already made up its mind to accept.

26. The risk of the “big bang” in April is not that the parties will reject it, but that there will be no mechanism for them to accept it. The Mediation strategy is exhortation and deadlines. The Mediation asset is that it is recognized by all and Dr Salim is regarded as a man of principle and fairness. The hard work will have to be done elsewhere.

### **Next Steps**

27. Reluctantly, this writer concludes that a comprehensive DPA demands several months’ negotiation unless there is a much more energetic Mediation engagement—which frankly is not in prospect. The “Enhanced Humanitarian Ceasefire Agreement” is achievable and should be renamed “Enhanced Darfur Ceasefire” if its bridging provisions—which commit the Parties to negotiating a final settlement—are also accepted. However, it is also quite possible that both GoS and SLA-Minawi will stall on the ceasefire until they have seen the full package. We are making progress today but could easily become stuck by mid-April.

28. The