Briefing

Prospects for Peace in Darfur

January 2010

Overview

1.   This briefing provides an overview of the situation in Darfur as it exists as of January 2010, with a view to informing the strategy of UNAMID over the coming twelve months, which will be a critical time for the Sudanese nation.

2.   The situation in Darfur today is one of 'no war, no peace.' UNAMID monitoring data indicate about 100 violent fatalities per month. The crisis is political, not military. The timetable of CPA implementation in Sudan with elections due in April and the southern referendum in one year's time, is forcing Darfur to face immovable national deadlines. The peace process is making extremely modest progress, incommensurate with the urgency of this political timetable.

3.   The central internal question in Darfur today is the unresolved IDP crisis. This can be addressed through a number of measures, most of which can be implemented jointly by the GoS, the IDP leadership and UNAMID. The biggest political issue is the question of Darfurian participation in the April elections and the aftermath of those elections in terms of a new Government of National Unity including Darfurian representation.

4.   The process of national democratization is the key both to the resolution of the Darfur crisis and to the prospects for a peaceable conclusion to the CPA and the exercise of self determination in southern Sudan. The AUPD has successfully shifted the Darfur debate away from Darfur-focused issues to the national context, which opens up the possibility of progress. Darfur will be resolved as part of the national question, or not at all.

5.   The AU High-Level Implementation Panel (AUHIP) will be taking a leading role in both Darfur and Sudan as a whole during 2010, serving to bring together the diverse international and African initiatives on the country. The AUHIP is a strategic asset to UNAMID and close cooperation should be the order of the day.

6.   During 2010, UNAMID should prioritize the political, and especially the linkages between Darfur's politics and Sudanese national politics. This requires a reorientation of the Mission as a whole, which over the last two years has been preoccupied with the administrative and logistical challenges of deployment, and has tended to treat political issues as derivative from those.

Darfur Today

Security

7.   Darfur today exists in a limbo of 'no war, no peace.' The armed movements have been unable to mount a significant military challenge to the Sudan Government during the last year, while the government forces have on their part been unable to remove the remaining enclaves of rebel control. According to UNAMID monitoring data, there are approximately 100 fatalities per month from violence. About one third of these are due to inter-tribal violence, principally in south Darfur. One third or so has been combatants killed due to armed conflict between the government and the movements, though in recent months this level has dropped. One third consists of banditry, common crime, and attacks against civilians by undisciplined militia and armed groups. It is notable that the level of raids by Arab militia has dropped away to a very low level, and that the most serious violence is confined to a relatively small number of trouble spots. A considerable proportion of the violence is attributable to fighting between different security and police forces armed and supported by the GoS.

8.   However, the security situation has not improved to a level at which it is possible for normal life to resume, for displaced people to return and for agriculture, livestock rearing and trade to return to normal. There is a high level of organized banditry targeting vehicles, and there are continuing unresolved disputes over land ownership and other issues.

9.   There are a number of security measures that can further reduce the level of violence. UNAMID deployment and the role of CAD in responding to actual and imminent clashes are important. The Community Police among the IDPs can be expedited. Better cooperation with the Sudan Police and security is important. Good analysis of incident data can also identify the major trouble spots and allow for different strategies for different locales.

10. The monitoring, analysis and reporting of security incidents by the Joint Mission Analysis Centre (JMAC) has been an extremely useful tool for understanding levels and trends in violence. The JMAC reports have been controversial because they contradict the international picture of Darfur as a situation of extreme ongoing violence and genocide. Enhancing the monitoring, reporting and investigation capabilities leading to regular and rigorous updates on the security situation that can be placed in the public realm, is a valuable step.

The IDP Issue

11. The unresolved issue of mass displacement and the continuing existence of more than 2 million IDPs represents the heart of the Darfur crisis. A resolution of the IDP issue is the main game changer in Darfur. The IDP question is more complex than a humanitarian crisis caused by the conflict. It is also a phenomenon of accelerated urbanization, noting that in the event of peace, many IDPs will in fact prefer to stay in or adjacent to the major

cities, where they have income and services. It is complicated by the fact that many of the larger IDP camps are politically mobilized as a support base for the SLM-Abdel Wahid, and have skillfully used the international media and NGOs to make their case. There is a strong militant leadership in some camps. The key issues impeding return are the continuing lawlessness in rural areas, the occupation of land by newcomers (an issue that can be addressed in part through joint investigation), the political resistance of IDP leaders to the dispersal of their constituency, and above all, the IDPs' distrust of the GoS.

12. The GoS has expressed willingness and determination to resolve the IDP issue during 2010. This could easily become a rough, security-led exercise that involves violence and further politicizes the IDP communities, leading to a new crisis. Handled in partnership with IDP leaders, UNAMID and civil society, it could become a programme of voluntary return to villages as part of a comprehensive package involving improved security, compensation, assistance packages, and resolution of land ownership issues.

Inter-communal Relations

13. The different communities in Darfur have recognized the importance of good inter-communal relations. There is a major legacy of distrust and trauma from the violence of the period of intense conflict, 2003-04, including unpunished crimes, uncompensated losses, expropriated land (with many allegations of land alienation and occupation), destroyed livelihoods, etc. Some of the problems are between Arabs and non-Arabs, while others are among the Arabs or between Zaghawa and others. Nonetheless, community leaders (Native Administration) and civil society have been making progress in local reconciliation and normalization. The UNAMID CAD and DDDC have been supporting these reconciliation and local peace efforts. In many places, local government has been supportive. There is however considerable suspicion of such efforts by some branches of government including the security agencies. The AUPD contributed an important step towards reconciliation by convening public hearings in which representatives of the different communities spoke about their hopes and aspirations, both consensual and divergent.

14. During 2010, UNAMID should make use of the progress made by CAD, DDDC and the AUPD to continue to push for local level peace and reconciliation. The Truth, Justice and Reconciliation Commission, proposed by the AUPD, can be a mechanism for this.

The Peace Process

15. The current peace process in Doha was configured in the wake of the JEM attack on Omdurman in May 2008, at a time when the military threat posed by the Armed Movements was the centre of gravity of the Darfur crisis. The JCM's strategy was designed accordingly. Eighteen months on, the nature of the crisis has changed. Since the agreement between Sudan, Chad and Libya in August 2009, JEM has been unable to operate militarily as before. The SLA has been an ineffective force for some time. Most of the SLA splinters are sustained in large part by ongoing international efforts to unify them and provide them with a negotiating platform. The GoS has little expectation of the

Doha talks but cannot criticize or withdraw without earning international condemnation. However, the formal peace process remains defined by an attempt to reunify the Armed Movements, or at least push them to adopt a common negotiating position, and achieve what they failed to do in Abuja in 2006, which is to agree a peace package with the GoS.

16. Subsequent to the AUPD public hearings in 2009, in which the Panel heard the strong demand of the Darfur stakeholders (IDPs, civil society, pastoralists and Native Administration) that they should be represented in the peace process also, the mediation has begun to involve civil society also. This has proven a successful exercise. It not only enabled the articulation of issues in a manner that was clearer and more constructive than the Movements have achieved, but also put the Movements on notice that their disarray and introversion are not gaining them the respect or support from the Darfurian populace at large. If the Armed Movements respond to this challenge the peace process will become more substantive, and if they fail to do so, the leadership of Darfur will decisively shift to a broader coalition of stakeholders. The Movements' claim that they represent Darfur and that involving others is a complication or is illegitimate, no longer stands. It is clear that the Movements need the peace process more than the peace process needs the Movements. The civil society track within the Doha process needs to be further nurtured and supported. This requires joint UNAMID and JMST leadership, utilizing DDDC and CAD.

17. Nonetheless, it appears unlikely that the peace process under any probable reconfiguration will yield results in the time required. The Doha process is not only weak but is increasingly marginal to the security situation and the wider politics of Sudan. If successful, it will contribute one important component to a resolution of the Darfur crisis. If it continues as at present, it is a mechanism for managing the crisis rather than resolving it, and should itself be managed so that lack of agreement from the Armed Movements does not become an impediment to progress in other areas.

The Elections

18. The centre of gravity of Sudanese politics has decisively shifted from Darfur to the CPA and the north-south issue. During 2010 this entails a focus on the elections, scheduled for April, and the run up to the referendum in south Sudan of January 2011. Darfur's participation in the elections is crucial to the legitimacy of the elections and the prospects for a functioning new government and the orderly preparation for the referendum. The democratization of Sudan is meanwhile emerging as the common theme that can provide a resolution to the Darfur crisis as well as the wider national challenge. The AUPD, by defining the crisis as 'Sudan's crisis in Darfur', has successfully and definitively shifted the Darfurian debate away from a Darfur-only set of issues, towards the national context. Many in Darfur welcome this and see it as the best route out of their predicament. They are encouraged by the fact that South Darfur State emerged as the second most populous state (after Khartoum) in the census, and that the election would allow Darfur to exercise its weight in national politics. This determination allows for solutions to be grasped. However there are still many obstacles including the distrust of

IDPs, the failure to enumerate people living in rebel-controlled areas, and controversies over the citizenship status of recent immigrants.

19. In this context, UNAMID's role in the run up to the April elections and during and after those elections can be crucial. UNAMID should not see the elections solely through a Darfur lens, which might encourage the Mission to support the electoral process in a half-hearted manner or even to distance itself from the elections, but rather should recognize and shoulder the responsibility of doing its utmost to make the elections successful and legitimate. This is a profound and strategic obligation to Sudan and to Darfur. The AUHIP will be taking a leading role in promoting national democratization. UNAMID and the AUHIP should coordinate closely on this.

The Darfur Peace Agreement

20. The DPA, signed in May 2006, is a mixed blessing. Little of it has been implemented, and Minni Minawi has been a disappointment in his position as Senior Assistant to the President and Chairman of the Transitional Darfur Regional Authority (TDRA). The SLA-Minawi troops have remained a major source of insecurity in Darfur, defying attempts by both the GoS and UNAMID to control them. The TDRA institutions do not function. Minawi blames the GoS and the GoS blames Minawi. The DPA is due to expire in stages with the elections and a proposed (but neglected) referendum on whether Darfur should be one region or three states, due to be held not later than July 2010. (This will not take place because the matter is under discussion in Doha.) According the DPA (para. 68), following the elections, the newly-elected Governors of the three states shall present to the President a joint list of three nominees for the position of Senior Assistant to the President and Chairman of the TDRA, from which the President will select one. It is possible that the Governors will nominate Minawi, solely because to remove him would likely be a cause of insecurity. However, the TDRA should be phased out in 2010 and would become irrelevant in the case of any peace agreement. The future of the position of Senior Assistant to the President is unclear.

21. UNAMID needs to prepare and plan for the challenge of the phasing out of the DPA. This will be built into any new peace agreement. In the absence of a new Darfur peace agreement, this is best done in the context of the national democratization process (as envisaged by the DPA itself) with special attention to the need to cater for Minawi and his forces. In this context of a phased out DPA with its posts and institutions being dismantled, but no peace agreement, opportunities arise for ad hoc mechanisms for Darfurian representation in the new Government of National Unity.

Darfur in Sudan: The Popular Demand

22. The elections are the pivotal element in national democratization but not the only one. The AUPD demonstrated the Darfurians' hunger for open public dialogue. The civil society meeting in Doha showed the capacity of societal representatives to show political independence, grapple with substantive issues and make significant progress. The AUHIP is planning to continue this opening up of the Sudanese public space with hearings in

different parts of the country on the CPA and post-CPA issues. This is widely known as the 'Sudan-Sudan Dialogue.' Darfur must be part of this debate, and the more that Darfurians are engaged in discussing national issues, the closer Darfurians will come to a consensus on the issues that concern them.

23. In this regard, UNAMID should cooperate with the AUHIP in the 'Sudan-Sudan Dialogue' process, using DDDC and CAD to facilitate hearings and debates on national issues within Darfur. This will require UNAMID senior staff to become conversant in national politics and to liaise with their colleagues in UNMIS. AUHIP will be taking the leadership role in this initiative.

Darfur in Sudan: Harmonizing the Politics

24. The compartmentalization of Darfur as a separate challenge from the remainder of Sudan has proven to be a dead end. During 2010 it is essential that Darfur's political processes are integrated more and more closely with the national political processes. The obvious linkages include the elections and the formation of a new Government of National Unity, including a new Darfurian representation at all levels. Issues such as security, public dialogue and even aspects of the IDP crisis (e.g. citizenship and residence rights) can be considered in a national context.

25. During 2010, UNAMID will need to attend closely to how Sudan's political parties are aligning themselves on both national issues and Darfurian issues. It will be important to engage with the NCP, SPLM and other political parties such as the Umma Party, at a national level, to ascertain their agendas and plans, and to establish strong lines of communication. Cooperation with UNMIS and the AUHIP should be undertaken in this regard.

Regional and International Factors

26. The Darfur conflict was closely integrated with the Chadian political crisis, especially during the years 2005-08. Since the August 2009 agreement, whereby the GoS-backed Chadian opposition armed groups were moved back from the border, and Libya and Chad scaled back their support for JEM, tensions between Sudan and Chad have diminished and the prospects for normalization of political relations have increased. Nonetheless, the regional dimension remains key to any resolution of the Darfur crisis. Stable relations with the countries of the region should be made a priority and UNAMID should ensure that it is in contact with N'djamena and Tripoli.

27. The Darfur crisis benefitted from a high degree of international attention and concern. However this has also proved to be a complication, as international actors have come with their own agendas, and coordination has proved elusive. The UN Security Council has tended to be profligate with its resolutions, which have not been well-coordinated and at times have ended up contradicting one another in outcome if not intent. The Security Council has also tended towards harsh rhetoric, sometimes seeming to reflect the activist views of the *New York Times* editorial pages rather than the analysis of the situation on

the ground provided by UNAMID. UN Headquarters has also tended to bend to this line and has been understandably preoccupied with the administrative and logistical demands of a particularly challenging deployment. At times it has seemed that the politics of Sudan has been reduced to the political obstacles in the way of deploying a peacekeeping force and running a humanitarian operation. This has not proved effective.

28. The U.S. in particular has been a key player, though its position has been undermined by an ambiguous policy of simultaneous engagement in seeking political solutions, while also ratcheting up sanctions and rhetorical threats. The U.S. Administration's Sudan Policy Review concluded in October but clear differences remain among senior figures in the Administration. Until this is resolved the U.S. will remain handicapped. The Special Envoy takes the line that the central issue in Sudan is the CPA, and Darfur is a secondary issue that is complicating efforts to deal with the CPA.

29. Africa played a leading role in addressing Sudan's crises. IGAD was the leading player in instigating the negotiations that led to the CPA and the AU deployed peacekeepers in Darfur and led the Darfur negotiations. However, Africa has not pulled its weight on the overall political future of Sudan, despite the facts that any solution will have to be a Sudanese and African owned one, and that the price of any failure will be borne overwhelmingly by the African continent.

The AUPD and AUHIP

30. The AUPD provided an important breakthrough in seeking a resolution to the Darfur crisis in several respects. Its method of consulting with the people was effective and won popular legitimacy and support for its recommendations. Its redefinition of 'Sudan's crisis in Darfur' has shifted the terms of the debate. Its recommendation that all Darfurian stakeholders be represented in political negotiations has had an impact already. Its recommendations on justice and reconciliation have won widespread support, though the challenge of implementation remains.

31. Moving forward into 2010, the AUHIP is a strategic asset to UNAMID. The AUHIP brings a number of key elements to UNAMID. The most important of these is that the AUHIP correctly identifies a political resolution of the Sudan crisis, including the Sudanese crisis in Darfur, as the driver of all other elements. In addition:

   a. The AUPD recommendations have been endorsed by the AU Peace and Security Council and the UN Security Council. Implementation of these recommendations will represent a major step towards resolving the Darfur crisis.
   b. The AUHIP provides political guidance at the highest level including coordination among the diverse AU and UN missions and initiatives on Sudan. Its role will increase during 2010.
   c. The AUHIP will be playing a leading role in mobilizing the African region for coordinated action on Sudan including Darfur. At the end of the day,

the solution to Sudan can only be an African solution, and the AUHIP is the principal mechanism for this.

d. The AUHIP focus on democratization, including both the elections and wider popular and civil society participation, will translate into a central set of tasks for UNAMID.

32. In the light of the above, UNAMID should consider how best to align its reporting to the AUPSC and the UNSC in line with the AUHIP activities and mandate.

Conclusion

33. During its first two years, UNAMID has been preoccupied with the enormous logistical and administrative challenges of putting in place an immense deployment in one of the most difficult environments in the world. As an institution, its view of Sudan's politics has been seen through this lens. During 2010, it is important that this perspective is reversed, and the political challenges of addressing the Sudanese crisis in Darfur take first place. The fact that the security situation is significantly improved means that there is an excellent opportunity to do this.

34. The situation in Darfur is now ripe for resolution. All the necessary conditions are either in place, or can be facilitated in the coming months. All the links in the chain need to be strengthened, including security (especially for IDPs and returnees), local peace and reconciliation, the elections, civil society, and the peace process.

35. The UNAMID strategy for 2010 should be informed by a host of Darfurian and national Sudanese factors, including the AUPD recommendations, the security realities, the IDP crisis, the CPA, the election, and the Doha peace process.