

Darfur Peace Process: Analysis and Prospects

February 2006

Overview

1. The Darfur peace process has entered a crucial phase. The GoS and SLM-Abdel Wahid are considering making a comprehensive agreement in the next 4-6 weeks, and the outlines of the deal under discussion are certainly well in line with what the mediation and international community would consider fair. Procedure is vital: this must be a formal and inclusive deal and not a bilateral pact. The agreement could potentially be made inclusive, insofar as (a) the AU mediation adopts the plan, (b) the SLM-Minawi and JEM are able to sign up should they want to and (c) it would be taken to the people of Darfur through a consultation process.
2. An agreement of this type is a possibility because the GoS is now hurting sufficiently badly to realize that its only option is a settlement, and Abdel Wahid decided to override the veto that JEM and Minawi had been exercising over progress in Abuja. But any deal must involve the Zaghawa commanders in the north and east of Darfur. It is possible that if they realize that the peace process is genuine they will jump aboard. Success in pulling this off depends on the energy and skill of the mediation and the alignment of key members of the international community especially the U.S.
3. February is the decisive month for the Darfur peace process. It is a race against time between the Abuja peace process (up to now notably lacking in speed) and the escalating conflict for Chad, with its secondary front in Darfur. At this critical juncture, the spoilers show their hand. In this case, these include JEM and strong elements of SLM-Minawi, which are using every available stratagem to block peace. Other spoilers are certain Janjawiid forces and their allies, that include military intelligence officers. Combined with the fragmentary nature of command and control on all sides and the weaknesses of the ceasefire agreement and AMIS, this is giving rise to a sharp escalation of violence.
4. Securing peace in Darfur demands clear strategy, energetically pursued, by the mediation, close alignment between the AU and the U.S., and a readiness to use political leverage (including by President Obasanjo) at the right moment. If the opportunity is seized, there is a real chance of progress to a full agreement. But there are also many dangers of continuing paralysis or regression, especially because of the failure of any of the movements' leaders to consolidate sufficient control.

The ‘New War’ of Chad-Darfur

5. Darfur and Chad are already in a low-intensity conflict. At any moment this could escalate into a high-intensity war. Should this happen, the main front of the ‘new war’ will be in Chad where Idriss Deby has rallied the Zaghawa, albeit incompletely, against an array of rebels, many of them backed by Sudan. Its second front will be in Darfur, consisting of Zaghawa forces against all others. Janjawiid will be a major force in both. One way or another, a war of this kind will push most of the other non-Arab tribes into an alliance with the non-Janjawiid Arabs. At present all the major actors—Deby, Bashir and Gaddafi—will not be well served by escalating the war.
6. Ceasefire violations in Darfur increased sharply in January. Humanitarian access levels are at their lowest since April 2004. This is due both to the parties’ skirmishing in advance of the new Chadian war and partly a general breakdown of command and control on all sides.
7. The Chadian civil war was suspended after the December clashes in which Chadian government forces got the upper hand, disproving opposition hopes that his regime would collapse as soon as it was attacked. Sudan-based Chadian opposition leaders were instructed to remain quiet until the Khartoum Summit was concluded. How long they will suspend their planned offensives remains to be seen.
8. A January 28 attack on Arminkol, near Kulbus in Western Darfur, close to the border with Chad, was claimed by the NMRD, just days after it signed a pact with SLA-Minawi. The GoS accused the Chadian government of being responsible. If the GoS needs a pretext for an offensive, it has one.
9. There has also been fighting between SLA-Minawi and JEM, illustrating the lack of consent among commanders for the creation of their new Alliance. There have been two attacks on convoys carrying money for police salaries. Fragmentation among the armed groups on the ground is an ever-present reality.
10. There has been serious fighting in central Darfur, notably in Golo, between Janjawiid and SLA-Abdel Wahid. The parties have different explanations. Without a detailed investigation, it appears to be attributable a combination of Janjawiid attacks leading to SLA retaliation, along with Abdel Wahid’s determination not to appear weak at this particular juncture. Janjawiid aggression may be related to a fear that they will lose out in any peace deal.

The GoS and Darfur

11. President Bashir has reportedly removed Ali Osman Taha from the Darfur file. Bashir is now handling Darfur directly with Majzoub al Khalifa. The President has instructed Khalifa to negotiate a peace deal in Darfur. But he has given no specific instructions for what concessions should be made, leaving that to the discretion of Khalifa himself. The rivalry between Ali Osman and Khalifa has hampered progress towards peace in Darfur. The power struggle is not resolved and will continue to pose problems.

12. The strategic decision to seek a deal was made because the GoS is suffering such sustained political damage from the unresolved conflict and the resulting international ostracism that Bashir is at last prepared to pay the price. The embarrassment of the Khartoum Summit and Sudan's failure to secure the Presidency of the AU, despite concerted effort, was the final event convincing the senior leadership that it needed to move. However, Bashir has applied his mind to the substance of the challenge, and the two Vice Presidents and other senior figures have not been brought into full consultation. This leaves the commitment still vulnerable to mishap, delay or sabotage.

13. Majzoub al Khalifa is an extremely tough negotiator. But he knows exactly what the NCP will accept. His own interest as secretary for organization in the NCP is to ensure that the NCP branches do not feel shortchanged. He champions the group in the NCP that believes that the CPA 'gave away' too much power to the South, and that similar concessions should never be contemplated for a part of the North. But Khalifa also now needs a deal.

14. In January, the GoS delegation in Abuja articulated its red lines and areas of possible concession. Key outstanding issues are both symbolic and substantive. For example, while the GoS accepts that there should be a regional-level authority for Darfur, the name 'Region' is still deeply problematic. Similarly, while it accepts that the fourth most senior person in the Presidency should be a Darfurian, from the Movements, whether this person should be called 'Vice President' or 'Assistant [to the] President' is also in dispute. Substantive questions over the interim status of the movements' forces are also a significant issue. The implicit red line is that the GoS will not sign a deal that brings a member of JEM or SLA-Minawi either to the head of a state or region in Darfur or into the Presidency. Abdel Wahid, however, is acceptable in any of these positions.

15. It seems that Majzoub has full authority to negotiate a deal that does not cross his red lines. Any mediation proposal that transgresses these lines is likely to need intense discussion among the NCP leadership in Khartoum. But given the pressure on Khartoum, there none of Majzoub's stated red lines are likely to be final positions.

16. SPLM members within the GoS delegation have been individually constructive. But the SPLM leadership is complaining that the NCP is still defining the Darfur agenda and pursuing it unilaterally.

Politics of the Darfur Resistance

17. The semblance of unity within the three components of the Darfur armed movements has now been destroyed. This has brought both clarity and complication. Clarity exists insofar as one group (SLM-Abdel Wahid) is serious about a deal and the others (SLM-Minawi and JEM) are serious about resisting a deal. The complications arise in the mediation's tactics with a divided delegation and the political mechanisms for closing a deal.

18. The spark for the severance was the N'djamena agreement of January 18 between JEM and SLA-Minawi. This created the Alliance of Revolutionary Forces of Western Sudan. It was

clearly driven by Chadian concerns: it is a Chadian-Zaghawa defense pact. Four of the top five positions were allocated to Zaghawas, three of them including President to JEM. The N'djamena agreement was followed by a deal between Minawi and NMRD, which was in turn followed by an attack on a GoS garrison. The deals were negotiated secretly and led to expressed dissatisfaction within JEM and SLM-Minawi, and in turn to defections to SLM-Abdel Wahid. Darfurians are talking far more openly about the Zaghawa factor in the region's politics.

19. The Alliance's name itself rang alarm bells. 'Western Sudan' includes Kordofan implying an escalation of the theater of war. Refusing to use the name 'Darfur' is a snub to the Fur and is interpreted by them as a Zaghawa tribal ambition to take over the region.

20. Khamis Abbaker of SLA-Abdel Wahid signed. He had no option: in November-December his forces were driven into Chad and since then he has been wholly reliant on Chadian arms and security protection. His father has been held in a Chadian prison for some time.

21. Abdel Wahid spent the previous two months playing a waiting game, increasingly frustrated. He was under pressure from his own supporters to declare his own political structures and reject linkages with Minawi, and was frustrated by the veto over progress exercised with unremitting consistency by JEM and SLM-Minawi, whose lead negotiators repeatedly blocked every hint of progress in Abuja. Abdel Wahid did not want to break the pact between the Movements of adopting a common position. His patience paid off when his rivals broke the pact, and he came out publicly and rejected the N'djamena Alliance and declared his determination to negotiate seriously.

22. Abdel Wahid is the key to any agreement. He has become more consultative and consistent. But he is still prey to influence from some of his advisors who advocate taking a hard and uncompromising line on issues such as Darfur becoming a region. Abdel Wahid's intermittent intransigence is also driven by trauma: not only is he negotiating to achieve his goals, but also to protect his people from a return to slaughter. Since the death of John Garang, Abdel Wahid does not see an effective ally in Khartoum and he is haunted by fear of what may go wrong if he miscalculates. Abdel Wahid remains a difficult interlocutor.

The Peace Process

23. On January 22, the dynamics of the Abuja negotiations changed when Abdel Wahid's chief negotiator, Abdel Rahman Musa, overrode the JEM-Minawi veto and agreed to form a small group to negotiate with the GoS on how to calculate Darfurian entitlement to parliamentary seats and civil service positions. The JEM and SLM-Minawi were taken aback. Realizing that they could not prevent Abdel Wahid's group from proceeding, they chose to go along. Since then, Abdel Wahid's delegates have used their veto override on many occasions. On 30-31 January, this new constructive pattern of negotiation was seen in the discussions on making the ceasefire work properly.

24. The GoS has expressed its readiness to make a deal with SLM-Abdel Wahid. As Abdel Wahid commands majority support across Darfur, and will only sign a fair and inclusive deal, this has the potential to be the key step towards a durable and inclusive settlement. But it could

also misfire and become a divide-and-rule incomplete deal, serving as the basis for a renewed war between the GoS (now allied with SLA-Abdel Wahid) and overwhelmingly Zaghawa forces loyal to SLA-Minawi. Whether this transpires depends critically on how the Mediation and the U.S. deal with Minni Minawi, and how Minawi himself reads the situation.

25. The JEM-Minawi negotiating style follows what might be called the ‘Bedouin’ pattern, common to Chad and Libya. In neither of these countries has there ever been negotiation leading to compromise. The purpose of ‘Bedouin negotiation’ is not to explore the issues but to figure out who is the stronger party. This continues until one party realizes it is going to lose, whereupon it submits and simply accepts the other’s terms.

26. Currently, it seems that Minni Minawi believes that he holds a veto over any peace deal. His delegates in Abuja continue to believe that they have the support of the U.S. for their position and that an international intervention force is on its way. This view is extreme and naïve but is fervently held. Minawi himself remains in Chad re-arming his forces. However, Minawi is less naïve than his lieutenants and will make his calculations as the situation changes. If he remains true to the Bedouin style of negotiation, he will jump aboard whatever peace deal is agreed by the GoS and Abdel Wahid, if that is clearly backed by the international community and especially the U.S. The U.S. can also leverage him to join earlier and save face.

27. JEM has clearly positioned itself as a spoiler, although many JEM members are unhappy with this. Its negotiators have been using every stratagem to slow or block the talks. JEM’s leaders are smart enough to know that they do not hold a veto over any deal and are therefore using other methods.

28. After four JEM delegates to the talks defected to join the SLM, JEM members physically attacked two of them (including one woman) in the Chida Hotel. It is clear that the assault was carried out on the instructions of the head of the JEM delegation. Until this point the personal relations among delegates had been marked by civility and mutual respect, whatever political differences existed. The assaults (on January 28) broke this code of conduct, dismayed delegates on all sides, and were widely interpreted as a stratagem to derail the talks. The response of the mediation and partners was sufficiently tough to cause JEM to back down. But the prospect of further threats, and worse, remains.

29. The AU mediation has, from the outset, accepted that any deal reached in Abuja is necessarily incomplete because many key parties are not represented. It has also concluded that any deal will require the intervention of the mediation itself to propose specific solutions. (This intervention will likely be brokered by President Obasanjo.) In addition, any fair deal reached in Abuja will require validation by a process of consultation in Darfur. The mediation is therefore ready to broker an agreement between the GoS and SLM-Abdel Wahid, providing that it is fair and potentially inclusive.

30. The AU mediation estimates that by the second half of February it should have in place proposals for a comprehensive peace package, including power- and wealth-sharing and security arrangements, that is acceptable to the parties. This timetable could be accelerated or slowed

depending on the energy of the mediation and the coordination of the parties. It could be derailed entirely by a war in Chad.

Security Arrangements

31. Security is the make-or-break issue for the Abuja talks. It is the least far advanced, but in the last days of January began to accelerate in an encouraging way, to the extent that a signed agreement on a more robust ceasefire with much better monitoring and verification mechanisms could be achievable in February. Although the substantive content of such an agreement would be slender, it would serve an important political function in advertising the genuine progress made in the talks. This agreement can be seen as a test of the parties' commitment to a deal and the mediation's capacity to pull it off.

32. The lack of progress until now has been attributable to five factors:

- a. The GoS delegation has been arrogant and inflexible in the plenary sessions.
- b. The JEM/SLA-Minawi veto over serious talking has been exercised repeatedly (with the sole exception of a few days in December when Minawi himself intervened).
- c. The Movements have deep fears on this issue and have very limited technical competence. Those at the table are almost entirely political leaders and not military commanders.
- d. The mediation itself has been unadventurous and poorly-organized. This problem was only overcome at the end of January when the Security Commission set up small working groups to focus on the issues of (i) making the existing mechanisms work, (ii) humanitarian corridors and access, (iii) assistance to the Movements' armed forces during the interim, and (iv) final status of forces.
- e. There has been no attempt at a field-based security assessment and capacity building for commanders (contrary to the advice of the security specialists seconded to the mediation).

33. Any security agreements, to be enforceable, must include a component of technical training for the Movements' forces on the ground, which will include explaining the content of the agreements themselves. If this cannot be done prior to the negotiation of an agreement due to political pressures, it must be undertaken as a priority activity immediately following the signing of a ceasefire.

34. Even at the current, faster pace of talks, substantive agreement on the remaining issues is many weeks away. The toughest issues have not yet been addressed, namely the disarmament of the Janjawiid and the status of the Movements' forces during the interim period. Skilful mediation can short-circuit some of the issues by working out a framework agreement that deals with the key political issues, and handing the details off to technical commissions to work during a post-agreement phase. The success of such an approach depends upon the AU, UN and U.S. assuring the Movements that there will be an international protection force in Darfur to protect them.

Conclusion

35. The GoS and SLM-Abdel Wahid are both now genuinely committed to negotiating a deal. Those on the Movement side who have been blocking progress are in disarray. There is real progress at the talks: wealth-sharing is close to agreement, security arrangements are progressing smartly, and the outlines of a power-sharing deal are in focus.

36. The critical factor in making real progress in the coming weeks will be the political mood and calculations of Majzoub al Khalifa and Abdel Wahid Nur. Some key issues will certainly remain in the balance until the last moment, which will need heavyweight intervention from an outside party. The mediation and the U.S. need to jointly identify these issues and line up the appropriate interventions.

37. A heavy responsibility now falls upon the mediation to seize the moment and deliver. With the right planning and engagement now, it can deliver a deal.

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