

Sudan/Darfur, Abuja Negotiations and the DPA

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In a Nutshell

The current conflict in Darfur escalated in early 2003. Roughly one year later, in April 2004, the two principal Darfur rebel movements – the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) – and the government of Sudan (GoS) signed the N’Djamena Ceasefire Agreement, without, however, implementing the agreement. Shortly thereafter, in July 2004, the Inter-Sudanese Talks on Darfur (hereinafter the “Abuja negotiations”) commenced. The talks were co-mediated by Chad and the African Union (AU) and took place in Abuja, where they were held until their conclusion in May 2006. There was very little substantive progress in the first rounds of talks. It was only in July 2005 that the parties adopted the Declaration of Principles defining the core principles for the settlement of the Darfur conflict. In the final round of talks starting in November 2005, the nature of the negotiations changed. The SLM/A split into two factions, the first led by the original SLM/A chairman Abdel Wahid from the Fur tribe, the second led by Minni Minawi from the Zaghawa tribe. Also, Western governments, who had been funding the talks and backing them politically, gradually lost patience. In April 2006, the AU set a deadline for 30 April for the conclusion of the talks. The mediators subsequently drafted a comprehensive agreement, which was made available to the parties only five days before the deadline expired. At the same time, political heavyweights from the US and European countries descended on Abuja to persuade the parties to sign the agreement. The Darfur Peace Agreement (DPA) was signed on 5 May 2006 by the GoS and the Minawi faction of the SLM/A, while Abdel Wahid and the JEM rejected it. The DPA covers three main issues: power-sharing, wealth-sharing, and security. The agreement was never implemented.

Key Messages

Pitfalls of deadline diplomacy: The Abuja negotiations exemplify the pitfalls of using deadlines as a tool in mediation. When mediators “cry wolf” and impose deadlines, without subsequently respecting them, their credibility can be undermined. On the other hand, sticking rigidly to deadlines, as in the case of Abuja, fosters a manipulative style of mediation in order to get a peace agreement, regardless of the process. If the parties are precluded from negotiating and adapting the draft of a peace agreement as well as consulting their constituents about it, they lose ownership of the process – which can hamper the implementation of the agreement.

Excessive focus on peace agreement: At the end of Abuja, external supporters needed to show success and put a lot of pressure on the parties to sign an agreement. Coercing parties into signing a peace agreement is dangerous, as they are unlikely to stick to it once the “sticks and carrots” for doing so disappear. What is more important than the peace agreement itself is the process leading to it as well as mechanisms for its implementation.

Dealing with fragmentation of parties: When parties fragment into different factions, like the SLM in Abuja, the most obvious solution for mediators is not to recognize splinter groups so as to discourage further fragmentation. However, if a party has sufficient military leverage or represents an important constituency, non-recognition becomes unfeasible and mediators will have to find a way of including the splinter group.

Interaction between process and context: The broader context of peace negotiations, that is, the military, political, and economic dynamics on the ground, interacts with the mediation process. If the context evolves negatively, as when relations between Sudan and Chad deteriorated in 2006, peacemaking will be seriously hampered.

Background of the Conflict

Chronology

Darfur was an independent sultanate until its integration into Sudan at the end of the 19th century, when it became one of Sudan's most marginalized peripheral regions. In early 2003, an insurgency broke out, triggering an extremely brutal response by the government. Aimed at destroying the civilian support base of the insurgents, the government armed Arab tribal militia from Darfur – infamously known as the Janjaweed – and supported their “scorched earth” campaigns, which in 2003 and 2004 led to the death and displacement of hundreds of thousands of Darfurians, mostly from non-Arab tribes.²¹¹ The intensity of the conflict has since been reduced, but the humanitarian crisis persists. The total number of deaths of the combined effects of the war in Darfur is estimated at up to 300,000, while an estimated 2.5 million Darfurians are internally displaced, and a further 250,000 live in refugee camps in Eastern Chad.²¹²

Causes of the Conflict²¹³

The causes of the Darfur conflict are manifold and highly complex, defying simplistic narratives of the Darfur conflict as a “tribal conflict” or as an “ethnic conflict” between Arab herdsmen and African farmers.²¹⁴ Broadly speaking, the Darfur conflict can be understood in terms of three distinct, but strongly interlinked conflict clusters, which came together in 2003 and have fueled the conflict since. First, pastoralist and nomad communities in Darfur have clashed as a result of population growth, desertification, increased depletion of soil, and the over-taxation of traditional land and conflict management systems. Tensions between tribes have existed in the past, but they only became unmanageable when local communities became pawns in broader national

and regional conflicts. Second, in the national Sudanese context, Darfur has been the most marginalized region, deprived of educational opportunities, economic development, and political power. This led to the emergence of an insurgency against the central government in Khartoum. Third, Darfur has been the terrain of regional proxy wars, where the Sudanese, Eritrean, Libyan, and Chadian governments have respectively empowered and armed local proxy groups, thus exacerbating local conflicts. This cluster was less central at the outset of the conflict in 2003, but has become predominant since 2006 in the context of the deterioration of the relations between Sudan and Chad.

Previous Negotiations and Entry Points

Previous Negotiations

A few months after the conflict erupted in early 2003, talks between the conflict parties started. Under the mediation of the Chadian government, the first ceasefire agreement was signed by the SLM/A and the GoS in September 2003 in Abéché, without, however, being implemented. The Chadian government was an acceptable mediator to the GoS, which at the time saw in Idriss Déby a loyal ally. Given the catastrophic situation on the ground, the rebels did not have much of a choice. In spring 2004, the Chadian government, this time joined by the AU and a range of other facilitators, brought the parties together in N'Djamena, and on 8 April, the SLM/A, the JEM, and the GoS signed the Humanitarian Ceasefire Agreement. The agreement was never implemented, but it established the Ceasefire Commission as well as the AU Mission in Sudan (AMIS), both of which initially had a positive impact on the ground.

Entry point for the AU

The Abuja negotiations started shortly after the N'Djamena Agreement, where the AU acted as a co-mediator. The idea was to move from a ceasefire to negotiating a comprehensive agreement, including political dimensions. Thus, the AU's role as a mediator partly resulted from the momentum of previous processes, in addition to two

²¹¹ De Waal, Alex: “Counter-Insurgency on the Cheap”, in: *London Review of Books* (5 August 2004).

²¹² BBC News: “Darfur Death ‘Could be 300,000’” (23 April 2008), (<http://news.bbc.co.uk/2/hi/africa/7361979.stm>).

²¹³ For an overview of the Darfur conflict and its causes, see Flint, Julie and de Waal, Alex: “A New History of a Long War”, London: Zed Books (2008); Prunier, Gérard: “Darfur: The Ambiguous Genocide”, Ithaca: Cornell University Press (2007).

²¹⁴ Lanz, David: “Complicating Darfur”, in: *The Fletcher Forum of World Affairs*, vol. 32 (Winter 2008).

structural factors: first, African leaders had promoted the idea “African solutions for African problems”, and wanted to establish the newly-founded AU as an effective conflict manager in Africa. Darfur was an opportunity for the AU to match rhetoric with action. Second, the most important concern of the GoS was to prevent Western powers from interfering in the Darfur conflict, which the GoS feared would happen if the UN got involved. The AU was the least bad alternative and therefore acceptable for the GoS as a mediator.

Negotiations

Mediation Style and Strategy

The mediation process was led by AU Special Envoy Salim Ahmed Salim, a former Tanzanian foreign minister. He was supported by a mediation team led by Ambassador Sam Ibok that consisted of different topical experts, some of them seconded by Western governments. The Swiss Federal Department of Foreign Affairs (FDFA), for example, seconded a power-sharing expert until January 2006 when a decision was taken to opt out of the process. The first rounds were co-chaired by the AU and the Chadian government, but in the light of deteriorating relations between Chad and Sudan, the AU became the sole mediator in the 7th round of the talks. The negotiations took place in the Sheraton and then the Chida Hotel in Abuja, which is also where the delegations resided, without being physically separated from each other – a point of stress for the parties.

At the outset, the style and strategy of the mediators in Abuja resembled the negotiations between North and South Sudan in Kenya that produced the Comprehensive Peace Agreement (CPA) in January 2005: the mediation was led by a respected African statesman, who represented a regional organization, was backed by the international community, and was supported by a team of experts. The idea was for the mediator to be proactive in terms of guiding the process and drafting agreements, but to leave the negotiating to the parties. In other words, the mediators in Abuja initially acted as “formulators”. Another strategy from the CPA negotiations was to get the parties to agree to a series of broad principles be-

fore tackling the nitty-gritty of a comprehensive peace agreement.²¹⁵ Thus, in July 2005, the parties adopted a Declaration of Principles (DoP).

After the adoption of the DoP, a range of external developments changed the context of the Abuja talks: first, the SLM/A split into two factions; second, the longstanding alliance between Chad and Sudan collapsed and a proxy conflict between the two governments began to take shape; third, the death of John Garang meant that the Sudan People’s Liberation Movement/Army (SPLM/A) was preoccupied with itself and as a result, largely disengaged from the Darfur peace process; fourth, the NCP’s perspective on Darfur shifted from immediate security concerns to the elections of 2009, where Darfurians are an important constituency; and fifth, the international community – including the financial backers of the Abuja negotiations – grew impatient and expected the talks to conclude before the end of 2005. Against this background, the AU stepped up its pressure to reach a settlement. The mediation team divided the negotiations in three areas: power-sharing, wealth-sharing, and security. In each committee, the AU mediators tried to work out protocols, which would later be merged into a comprehensive agreement.

However, these efforts did not succeed, and the patience of the international community gradually ran out. In the beginning of April 2006, the political leadership of the AU determined a deadline for the conclusion of the talks by the end of the month. Thus, the mediators moved to draft a comprehensive peace agreement, based on previous discussions. The draft was presented to the parties on 25 April, while its Arabic translation only arrived on 28 April. The deadline expired only two days later, which meant that there was very little time for the parties to understand and discuss the 86-page draft, let alone to consult their constituents. There were also no direct negotiations between the parties about the content of the agreement. Thus, the crux of the problem was not so much that the draft agreement was written by the mediators, but rather that it was presented as a final document, rather than as

²¹⁵ Toga, Dawit: “The African Union Mediation and the Abuja Talks” in: de Waal, ed., *War in Darfur and the Search for Peace*, Cambridge, MA: Harvard University Press (2007).

work in progress to be adapted and “massaged” by the parties.²¹⁶

At the same time, the dynamics of the negotiations changed completely, as different international heavyweights, including US Deputy Secretary of State Robert Zoellick, British Minister for International Development Hilary Ben, and Nigerian President Olusegun Obasanjo arrived in Abuja. They took over the mediation and used threats and inducements to secure the parties’ signatures. The mediators became “manipulators”. Their focus was exclusively on getting the parties’ signatures, with little regard to the process, the content of the agreement, or its implementation. According to Salim, “the only page [of the DPA] that really matters is the last page, which has the space for the signatures of the Parties.”²¹⁷

The deadline of 30 April was extended by 48 hours twice, but the night of 4 May was determined to be the end of the Abuja negotiations. Obasanjo and Zoellick invited the three rebel leaders into a room one by one, the idea being to convince one of them to sign, which would then induce others to follow suit. In this context, angry verbal assaults were unleashed on the parties. Zoellick, for example, told Abdel Wahid: “I conclude that you are not serious about an agreement. Going forward, we are parting ways for good. If you think there is an alternative, you are dead wrong. And I mean dead wrong.”²¹⁸ Despite such threats, Abdel Wahid and the leader of the JEM, Khalil Ibrahim, refused to sign. Mini Minawi, on the other hand, decided to sign the DPA. He stated: “I calculated the balance of forces and I knew I had to sign.”²¹⁹ On 5 May, a signing ceremony was held and the Abuja negotiations officially terminated. A few members of the AU mediation team, including Alex de Waal, stayed in Abuja trying to convince Abdel Wahid

to sign the DPA. They apparently came “desperately close to an agreement, which [...] would have tipped Darfur towards peace,” but in the end, Abdel Wahid left Abuja without signing because the GoS refused to accommodate his demands sufficiently in terms of power-sharing and compensation.²²⁰

Key Issues and Content of the DPA

The AU mediators structured the Abuja negotiations around three broad themes: power-sharing, wealth-sharing, and security. The DPA as proposed by the AU mediation team represents a compromise, but it also reflected the realities of power on the ground, i.e., the Darfur movements had not achieved victory on the battlefield, and the GoS remained in control of most cities and towns in Darfur.

In terms of power-sharing, the DPA provided for the NCP to hold a majority of seats in the Darfur state legislatures; a referendum on the regional status of Darfur in 2010; the post of a senior assistant to the president in Khartoum (not the vice-presidency, which the rebels had asked for); the establishment of the Transitional Darfur Regional Authority with certain political competences (a far call from the self-government that the SPLM had been granted in the CPA). In the discussions about power-sharing, the CPA was useful as an inspiration, but it also constrained the mediators insofar as it set a deadline for national elections and fixed percentages for the representation of different parties in national institutions such as the parliament and the government during the transitional phase up to the elections.

For wealth-sharing, the DPA reiterated the principle of the equitable sharing of natural resources and accorded US\$30 million as compensation for victims. The security protocol provided for the integration of 4,000 movement combatants into the army and tasked the GoS with the disarmament of the *Janjaweed*.²²¹

²¹⁶ Nathan, Laurie: “No Ownership, No Peace: the Darfur Peace Agreement”, London: Crisis States Research Centre, (2006).

²¹⁷ African Union: “Statement by Dr. Salim Ahmed Salim, AU Special Envoy and Chief Mediator, 30 April 2006” (30 April 2006), (http://www.sudaneseonline.com/en2/publish/Press_Releases_5/Statement_by_Dr_Salim_Ahmed_Salim_AU_Special_Envoy_33_printer.shtml)

²¹⁸ Quoted in de Waal, Alex: “Last Days in Abuja”, in: de Waal, ed., *War in Darfur*, Cambridge, Mass.: Harvard University (2007), p. 277.

²¹⁹ Quoted in *Idem*, p. 273.

²²⁰ De Waal, Alex: “Darfur Peace Agreement: So Near, So Far”, in: Open Democracy (28 September 2006), (http://www.opendemocracy.net/democracy-africa/democracy/darfur_talks_3950.jsp). See also de Waal, Alex: “I Will not Sign”, in: London Review of Books (30 November 2006).

²²¹ For a detailed explanation of the DPA, see: (<http://www.justiceafrica.org/publishing/sudan-research/>).

Participation

The Abuja negotiations represent a track 1 process insofar as its participants were, on the one side, the military and political elite of Darfur and, on the other side, senior members of the National Congress Party (NCP), who were also members of the GoS.

A tricky issue regarding participation arose for the mediators in the seventh round of the talks. The SLM/A had split; Minni Minawi was elected secretary-general at the Haskanita Conference in October 2005 and now led one faction, while Abdel Wahid controlled another. The mediation team's policy until then had been not to recognize splinter groups. This position became untenable, given that Minawi had significant military leverage and political support. After obtaining acquiescence from the GoS as well as from Abdel Wahid, the AU recognized Minawi's faction. However, the mediators put "strict accreditation mechanisms in place for the negotiators representing the three parties in the various committees" so as not to encourage further fragmentation.²²²

Darfurian civil society was mostly excluded from the talks. A few members of civil society were present, but they were not representative of Darfurian society as a whole; some were politically compromised; and in any case, there were insufficient channels for them to make their voices heard in the negotiations. There were even rumors that people were intimidated and beaten during the talks. The strategy of the mediators and parties was to include civil society and ensure popular ownership *ex post facto*. For this purpose, they created the Darfur-Darfur Dialogue and Consultation (DDDC), which was supposed to provide a platform for different segments of Darfurian society in the implementation phase of the DPA. However, this perspective was flawed. Popular support for peace talks requires consultation and participation *during* and not only after peace talks.²²³

Other Third Parties

The Centre for Humanitarian Dialogue (HD) got involved in Darfur in summer 2003, a few months after the conflict started. HD was set to hold the first peace talks between SLM/A, the JEM, and the GoS in Geneva in February 2004, but the meeting was cancelled because the GoS pulled out at the last minute. Subsequently, HD helped facilitate the N'Djamena Agreement in April 2004, supported the establishment of the Ceasefire Commission, and provided technical assistance in the first two rounds of the Abuja negotiations. In parallel, HD worked with rebel movements individually and arranged for meetings between the leadership of SLM and JEM and humanitarian agencies. After 18 months of intensive work HD discontinued its mediation activities in what had become a very crowded playing field.²²⁴

Implementation and Outcome

From the outset, the DPA was unpopular in Darfur, and demonstrations against the agreement took place in IDP camps within a few days after its signing.²²⁵ The movements became increasingly fragmented, as some commanders joined Mini Minawi when he became senior assistant to the president in Khartoum, while others rejected the agreement and left his faction. As a consequence, the security situation in Darfur deteriorated, which the GoS took as a pretext to ignore the DPA's security provisions. The DDC was established, but remained ineffective. The same held true for the Transitional Regional Authority. In short, the DPA was never implemented, and after a few months, it was abandoned as a blueprint for the peaceful resolution of the Darfur conflict, even if it will stand as a reference for further efforts.

²²² Toga (2007): op. cit., p. 232.

²²³ Nathan (2006): op.cit.

²²⁴ See (<http://www.hdcentre.org/projects/darfur-sudan>).

²²⁵ Lanz, David: "Involving IDPs in the Darfur Peace Process," in: *Forced Migration Review* (May 2008).

Assessment

The DPA was not simply a missed chance for peacemaking in Darfur; it actually made matters worse on the ground.²²⁶ The flawed negotiation and mediation process, a difficult context, and the content of the DPA accounted for this failure.

Negotiation and Mediation Process

The most important mistake was the decision of the donors and political masters to resort to “deadline diplomacy” to bring the Abuja negotiations to a premature end. This precluded the mediators from developing a comprehensive mediation strategy and plan, and it reduced their control of the process.²²⁷ Moreover, the tight deadline left no time for the parties to discuss the agreement internally, consult their constituents, make adjustments to it, and then negotiate it with the other side. Thus, deadline diplomacy deprived the parties of the “ownership” of the process and the agreement.

Context

The broader military and political context in which peace negotiations take place is decisive and can facilitate or seriously complicate a peace process. In the context of the CPA, peacemaking was possible because four conditions were fulfilled: the consolidation of central decision-making, relative cohesion within the provincial insurgency, the lack of interference from Sudan’s neighbors, and a consistent international approach.²²⁸ None of these conditions were given in Darfur during the Abuja talks: hardliners prevailed within the NCP in Khartoum; Darfur became the terrain of a regional proxy conflict between Chad and Sudan; and the international community was distracted, first by the North-South negotiations, and then by calls for humanitarian intervention in Darfur.²²⁹

Content of the DPA

The DPA satisfied most of the concerns of the movements including the non-signatories. In a few points, however, the DPA was deficient. Given the symbolic value of compensation, the amount of US\$30 million was far too small – this was one of the main reasons why Abdel Wahid refused to sign. In terms of power-sharing, the fact that the NCP preserved a majority in all state legislatures in Darfur reflected the realities of power, but was too bitter a pill to swallow for the movements and people in Darfur. Furthermore, doubts were raised about whether the GoS could be trusted in leading the Janjaweed disarmament process.

Outlook

Credibility deficit: The failure of the DPA hampered the credibility of international peacemakers among conflict parties as well as the people of Darfur. The challenge is thus for mediators to regain trust among Darfurians.

Rebel fragmentation: After the DPA, the Darfur movements split up into 20 different factions. The question arises whether peace negotiations are feasible when they involve so many different groups, and if yes, how fragmentation can be adequately dealt with.

Priority of international community in Sudan: Peacemaking is only one of several conflict management strategies in Darfur. The question thus arises whether international actors in Sudan want to give priority to peace negotiations or if they prefer other, potentially contradictory strategies, for example providing leverage for the enforcement of arrest warrants of the International Criminal Court.

Grassroots peacemaking: In order to achieve peace in Darfur, it is crucial to find a settlement between the military and political elites of Darfur and the GoS. However, this is unlikely to be sufficient. Sustainable peace requires ways of reconciling different communities and tribes in Darfur.

²²⁶ Fadul, Abdul-Jabbar and Tanner, Victor: “Darfur after Abuja: A View from the Ground”, in: de Waal, ed., *War in Darfur*, Cambridge, Mass.: Harvard University (2007).

²²⁷ Nathan (2006): op.cit.

²²⁸ De Waal, Alex: “Sudan: International Dimensions to the State and its Crisis”, LSE Occasional Paper (3 April 2007), p. 15.

²²⁹ Lanz, David: “Conflict Management and Opportunity Cost: The International Response to the Darfur Crisis”, Madrid: FRIDE (September 2008).