

DARFUR: REVITALISING THE PEACE PROCESS

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DARFUR: REVITALISING THE PEACE PROCESS

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Almost a year after Sudan's government and one of three rebel factions signed the Darfur Peace Agreement (DPA), the humanitarian and security situation has deteriorated in the troubled western region of Sudan. Despite a recent lull, the post-DPA period has seen increased combat, including further government reliance on aerial bombardment and its allied Janjaweed militia. Civilian displacement continues while humanitarian space shrinks. If there is to be peace, the international community will need to coordinate better to surmount significant obstacles including Khartoum's pursuit of military victory and growing rebel divisions. Over the last year, the primary focus has been on overcoming resistance of the ruling National Congress Party (NCP) to deployment of UN peacekeepers (or an AU/UN hybrid) so that civilians can be better protected; that remains essential but elusive, even after the NCP's 16 April acceptance of the UN heavy support package for the AU force, as does an effective ceasefire. Equally important, however, and the focus of this report, is revitalising the moribund peace process.

The DPA has failed because it did not adequately deal with key issues, too few of the insurgents signed it, and there has been little buy-in from Darfur society, which was not sufficiently represented in the negotiations. A lasting solution to the conflict can only come through a revised political agreement but there is no consensus on the way forward. In November 2006, after months of inaction, the AU and UN announced joint efforts to renew political talks between the government and the rebel factions that did not sign the DPA but there has been little progress, while concurrent initiatives by Eritrea, Libya, Egypt and others have created confusion.

Darfur is the epicentre of three overlapping circles of conflict. First and foremost, there is the four-year-old war between the Darfur rebel movements and the government, which is part of the breakdown between Sudan's centre – the NCP in Khartoum, which controls wealth and political power – and the marginalised peripheries. Secondly, the Darfur conflict has triggered a proxy war that Chad and Sudan are fighting by hosting and supporting the other's rebel groups. Finally, there are localised conflicts, primarily centred on land tensions between sedentary

and nomadic tribes. The regime has manipulated these to win Arab support for its war against the mostly non-Arab rebels. International interests, not least the priority the U.S. has placed on regime assistance in its "war on terrorism" and China's investment in Sudan's oil sector, have added to the difficulty in resolving the conflict.

What happens in Darfur may well be decisive for Sudan as a whole, where calculations about its political future are affecting the preparations of all parties for the vital 2009 elections scheduled by the North-South Comprehensive Peace Agreement (CPA). The NCP insists, as it pursues its familiar divide-and-rule tactics, that the DPA remain the basis of any new talks and seems unwilling to consider more than a few small changes. The rebels demand the agreement be reopened, with the Justice and Equality Movement (JEM) calling for a radical restructuring of national governance as well. The major northern political opposition parties, which want a new national consensus on the country's direction, are trying to use the Darfur issue to isolate and pressure the NCP. The losers in the cacophony are Darfur's suffering civilians.

The haphazard, NCP-directed, Khartoum-centric effort to implement a fundamentally flawed DPA – most recently the formal launch of the new governing body for the region despite a lack of popular support – creates opportunities for confusion and conflict. The new peace talks that are necessary would be best served by freezing further efforts to apply the DPA's political and wealth-sharing provisions. Likewise, the DPA's Darfur-Darfur Dialogue and Consultation, a potentially important conflict-resolution mechanism, should not be discredited by attempting it now, as Khartoum urges, before the main flaws of the agreement are fixed.

The mediation team needs to engage in a carefully prepared process. Artificial deadlines weakened the DPA, and there must be realistic expectations this time about how long it will take. The mediators must take control of the process and design a framework for renewed talks that responds to the conflict's complex nature. Peace can be built on the constitutional framework established by the CPA, signed in 2005, but some CPA provisions –

particularly on power sharing – need adjusting. The Darfur conflict increasingly undermines CPA implementation and the fragile relationship between the NCP and its minority partner, the Sudan People's Liberation Movement (SPLM). Collapse of the CPA would lead the country to a new civil war. Regionally, there is need to integrate Eritrea's parallel initiative, while bringing Chad into the process to limit its capacity as a spoiler and encourage political resolution of its own internal conflict. The conference in Libya which ended on 29 April appears to have been a positive step towards a single, common approach.

To maximise prospects in a new round of negotiations the AU/UN mediation team should take a number of steps:

- ❑ Build international consensus on strategy, particularly with the U.S. and China, to obtain leverage over the parties to the conflict.
- ❑ Work to unify the rebel movements, helping the political and field commanders develop a common negotiation agenda. Earlier rushed attempts have led to further factionalisation and difficulties in negotiations. International efforts need to be unified and supported. Pressure will have to be brought to bear on intransigent movements and their supporters, and on the NCP to halt military efforts to disrupt a unification conference.
- ❑ Broaden participation by creating a formal group of representatives from key Darfur constituencies left out of past rounds, including Darfur's Arab tribes, IDP communities, women's groups and civil society. This will facilitate wider buy-in to a new agreement and positively impact the eventual Darfur-Darfur Dialogue and Consultation.
- ❑ Restructure the mediation process along the lines of the model that produced the CPA, including by forming a limited contact group of international partners, made up of the U.S., China, the UK, France, Norway, the EU, the Arab League, Eritrea and Chad, to support the core mediation team.

Beyond this, the negotiations should initially be focused on attaining a functioning ceasefire, accepted by all parties, and deployment of both the AU/UN hybrid force in Darfur and a UN force in Chad. There is no quick fix for Darfur: the broader issues of power and wealth sharing and security may well take many months. A functioning, well-monitored and enforced ceasefire on both sides of the Sudan/Chad border would help build trust and facilitate an eventual agreement.

For negotiations ultimately to succeed, however, a fundamental adjustment is required in the international approach to Khartoum. Effective pressure is essential on all sides to abandon attempts to achieve a military

victory but the NCP regime in particular will continue to wage war and defy international demands as long as it fears no reprisal. Its analysis of costs and benefits can realistically be expected to change only if punitive multilateral measures are imposed or otherwise made unmistakably credible. A U.S.-China understanding is central to this, which in turn requires Beijing to recognise that its legitimate interests and investments in Sudan are threatened by the continuation of the Darfur crisis and its impact on the CPA.

RECOMMENDATIONS

To the African Union and United Nations Joint Mediation Team:

1. Build international consensus on a new political strategy, particularly with China and the U.S., in order to acquire the necessary leverage over the parties to the conflict.
2. Give rebel unification time to succeed before resuming negotiations and support the process by providing logistical aid, coordinating and streamlining the multiple unification efforts and pressing the NCP not to attack unification conferences.
3. Create a contact group for negotiations, consisting of the U.S., China, the UK, France, Norway, the EU, the Arab League, Eritrea and Chad, and a framework to incorporate the multiple initiatives, including Eritrea's.
4. Broaden participation in new talks by holding a forum or creating a reference group of constituencies not part of past negotiations, including representatives of Arab tribes, IDPs, women's groups and civil society.
5. Prioritise a functioning and inclusive ceasefire agreement at the beginning of the new negotiations, ideally to be monitored and supported by the AU/UN hybrid force in Darfur, as well as an eventual UN mission in eastern Chad and a UN observer mission in the Central African Republic (CAR).
6. Set a realistic timeframe for the negotiations and resist imposing unrealistic, external deadlines.

To the National Congress Party:

7. Pending new negotiations, freeze implementation of DPA-established bodies, including the Transitional Darfur Regional Authority (TDRA), the power-and wealth-sharing commissions and the Darfur-Darfur Dialogue and Consultation, and treat political appointments for DPA signatories as provisional.

8. Focus on keeping the ceasefire and disarming the Janjaweed and allow rebel unification to proceed so as to facilitate negotiations.

To the SPLM:

9. Continue to help unify the Darfur rebel movements, in coordination with international initiatives.
10. Work with the NCP and the Darfur rebel movements to find common ground on a political solution and in particular show flexibility on necessary revisions of the CPA's power-sharing provisions.

To the DPA's Non-Signatories:

11. Prioritise unification of rebel factions and development of a common negotiating position and return all political leaders to Darfur to help bridge the divide with military wings of the movements.
12. Publicly reaffirm commitment to a comprehensive ceasefire, to a peaceful resolution of the Darfur conflict which does not necessitate regime change and to working with the AU/UN initiative, including the Salim/Eliasson team.

To the Member States of the African Union and United Nations:

13. Support the joint AU/UN mediation as the sole international forum for pursuing a peaceful Darfur settlement and promote a political dialogue process in Chad and the CAR that brings in all opposition groups.

To the U.S., China and Other Members of the UN Security Council:

14. Cooperate to develop consensus for a new political strategy including application of punitive measures against those responsible – whether the Sudanese government and its members or the rebel movements and their members – for obstructing the peace process and violating international humanitarian law, including targeted sanctions already authorised by the Council.

To the United Nations Secretary-General and the Chairperson of the African Union:

15. Appoint immediately new Special Representatives to lead the missions in Sudan (UNMIS and AMIS).

Nairobi/Brussels, 30 April 2007

DARFUR: REVITALISING THE PEACE PROCESS

I. INTRODUCTION

The Darfur Peace Agreement (DPA) of May 2006 has failed to bring peace, leading instead to an intensification of conflict in the region. The rebel Sudan Liberation Army (SLA) has splintered further, though some of its factions, with the Justice and Equality Movement (JEM), have built a limited military coalition, the National Redemption Front (NRF), which enjoyed some initial success. The international community has spent nearly a year trying unsuccessfully to persuade the regime in Khartoum to accept deployment of a UN force to take over from the beleaguered African Union Mission in Darfur (AMIS).

After failing to implement Security Council Resolution 1706, which authorised that force, the AU and UN instead proposed a three-phase transition culminating in deployment of an AU/UN “hybrid” force. However, the ruling National Congress Party (NCP) continues to delay, confident it can neutralise international efforts by exploiting divisions and lack of political will. The NCP’s 16 April acceptance of the UN heavy support package for the AU force, the second phase of the transition, has been hailed by some as a significant victory for diplomacy. The reality is that this is no more than a small step forward. Khartoum has drawn out its obstruction of the full three-stage plan, to which it committed in November 2006 and of which the heavy support package is only phase two. Bureaucratic impediments to deployment of this package should still be expected, as should continued resistance to deployment of the larger and more powerful hybrid force. Resistance to significant UN involvement from senior AU officials provides additional fault lines for Khartoum to exploit.

The 2003 rebellion grew out of frustration in Darfur at exclusion from state structures of power and wealth. With initial support from the former rebel SPLA/M (Sudan People’s Liberation Army/Movement) – then still negotiating what became in January 2005 the Comprehensive Peace Agreement (CPA) that ended Sudan’s mainly North-South conflict after 21 years, and interested in increasing pressure on the government by opening another military front – the newly-formed SLA achieved surprising initial victories. The SLA was made up primarily of three non-Arab tribes, the Fur, Zaghawa and Massalit, while JEM was predominantly Zaghawa.

Khartoum mobilised many local militias – Janjaweed – from Darfur’s Arab tribes, particularly those without traditional land rights, to target the non-Arab tribes’ civilian population. Though the rebel demands were widely shared in Darfur, the bloody war the NCP has conducted has polarised the region.

Chad’s role has complicated the conflict. The Zaghawa elements of the insurgency have enjoyed relatively consistent support from the Zaghawa-dominated government there. Though President Deby, himself a Zaghawa, initially cooperated with Khartoum against the rebellion, his government now gives the rebels open and sizeable support. In response, the NCP has been arming Chadian rebel groups, with the aim of overthrowing Deby and cutting off the SLA and JEM rear bases.

CPA implementation is well behind schedule, with key areas simply ignored by the NCP.¹ The SPLM-NCP partnership is at its lowest point, and though its support for the Darfur rebels dried up in 2004, the SPLM is now reintroducing itself as an actor in the troubled region, a move certain to exacerbate tensions with the NCP.

The DPA’s failure has left a political vacuum. After months of inaction, a unilateral Eritrean effort to restart talks in November 2006 finally spurred the AU and UN to rebuild a political process. However, there is danger pressure just to do *something* – the same pressure that caused the DPA to be a rushed and incomplete agreement – will prevail over a more coordinated, well-planned strategy.

The path toward peace is uncertain, and fundamental questions about Sudan’s political future are being raised. International thinking tends toward the idea that talks with the DPA non-signatories should resume on the basis of that document, be limited in scope and build on the transitional timetable the CPA set. This is similar to the thinking behind the original mediation efforts. The CPA established power-sharing arrangements, primarily between the NCP and SPLM, for the whole country until national elections in 2009.²

¹ See Crisis Group Africa Report N°106, *Sudan’s Comprehensive Peace Agreement: The Long Road Ahead*, 31 March 2006.

² The CPA’s power-sharing formula is 52 per cent NCP; 28 per cent SPLM; 14 per cent for northern opposition parties; 6 per cent for other southern opposition parties.

These arrangements limited discussions in Abuja, where the DPA was negotiated, since the SPLM agreed with the NCP that the CPA should not be reopened. At the time it feared this could mean losing its gains from the CPA, including a self-determination referendum for the South. Now, however, its position on power sharing appears to be slowly evolving.

The non-signatory rebels have sent mixed signals, at times appearing to demand full reopening of the DPA, based on the July 2005 Declaration of Principles, which all parties signed, at other times acknowledging the DPA has valuable elements. While the badly divided SLA primarily wants more compensation for the displaced and power sharing, JEM continues to argue for realignment of national political structures, including decentralisation to create a strong federal system that replicates southern Sudan's autonomous regional government nationwide. The rebels have been unable to forge a common negotiating front. The NRF, formed in June 2006, has mostly operated as a military alliance, without a common political agenda. The lack of a joint negotiating position among the non-signatories is a serious problem. Though it appears some SLA factions are moving closer to the JEM position on regional autonomy, a simple annex or protocol to the DPA is unlikely to be sufficient to deal with the differences.

The major northern political opposition parties express a "national" point of view. The Umma Party, Communist Party, and the Popular Congress (PC) of Dr Hassan el-Turabi, as well as several smaller parties, argue that the government of national unity born out of the CPA lacks legitimacy and that the same mistake is being repeated in Darfur, where negotiations are limited to the NCP and the rebels. They call instead for an inclusive national forum to build a broad consensus on the future of the country and a similarly inclusive forum to discuss Darfur's future. While there is a basis for this in the CPA, which proposed an inclusive constitutional review process, there appears to be little interest thus far from either the NCP or SPLM.

The DPA's signatories – the Khartoum government and the SLA faction led by Minni Minawi (SLA/MM) – have strongly resisted reopening it. The government has been encouraging rebel commanders to leave the non-signatories and sign protocols tying them to the DPA; Minni has been pushing for DPA implementation, attempting to solidify his hold on posts conferred on the rebels by the DPA's power-sharing arrangement. With fanfare on 23 April and as set out in the DPA, the government formally launched the Transitional Darfur Regional Authority (TDRA), the highest governing body for the region. Yet, without greater buy-in to the DPA, more implementation would be counter-productive. A growing number of actors, domestic and regional, are

becoming involved, complicating attempts to bring the parties together for further talks. The multiplicity of initiatives gives the rebels and Khartoum incentive to stick to their positions, while playing the internationals against each other.

It remains fundamentally important to get the hybrid AU/UN peacekeeping force into Darfur to protect civilians as well as to establish and maintain an effective ceasefire. This report concentrates, however, on the third essential element, proposing a comprehensive political strategy to achieve a political settlement in Darfur and ultimately end this human tragedy.

II. STATUS OF THE CONFLICT AND DPA IMPLEMENTATION

While direct fighting has diminished, security in Darfur has deteriorated since the DPA was signed. Both the rebels and the government are pursuing a military strategy, with civilians paying the price. The non-signatory rebels have reinforced with Chad's help. Both SLA factions, that of Abdel Wahid Mohamed el Nur (SLA/AW), the movement's original chairman, and the SLA/MM, have splintered, with some elements joining the NRF military alliance. The government continues to use Antonov bombers and helicopter gunships and arm the SLA/MM and defecting rebel movements. Instead of disarming the Janjaweed, it has revived them as a central component in its military strategy,³ particularly as its army reportedly is reluctant to fight in the wake of an NRF hit-and-run campaign which produced victories in Um Sidr in September 2006 and Karihari in October.⁴ The NRF has been unable, however, to control key garrison towns, and increased factionalisation and involvement in Chad's affairs have undermined some of its success.

Inter-tribal violence has been on the rise. Arab tribes have started using the weapons they received from the government against each other, as disputes over land and pasture have become increasingly heated. Fighting between Arab tribes in South Darfur escalated in December 2006 and is now ongoing, with hundreds dying in clashes between the Targam, *Abbala* (camel herders) Northern Rizeigat, *Baggara* (cattle herders) Southern Rezeigat, Habaniya and Fallata.⁵ A major attack against the

Gimr in Kulbus town by government-backed Janjaweed and security forces appears to be looming.⁶

On this increasingly complex battleground, the civilians and those who assist continue to suffer. There were more than 250,000 more internally displaced persons (IDPs) registered in January 2007 than a year earlier,⁷ and aid workers are having an ever harder time accessing them and others who need help. More than 400 humanitarian workers were evacuated in December 2006 because of rising insecurity, the largest such evacuation since 2004,⁸ in January 2007, UN staff and aid workers were abused and beaten after a police raid in Nyala, South Darfur,⁹ and NGOs have been forced to leave because of insecurity.¹⁰ Humanitarian agencies are further stymied by bureaucratic obstacles. In November 2006, the Norwegian Refugee Council left Darfur because the government repeatedly suspended its work.¹¹ An international aid agency reported that international NGOs paid some \$1 million for visas in 2006.¹²

The DPA has an ambitious implementation schedule, with provisions aimed at increasing power and wealth sharing and improving security for the Darfur population as a whole and IDPs in particular. Key political appointments include that of Senior Assistant to the President (SAP), the fourth highest position in the national executive. The DPA allocates 133 national- and state-level political posts to the Darfur movements, to be appointed "after signing of the agreement". It sets up a Transitional Darfur Regional Authority (TDRA), to be led by the SAP. Commissions for power and wealth sharing, including compensation, property and land, were to be set up within 30 days of signature. A referendum on Darfur's status is to be held by July 2010, after elections. A ceasefire commission was reconstituted and disengagement,

³ "The Panel has credible information that the Government of the Sudan continues to support the Janjaweed through the provision of weapons and vehicles. The Janjaweed/armed militias appear to have upgraded their modus operandi from horses, camels and AK-47s to land cruisers, pickup trucks and rocket-propelled grenades. In accordance with article 27, paragraph 367, of the Darfur Peace Agreement, the Government of Sudan has produced a plan for disarming the Janjaweed. However, other than a relatively small number of weapons voluntarily surrendered in Southern Sudan in mid-June, no compulsory disarmament has occurred", "Report of the Panel of Experts pursuant to resolution 1591 (2005)", UN Security Council (S/2006/795), 3 October 2006, p. 3.

⁴ Jan Pronk, then the UN Secretary-General's Special Representative (UNSRSG) and head of the UN mission in Sudan (UNMIS), reported in his weblog on the army's troubles, weblog no. 25, 14 October 2006, www.janpronk.nl/index264.html. The government cited this as a reason for declaring him *persona non grata*.

⁵ According to a government official in South Darfur, the Arab militias conducted their attacks on horseback, camelback, and with four-wheel drive vehicles with mounted, large calibre

machine guns, Crisis Group interview, January 2007. "Tribes clash in west Sudan, up to 100 said dead", Reuters, 19 February 2007.

⁶ The government-aligned forces, reportedly operating under the guidance of senior NCP official Nafie Ali Nafie, are demanding that the Gimr accept an NCP-appointed tribal leader as their sultan, the same man they fired several years ago because of his support for the NCP's policies in Darfur. As of this writing, Kulbus is surrounded by nearly 1,000 mixed troops. Crisis Group interviews, 28-29 April 2007.

⁷ "Darfur Humanitarian Profile", UN Office for the Coordination of Humanitarian Affairs (OCHA), no. 26, January 2007.

⁸ "Darfur violence takes toll on aid workers", Inter Press Service, 8 January 2007.

⁹ "UN to protest against arrest and assault of staff at social gathering in Darfur, Sudan", UN press release, 22 January 2007.

¹⁰ Médecins du Monde, for example, suspended its operations in January 2007, "French aid group leaves Darfur due to violence", Reuters, 29 January 2007.

¹¹ Press Release, Norwegian Refugee Council, 9 November 2006.

¹² Crisis Group interview, January 2007.

redeployment and disarmament measures required, most critically disarmament of the Janjaweed, for which a government plan was to be submitted 37 days after DPA signature. To assess implementation, a Darfur Assessment and Evaluation Commission was to be established within three months.

Actual implementation has proceeded in fits and starts. The agreement has serious flaws: only one rebel faction signed; those that did not have spent most of their energy strengthening their military capacity; the NCP is determined to implement only what serves its larger ends, while ignoring key security requirements such as Janjaweed disarmament; the AU and AMIS¹³ lack the capacity for their assigned tasks; and the wider international community, lacking a common strategy, has focused mostly on unsuccessful efforts to get NCP consent for UN or AU/UN hybrid force deployment. There is little enthusiasm for and sometimes hostility to the DPA among the majority of civilians. It is hardly surprising, therefore, that little has been done, other than appointments of rebels to high-profile but basically powerless positions.

The most problematic area has been security. No progress has been made in disarming the Janjaweed.¹⁴ The government submitted its plan to the AU on 24 June 2006. The AU responded slowly, reportedly because it initially had no mechanism to evaluate it.¹⁵ Since then, the plan has moved between the AU and the government for comment and amendment. The government has resisted discussion at the Joint Commission meetings in Addis Ababa, as it was not envisaged in the DPA.¹⁶ According to the DPA, the Janjaweed were to be restricted to designated areas by 20 July 2006, but Khartoum has not kept to this.¹⁷

¹³ In May 2006, the AU proposed a new Concept of Operations to increase AMIS capacity in line with increased responsibilities under the DPA, including establishing and patrolling demilitarised zones and verifying disarmament. A Joint Technical Assessment Mission in June 2006 recommended AMIS enhancement. Funding for this purpose, however, was not provided at the 18 July 2006 donors conference, and enhancement stalled. Nonetheless, the international community, through the UN, agreed to assist AMIS by a series of light and heavy support packages, with an eye to an eventual AU/UN hybrid mission in Darfur. UN Security Council Presidential Statement, 19 December 2006, S/PRST/2006/55.

¹⁴ The DPA stipulated the government was to disarm the Janjaweed within five months, in line with UN Security Council Resolutions 1556 and 1564 (2004), AU summit resolutions, the April 2004 N'Djamena agreement and the November 2004 Abuja protocols.

¹⁵ Crisis Group interview, August 2006.

¹⁶ Crisis Group interview, December 2006.

¹⁷ "The DPA Monitor", UNMIS, December 2006, www.unmis.org.

The Ceasefire and Joint Commissions have also faced difficulties. The AU created a problem by expelling the non-signatories in August. That left investigations one-sided and ineffective. A "dual chamber" solution was finally created in November 2006 – with signatories meeting in one session, non-signatories in the other – but it has not functioned well. The non-signatories – SLA and JEM – have been unhappy because their representatives are only present in El Fasher; the dual chamber has not been extended to other sectors in Darfur. Power sharing is receiving attention but much of it is divisive and counter-productive. Until February 2007, only four of the 133 posts allocated to the rebels had been filled – special assistant to the president (Minni Minawi), one state minister, one Khartoum state ministerial position and one TDRA commissioner post.¹⁸ Since then, roughly 80 per cent of the positions have been filled,¹⁹ creating controversy between the SLA/MM, the signatories of the Declaration of Commitment (DoC)²⁰ and the government, and leaving little space for the non-signatories. The SLA/MM claims DoC signatories do not have the same rights to positions as DPA signatories, and the NCP should either create more posts for them or get rid of the DoC appointees.²¹ The DoC signatories and Minni originally

¹⁸ Crisis Group interview, January 2007.

¹⁹ "The DPA Monitor", UNMIS, January and February 2007.

²⁰ After the SLA/AW and JEM refused to sign the DPA, several commanders left and asked to sign. On 8 June 2006, Ibrahim Madibo, Abdel Rahman Musa, Abdel Rahim Adam Abu Risha and Adam Saleh Abbaker signed the Declaration of Commitment (DoC) to the DPA in Addis Ababa. The DoC, while a sign of commitment to DPA principles, does not automatically confer full DPA rights on signers. Alex De Waal, "How to include the different Darfur movements", 14 July 2006, www.allafrica.com. Abul Gasim Imam, a former SLA commander under Abdel Wahid and Abdelshaafie, signed a protocol with the government in November 2006 committing to the DPA. He is said to have committed human rights abuses recently and is allegedly responsible for kidnapping Arab students (Mahariya tribe) from a bus in Tur, South Darfur, on 27 October 2004. The protocol raised the government's pledge of compensation to the displaced from \$30 million to \$100 million. The AU recognised Abul Gasim and his faction as a DoC signatory in December 2006. "Political Protocol Signed by Government and Sudan Liberation Movement in Tripoli", SUNA, 18 November 2006. Crisis Group Africa Report N°89, *Darfur: The Failure to Protect*, 8 March 2005. Crisis Group interviews, October-November 2004.

²¹ Crisis Group interview, March 2007. Notable appointments include Abul Gasim Imam (governor of West Darfur), Ibrahim Madibo (head of the Darfur Rehabilitation and Resettlement Commission), Abdel Rahman Musa (state minister in the council of ministers), and Adam Abu Risha (deputy governor of South Darfur, South Darfur minister of education).

agreed on a joint list of nominees but fell out when the former demanded and got extra positions.²²

In the first week of April, President Bashir formally decreed establishment of the TDRA and on 23 April, NCP Presidential Advisor Magzoub al-Khalifa formally launched both it and the commissions, just days after the government bombed the SLA field unification conference for a third time. With little popular support for the agreement, and no reason to expect the NCP to transfer significant power to the new governing body, this should be seen as a ploy by the NCP to keep the rebels divided and further narrow the space for negotiations with the non-signatories.

The parties have continued to miss deadlines for setting up commissions and committees, without serious repercussions. A Higher Committee, Wealth Committee, Power Committee, Legal Committee, Information Committee and Security Arrangements Committee were established, to focus on implementation, but most are not truly functioning.²³ While DPA Implementation Teams have been set up, the Darfur Security Arrangements Implementation Commission (DSAIC) a subsidiary of the TDRA, has not yet been established, and the Darfur Assessment and Evaluation Commission has not been formally launched.²⁴ The government has not yet made its \$300 million contribution to the Darfur Reconstruction and Development Fund,²⁵ preventing its activities from starting. Following the launch of the TDRA, the government reportedly released the first \$5 million of the Compensation Fund, as well as several hundred thousand dollars for the day-to-day costs of running the TDRA.²⁶

The Darfur Joint Assessment Mission (DJAM), sponsored by the UN and World Bank, started in July 2006, with a mandate to identify urgent and longer-term development and reconstruction needs. Though limited assessments took

place, escalation in violence in North and West Darfur significantly hampered the team, and work is now suspended due to the insecurity. A donors conference planned for September/October 2006 has not been held.

The AU Commissioner for Peace and Security, Ambassador Said Djinnit, has formally launched the Preparatory Committee (PrepCom) of the Darfur-Darfur Dialogue and Consultation (DDD-C), naming AU mediation team member Abdul Mohammad to chair it. The DDD-C was envisioned as a more inclusive opportunity, particularly for parts of Darfur society not at Abuja, to address political, socio-economic and other issues beyond the scope of those negotiations and “serve as a mechanism for mobilising support for [the DPA]”.²⁷

²² Crisis Group interviews, February-March 2007.

²³ They meet weekly but decisions are not carried out; attendance is poor, Crisis Group interviews, November 2006-March 2007.

²⁴ “DPA Monitor”, UNMIS, January and February 2007; “Report of the Darfur Peace Agreement Implementation Team on the Activities of the Joint Working Commissions”, January 2007, copy on file with Crisis Group.

²⁵ The 2007 budget included \$200 million for the Darfur Reconstruction and Development Fund, as called for in the DPA, but this money has not been made available by the central government, and the budget did not include the initial contribution of \$300 million from the central government to the Darfur states, also promised in the DPA. Despite repeated attempts, the SLA/MM has been unable to get information about the missing money. The matter is now under discussion within the government. Crisis Group interview, Khartoum, March 2007.

²⁶ Crisis Group interview, April 2007.

²⁷ The Declaration of Principles (5 July 2005, para. 14) provides that: “Agreements reached by the Parties shall be presented to the people of Darfur to secure their support through Darfur-Darfur dialogue and consultation”.

III. THE ACTORS AND THEIR POSITIONS

A. THE SIGNATORIES

1. The Government of Sudan

Despite the SPLM presence in government, the NCP continues to control all key Darfur files. It views peace in Darfur as a threat for two reasons. First, it would facilitate creation of a common Darfurian political front that could challenge the NCP in the 2009 elections, either on its own or in concert with the SPLM, the Umma Party or another national party. Secondly, stability would facilitate the International Criminal Court (ICC) investigation into alleged war crimes by senior NCP officials. Support by Chad of Darfur rebels and by Khartoum of Chadian rebels has become a proxy war, further complicating peace efforts in Darfur. Although an agreement between the NCP and Darfur rebels is central to restoring regional peace, political processes are also needed to end the conflicts between the governments of Chad and the Central African Republic and their respective insurgent movements.

The NCP has sought to present a thin veneer of DPA implementation, coupled with rhetoric about regional peace, while pursuing simultaneously three deadly policies. These are first, to undermine the rebellion and stability in the region through divide-and-rule tactics, such as incitement of tribal conflicts via selective arming and support to specific tribal groups and militias, and unilateral negotiations with field commanders and senior rebels, particularly in and around Jebel Marra.²⁸ Secondly, the regime continues to pursue a military strategy aimed at defeating the rebels, despite evidence the war is not winnable and with disregard for devastating civilian consequences. Thirdly, the NCP continues to block an effective international role, doing just enough to escape meaningful sanctions, without actually changing its policies, particularly on deployment of the hybrid AU/UN force.

The divide-and-rule tactics complicate efforts to achieve long-term stability in Darfur, deliberately increase the conflict's tribalisation and contribute directly to the general chaos and lawlessness.²⁹ The NCP has been vigorously

pursuing talks with SLA commanders in and around Jebel Marra in order to divide and perhaps neutralise the Fur tribe. Indicative was the signing in November 2006 in Libya of a protocol with Abul Gasim Imam, the former high-ranking SLA commander from eastern Jebel Marra and close confidant of Abdel Wahid and Ahmed Abdelshaafie, as well as earlier wooing of Ibrahim Madibo, a southern Rizeigat and a senior member of the SLA/AW delegation in Abuja, who signed the Declaration of Commitment to the DPA on 8 June 2006.³⁰ The then governors of South and West Darfur established negotiations with commanders from western Jebel Marra under the guidance of Salah Abdallah Gosh, the director of security and intelligence.³¹

Abul Gasim returned from Tripoli with significant resources, which he used to mobilise and forcibly recruit Fur fighters from IDP camps to attack villages and SLA/AS positions in eastern Jebel Marra, shortly before being named governor of West Darfur.³² The NCP has also used these tactics to separate Minni Minawi's forces from him and to further divide SLA/MM from the signers of the Declaration of Commitment.

NCP cadres, key allies among the Arab tribes and the governors in West Darfur and North Darfur are also pushing policies to further divide Darfur. In July 2006, the NCP initiated the "Fur conference" in El Fasher,

working against peace in Darfur, "Raheefa?? wa kaman makedouda??!", *Ray Al Shaab*, 24 February 2007.

³⁰ The NCP struck deals with each commander; reportedly it paid Abul Gasim and promised a Darfur governorship to Madibo, though it was Abul Gasim Imam who became governor of West Darfur in February 2007. Crisis Group interviews, November-December 2006, March 2007.

³¹ In September 2006, the government established a high-level Darfur Implementation Steering Committee, a body not sanctioned by the DPA. It is chaired by President Bashir and includes his senior assistant (Minni Minawi), the ministers of defence, interior and finance and the head of national security, Salah Abdallah "Gosh", among others. Gosh is tasked with bringing field commanders and non-signatories into the DPA. However, according to Crisis Group interviews, he actually has been orchestrating divisions among them, thus weakening the prospects for rebel unification. In February 2007, Bashir asked for inclusion of three new rebel signatories in the committee, which has met only twice. Crisis Group interviews, October 2006-March 2007.

³² Abul Gasim Imam is a former Abdel Wahid commander from Jebel Marra, who defected with Abdelshaafie in July 2006. With his new government resources (reportedly including some 80 Land Cruisers), he has attempted to seize the Jebel Marra region. His troops have been implicated in numerous rapes and killings of civilians and may be responsible for the displacement of up to 60,000. His attacks have been aided by the air force and Janjaweed. Crisis Group interviews, January-March 2007.

²⁸ Crisis Group interview, Khartoum, November 2006.

²⁹ Nafie Ali Nafie, presidential adviser, told the NCP Consultative Council of Greater Kordofan "we have been successful in dividing the rebel movements of Darfur". This triggered a sharp response from the SLA/MM spokesman, who said he was

which it portrayed as an effort to unite the leadership of Darfur's largest tribe, one severely affected by ethnic cleansing during the conflict. But according to the Fur Shura Council, the purpose was to oust the current leadership – seen as sympathetic to the rebellion – and install a more loyal group. The governor in North Darfur was instructed by Khartoum to organise and chair the meeting but most Fur leaders boycotted.³³ The local media reported the next day, however, that the Fur tribes collectively had agreed on Ibrahim Yousif, the grandson of Ali Dinar, the last head of the Darfur Sultanate, to be Sultan of the Fur tribes in Sudan. Tribal leaders have not accepted this decision, which has had little impact.

The Janjaweed continue to play a lead role in the military strategy against non-signatory rebel groups. The fact that the NCP has put Nafie Ali Nafie in charge of the Darfur file, replacing Magzoub al-Khalifa, underlines that it views resolution of the conflict through a security, not a political, lens.³⁴ The attacks in October and November 2006 on Bir Maza and surroundings were carried out jointly by the army and the militias to disrupt a planned SLA unification conference. The government conducted a new round of aerial bombardment on 21 April 2007, presumably to disrupt the SLA conference near Um Rei in North Darfur.³⁵ Despite repeated disarmament promises, the NCP continues to rely on the militias. Though some elements may no longer be under direct government control (and many have been integrated into formal government military structures), there have been no serious efforts to neutralise them.³⁶ Janjaweed actions continue to pose a major obstacle to peace in Darfur, with implications for the whole region.³⁷

The NCP is also working hard to manipulate the various international initiatives for bringing the non-signatories into the DPA and to block deployment of the AU/UN hybrid force. President Bashir has argued that Security Council Resolution 1706 violates Sudan's sovereignty and could worsen the Darfur situation. Under pressure, he provisionally accepted in a 23 December 2006 letter to outgoing UN Secretary-General Kofi Annan a three-

phase AU/UN plan.³⁸ Since then he and other senior NCP officials have sent contradictory messages and publicly refused any UN troop deployment or command and control in the new operation.³⁹ The NCP's 16 April acceptance of the heavy support package, which includes the deployment of several thousand UN personnel to provide logistics support to the AU, as well as the deployment of light and attack helicopters for AMIS, would seem a tacit acceptance of UN troops in Darfur, but continued resistance to a significant UN presence in the eventual hybrid force is likely.⁴⁰ Through administrative constraints, harassment and closing its eyes to increased looting and attacks, Khartoum has also made it increasingly difficult for humanitarian agencies to work in Darfur.⁴¹

Recent developments within the NCP, however, suggest there may be more room for negotiation than previously thought. Though the leadership seems consistent in its approach to Darfur, there appear to be different opinions within the party and its Islamist constituencies. According to a senior NCP official, there is significant internal

³⁸ The three-phase plan involves light and heavy support packages for the existing AU peacekeeping force and finally deployment of a hybrid AU/UN force. The hybrid force is the most controversial aspect. The UN is implementing the \$21 million light package, which includes some equipment as well as 105 military advisers, 33 police and 48 civilian staff. Bashir's 6 March 2007 letter to the Secretary-General set matters back on the heavy package by rejecting UN command and control, which was a prerequisite for UN funding and troop contributions. Crisis Group interviews, January-March 2007. Negotiations on the heavy package, including funding modalities, were finally completed on 16 April, when the government consented to inclusion of attack helicopters. With UN logistical delays, and the rainy season soon to begin in Darfur, it is expected that it will take at least another four to six months before the heavy package can be deployed. No progress was indicated on the third and most controversial phase of the plan. Crisis Group interviews, 16 April 2007.

³⁹ In his 23 December 2006 letter to outgoing Secretary-General Kofi Annan, President Bashir accepted the AU PSC recommendation that the hybrid force size be determined by the AU and UN, "taking into account all relevant factions and the situation on the ground as well as the requirement for it to effectively discharge its mandate", reprinted at www.sudantribune.com/spip.php?article19517.

⁴⁰ Just days after accepting the heavy support package, NCP Presidential Adviser Mustafa Osman Ismail reiterated the government's position that a future force would have to be all-African, under AU command and control. "Sudan says no concession on Darfur force", *Xinhua*, 20 April 2007.

⁴¹ On 28 March 2006, the government and UN signed another agreement enshrining the former's commitment to facilitate humanitarian access in Darfur. History provides reason for scepticism. "Joint Communiqué between the Government of Sudan and the United Nations on Facilitation of Humanitarian Activities in Darfur", 28 March 2006.

³³ Only one of 37 Fur *Shartai* (chiefs) in Darfur attended the conference, the governor of West Darfur, Shartai Jaffar Abdal Hakam, and 90 of 450 invitees overall. To boost the numbers, Governor Kiber reportedly sent cars to collect ordinary people from the market in El Fasher. Crisis Group interviews, January 2007.

³⁴ Khalifa chaired the government delegation in Abuja. Nafie Ali Nafie was formerly head of security and intelligence services.

³⁵ Crisis Group interview, 21 April 2007.

³⁶ See Crisis Group Africa Briefing N°43, *Getting the UN into Darfur*, 12 October 2006, and Crisis Group Report, *Darfur: The Failure to Protect*, op. cit.

³⁷ A subsequent Crisis Group report will address the regional implications of the conflict on Chad and CAR in greater detail.

pressure to change course on Darfur as well as national issues. Those who see the danger of continuing the policies of hardliners such as Nafie Ali Nafie⁴², Awad Al Jaz⁴³ and Magzoub al-Khalifa⁴⁴ are sympathetic to what Sudanese analysts and journalists describe as Vice President Ali Osman Taha's more pragmatic approach, including favouring speedy CPA implementation and resolving the Abyei crisis as well as Darfur. Taha, however, appears to be increasingly marginalised within the NCP, where he is seen as too pro-Western. These differences are among the factors behind the NCP's delay in initiating a cabinet reshuffle due in March 2007. The 23 April launch of the TDRA and DPA commissions further entrenches the dominant approach of the hardliners, by shrinking the space and issues for negotiation between the government and the DPA non-signatories.

2. The SLA/MM

In the months immediately following conclusion of the DPA, the sole rebel signatory, Minni Minawi, initiated combined military actions with the government's army against the non-signatory rebel factions and, in some instances, civilians in areas under his control.⁴⁵ These went badly, and Minni was pushed out of most of North Darfur by the NRF, quickly losing much support from people who saw him as having become another government militia. On 7 August 2006 he was sworn in as senior assistant to the president and thus the head of the TDRA.

Nevertheless, the relationship between Minni and the NCP has become strained, culminating in an open clash in Omdurman between his troops and police on 25 March 2007.⁴⁶ That same evening Minni threatened to return to the bush; in his first press statement after the incident, he accused the NCP of jeopardising the DPA and undermining the partnership of peace with the SLA/MM.⁴⁷ Minni

has consistently been critical about the lack of DPA implementation and pushed for greater action. In early December 2006, he gave the NCP a two-week ultimatum, while complaining that it was also rearming the Janjaweed.⁴⁸ As the sole rebel signatory, he has the most at stake in the DPA, and his credibility with commanders and other constituents has been seriously damaged by the deterioration in Darfur's situation. He frequently expresses frustration at his inability to accomplish anything in Khartoum, which in turn has contributed to growing public perception that he is a narrow tribal (Zaghawa) leader, incapable of leading Darfur.

Relationships within Minni's movement are deteriorating, because of problems with his leadership as well as manipulation by the NCP, which appears to want to weaken and ultimately remove him in order to divide the rebel movements further. The recent round of appointments to government positions has caused particular tension within the movement's political cadres. Senior SLA/MM figures have argued that the NCP's ability to change Minni's nomination list is indicative of his marginalisation in the government.⁴⁹

Minni faces dissent as well among his troops, many of whom have defected to the NRF or other SLA factions. In November 2006, a group of his commanders called on him to leave the DPA.⁵⁰ Another group, including SLA founding member Salah "Bob", defected to the NRF ahead of the planned Bir Maza conference in November 2006 and reportedly participated in the NRF strike against the oil installations in Abu Jabra on the 26th of that month. Mahjoub Hussein, the former SLA/MM spokesperson, resigned in January 2007 to set up his own SLM faction (Al Kubra). In his resignation letter, he cited Minni's practice of favouring tribal and other close affiliates when distributing DPA jobs and in other central decisions. In February 2007, following another defection, the new National SLM for Democracy and Peace announced its presence in Muhajeriya, Haskanita, Labado and Adela.⁵¹

⁴² Special adviser to the president, vice-president of the NCP, and NCP general secretary for organisational affairs.

⁴³ Minister of energy and allegedly the chief commander of the NCP's paramilitary militias.

⁴⁴ Presidential adviser, chief government negotiator in Abuja, and chairman of the higher committee for DPA implementation.

⁴⁵ The attacks in North Darfur carried out by Minni Minawi's troops led to civilians calling his forces "Janjaweed 2", "Update Bulletin Darfur/Eastern Chad", Amnesty International/Ireland, 25 July 2006.

⁴⁶ At least nine SLA/MM troops and four police died in this clash, and close to 100 SLA/MM people were arrested. In addition, police, aided by heavy armour, broke into SLA/MM headquarters, confiscating computers and files. The SPLM mediated, eventually getting agreement on establishment of the TDRA and release of accompanying funds. However, a number of SLA/MM officials remain in prison. Crisis Group interviews, March-April 2007.

⁴⁷ Crisis Group interviews, March 2007.

⁴⁸ "Darfur former rebel says government rearming militia", Reuters, 27 November 2006.

⁴⁹ According to the DPA, the president is to make appointments to DPA posts from a list presented by the signatories. However, the new appointments to legislative and executive positions in the three Darfur states did not correspond to Minni's lists. The president has made appointments without SLA/MM consent, such as Abul Gasim Imam as governor of West Darfur. A senior figure in the TDRA said: "Minawi has been co-opted by the NCP and sidelined", Crisis Group interview, February 2007.

⁵⁰ Crisis Group interview, 17 November 2006.

⁵¹ According to its spokesperson, Ibrahim Al Tayeb Ibrahim, the new group has serious reservations about the DPA, describing it as an accord tailored to Minni and not responsive to Darfur's real needs. It also complained about marginalisation and

Since the signing of the DPA, SLA/MM commanders have complained that they have no food, vehicles or uniforms, while Minni works with Khartoum against their interests.⁵² Minni in turn complains that though he signed the DPA under intense international pressure, he has not received the assistance promised him in Abuja.⁵³ In a bid to appease him and strengthen its alliance, the government has started to provision Minni's troops, under the guise of DPA implementation. In late February, the NCP made three helicopters available to transport salaries, supplies, food and other material.⁵⁴

3. The SPLM

The SPLM is officially part of the government of national unity that signed the DPA and was represented in the government delegation in the last round of Abuja talks. However, it is increasingly at odds with the NCP over Darfur policy. It supports deployment of a UN civilian protection force and is now re-engaging in Darfur after months of inaction. Though it stopped giving the rebels military aid in 2004, its late chairman, John Garang, remained close to the SLA chairman, Abdel Wahid, and continued to play a role in the direction of the movement, thereby causing friction between Abdel Wahid and Minni. After Garang's death in 2005, the SPLM initially pulled back on Darfur in order to concentrate on building a government in the South and transforming itself into a political party. But as CPA implementation has begun to flounder, and frustration with the NCP's intransigence over that agreement has grown, it has become increasingly vocal on Darfur.

The SPLM first spoke out in June 2006, following the NCP's refusal to allow a UN force into Darfur to take over from the AU mission. In the past several months, its engagement has reached a new level, culminating in the appointment in April of a six-member Darfur team, headed up by Reverend Clement Janda, who is to be its envoy for the troubled region. In mid-February 2007, Yassir Arman, the deputy secretary general for the party's northern sector, made the first official visit of an SPLM leader to Darfur. He was well received in IDP camps and came away with

suppression of members from eastern Darfur and the unilateral approach of Minni, who was accused of favouring relatives and tribal cronies for senior posts in the government and the movement. "Split with the movement of Minawi", *Ray Al Shaab*, 24 February 2007.

⁵² Commanders have approached internationals for provisions, Crisis Group interview, November 2006.

⁵³ Crisis Group interview, July 2006.

⁵⁴ The government said this was in line with "non-military logistic support" movements are entitled to under the DPA. Khalifa said the helicopters and supplies were to dissuade Minni's troops from deserting. Crisis Group interviews, February 2007.

three proposals. The first was to organise a visit for SPLM Chairman (and Sudan's first vice-president) Salva Kiir. The second was for the SPLM to help facilitate a rebel unification conference in southern Sudan. The SPLM has repeatedly said it would do this; an attempt shortly after the DPA was signed came to nothing when Abdel Wahid refused to attend. Thirdly, Arman supported a request for SPLM help in reconciling warring tribes, a suggestion that may lead to a meeting between Salva and Darfurian tribal leaders in the near future.⁵⁵

The SPLM could have a positive impact on future Darfur negotiations by showing flexibility on the CPA, instead of continuing to support the NCP line that the agreement cannot be reopened. The CPA is particularly relevant to power sharing and is used by the NCP to protect its parliamentary majority. As noted, the SPLM has gone along out of fear of unravelling the agreement but senior leaders now acknowledge that Darfur deserves a fairer stake than it received in the DPA. Moreover, the Darfur conflict is already having significant repercussions on CPA implementation; peace is needed to protect the CPA.

B. THE NON-SIGNATORIES

The rebel movements also face urgent problems. The two original movements, SLA and JEM, have splintered over the past four years into numerous factions – a result of their own leadership problems, meddling from regional countries, short-sighted international engagement and the NCP's divide-and-rule strategy. Important developments since the DPA was signed have complicated rebel dynamics in critical ways.

1. The SLA

The SLA is struggling to survive as a movement and retain its identity. The signing of the DPA by only the SLA/MM faction finalised the split between Minni Minawi and Abdel Wahid that had been growing since early 2004.⁵⁶ Both leaders have subsequently lost significant

⁵⁵ Crisis Group interview, 22 March 2007.

⁵⁶ Minni became secretary general following the death of commander-in-chief Abdallah Abakar in January 2004. At the October 2005 Haskanita conference, he was "elected" the movement's new chairman, though Abdel Wahid boycotted the conference and refused to recognise Minni's election. The initial agreement on which the SLA was founded reserved the chairmanship for a Fur (originally Abdel Wahid), the deputy chairmanship for a Massaleit (originally Mansour Arbab, then Khamees Abdallah) and the military command for a Zaghawa (originally Abdallah Abakar). Haskanita would have been an opportunity to unify the movement had the international community been willing to support it and help make it inclusive by persuading Abdel Wahid to attend but after it the SLA

support from their commanders, though there are important distinctions. Minni was likely the strongest rebel commander in Darfur prior to the DPA but has seen his backing deteriorate drastically. Abdel Wahid was already losing popularity as a result of his erratic and at times irrational leadership. His refusal to return to Darfur – he has spent only one week there since March 2004, whereas Minni had mostly been in the field since spring 2005 – has also weakened him, and he has become increasingly reliant on the international community to sustain his credibility as a leader. Ironically, his opposition to the DPA led to a temporary surge in support in Darfur, particularly within his Fur tribe, which mostly rejects the agreement, particularly its compensation provisions.

During the final Abuja round, nineteen SLA/AW supporters, including leading commanders such as Khamees Abdallah (the former SLA/AW deputy chairman), left Abdel Wahid to form the G19, the eventual military backbone of the NRF.⁵⁷ Abdel Wahid suffered yet another blow when his long-time confidant, Ahmed Abdelshaafie, was unilaterally appointed temporary chairman by a group of SLA/AW commanders in July 2006, thus splitting the Fur command.⁵⁸ Some of those

formally split in two. The AU also missed an opportunity by refusing to delay the opening of the October 2005 negotiating round in Abuja until after the conference, prioritising instead SLA/AW and JEM demands not to “give in” to Minni. The missed opportunities have complicated the current international efforts to help unify the movements discussed below. See also Crisis Group Africa Briefing N°32, *Unifying Darfur’s Rebels: A Prerequisite for Peace*, 6 October 2005.

⁵⁷ The NRF was founded in June 2006 in Asmara by Khalil Ibrahim of JEM, Khamees Abdallah of G19 and Sharif Harir and Ahmed Diraige of Sudan Federal Democratic Alliance, SFDA (although Sharif Harir has since stated that he is “SLA”). Abdel Wahid refused to join, claiming it was manipulated by Asmara and JEM – even though he had signed a declaration just days before with the same individuals. Many of Minni’s commanders joined post-DPA as part of G19, under Adam Bakhit, whose close relationship with Sharif Harir also contributed to links with the NRF. Bakhit’s recent troubles with commanders such as Jar el Neby and Suleiman Marajan have moved him closer to those associated with NRF, while pushing much of the rest of the G19 away. In November 2006, the G19 (also known as SLA/Unity) disagreed with other NRF commanders about resuming talks in Asmara. Since its founding, NRF’s strength has been military, not political. Despite constant reports that such a meeting is forthcoming, no political conference has been held by NRF members; while many SLA value the military benefits of the alliance, they privately dismiss it as a concoction of Eritrea. Even JEM, the strongest NRF supporter, has been downplaying its importance recently. Crisis Group interviews, November 2006-April 2007.

⁵⁸ On 28 July 2006, 32 SLA/AW field commanders issued a statement unilaterally removing Abdel Wahid as chairman and replacing him with Abdelshaafie until a field conference can be held. Abdelshaafie was one of Abdel Wahid’s closest allies but

in the field resisted this appointment, arguing that such a decision would have to be taken at a commanders conference. Yet, while Abdelshaafie and certain G19 (now known also as SLA/Unity) commanders have been supportive of current efforts to organise an SLA field commanders conference, Abdel Wahid and his commanders have been more reluctant. In mid-April, the SLA field commanders rejected a proposal by Sharif Harir that the movement join the NRF, a move that increases the likelihood the SLA/AW field commanders will participate in the unification conference.⁵⁹

Others are keeping options open by talking with JEM in Chad about the NRF. For example, Adam Bakhit, after falling out with fellow commanders,⁶⁰ left Darfur at the end of 2006 with a large number of troops for Chad, shunning the preparations for a conference and preferring to consult with Sharif Harir, JEM and Khamees Abdallah. Many of the troops he took with him eventually went back to Darfur. Sharif Harir and Abdelshaafie left for Darfur as well in early 2007 to attend the SLA conference, while Bakhit and Khamees remain in Chad. Several ex-Minni Minawi groups have not yet decided with whom to ally. The defection of senior commander Abul Gasim Imam, via the November 2006 Tripoli agreement with the NCP, and his subsequent Khartoum-supported military offensive, is a further sign of Fur divisions. Currently, there is a loose alliance of SLA/AW, SLA/AS, and SLA/G19 under the “NSF” (non-signatory faction) banner, for the purposes of participation in the Ceasefire Commission.

The divisions plaguing the SLA are over leadership and control, not vision. Some demands have remained consistent, while others have increased dramatically since May 2006. A key symbolic issue, which has become almost a battle cry within the refugee and IDP populations, is compensation. The initial \$30 million which the government committed to in the DPA was considered derisory, and various higher amounts have been proposed.⁶¹ Some SLA leaders have revived their call for Darfur immediately to become an autonomous region, with a majority of regional seats held by the rebels, not the NCP.⁶²

had been growing increasingly frustrated with him, particularly during the last Abuja round, after which he tried and failed several times to persuade Abdel Wahid to rejuvenate the SLA leadership by returning to Darfur and attending a field conference to establish a new governing council. Crisis Group interview, November 2006.

⁵⁹ Crisis Group interviews, April 2007.

⁶⁰ Reportedly part of the trouble was related to leadership clashes, as well as military miscalculations which led to the death of Jar el Neby’s brother, Hassan “Peugeot”. Crisis Group interviews, March 2007.

⁶¹ The SLA/AW recently proposed \$2 billion. SLA/AW document, February 2007.

⁶² Crisis Group interviews, November 2006.

They want political representation on the national level proportional to population, which, they claim, should be 22 per cent according to past censuses.⁶³ Finally, the SLA has demanded involvement in all mechanisms related to disarmament of the Janjaweed and other militias.

2. JEM

JEM has grown stronger by reinforcing its links with Chad and through the NRF military alliance. Its policy objective is not Darfur but rather drastic changes in national governance, implying rejection of the CPA. It calls for all regions to have rights equal to the South and an inclusive regional conference, suggesting differences with the traditional political parties, which want an inclusive national conference. JEM also seeks to reestablish a rotational presidential council of regional representatives, which would mean a vice-presidency for Darfur as well as the other regions. Like the SLA, it wants each region's rights and duties to be allocated according to population. It argues that each Darfur family should receive \$1,000 compensation from a fund of some \$600 million.⁶⁴

Despite defections over the last several years, JEM has remained a key player, thanks largely to direct links with the Chad government, which reportedly include fighting beside the army against local insurgents.⁶⁵ Its access to aid from N'Djamena was fundamental to formation of the NRF. JEM supplied the weapons, the SLA/G19 the soldiers. Certain SLA/G19 commanders and leaders also have strong ties with President Deby, and SLA political and military leaders such as Khamees Abdallah, Adam Ali Shogar and Abdelshaafie spend considerable time in Chad. Indeed, like JEM, SLA commanders and fighters have become an integral part of Chad's defence,

fighting its insurgency in return for material and other support.⁶⁶ Despite his agreements with Sudan, Deby's aid to Darfur factions and permission to operate on Chad's territory are vital to the Darfur rebels' survival.⁶⁷

A common SLA/JEM negotiating position may eventually emerge, since many SLA leaders now view the Darfur conflict more broadly. This may not make things easier for mediators, however, since demands such as regional autonomy would require major DPA changes. Much depends on whether the SLA can overcome factionalisation; what appears increasingly more likely is that two or three blocs of SLA will emerge from the large number that currently exist.

C. THE POLITICAL OPPOSITION PARTIES

With the exception of the Democratic Unionist Party (DUP) led by Mohamed Osman al-Mirghani,⁶⁸ whose position remains unclear, even after the recent Cairo party conference, the largest opposition parties – the National Umma Party,⁶⁹ the Communist Party and the Popular Congress party of Dr Hassan el-Turabi (PC) – argue that the only way to resolve the Darfur problem permanently is to reform governance in the whole of Sudan. They are intensely dissatisfied with the CPA, which they regard as a bilateral agreement between two warring parties, to the exclusion of others.⁷⁰ Along with smaller groups such as

⁶³ Crisis Group interviews, November 2006-March 2007.

⁶⁴ Crisis Group interviews, JEM, January 2007.

⁶⁵ This contrasts to the relationship between President Deby and JEM Chairman Dr Khalil Ibahim in the initial stages of the Darfur rebellion. Both are Zaghawa, but of different clans, and Deby reportedly feared Khalil Ibrahim's ambitions extended to Chad. In mid-2005 JEM threatened to freeze participation in the Abuja talks until Chad was dropped from the mediation. Following the killing of a senior SLA commander, fighting broke out between the SLA and JEM in the first half of 2005 in South Darfur and spread to North Darfur, near the border. At the time, Chad was much closer to the SLA, and JEM soldiers who fled to Chad told Crisis Group its army was deployed to prevent them from crossing the border. The relationship changed in April 2006 when Chadian rebels (FUC) attacked N'Djamena, and JEM fought alongside Deby's army to repel the attack. With Deby facing growing challenges at home and JEM relying increasingly on Chadian support, the ex-foes are now allies. Crisis Group interviews, June-July 2005, October-November 2006; Crisis Group Africa Report N°105, *To Save Darfur*, 8 March 2006.

⁶⁶ Crisis Group interviews, November 2006-January 2007.

⁶⁷ With the Tripoli meeting in late February 2007 and the appointment of former Sudanese-backed FUC rebel Mahamat Nour as Chad's defence minister, relations between N'Djamena and Khartoum are superficially improving but serious tensions remain between Deby and Bashir. In a public relations move in August 2006, Chad arrested several leading JEM figures, announced their deportation, then quickly released them. Chad reportedly again told the Darfur movements to leave in mid-March but has not taken further action. Chadian rebel groups were seen moving out of their Darfur bases around this time. However, Khartoum's air force has continued to bomb Chadian border villages, and recent clashes involving both Chadian and Sudanese forces have been reported. Crisis Group interviews, March 2007.

⁶⁸ The DUP has split into more than four factions, two of which are in the government of national unity, and two of which are in the National Assembly as opposition parties.

⁶⁹ The original Umma Party led by Sadiq al-Mahdi has split into four political factions, two of which have joined the government of national unity. The largest faction is the National Umma Party, led by Sadiq al-Mahdi.

⁷⁰ After the CPA, which allocated northern opposition parties only 14 per cent of positions, was signed, the Umma Party, PC and Communist Party formed a coalition and remained outside government. They call for a national constitutional conference to review the CPA and presumably reopen certain parts. The NCP and SPLM say the CPA cannot be reopened. The DUP,

the Nasary, Baath and Popular Front, they consider that it constitutionally enshrines the interests of the NCP and the SPLM without regard for other interests.⁷¹ The DPA (as well as the Eastern Sudan Peace Agreement)⁷² is seen as mirroring this narrow approach, an agreement that ignores the large, historical parties and their national constituencies.⁷³

They argue that while the CPA gives the South the rights it deserves based on population share, it condemns the rest of the country to rule by the NCP, which is allocated 52 per cent of government positions in the North before the elections. Because it fails to provide a framework for achieving an equitable federal system and is not backed by a national consensus, they say, it has limited legitimacy. Its “unjust” nature and inequitable negotiating process have justified rebels, as in Darfur and the East, to pursue their rights by armed force. These criticisms are not entirely fair: the CPA ended a long civil war and includes a timeline for democratic national elections in 2009. Nonetheless, the dissatisfaction stems largely from frustration based on the NCP’s near-total control of the North – accepted by the CPA – and the parties’ inability to challenge it.

The traditional parties also harbour a pragmatic concern for their future relevance, which is threatened by both their own weaknesses and the fact that national political discourse is increasingly premised on regional and ethnic issues, rather than party-based politics. This shift, which has been facilitated by regime policies over sixteen years, has increased since the NCP split in 2000 and insurgencies began in Darfur and the East. Calculations related to the 2009 elections are increasingly important for understanding the domestic Darfur debate.

The rise of regional political identities in Darfur is problematic for most of the traditional parties, which can no

longer rely on their historic support bases there.⁷⁴ These have mostly either been co-opted by the NCP, as with the Native Administration,⁷⁵ or attracted to the non-signatory rebel movements. Affiliation along tribal lines has generally fallen, while the opposition parties increasingly court the rebel movements for political partnerships.⁷⁶

With a legacy of internal division, the rebel movements realise they cannot succeed on their own in the elections, even if they transform themselves into parties. They recognise that they share short-term interests with the traditional parties, namely in weakening, if not overthrowing, the NCP. Though the rebels previously rejected the traditional parties, they are now considering alliances to broaden their appeal, including with Arab tribes. One way they could potentially attract broader Arab support would be by joining with the Umma Party. The smaller rebel groups, such as JEM and the Sudan Federal Democratic Alliance, particularly need such alliances. JEM, however, has been vocal in trying to distance itself from Turabi and his PC.⁷⁷ Beyond any potential political alliances, the Darfur rebel movements need to achieve their own unity and counter NCP attempts to divide them.

under the banner of the National Democratic Alliance (NDA) and based on the June 2005 Cairo Agreement between the NCP and NDA, participates in the National Assembly as opposition while joining government institutions at state level. The DUP is also divided internally, with al-Mirghani calling for more democratic space.

⁷¹ Crisis Group interview, Khartoum, November 2006.

⁷² The Eastern Sudan Peace Agreement (ESPA), was mediated by Eritrea and signed by the government of Sudan and the Eastern Front rebel group in October 2006.

⁷³ Since there have been no democratic elections for sixteen years, it is difficult to know the opposition parties’ real popular support. In the last democratic government (1986-1989), the Umma party and DUP together won more than 70 per cent of the national vote. The larger parties argue that the NCP regime does not represent all North Sudan, and its totalitarian form of government suggests it is not a true party. Two years on from CPA signature, the NCP still completely dominates most state institutions and resources.

⁷⁴ The Umma Party and the DUP have traditionally drawn their core support from the Ansar and Khatmiya respectively, with each party leader coming from the house of al-Mahdi or al-Mirghani. The religious affiliations have been fairly consistent over time. However, the two parties also have a wider constituency which has been more susceptible to the ebbs and flows of politics. The ideological parties – the NCP, PC and the Communist Party – have normally drawn support from intellectuals and civil society. In Darfur, the emerging rebel movements (SLM and JEM) are appealing to the new tribal leaderships and youth and capitalise on the traditional parties’ inability to address wider society grievances and demands for change in Darfur and nationally.

⁷⁵ The Native Administration is a system of tribal governance in Sudan established by the British colonial power, as a way of devolving power from the centre to local chiefs. The current regime has turned this into a partisan institution, controlling the appointments and payments of tribal leaders based on their political loyalties.

⁷⁶ The Communist Party, the Umma Party, the Emigrants Front and the Popular Front (the latter two small parties formed in 2006 and based in the UK) have signed a memorandum of understanding with the Abuja non-signatories, SLM/AW and JEM, vowing to work together for a new Sudan based on citizenship, freedom and democracy, *Al Ray Alaam*, 3 December 2006.

⁷⁷ The JEM General Congress in Germany in November 2006 discussed transformation into a political party. A stated reason was to “...put an end to the insidious assumption that JEM is nothing but a military wing to [Turabi’s] Popular Party. Such an assumption is central to the racist vision that Darfurians are incapable of forming their own parties and can only operate as conduits and extensions of northern-based projects”. “General Congress of JEM asserts creation of a political party”, 14 November 2006, www.sudanjem.com.

The opposition parties consider the DPA dead⁷⁸ and share similar opinions on how to break the deadlock in Darfur in the short-term. The Umma Party, PC and Communist Party call for the government to enforce law and order there and immediately replace the three governors as a confidence-building measure.⁷⁹ They propose new governors be selected by consensus within the three states. In addition, they demand the international community increase aid to AMIS or deploy a UN force better able to protect civilians and stabilise the border with Chad.⁸⁰

For a longer-term political solution, they believe an inclusive national forum is needed to identify consensus on the way forward.⁸¹ While much about this consensus is unclear, it likely would mean reopening the CPA.⁸² They also encourage rebel demands for a return to a single Darfur region⁸³ and JEM's proposal for a presidential council of regional vice-presidents. The parties offer two suggestions for a national forum. The first is for one which would include civil society, political groups and rebel movements from the East as well as Darfur, to reach consensus on national objectives, address the CPA's defects and foster legitimacy of the peace accords. To reach a Darfur solution,

⁷⁸ The DUP, however, seems to accept working with the non-signatories to join the DPA. Recommendations of the DUP conference, Cairo, 7 December 2006; Crisis Group interviews, November 2006.

⁷⁹ During the earlier stages of the Darfur crisis, the governors headed the security committees of their states and were responsible for advancing the NCP agenda, including paying militias through the executive directors of the localities and commissioners. Most Darfurians, particularly those most affected such as IDPs and women, see the governors as part of the problem, not neutral figures able to bring stability. With the naming of Abul Gasim Imam as West Darfur's governor, Khartoum has started changing the old guard but he will not inspire much confidence. Despite problems that South Darfur's governor, Atta al-Manan, has had recently, he reportedly remains the NCP's choice. Crisis Group interviews, November 2006, April 2007.

⁸⁰ Crisis Group interview, senior Umma Party, Communist Party and Popular Congress party leaders, Khartoum, November 2006.

⁸¹ After the DPA and the ESPA were signed, the Umma Party, Communist Party and PC reiterated their call for a national inclusive forum to resolve problems with both accords and increase the agreements' legitimacy.

⁸² This would involve redistribution of the 52 per cent granted to the NCP and the 14 per cent granted to northern opposition parties, not the allocations to the South and the SPLM. They argue this would create equilibrium between the regions and make national unity attractive. They also recognise that if political power is not redistributed, they will be at a considerable disadvantage compared to the NCP and SPLM.

⁸³ Darfur was only annexed to Sudan in 1916. It was divided into three states in 1994 without taking into consideration natural socio-economic and ecological divisions. Most opposition parties argue the NCP did this to weaken its traditional opponents – the political parties – and divide the Fur tribe. Crisis Group interviews, November 2006.

they urge a forum at which the rebels, civil society and all political parties could develop a common platform for increasing Darfur's representation in Khartoum, based on its population. This forum, they say, should precede resumption of peace talks. They also believe that the Darfur-Darfur Dialogue and Consultation (DDD-C) should follow the peace talks and seek popular endorsement of the renegotiated DPA.

D. THE ARABS

The media often portrays the Darfur conflict as one between "Africans" and "Arabs", with the Janjaweed and the "Arab Gathering" dominating most people's ideas about the role of all Arab tribes. However, not all Arabs in Darfur support the Janjaweed or the NCP agenda behind it. The large *Baggara* tribes of South Darfur, in particular, have stayed very much on the periphery. Those such as the Habaniya, Maalia, southern Rezeigat, Beni Hussein and a good part of the Beni Halba did not take a substantial part in the earlier stages of the war. Some, such as the Taaisha, have not engaged in it as a tribe, although some leaders are key Janjaweed figures.⁸⁴ Some community leaders have openly expressed disapproval of the NCP.⁸⁵ If anything, recent Arab/Arab violence shows to what extent tensions over land escape the strict African/Arab dichotomy,⁸⁶ as well as the divide between Arab tribes supporting the NCP agenda and those which are not. Fighting has occurred between tribes which

⁸⁴ Aged Cehrige of the Taaisha tribe and Abu Noba, an *Abbala* (camel herder) Rezeigat and a member of the legislative council of South Darfur, are known by ordinary people in South Darfur as Janjaweed militia leaders. The latter is known to have arrived in Darfur from Chad not more than twenty years ago. Crisis Group interview, September 2006.

⁸⁵ In October 2006, a mixed tribal delegation from South Darfur met with Vice President Taha to say the NCP should not consult exclusively with Darfurian Arabs who are NCP members (and also leaders of the Arab Gathering), as they are not representative of all Arabs in Darfur. Crisis Group interview, November 2006.

⁸⁶ Since December 2006, several clashes have erupted over land between the Rezeigat and Habaniya, Beni Halba and Falata and the Targam and *Abbala* (Rezeigat). After the first clashes in January between the Targam and *Abbala* Rezeigat, the South Darfur governor ordered the arrest of the deputy paramount chiefs of the Targam, Beni Halba and Falata tribes without arresting any *Abbala* Rezeigat. The Targam accused the governor, Atta Al Mannan, of being powerless against the *Abbala*. A South Darfur government minister, who was a member of a committee investigating the clashes, found that the governor was unable to act because the *Abbala* were under Khartoum's direct command. Some *Abbala* who fought against the Targam were from the Border Guards Units (also known as Border Intelligence Units), which are at the heart of the Janjaweed in Darfur. Crisis Group interview, February 2007.

support the NCP and Janjaweed and some which have remained uninvolved or sided with the rebels.⁸⁷

Some Arabs have joined the rebel movements to counter the strategy they believe is leading to the total fragmentation of Darfur and Sudan.⁸⁸ There are important Arab rebel leaders, such as Ahmed Kubur and Ibrahim Madibo of the SLA. On 5 December 2006, a new Arab-based Darfur rebel movement, the Popular Forces Army (PFA),⁸⁹ was launched with a claim to have destroyed Alzubair garrison, 90km from Nyala, and repulsed an army attack on the Kas-Zallingi road. The leaders of the group, Salah Mohamed Abdulrahman Musa ("Abu Surrah"), a Rezeigat from South Darfur, and Yassin Yousuf, an Ereigat Rizeigat from North Darfur, claim support from the Rezeigat, Habaniya and Beni Halba tribes and in their founding statement distanced themselves from the government-backed Arab militias.⁹⁰ Like the other Darfur rebel movements, they are currently based in Chad and receive Deby's help.⁹¹ Abu Surrah was deeply involved in the most recent international discussions with DPA non-signatories, in Cairo in December 2006 with al-Mirghani, and in Tripoli at the end of February 2007.⁹²

⁸⁷ The Targam and the *Abbala* Northern Rizeigat tribes, together with smaller Arab tribes such as Saada and Salamat, have supported NCP policies in Darfur and provided the Janjaweed's core. In return, the NCP has promised to give them title to the land they capture. But the Mahameed *Abbala* of the Northern Rezeigat have recently begun targeting Targam land, knowing it originally belonged to the Fur. This land (Wadi Bulbul and surroundings) has good vegetation for camel pasture and is excellent for rainy season camping. In the recent clashes between the two groups, the Mahameed *Abbala*, supported by kin in the Border Guard Units and using weapons given them by the government, have burned more than twenty villages and cleared large areas. The Mahameed *Abbala* now refuse to leave this area. This will continue to be a serious problem between two of the main Arab tribes contributing to the Janjaweed and supporting NCP policies in Darfur. Crisis Group interviews, February 2007.

⁸⁸ Crisis Group interviews, September-December 2006.

⁸⁹ This group now calls its political wing the Revolutionary Democratic Front Forces (RDFF), reserving the PFA name for the military wing.

⁹⁰ "Those who are now fighting with the government in Darfur are a minority of mercenaries and hired individuals. They do not represent Darfur Arabs and do not embody their heritage, courage and sacrifice for peace and justice", Popular Forces Army Military Statement no. 1, Jebel Marra, 5 December 2006; "Darfur Arabs create a rebel group, repulse army attack", *Sudan Tribune*, 7 December 2006, www.sudantribune.com/spip.php?article19124.

⁹¹ Reportedly, major Chad support for the RDFF/PFA has failed to materialise, and there are doubts whether Abu Surrah has the stature to attract and keep Arab tribes in the movement. Crisis Group interviews, November-December 2006, January 2007.

⁹² Abu Surrah participated at Abuja with Minni Minawi but the relationship soured when Minni signed the DPA. Surrah was

The other side of Arab involvement is the Arab Gathering, formed in the late 1980s, during the government of Sadiq al-Mahdi. It represents the political interests of Arabs in the central government and the NCP. It has four layers: the Shura Council of the Arab Tribes Gathering, composed of tribal paramount chiefs, militia commanders (*fursan ageeds*),⁹³ and ordinary citizens; the Executive Organ, which coordinates and monitors strategic work, headed by the former South Darfur governor and member of the Council of States, Adam Hamid; the Military Organ, composed of tribal militias (*fursan*); and the People's Organ, the base of the Gathering, which influences the Native Administration.⁹⁴ The Arab Gathering of Darfur – very much the organisation's nexus – has alliances with kin in the Sahelian zone, extending from Chad to Mali and Burkina Faso. The Gathering represents Arabs across the Sahel, irrespective of political affiliations, location, way of life or nationality.⁹⁵ In Darfur, it includes much of the Arab political elite – ex-governors, military commanders, paramount chiefs, presidential advisers and senior members of the executive and legislative bodies – many of whom are also NCP members.

imprisoned in Bir Maza and freed by Adam Bakhit. He has been connected with G19 in Chad since then. He met with G19 forces in North Darfur in September 2006, receiving support and weapons. He did not declare his group as independent from, but in coordination with, that SLA faction until December 2006. Crisis Group interviews, November 2006-January 2007; Julie Flint, "The Arab lion bares its head in Darfur's ongoing war", *The Daily Star*, 25 December 2006.

⁹³ The Shura Council, headed by Ibrahim (of the Falata tribe), and with Ibrahim Osman (Ibrahim Khashab) as spokesman, is the supreme council that directs strategy and action. Prominent members include senior NCP officials such as Abdallah Masar (presidential adviser), Musa Kasha (originally a contender for the governorship in South Darfur), Engineer Ibrahim and Amin Binani. It is divided into sub-councils for the Darfur states. Musa Hilal is president of the North Darfur council, Mohamed Ibrahim Abdallah Ganisto of the West Darfur council; South Darfur is divided into sectors, with Beni Halba land, east of Jebel Marra, led by the paramount chief of the Targam, Mohamed Yagoub, and Mohamed Abu Shama (Taalba), and the Rezeigat areas, headed by their paramount chief. Each sector has its own military organ, led by a tribal militia commander.

⁹⁴ The paramount chief of the Rezeigat has recently been appointed president of the Native Administration in Darfur, which acts as a conduit from the higher bodies of the Gathering to the tribal bases.

⁹⁵ For example, the Mahameed of Mali, who were recently deported from that country, reportedly have strong family ties with Musa Hilal's tribe, the Mahameed sub-clan of the northern Rizeigat. Many members of Arab tribes in the Sahel have more than one nationality and are well-acquainted with several countries. Many speak slightly different dialects of Arabic, which is how people in Darfur differentiate Arabs from Darfur/Chad and beyond. Many victims claim that some "Janjaweed" attackers spoke an Arabic foreign to Darfur. Crisis Group interviews, 2003-2006.

Under Sadiq al-Mahdi, the Gathering was able to get money and arms from state structures. The arrival of the National Islamic Front (NIF)⁹⁶ regime in 1989, with its “civilisation project” and social engineering policies, was premised on the ideology of Islamic and Arab cultural supremacy. The Arab Gathering used the opportunity to advance its own agenda both in Darfur and Khartoum in order to acquire more resources for its tribes. With the NIF’s split between Bashir and Turabi,⁹⁷ and then the CPA, the Islamic project fell apart. Keeping power and continuing to control much of the national wealth is now the NCP’s priority project, pursued mainly by divide-and-rule tactics.

The aims of the Arab Gathering and the NCP continue to be complementary in Darfur, which explains the close relationship.⁹⁸ They need each other for survival. In general, the former wants land controlled by non-Arab tribes, and the latter wants Darfur to remain divided so that it can prevail in the 2009 elections. The NCP strategy of co-opting non-Arab tribal leaderships and destroying their traditional bases of support is aimed at further disempowering Darfur’s non-Arabs.⁹⁹ That over two million non-Arabs have been dispossessed for over three years and forced into camps for security and survival serves the agenda of the Arab Gathering, since their land can be annexed by rival Arab tribes.

It is widely understood that the NCP used the Janjaweed as a proxy to fight the SLA and JEM insurgency. Some Janjaweed agreed with the agenda, others were just happy for weapons and money. A further interpretation is that the Arab Gathering took advantage of the conflict to advance the Janjaweed-based counter-insurgency plan and continue the strategy of uprooting non-Arab, land-owning tribes.¹⁰⁰ In fact, given the objectives of the Arab Gathering, the actions taken by the Arab tribal militias and the Janjaweed, and the NCP’s support, it can be

argued that the Janjaweed are part of the military wing of the Arab Gathering in Darfur, and perhaps beyond.¹⁰¹

After years of open battle, the rebel movements and the government signed the Declaration of Principles for the Resolution of the Sudanese conflict in Darfur (DoP) on 6 July 2005.¹⁰² No Arab groups were part of this agreement and most Arab tribes in Darfur regarded it as confirmation they would be left out of any settlement.¹⁰³ Both the AU mediators and rebel groups considered that Arab interests were sufficiently represented by the NCP. Representatives from Arab and non-Arab tribes alike visited Abuja and Libya on several occasions in an attempt to be part of the peace talks. They were consistently denied access, creating resentment among many.¹⁰⁴

In an attempt to alleviate the frustrations felt by many of the Arab tribes, the NCP convened a conference in December 2005 in El Fasher.¹⁰⁵ Its recommendations were presented in Abuja by a committee.¹⁰⁶ While some of the recommendations matched rebel demands at the time, such as restoring the *Hawakeer* land tenure system¹⁰⁷ and

¹⁰¹ There are strong similarities between Janjaweed actions in Darfur and Chad, including patterns of removing non-Arab tribes from their land and disempowering them.

¹⁰² The DoP was signed by the government, the SLA and JEM and witnessed by the AU chief mediator, Salim Salim. It set guiding principles for a lasting solution to the conflict, including reference to devolution of power and wealth and local administration.

¹⁰³ Crisis Group interviews, El Fasher, Nyala and Geneina, January-February 2006.

¹⁰⁴ Arabs in Darfur generally argue that the rebel groups do not represent all their people, let alone the whole of Darfur and say they are the majority in all three states, a claim that will be strongly contested until there is a census. Crisis Group interview, tribal leaders, September, November 2006, March 2007.

¹⁰⁵ The official name was the “All-inclusive Darfur Conference for Mending the Social Fabric”. The government invited all Darfur tribal leaders and civil society members, including the rebel movements. The latter did not officially attend, although some members did. Crisis Group interviews, May-July 2006.

¹⁰⁶ The committee’s membership was greatly influenced by the NCP. While it argued in Abuja that the conference recommendations came from the people of Darfur at large, the leader of the committee, Amin Binani, was a known and active member of the NCP and the Arab Gathering of Darfur. Crisis Group interview, September 2006.

¹⁰⁷ *Hawakeer*, a traditional system of land tenure in which individuals, who normally represent tribes, are granted jurisdiction of land for use by their wider community. For the most part, both Arab and non-Arab tribes have had land rights under this system. The main exception has been the *Abbala* (camel herders) Rezeigat of North Darfur, some of whom do not have traditional land rights and do not support return to *Hawakeer*. They want the government to implement the land registration laws of 1971 and 1972, under which all unregistered land belongs to the government. Crisis Group interview, 2006.

⁹⁶ The NIF seized power in a 1989 coup. It split in 2000, with former chief party ideologist Dr Hassan al-Turabi forming the Popular Congress and the ruling faction becoming the National Congress Party.

⁹⁷ When the Islamists divided in 2000, most Arab tribal leadership followed the ruling NCP, while non-Arab tribal leadership, particularly the Zaghawa, tended to follow the PC of Turabi, Crisis Group interviews, December 2006-January 2007.

⁹⁸ The Shura Council of West Darfur released a press statement reiterating support for the NCP agenda in Darfur, including DPA implementation. “Press from the Shura Council of the Arabic Tribes in West Darfur”, *Akhbar Alyoum*, 21 February 2007.

⁹⁹ Crisis Group interviews, Arabs and indigenous tribes, Darfur, 2004-2006.

¹⁰⁰ Crisis Group interviews, May 2006.

increasing Darfur representation in the national unity government, none violated NCP red-lines. When the committee met the rebel groups and mediators in Abuja, the former denied its claim to represent the people of Darfur and said – with a degree of justification – that the conference outcome had been manipulated.¹⁰⁸ They said they would meet with the committee as ordinary Darfurians but would not allow them official representation at the talks. This further deepened divisions between Arab tribal leaders and the rebels.

It is clear that some Arab representation in new negotiations will be necessary – those who have been part of the problem need to be part of the solution. Many of the tribes are not represented by the NCP. The challenge for the mediation will be determining who should be represented and how.

E. THE INTERNATIONAL COMMUNITY

The international actors active in the conflict include not only the AU and the UN – which have been tasked to resolve it – but also the U.S., France, China, Eritrea, Chad and Libya, whose geopolitical, economic, and security interests have had a profound effect on the peacemaking dynamics. Much of the effort has been motivated by a serious determination to live up to the “responsibility to protect” but other factors are also present, and the international community is completely divided on what to do in Darfur. The systemic local conflict over land and power sharing cannot be considered in isolation from the struggles of regional and other powers.

The U.S. has been prominent in many ways, most notably its humanitarian response and its contribution to AMIS. Advocacy organisations in the U.S., such as the Save Darfur Coalition, have pressured the Bush administration to be active. Most of this pressure, however, has been focused on getting a strong international force into Darfur. Less importance has been placed on persuading the parties to abandon a military solution and return to negotiations. The U.S. government has responded by appointing a presidential special envoy (Andrew Natsios), sponsoring Security Council Resolution 1706 and maintaining its trade sanctions. None of these measures have been particularly forceful or effective with regard to the NCP.

Natsios has spoken of a “Plan B” that would impose punitive measures on the regime for blocking a full UN-deployment as part of an AU/UN hybrid force. It would involve targeted sanctions against individuals,

economic sanctions against regime-owned companies, informing U.S. and foreign banks that dollars may not be used in transactions in the Sudanese oil sector and asking the Federal Reserve System to enforce that restriction, as well as military contingency planning. Nothing has been implemented, and Natsios said on 11 April the new sanctions had been postponed for two weeks at the request of UN Secretary-General Ban Ki-moon but would likely be applied by President Bush in late April.¹⁰⁹ If sanctions are limited in scope and unilateral, the impact on Khartoum’s calculations will likely be minimal. Natsios did say, however, that the U.S. had briefed European governments.

There remain questions about U.S. priorities in Sudan.¹¹⁰ Though Washington officially labelled the situation in Darfur as genocide in mid-2004,¹¹¹ Sudan is still viewed as an important information source in the administration’s “war on terror”. There is ample evidence that until recently at least, policy was ultimately being steered by the intelligence community, which has wished to protect assets in the NCP. Senior NCP officials have visited CIA headquarters in the past three years, despite Darfur rhetoric. The Bush administration will need to reconsider its reliance on Sudan for counter-terrorism information if it is to harmonise its position on Darfur. The U.S. was also a key broker of the CPA, in which it is heavily invested, though, again until recently, its engagement on implementation has been minimal.¹¹² Nonetheless, the U.S. has a lot at stake in the success of the CPA, which requires a continued NCP/SPLM partnership.

China is regularly singled out as the most difficult member of the UN Security Council on Darfur. With serious oil and other investments in Sudan, it wishes to assure continued access through the NCP. Western countries, particularly the U.S., either have not been willing or not been able to spend the political capital to change its calculations. China has made some moves recently which have been interpreted as a more critical approach: it agreed to the conclusions of the Addis Ababa meeting in November 2006, questioned Bashir’s rejection of the heavy support package in March 2007 and sent its assistant foreign minister to Khartoum in April to tell President Bashir it expected more “flexibility” from him.¹¹³ However, President Hu Jintao signed new economic agreements on a Khartoum visit in February, suggesting business as usual.

¹⁰⁸ The media accused the conference chairman, Governor Mohamed Yousif Kiber, of not allowing extensive discussion on an NCP red-line issue: the demand for one region. Rebel groups and the media claimed the NCP manipulated the conference and thus the recommendations.

¹⁰⁹ Testimony before the Foreign Relations Committee of the U.S. Senate, 11 April 2007.

¹¹⁰ Crisis Group interviews, February-March 2007.

¹¹¹ “Documenting Atrocities in Darfur”, U.S. Department of State, September 2004.

¹¹² Crisis Group interview, March 2007.

¹¹³ “China calls for change on Darfur”, BBC, 9 April 2007.

The continued destabilisation of Darfur and the CPA's fragile state actually endanger China's commercial interests in Sudan and should motivate it to take a stronger stance towards the NCP. But unless the U.S. and China can agree on a common Darfur policy, there is unlikely to be sufficient international leverage to influence the parties on behalf of the AU/UN mediation and in particular to move the NCP back to the negotiating table.

While there is hope that the joint AU/UN mediation team can move the process forward, both organisations must provide much more consistent leadership on the issues. An important first step would be to appoint new heads of the AU and UN missions in Sudan. The AU Mission has been without a chief since Ambassador Baba Gana Kingibe left in September 2006. UNMIS has been without a Special Representative since the NCP declared Jan Pronk *persona non grata* in October.

Throughout the last year of his tenure as UN Secretary-General, Kofi Annan worked tirelessly – albeit with limited success – to mobilise a robust international response to security, humanitarian and political crises in Darfur. An African with an extensive, if sometimes painful, background in peacekeeping, he spent much of his political capital on this issue. The change at the top of the Secretariat, from Annan to Ban Ki-moon, has tended to delay forceful action, as Ban and his new team take time to master the Darfur portfolio.

In January, Ban identified the Darfur crisis as one of his top two priorities, along with the Middle East. He announced his intention to travel to Khartoum during his first month in office and worked with Annan even before entering office to secure the 19 December 2006 appointment of Jan Eliasson, a respected and talented former Swedish foreign minister and former President of the UN General Assembly, as the UN Special Envoy on Darfur's political aspects. However, Ban also acknowledged his steep learning curve, especially with regard to Khartoum's exploitation of divisions within the international community.

Following Ban's January 2007 visit to Sudan, many observers urged him to emphasise the deteriorating situation in Darfur when he briefed the Security Council and to call for firm action by the Council to press both Khartoum and the rebels. Instead, he set a tone of patience and quiet engagement with the regime.¹¹⁴ Despite describing President Bashir's long-delayed response to the hybrid force as "not satisfactory",¹¹⁵ he argued against

immediate imposition of additional sanctions.¹¹⁶ Aware of continuing opposition to more pressure by prominent members of the Council¹¹⁷ and willing to give Ban's cautious approach a chance, the UK and U.S. delayed tabling a draft resolution.¹¹⁸ Nearly four months after the Council authorised a hybrid AU/UN operation in Darfur, Ban continues to struggle with a recalcitrant Khartoum over its deployment and has yet to name a replacement for Pronk.

Meanwhile, Eliasson has worked with the AU's Salim to try to reestablish a negotiating framework for resolving the political crisis. While acknowledging the slow pace, he believes there is scope to amend the DPA and to bring the parties together. He has maintained a healthy scepticism over Khartoum's claims that it no longer seeks a military solution and accepts the importance of drawing the rebel movements together to create a credible negotiating partner. He considers the SLA ready to discuss power sharing, wealth sharing and security but the JEM/NRF to be deeply sceptical of the AU because of its inability to stem the violence and its association with the DPA.¹¹⁹ In general terms, there is concern that Eliasson and Salim have few carrots and virtually no sticks, and that their energetic efforts continue to be undermined by a cacophony of voices and initiatives, which diffuse international pressure and give Khartoum and the rebels excuses for delay.

Sudan's neighbours – Chad, Libya and Eritrea – are of great importance to Darfur dynamics. The position of each is determined by its national security calculations. At the end of April, Libya hosted a major conference on Darfur, bringing together representatives of virtually all key international players.¹²⁰ It predictably highlighted the important role of the regional actors and the political track but constructively prioritised the AU-UN

¹¹⁶ "My position at this time is that, before we talk about sanctions, let me have some more political space to deal with this dialogue with them". UNSG Press Encounter, 2 April 2007, www.un.org/apps/sg/offthecuff.asp?nid=1010.

¹¹⁷ At the time of writing, China, Russia and Qatar remained opposed to sanctions. South Africa, Indonesia and others had also expressed strong doubts.

¹¹⁸ Such a draft resolution would have likely included naming of additional individuals to be sanctioned, an extension of the current arms embargo on Darfur to the entire Sudan, and a monitoring mechanism to record violations of previous Council bans on offensive military overflights in Darfur.

¹¹⁹ Crisis Group interviews, New York, January, March 2007.

¹²⁰ Present were representatives from the Sudanese government, Chad, Egypt, Eritrea, China, France, Russia, the UK, the U.S., Canada, the Netherlands, Norway, the AU, UN, EU and Arab League. Noticeably absent were the non-signatory rebel movements or their senior figures – with the exception of Ahmed Dereige. The NRF has tried to distance itself from Dereige's participation.

¹¹⁴ UNSG private briefing to the UNSC, 6 February 2007; AFP interview with Ban, "UN chief urges patience in Darfur," 31 January 2007.

¹¹⁵ UNSG Press Encounter, 15 March 2007, www.un.org/apps/sg/offthecuff.asp?nid=993.

initiative.¹²¹ As of this writing, however, it appears it did not achieve any significant breakthrough.

Though it is tempting to describe the interplay between Darfur and eastern Chad as one-directional – Darfur “spilling over” – the relationship is much more complex. Over 200,000 Darfur refugees are in Chad, and Arab militias from Darfur have been attacking villages there. But the two countries’ politics have been intertwined for decades. President Deby supported Khartoum when the rebellion started in 2003 but the relationship quickly changed, with N’Djamena giving aid to the rebels, particularly the Zaghawa elements, and the NCP arming and supporting Chad insurgents. In effect, they are waging a proxy war in the border regions and destabilising the CAR in the process.¹²² At the same time as it pressures the NCP to resolve the conflict in Darfur, the international community should be pressuring Deby to resolve Chad’s own conflicts.

Libya has tried to mediate with mixed results. While consistently opposing an international force in Darfur, it has hosted at times Darfur rebel and tribal leaders as well as government delegations and in February 2006 brokered the “Tripoli Agreement”, in which Chad and Sudan agreed to cease supporting the other’s insurgencies and to allow an external force to patrol the border. The agreement has had little impact and momentum has been growing in the UN to deploy a peacekeeping force of up to 11,000 to eastern Chad. In response, Libya has revived the idea of a regional border monitoring mission, while opposing a true UN deployment.¹²³

Eritrea’s position is perhaps the most complex. It long gave safe haven, training and material support to Sudanese rebel groups, including the SPLA, the National Democratic Alliance (NDA) and the various Darfur movements. In June 2006, it facilitated the NRF’s creation but its relationship with Khartoum was evolving. Eritrea historically viewed the NCP as a threat, in part due to its fundamentalist Islamic roots, in part due to its support to opposition groups such as Eritrean Islamic Jihad.

Yet, Ethiopia is an even greater threat, and pragmatism has driven Asmara closer to Khartoum. After joining the government, the SPLM facilitated the first contacts

between the NCP and Eritrea. As the proxy war with Ethiopia in Somalia began to take shape,¹²⁴ Eritrea increasingly began playing the NCP’s game. It brokered the Eastern Sudan Peace Agreement without any international involvement, and its support of the Darfur rebels turned to hostility as it held SLA leaders Abdel Wahid and Abdel Shafie hostage for several weeks in late 2006.¹²⁵ Allegedly in return for Sudanese oil exports, it attempted to kickstart new Darfur talks, pleasing the NCP by proposing again to refuse wider international access.¹²⁶

The Eritrean interest has been to lure Khartoum away from Ethiopia, should a hot war with Addis Ababa break out again. No longer with rebel allies in eastern Sudan, Eritrea is vulnerable to attack from the Sudanese border and wants to be certain Khartoum will prevent exploitation by Ethiopian troops. For now, Eritrea is playing a double game – at times supportive of the Darfur rebels, at times backing the NCP.

¹²¹ “Tripoli Consensus on the political process for Darfur”, AU Mission in the Sudan Press Release, 29 April 2007.

¹²² See Crisis Group Africa Report N°111, *Chad: Back Towards War?*, 1 June 2006; Crisis Group Report, *To Save Darfur*, op. cit.

¹²³ The mechanism would consist of twelve monitoring posts with 400 soldiers each. Libya, Eritrea, Chad and Sudan would contribute. According to various reports, some 30-50 Eritrean troops arrived in Geneina, and Libyan cargo planes were seen landing with material. Crisis Group interviews, February-March 2007.

¹²⁴ See Crisis Group Africa Briefing N°45, *Somalia: The Tough Part Is Ahead*, 26 January 2007.

¹²⁵ Crisis Group interviews, November-December 2006.

¹²⁶ *Ibid.*

IV. THE QUEST FOR A POLITICAL AGREEMENT

Renewed efforts to restart the political process are long overdue but the challenge of finding a negotiated solution is becoming more difficult by the day, not least because of NCP efforts to implement controversial aspects of the DPA. Since attention finally began to refocus on political talks in November 2006, the most significant development has been the appointment of Jan Eliasson as UN Special Envoy for Darfur, to co-chair the process with the AU's Salim Salim. They have consulted in Khartoum, Darfur and with international partners but there is not yet a clear way forward. The situation is far more complicated than when the DPA was signed in May 2006. A sustainable peace requires an agreement broadly popular in Darfur but must also navigate the myriad pitfalls presented by the ill-will of the parties to the conflict, the interference of Sudan's neighbours (particularly Chad, Eritrea and Libya) and the international community's divided approach and reluctance to hold the parties accountable for their actions.

With the international focus on implementing Resolution 1706 and the DPA, efforts at bringing the non-signatories on board were mostly sidelined. After initial attempts to get Abdel Wahid and Khalil Ibrahim to sign the DPA failed, little was done to advance the political process.¹²⁷ In October 2006, however, once the Eastern Sudan Peace Agreement was concluded, Eritrea responded to the NCP's request to take the lead in renewing the Darfur negotiations. The NCP hoped this would isolate the SPLM, the AU and the broader international community from the Darfur rebels and the political process.

At the end of October, the Eritrean government met with representatives of all the non-signatories, including the newly formed NRF. The conditions proposed were that Eritrea would mediate, with no other outside involvement, and the movements would withdraw support for a UN

¹²⁷ Abdel Wahid was close to signing but concluded the government assurances were insufficient. A source close to the negotiations said the only real sticking point was the compensation total. Many of the points in the letters Abdel Wahid exchanged with the government reappeared in a document that circulated just after, the "Draft Implementation Protocol". Said to be the initiative of a Darfuri activist and journalist, Abdallah Adam Khatir, it would have reiterated the government's commitment to disarming the Janjaweed by creating a Janjaweed Disarmament Monitoring Unit, established joint units to safeguard return of IDPs and refugees, increased compensation from \$30 million to \$100 million and created a Constitutional Review Commission for each Darfur state. Crisis Group interviews, Nairobi/Brussels/Addis Ababa, November-December 2006.

force coming into Darfur.¹²⁸ When some balked, Eritrea ratcheted up pressure against key rebel leaders, taking away the passports of Abdel Wahid and Abdelshaafie and holding them in Asmara. Both, as well as JEM, eventually accepted the mediation in principle, pending clarification on procedures, but insisted on wider international involvement.¹²⁹

The NCP used the months of international inactivity both to pursue a military strategy and to woo SLA and JEM commanders. Abul Gasim Imam of Abdelshaafie's SLA faction accepted the DPA on 18 November.¹³⁰ That same month a breakaway JEM faction led by Idris Ibrahim Azraq attempted to hold a JEM general conference in Addis Ababa; he was allegedly paid by the NCP, which was to finance the conference.¹³¹

Several initiatives to consolidate the rebel's positions were also put on the table. The SPLM offered to facilitate discussions among the factions but was unable to bring off a meeting for all leaders in Yei, South Sudan, in June 2006.¹³² In August, Salva Kiir discussed the SPLM's potential role in Asmara; Eritrea was open to the idea but the NCP was concerned. In late October, a senior official confirmed that the SPLM was still planning on facilitating a unification meeting in Juba,¹³³ and announcements were made regarding a joint initiative with DUP leader al-

¹²⁸ The rebel groups met with the top Eritrean officials dealing with Darfur, Abdallah Gaber of the PDFJ and Presidential Adviser Gabriel Yemane; a document was apparently signed by representatives of the movements (although representatives of SLM/AW said Abdel Wahid did not sign) agreeing to Eritrean mediation, pending confirmation of conditions and procedures. Crisis Group interviews, November 2006. Abdallah Gaber told Al-Hayat on 30 November 2006 that the issue of international observers would be left to the two sides to decide in the first procedural round.

¹²⁹ JEM representatives have said they want international involvement but do not trust AU mediation, and have been demanding that those in the AU connected with the earlier Abuja negotiation – including Salim Salim, Boubou Niang, and Sam Ibok – should be replaced. Abdel Wahid and Abdelshaafie, while not against Eritrean mediation, would not be comfortable returning to Asmara given their recent treatment there. Crisis Group interviews, 2006-2007.

¹³⁰ "Political protocol signed by Sudan and Sudan Liberation Movement in Tripoli", SUNA, 18 November 2006.

¹³¹ It was rumoured that several JEM political leaders were frustrated with Khalil Ibrahim because of what they saw as unfair distribution of Chadian aid. Khartoum, eager to capitalise on this division – or perhaps actively fomenting it – helped organise the conference. Azraq is currently based in Addis Ababa. Crisis Group interviews, December 2006-March 2007.

¹³² Minni Minawi came to the talks but not Abdel Wahid, who said his security was not guaranteed.

¹³³ Crisis Group interview, October 2006.

Mirghani in Asmara.¹³⁴ Kiir reiterated interest in involvement in mid-November,¹³⁵ and the next month Asmara repeated that the SPLM would convene non-signatories in Juba.¹³⁶ As noted above, Yasir Arman, a senior SPLM figure, went to Darfur in February 2007 to prepare a Kiir visit. The SPLM is now trying to organise a meeting with Darfur tribal leaders and potentially one also with non-signatories.¹³⁷ Kiir went to Chad in March but was unable to meet with the non-signatories.

The EU, U.S., UK, Norway and the Netherlands have also been trying to organise SLA unification conferences. The first round, planned for mid-November 2006, was to bring SLA commanders together in Bir Maza in North Darfur.¹³⁸ This became impossible when the government launched an offensive.¹³⁹ The AU and UN, with help from U.S. Governor Bill Richardson, tried to negotiate a ceasefire to facilitate a conference in January but the government bombed the supposedly agreed areas around Anka, Um Rei and Ein Sirro in North Darfur and then blocked the AU from assisting with its organisation.¹⁴⁰

With commanders grouping around Um Rei, another attempt was made for 19 February but cancelled again. Abdelshaafie and Sharif Harir have left Chad for Um Rei, blurring the distinction between a “commanders” and a “political” conference. Abdel Wahid’s commanders meanwhile have pulled away from Um Rei, citing concerns about the Abdelshaafie, Sharif Harir and Minni Minawi defectors, who they fear are spies. Natsios, the U.S. special envoy, met with the NRF and Abdelshaafie in Chad in January, and Salim and Eliasson met SLA commanders in Um Rei in February.

Egypt, asked by Khartoum to become involved with the rebel factions, has held several meetings in collaboration with the DUP’s al-Mirghani in an effort to unite the non-

signatories. The DUP subsequently said it would develop a common position paper among the non-signatories¹⁴¹ and in early March announced a reconciliation initiative, including a way forward for Darfur. The ex-president of Sudan’s Transitional Authority (1985-1986), Sowar Al Dahab, leads a committee (known as Jam Al Saf) which purports to seek reconciliation. It has been meeting with non-signatories and party leaders in Sudan and abroad over the past few months to gather position statements, and conclusions – probably pointing toward a proposal for a national conference – are to be made public shortly.¹⁴²

As the initiatives proliferated, pressure grew on the AU to assert itself. The Eritrean initiative, combined with the ticking clock on Kofi Annan’s tenure as UN Secretary-General and the potential termination of AMIS’s mandate¹⁴³ finally sparked action. At a high-level meeting in Addis Ababa on 16 November,¹⁴⁴ Annan and the chairperson of the AU Commission, Alpha Oumar Konare, announced a joint AU/UN initiative to resume political discussions within weeks. This unrealistic timeline was a response to the Eritrean move, with which the AU and others were unhappy.¹⁴⁵ The AU Peace and Security Council on 30 November took no further decisions on modalities, and the initiative was left to the special envoy, Salim A. Salim; Annan appointed Jan Eliasson to work with him on revitalising the peace process.¹⁴⁶ While a Joint Mediation Support Team has been based in Sudan and Salim and Eliasson have visited, there is concern that neither is spending the time in Sudan necessary to impress

¹³⁴ “Salva Kiir and al-Mirghani to mediate with Darfur rebels”, Alray al-Aam, 16 October 2006.

¹³⁵ *Al Wihda*, 14 November 2006.

¹³⁶ Crisis Group interview, December 2006.

¹³⁷ Crisis Group interviews, March 2007.

¹³⁸ Both Abdelshaafie’s faction and Abdel Wahid’s have claimed the conference as their initiative. Sources close to the planning say Abdel Wahid not only has nothing to do with it but is resistant to any field conference. Crisis Group interviews, November 2006.

¹³⁹ Crisis Group interviews, November 2006. The conference was also hindered by logistical problems.

¹⁴⁰ The AU reportedly received a “note verbale” from Magzoub al-Khalifa on 18 January 2007 giving permission to bring 70 SLA commanders from Jebel Marra to North Darfur and promising protection for the conference but Sudanese Military Intelligence in El Fasher refused to allow the transport until it received orders from the defence ministry. When a representative from the ministry failed to appear, the conference was cancelled. Crisis Group interviews, January 2007.

¹⁴¹ Egypt has since stated that notwithstanding efforts to unite non-signatories, it is behind an AU/UN initiative for the peace process. Crisis Group interview, December 2006. Since then, it has been reported that Egyptian officials invited SLA field commanders to Cairo to take part in discussions on renewed negotiations, Crisis Group interview, March 2007. Al-Mirghani met in Cairo with Abdelshaafie, JEM, SFDA and the new Popular Defense Army. “Egypt, Darfur faction agree on importance of united rebel stance”, *Sudan Tribune*, 14 December 2006.

¹⁴² This initiative has been dismissed by some as an Islamist agenda masquerading as an inclusive committee. Crisis Group interviews, February-March 2007.

¹⁴³ The AU extended AMIS’s mandate for a further six months, until June 2007.

¹⁴⁴ The primary purpose of this meeting, which included senior representatives from the Security Council’s five permanent members and African countries, was to agree on implementing the UN’s compromise alternative to Resolution 1706: a three-phase plan of assistance concluding with deployment of a hybrid AU/UN peacekeeping force.

¹⁴⁵ Crisis Group interview, 17 November 2006.

¹⁴⁶ The new Secretary-General, Ban Ki-moon, has yet to name a special representative to replace Jan Pronk at the head of UNMIS, whom Sudan declared persona non grata in October 2006. Crisis Group interview, January 2007.

the main actors and to get a deeper understanding of the roadblocks.

Eritrea and Libya seem to still be actively pursuing mediation, though the recent international conference in Libya has hopefully created consensus on a common initiative.¹⁴⁷ After Salim and Eliasson concluded their information mission in Sudan in February 2007, and as the SLA field commanders were trying to hold their conference, Eritrea and Libya met in Tripoli and invited Bashir and the non-signatories to “start talks”.¹⁴⁸ As the DPA guarantor, the AU has said Eritrea cannot proceed without its involvement unless it and the NCP want to declare that agreement dead.¹⁴⁹ Meetings between the AU/UN and Eritrea now suggest some coordination may be forthcoming.

V. CONCLUSION: THE PREREQUISITES FOR PEACE

A political and military stalemate exists in Darfur. While the NCP has managed to buy off a few rebel commanders, the main non-signatories have not been enticed into joining the DPA. Implementation has been slow and directed by the NCP; while the NCP pressured the AU temporarily to keep the non-signatories from the Ceasefire Commission and the Joint Commission, it eventually agreed to a procedure to include them. The army and Janjaweed have not defeated the rebels, who in turn have not been able to take key towns or inflict major losses on the regime. UN forces might shift the military calculus and stem civilian losses but the NCP has been successful so far in blocking a new international deployment

The pretence, by both the NCP and the international community, that the DPA as written can bring peace to Darfur is fading, and all are calculating their next move. The NCP wants to get signatures on paper without making major concessions and to divide and isolate the rebel movements. It also hopes to keep the Darfur situation insecure and prevent the rebel movements from uniting, at least before the 2009 elections. Egypt, Eritrea and the Arab League are putting forward quick-fix proposals, while other parts of the international community struggle to catch up, hindered by a leadership vacuum that includes Jan Pronk’s expulsion, Kofi Annan’s departure and a weak AU presence in Khartoum.¹⁵⁰ There has been some internal introspection on why the last round of Abuja talks failed¹⁵¹ but the AU, now with the UN as its partner, still has not proposed a political roadmap.

A lasting peace in Darfur requires more than a few additional signatories to the DPA. The entire process needs to be reconsidered, building upon the lessons learned in Abuja and realities on the ground. The proliferation of initiatives must stop. Their chaos enables various parties to act as spoilers and undermine the process. For the AU/UN initiative, with its international mandate, to succeed two things must happen.

¹⁴⁷ After the high-level consultation in Addis Ababa, Eritrea said it would host talks on 20 November 2006. “Darfur Peace Mediation to be under UN-AU leadership”, *Sudan Tribune*, 17 November 2006. Presidential Adviser Mustafa Osman Ismail later announced a first round for Asmara in early December. “Government to hold talks with Darfur Peace Agreement non-signatories next month”, *Al Sahafa*, 26 November 2006.

¹⁴⁸ Several movements initially said they would not come because they were not unified and not ready but eventually the main leaders in Chad – including Khalil Ibrahim, Adam Bakhit, Khamees Abdallah, Ahmed Abdelshaafie, Khalil Abdallah of NMRD and Abu Surrah of the PFA – did so, under pressure from Chad and concerned not to jeopardise their relationships with Asmara and Tripoli. The rebels did not meet with Bashir but modalities of potential further mediation were discussed. Eritrea apparently agreed that SLA unity was a priority. Abdel Wahid was not invited; the AU and UN apparently were but did not attend. A further meeting in Tripoli is planned for the end of April, bringing together many key international and regional actors, including the AU, UN, U.S., EU, UK and Chad. Crisis Group interviews, February 2007.

¹⁴⁹ Crisis Group interview, December 2006.

¹⁵⁰ The AU Special Representative to Sudan, Baba Gana Kingibe, was largely out of the country immediately after the DPA was signed and left the AU mission in September 2006. U.S. Deputy Secretary of State Robert Zoellick, much involved with the last period of negotiation, left his post in July 2006. Sudan forced the UN Special Representative, Jan Pronk, out of the country in October 2006.

¹⁵¹ Alex De Waal, “I will not sign”, *London Review of Books*, 30 November 2006; “Remarks by the AU Special Envoy and Chief Mediator Dr Salim Ahmed Salim Concerning the Darfur Peace Agreement at the 51st Meeting of the Peace and Security Council”, 15 May 2006.

First, the AU/UN team must take control of the process and create a framework for it. Players such as Eritrea, Chad and the SPLM, as well as China, need to be integrated in order to put a Darfur solution in the context of the conflict's regional and wider dynamics. If the AU and UN decide it is expedient to work with Eritrea or Libya, they need to do this in a coordinated manner. Secondly, the international community must assist the AU/UN in taking control by giving full support to the joint initiative. The rebels, the NCP and others must know there is only one interlocutor for the process. The rebels must recognise that it is unrealistic to demand the dismissal of Salim and his team. Though the Chad rebels present a further destabilising factor in Darfur, they are very much the product of the NCP, relying on its support and based in government-controlled areas of Darfur. If the NCP signed and respected a ceasefire agreement in Darfur, this would likely neutralise its willingness to unleash the Chadians. Similarly, a functioning ceasefire signed by the rebels, with Chad's involvement, would end the proxy war between Khartoum and N'Djamena.

Several things must happen to increase the chance for an agreed peace. First, as Crisis Group has consistently argued, rebel unity, by persuasion or pressure, is a prerequisite for successful negotiations.¹⁵² Secondly, the talks need to be as inclusive as possible. It is short-sighted to see them as simply the way for warring parties to reach a deal to stop fighting. Hostilities are ended by a ceasefire but a real peace agreement must create a new political dispensation. The wide range of issues touched on in the DPA proves this point but many voices were left out of their negotiation. Greater inclusivity would translate into more buy-in and easier implementation. The negotiation process must include groups beyond the government and rebels, and a new or revised agreement will need to do a better job of addressing core grievances and thus rallying support. To be acceptable to the parties around the negotiating table and win broad backing in Darfur, it will need to deliver more power and wealth sharing.

Finally, the mediation process also needs to become more focused and controlled by the mediators. The framework used in Naivasha for the CPA provides a good example. There must also be a strong international oversight mechanism, with leverage to hold the parties to commitments. This has been sorely lacking in the agreements signed since 2004, all of which have been violated with impunity by all sides.

¹⁵² See Crisis Group Briefing, *Unifying Darfur's Rebels*, op. cit.

A. UNIFYING THE REBEL MOVEMENTS

Before new talks open, the non-signatory rebel movements should speak with one voice through one leadership. This is widely recognised but the movements have not been cooperative, and much time has been wasted. If the movements cannot unify, they need at least to consolidate into several recognisable blocs, with coherent leadership and political positions. There may be need for the international community to take more forceful measures than merely facilitating opportunities for the movements, as has been done until now.

Most efforts have focused on the SLA, whose main non-signatory factions with both field presence and political leadership now consist of SLA/AW led by Abdel Wahid, SLA/AS led by Abdelshaafie and G19 (SLA/Unity). Until recently, the latter was led by Khamees Abdallah abroad and Adam Bakhit on the ground, but rifts have grown: Bakhit now spends most of his time in Chad, leaving field commanders Jar el Neby, Osman Bushra and Suleiman Marajan in charge in Darfur.¹⁵³ Important individuals also include SFDA leaders Sharif Harir and Ahmed Diraige¹⁵⁴ and the many commanders who have defected from SLA/MM to G19 in the past few months.

The first step should be a field commanders conference to unify the SLA military leadership. An effective cessation of hostilities requires an SLA that speaks with one voice on the ground and has liaison officials who can represent it on a ceasefire commission and work with humanitarian agencies. Currently, the various factions are not working in any kind of coordinated fashion. Political cohesion will not be possible unless the field commanders are also unified. Once this is achieved, a political preparatory committee should be formed to bring the main political leaders, who have been mostly outside Darfur, together with the field commanders to agree on the structure and modalities of leadership.¹⁵⁵ Finally, the SLA should hold a broadly inclusive conference in order to consult on its vision with a wide range of stakeholders from civil society, the IDP camps, political parties and Arab groups.

¹⁵³ The SLA/AW is predominantly Fur, with its main support base in Western Jebel Marra. The SLA/AS is also mostly Fur but its support is in Eastern Jebel Marra. The G19 (SLA/Unity) was originally nineteen commanders who defected from Abdel Wahid in Abuja, led politically by Deputy Chairman Khamees Abdallah, a Massaleit. Led in the field by Zaghawa SLA commanders such as Adam Bakhit and Jar el Neby, it originally fought with the NRF but since the end of 2006 it has suffered its own splits, with Bakhit staying closer to NRF and Khamees and Jar el Neby and others moving away.

¹⁵⁴ Sharif Harir has reportedly stated, however, that he has left the SFDA for the SLA, Crisis Group interviews, March 2007.

¹⁵⁵ At one point, Justice Africa had put together a proposal to host such a conference.

The international community has been trying to advance a field commanders conference in Um Rei, North Darfur, with mixed results. SLA political leaders have been divided on its necessity, doubting that only military issues would be discussed. Some, like Sharif Harir, attended the initial talks, while others, such as Abdel Wahid, refused until after a peace agreement is signed. While Abdel Wahid has not unreasonable concerns for his security, he mostly fears losing power, as he knows his erratic leadership over the past four years would most likely lead to a change if such a conference were held. The NCP would like to bring him back to the table and will support his intransigence. As noted above, the rejection in mid-April of Sharif Harir's proposal that SLA align with the NRF appears to open the door for Abdel Wahid's participation in the conference.¹⁵⁶

Other political leaders have felt similarly threatened by such a conference, even if its primary goal would be military unity. Like Sharif Harir, Abdelshaafie, however, has decided to attend and said he does not want to re-engage in political negotiations until there has been a commanders conference.¹⁵⁷ Abdel Wahid's commanders, after first deciding to attend, have pulled out. Khamees Abdallah has not sent a delegation, becoming more isolated as a result, and Adam Bakhit has remained in Chad.

Security is another problematic area, as reflected in the several efforts discussed above that failed because of army/Janjaweed attacks and the April 2007 government bombing raids in the area of the conference. Some of Abdel Wahid's commanders in Jebel Marra continue to hesitate because of such concerns. Nevertheless, since February 2007 the area around Um Rei has been relatively calm, and it appears that the NCP is now honouring commitments to allow a conference to proceed. Unification of the field commanders is not necessarily in the ruling party's interests but it is still not clear whether the conference will ever happen or what its outcome would be. It might simply cement factional divisions and advance new leaders. Of greater concern is whether there will be enough Darfur-wide security for a movement-wide conference. A robust AU/UN hybrid force is needed to ensure that a cessation of hostilities is respected.

Despite the problems in Um Rei, the international community should continue to engage with these field commanders and encourage attendance. If getting all the

SLA field commanders to unite under one umbrella is not feasible, emphasis then should be on consolidating them into a two or three coherent blocs. At this stage, action could be taken to organise a wider pan-SLA political conference.

While the SLA requires the most work, the NRF's future is also uncertain. It is likewise unclear how groups such as the RDFF/PFA and NMRD would be integrated into future negotiations. Though a strong military alliance, the NRF – technically not a DPA non-signatory – has not become a political alliance, as JEM and Eritrea (and Chad) had hoped.¹⁵⁸ Unsure about their positions in a unified SLA, leaders such as Adam Bakhit, Khamees Abdallah and even Abdelshaafie have spent a good deal of time in Chad negotiating with JEM, Eritrea, and Chad about the NRF.

JEM has retained a strong central command and consistent vision despite splits, most notably the formation of NMRD in late 2004. Given JEM's investment in the NRF, its possible spoiler role on SLA unity should not be underestimated.¹⁵⁹ On the other hand, the NRF could serve a valuable role as a catch-all for SLA leaders who do not take part in the Um Rei conference. With most recent important rebel military successes in Darfur attributable to JEM/G19 collaboration, the international community should not dismiss the NRF out of hand and should wait to see the extent to which JEM and SLA positions can be unified before peace negotiations.

In the final analysis, the Darfur movements are as disorganised and lacking leadership as ever. A balance must now be struck between giving them more time to organise and allowing matters to drift. More pressure – most likely through regional actors, but also the U.S. – must be applied on them to put their houses in order. The AU and UN must convince Abdel Wahid to return to Darfur if he is to stay in the SLA leadership. This might involve guaranteeing him a place at the table, in addition to whomever else the SLA might select. However, if the international community acts too hastily, it could repeat the mistake the AU made when it refused to postpone Abuja to allow time for Minni Minawi's Haskanita conference in October 2005, thereby giving SLA/AW an excuse not to attend and setting the stage for Haskanita to be a one-sided affair that cemented the split between Abdel Wahid and Minni Minawi, with consequences that are still felt.

¹⁵⁶ Crisis Group interviews, April 2007.

¹⁵⁷ The Um Rei field commanders conference has reportedly now begun, with mostly commanders from SLA-Unity, SLA/AS, and SLA/MM defectors present. SLA/AW commanders have left Um Rei, stating unhappiness with the presence of "politicians" such as Sharif Harir and Abdelshaafie, and claiming that the SLA/MM defectors are NCP spies. Crisis Group interviews, February-April 2007.

¹⁵⁸ Several early attempts were made to hold an "NRF Conference" to create a political vision and name a leader. JEM pushed for this but SLA elements felt SLA unity was the priority. NRF leaders insist a conference will eventually be held. Crisis Group interviews, August 2006, January 2007.

¹⁵⁹ Some SLA political leaders insist JEM has been behind much of the disunity in Abuja, instigating, for example, the G19 split in February 2006. Crisis Group interviews, November 2006.

B. INCLUSIVITY AND BUY-IN

The previous Darfur peace process was built on the logic of a two-phase approach: First, the warring parties would sign an agreement (the DPA). Then a more inclusive process would broaden support in other constituencies and deal with systemic causes of the conflict such as land ownership and grazing rights. This second phase was to be conducted through the Darfur-Darfur Dialogue and Consultation (DDD-C). The push for a two-phase approach came from both mediators and insurgents and was formalised in the July 2005 Declaration of Principles signed in Abuja. The rebels, particularly the SLA, wanted the DDD-C after witnessing the successful South-South Dialogue between the SPLM and opposition southern Sudanese following the CPA.¹⁶⁰ The AU mediation team recognised the need for broader buy-in and that the rebel movements were not sufficiently representative, a problem that worsened as the movements splintered, largely along tribal lines, and lost pan-Darfur credibility.

This logic has now collapsed. The second phase is untenable because the DPA lacks acceptance from both the rebel groups and the wider public. It neither dealt adequately with the root causes of the conflict nor offered core constituencies adequate participation. The DDD-C cannot substitute for a functioning, popular peace deal. Pushing forward with it in the absence of a reconstituted agreement, as the NCP seeks, would only poison the institution in the eyes of many Darfurians.

The Darfur process can benefit from southern Sudan's experience.¹⁶¹ The South-South Dialogue had two tracks: a political one aimed at reaching an agreement between the SPLM and the southern political opposition, and a military one between the SPLM's army and the southern militias which were part of the regime's South Sudan Defence Force (SSDF).¹⁶² Its success was due to factors missing from the DPA. First, the CPA was viewed as a good agreement and historic opportunity by most southerners, including those opposed to the SPLM/A. It addressed the key demands: a self-determination referendum, retention of the SPLA as a separate southern

army, and an autonomous southern regional government for the interim period. Secondly, the CPA set aside a few positions in the national, southern and state governments for political opposition members not part of the negotiations. Though its power-sharing arrangements were rightly criticised by much of the northern political opposition, they gave some incentive for opposition groups to support the agreement and join in its implementation.

Most Darfurians do not see the DPA as a good deal. It left local government with the NCP and provided a small power-sharing deal that was only for the three rebel factions; moreover, the DDD-C will have power only to make recommendations. Though the effort to broaden participation is laudable, it is highly unlikely the DDD-C, in current form and based on an unpopular agreement, can enhance DPA implementation. Many individuals and civil society organisations believe dialogue is the only way to find a durable solution but are sceptical of the DDD-C in the current context.¹⁶³ Some argue that the NCP's interest in its immediate start is further indication it would do more to divide people than support the kind of dialogue needed for peace and reconciliation.

Nevertheless, a broader forum on inter-tribal reconciliation and local sources of conflict is critical to long-term peace and reconciliation and should be part of a comprehensive peace strategy. There is value to having some discussion before DPA talks resume, though not through the DDD-C. In this way, grassroots recommendations for dealing with the conflict's root causes could be more reliably fed into the negotiations for a binding agreement.

Identifying the "other parties" to be represented in a negotiation process is a difficult but important early step. While much of the Darfur conflict stems from struggles with Khartoum, there are increasingly deep divisions between the Arab tribes – particularly the camel-herding *Abbala* – and non-Arab tribes over land and power sharing at a regional level.¹⁶⁴ Security arrangements, including

¹⁶⁰ On the South-South Dialogue, see Crisis Group Africa Report N°96, *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*, 25 July 2005.

¹⁶¹ Women were largely excluded from the CPA negotiations. Learning from the experience, Darfur women formed a Gender Experts Support Team that participated in the seventh Abuja round and influenced many DPA provisions.

¹⁶² The SPLM and the southern political opposition met in Nairobi in spring 2005 and reached a political agreement. The military track was more contentious but most SSDF militias joined the SPLA with the signing of the January 2006 Juba Declaration. A handful of militias still loyal to Khartoum are not being integrated into the Sudanese army as called for in the CPA.

¹⁶³ National NGOs, community-based organisations, including women's groups, and many tribal leaders believe that an inclusive dialogue will not lead to reconciliation in Darfur unless there is some semblance of stability and the main belligerents first agree to cease hostilities. Crisis Group interviews, November-December 2006.

¹⁶⁴ An example of the power struggle between Arab and non-Arab tribes concerns the TDRA's make-up. Since September 2006, the Arab delegation to the TDRA consultations has argued with Minni that South Darfur would not accept domination of the TDRA by the SLA/MM. It suggested that if fair opportunity were not given to representatives from outside the rebel movements, Arabs might be reluctant to support the TDRA and the DDD-C.

Janjaweed disarmament, also need Arab input.¹⁶⁵ Finding representation beyond the Arab Gathering leadership – largely though not fully represented by the NCP – is a critical challenge for the mediation. Initial contacts with the traditional leadership of those Arab tribes which did not join the government fight, such as the southern Rizeigat and Taeesha, would likely provide important insights. The mediation must be careful, however, to distinguish genuine tribal leaders from those in the Native Administration appointed and paid by the NCP.

The representation of women and civil society must also be increased. It is estimated that women and children are more than 80 per cent of the camp population; women have a tremendous stake in reconciling and reconstructing Darfur and would bring distinct perspectives to negotiations. Mediators could ensure their involvement by insisting that all delegations and contact groups have at least a 25 per cent quota, as well as by including a gender experts support team at the talks.¹⁶⁶ Greater representation of specifically the IDP population could also be furthered by making use of the political structures that already exist in the camps.

There are two strategies for making new DPA negotiations more inclusive. The first, less likely to succeed in the short term, would be to ensure that the parties already part of the negotiations – the SLA, JEM, and the government – themselves become more representative of broader Darfur society. This is a reason, for example, why a movement-wide SLA conference is critical. Inclusive forums bringing the SLA together with other groups, such as Arabs and political parties, could also help, though care would be needed not to repeat the NCP-sponsored “All-inclusive Darfur conference” of December 2005. The second option is for the mediation team and the sides to liaise directly with other parties. Representatives of those parties would not necessarily become signatories but the mediation could establish a reference group representing constituencies outside the process and support the participation of their leaders in future talks. It could facilitate frequent travel by these individuals back to Darfur to brief their constituencies. All this would improve buy-in and facilitate the implementation of an agreement.

¹⁶⁵ U.S. Presidential Envoy Andrew Natsios said at a press conference in Khartoum on 7 March 2007: “I don’t think the people who committed the atrocities should be at the bargaining table. I think, however, that if we do not include the Arab tribes from all over Darfur, that we will never have an end to this conflict. They are going to live there after the peace agreement is signed. If they are not part of it, they may resent it so much that there will be another conflict”.

¹⁶⁶ As a result of the team’s efforts and those of the AU Gender Desk, the DPA is relatively gender-sensitive. In future talks on the agreement, the international community should press the parties to retain the gender-sensitive provisions and ensure that women are fully included in all phases of implementation.

The strategies are not mutually exclusive; both should be supported. The first would ensure the greatest grassroots involvement but it would be difficult to organise the many “inclusive” conferences in Darfur, and there would be great risk of manipulation. The second would require adjustments in the negotiating process which both the non-signatories and the NCP would likely resist. However, an important advantage is that it would offer not only wider representation but also a degree of greater participation. When parties are present as decisions are made, buy-in is greater even if they are largely witnesses at the last stage. This would be particularly true for a process that has been hampered by NCP efforts to negotiate side deals and encourage division among delegations. None of the above can succeed, however, without a period of relative calm. The international community needs, therefore, to pressure all sides to accept and respect an immediate ceasefire.

C. STRENGTHENING THE NEGOTIATION PROCESS

The structure of the mediation process is another area in need of reform. AU efforts in Abuja (2004-May 2006) left much to be desired and should be reviewed before talks resume. Key stakeholder groups such as women and traditional political leaders were flown in and out as afterthoughts at the end, in effect grafted onto the process, not core constituents from the beginning. A clear strategy was lacking. For example, the final round vacillated between efforts to secure a comprehensive agreement or a limited, functional security agreement as a building block for further talks. The decision to move beyond a security-first approach was taken after Vice President Taha promised in March 2006 that the government would allow a UN mission into Darfur after a peace deal was signed.¹⁶⁷

Responsibility for the choice was as much, if not more, with the U.S., UK and EU as with the AU. Frustrated by what they saw as intransigence by the parties and encouraged by Taha’s promise, they pushed for a hurried resolution.¹⁶⁸ There is a danger the AU and UN will pursue a similar quick-fix strategy to get signatures on a protocol. Reportedly, the mediators hope to finish talks by June. The NCP apparently wants the Darfur problem wrapped up before the AU’s Peace and Security Council meets in July.¹⁶⁹

¹⁶⁷ Crisis Group interviews, March 2006. This transition from AU to UN was not mentioned in the DPA, however, and the government reneged on Taha’s promise after signature.

¹⁶⁸ See Crisis Group Africa Briefing N°39, *Darfur’s Fragile Peace Agreement*, 20 June 2006.

¹⁶⁹ Crisis Group interviews, December 2006-March 2007.

Renewed negotiations should learn from the negotiations that led to the signing of the CPA. That process, led by the regional Intergovernmental Authority on Development (IGAD), succeeded in part because of a successful partnership between the IGAD countries – the core of the mediation team – and the broader international community, including donor countries.

The IGAD process had a core mediation team of professional negotiators, led by General Sumbeiywo of Kenya and supported by a contact group (U.S., UK, Norway, Italy). Others mostly interacted through the contact group rather than becoming directly involved. A renewed Darfur process could benefit from a similar approach. A contact group should support the AU/UN special envoys, pressuring the parties as needed and directed by the mediators and acting as a buffer between the mediation and other international partners. It should include regional countries with leverage over the rebels and which could otherwise act as spoilers (Chad and Eritrea, which should also represent Libya's interest),¹⁷⁰ those with leverage over the NCP (China and the Arab League)¹⁷¹ and donors countries which can pressure both sides and financially support the process (U.S., UK, Norway, France and the EU). France, hitherto not much involved, is needed to influence Chad and to make its armed forces in that country and the CAR available to help guarantee a ceasefire. All but China have participated to some degree in past rounds. Bringing it directly into the process would hopefully lead Beijing to be more constructive.

Finally, the mediation should learn from Abuja mistakes and avoid relying heavily on artificial deadlines as a negotiating tactic. Ceasefires and other confidence-building measures will be needed. For the talks to succeed, an extended amount of time will be required to create an environment of trust between the parties, as ultimately developed between the SPLM and NCP in the CPA negotiations.

¹⁷⁰ An argument can be made that Libya should be included, as it has supported Eritrea's initiative and played an active role in the Darfur conflict, supporting all sides at some time. Because the intention of the contact group is to limit the number of international interlocutors, however, Crisis Group recommends it contribute through Chad and Eritrea.

¹⁷¹ Egypt might be considered as another candidate, though it is important to keep the size of the group small and thereby more manageable. At the very least members of the contact group should stay in close touch with Cairo, which is both an important ally of Khartoum and a contributor to the AU peacekeeping force.

D. THE OUTSTANDING ISSUES

In the first months after the DPA was signed, conventional wisdom was that it would need only minor revision in three areas – compensation, power sharing and Janjaweed disarmament. The shortcomings became impossible to ignore, however, and the AU's Salim now says: "It is not a perfect agreement and no agreement is perfect. It is not like the Koran or the Bible that you cannot change or modify".¹⁷² But what specifically will it take to bring the parties back to the table and achieve a comprehensive peace? The three cited areas remain the most important to fix but extensive reworking will be required, particularly on power sharing.

Getting the rebels – bolstered by increased support from Chad and battlefield success – back to the table is the most daunting short-term task, which will take consistent, coordinated international pressure. The NCP says it is open to dealing with the non-signatories but insists that talks be based on the DPA, which should not be significantly revised. It prefers a short protocol, which likely would increase compensation money but do little else.¹⁷³ The AU/UN mediation team should prioritise confidence-building measures, including an effective ceasefire and government curbs on the Janjaweed, so as to prepare the ground for resuming negotiations.

The parameters of the negotiation will be hotly contested but the ideas put forward by the mediators should be based on detailed analysis of the conflict's root causes and appropriate solutions, not simply a quest for a compromise that would leave core grievances unresolved. Government compensation for the displaced was the most publicly contested DPA issue but is the easiest to resolve. The DPA established a Compensation Commission, with an initial \$30 million to be donated by the government – an admission of its responsibility – to review claims and make payments as appropriate. Though the funding could have been increased by the government or donors, the SLA/AW and JEM, as well as many in the displaced camps, rejected the provision. In its November 2006 agreement with former SLA commander Abul Gasim Imam, the government agreed to increase payments to \$100 million. As noted above, JEM is asking for some \$600 million, and Abdel Wahid for up to \$2 billion. Nevertheless, this issue should be resolvable with donor help and continued monitoring of the government's commitment.

¹⁷² "UN, AU Envoys say peace deal can be modified", Associated Press, 16 February 2007.

¹⁷³ The NCP has reportedly been comfortable discussing a \$300 million figure. Crisis Group interviews, March 2007.

Power sharing will be perhaps the most difficult subject, one on which the DPA is very weak, allowing the NCP to keep control of government structures in Darfur and giving the insurgents only twelve of 450 seats in the national assembly (shared by three factions) and a few ministerial jobs. Most have already been passed out to the SLA/MM and DoC signatories. The primary justification for such meagre terms was that the DPA was not to infringe on the balance of power established by the CPA. The Darfur movements had to get their twelve seats from the CPA allocation to the northern opposition, plus any the NCP and SPLM would give up. Reducing the NCP majority in the national assembly was a ruling party red-line.¹⁷⁴ This argument is likely to reappear but must be rebutted if Darfur is to be represented adequately. In fact, the DPA already has revised the CPA formulas, though in less sensitive areas, providing the rebels 29 per cent of the seats in expanded Darfur state assemblies, instead of the 20 per cent allocated to non-NCP and non-SPLM northern parties in the CPA.¹⁷⁵

The other argument for the rebels' poor deal was that they had not won the war. It is clear now, however, that the NCP has not won either, and both sides need to negotiate. The mediation team must make the NCP understand that a solution requires greater power sharing. Otherwise the rebels may increase their call for Darfur to become an autonomous region – something supported by most opposition political parties as well and sure to demand even greater sacrifices from the ruling party.

On the security side, the challenge has two parts: establishing a realistic disarmament plan and finding a way to hold the government to the promise it has made six times to disarm the Janjaweed.¹⁷⁶ The UN must have a role in helping the AU monitor and enforce this provision, something AMIS was unable to do under the DPA, but little change on the ground can be expected

¹⁷⁴ Crisis Group interview, July 2006.

¹⁷⁵ For state assembly power sharing in the North, the CPA granted the NCP 70 per cent of seats, the SPLM 10 per cent, and other northern parties 20 per cent. The DPA expanded Darfur's state assemblies to 73 seats per state, with 21 for the rebels.

¹⁷⁶ Sudan's government has agreed to neutralise or disarm the militias it has armed and controls or influences in six agreements: The N'Djamena ceasefire of 8 April 2004, the N'Djamena agreement of 25 April 2004, the 3 July 2004 communiqué signed with the UN, the 5 August 2004 Plan of Action signed with the UN, the 9 November 2004 Protocol on Security Arrangements signed at the AU-led Abuja talks, and the DPA. The government also agreed to identify militias under its control or influence in the Plan of Action and the Protocol on Security Arrangements. It reiterated its promise to disarm the militias in the 19 December 2004 ceasefire signed with the NMRD.

unless there is a fundamental shift in international readiness to alter the calculations of the parties by imposing punitive measures on parties who break commitments.¹⁷⁷

The new mediation team must be willing to think creatively about solutions. The DPA was built on the CPA's timeline for elections in 2009 and so offered only limited, transitional arrangements. However, there is a real possibility elections will not be possible in Darfur in 2009 since the region remains a war zone, with near total disruption of rule of law. As discussed above, the prospect of 2009 elections nationally is having an increasingly negative effect on conflict dynamics, with the NCP striving to keep Darfur divided ahead of the vote, the political opposition seeking to use Darfur as leverage over the NCP and the rebels engaging in infighting. Postponing elections in Darfur would likely damage the CPA, should be avoided if possible but may prove necessary. The mediation team should begin contingency planning.

Returning a trifurcated Darfur to a single administrative region continues to be pressed by both the non-signatories and opposition parties. The DPA envisages a referendum on this question in 2010 but if elections are not possible in Darfur in 2009, the mediation team should consider creation of a broadly inclusive, interim regional government, akin to the Government of Southern Sudan model, to run Darfur until elections can be held. Once a national census is conducted, its results will need to be translated, also for Darfur and per CPA principles, into equal representation in national governmental institutions.

The establishment and functioning of DPA institutions, including the TDRA, power-sharing and wealth-sharing commissions and the Darfur-Darfur Dialogue and Consultations, should be frozen pending the start of new negotiations. All political appointments for DPA signatories should be considered provisional, while further appointments would work against the reopening of talks by limiting the positions for discussion. The immediate focus should be on making the ceasefire effective and proceeding with key security arrangements such as Janjaweed disarmament. Beyond that, DPA implementation in the current context would undermine chances for a political deal, tarnishing the associated institutions by linking them to an unsuccessful agreement.

There is no easy solution for the four-year-old Darfur conflict. A successful process will require intensive,

¹⁷⁷ For more on economic sanctions and the NCP regime, see Crisis Group Briefing, *Getting the UN into Darfur*, op. cit.

unified international engagement before new talks, throughout the resumed negotiation and during implementation. Without such engagement, the crisis will continue, with grave implications beyond Darfur, including possible collapse of the CPA, revival of the deadly conflict in the South and further destabilisation of neighbouring states.

Nairobi/Brussels, 30 April 2007

APPENDIX A

MAP OF SUDAN



APPENDIX B

DARFUR NON-SIGNATORY MOVEMENTS

JEM (Justice and Equality Movement)	Leader: Khalil Ibrahim
SLA/AW (Sudan Liberation Army)	Leader: Abdel Wahid Nur
SLA/AS	Leader: Ahmed Abdelshaafie Breakaway faction from SLA/AW. SLA/AW commanders appointed Abdelshaafie as interim chairman to replace Abdel Wahid in July 2006.
SLA/G19 (SLA/Unity)	Leaders: Khamees Abdallah, Adam Bakhit, Jar el Neby Khamees had been the original leader of this group, but the group has since split into several factions. In Chad, Adam Bakhit continues to control a faction (in coordination with Khamees). Jar el Neby – with Suleiman Marajan and Osman Bushra – controls another faction in Darfur.
SLA/MM defectors	Groups that have defected from Minni Minawi, including those led by Salah “Bob” and Majzoub Hussein.
RDFP/PFA (Revolutionary Democratic Front Forces Popular Forces Army)	Leaders: Salah Mohamed Abdulrahman Musa (also known as “Abu Surrah”), Yassin Yousuf “Arab” rebel movement.
NMRD (National Movement for Reform and Development)	Leader: Gibril Abdelkarim Bari, Khalil Abdallah Originally broke away from JEM in March 2004.
SFDA (Sudan Federal Democratic Alliance)	Leaders: Ahmed Diraiqe, Sharif Harir Sharif Harir has reportedly left the SFDA to become a full member of the SLA.
NRF (National Redemption Front)	Leaders: Khalil Ibrahim, Sharif Harir, Ahmed Diraiqe, Khamees Abaker An alliance formed in Eritrea in June 2006. While initially effective as a military alliance, it has yet to find any political cohesion.
SLA/NSF (Non-signatory Faction)	Made up of SLA/AW, SLA/AS, and SLA/G19, created as a way to have representation in the Ceasefire Commission.

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

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