



Failing Darfur

Omer Ismail and Annette LaRocco

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enough

The project to end genocide and crimes against humanity

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Introduction

Another Darfur peace agreement has failed, but the United Nations, or U.N., and some donor governments continue to prop up its implementation. This continued support is actually making matters worse in Darfur. By buttressing a dead peace deal, the international community is ignoring the ongoing conflict that the agreement did not address, while simultaneously contributing to the divide-and-conquer strategy of the Khartoum government, which seeks to negotiate separately with the various Darfur factions and to insulate the Darfur insurgency from other similar rebellions in South Kordofan, Blue Nile, and – potentially – the East.

The Doha Document for Peace in Darfur, or DDPD, was signed in July 2011 by the government of Sudan and the Liberation and Justice Movement, or LJM, only one of several Darfuri opposition rebel groups.¹ From its inception, the DDPD was deeply flawed. It fails to address the most important security and political issues identified by Darfuris. Not only does it attempt to address the conflict in Darfur without including the three most prominent rebels groups in the region, the Justice and Equality Movement, or JEM, and both factions of the Sudan Liberation Movement, or SLM-Minni Minnawi and SLM-Abdel Wahid, but it also allows Khartoum to continue its divide-and-conquer strategy of dealing with each of the country's conflict zones in isolation.

Nonetheless, the U. N. and key donor countries heralded the DDPD as an important step in ending the decade-long conflict in Sudan's vast western region. Yet the government in Khartoum has consistently impeded any meaningful implementation of the agreement, which was already based on a shaky foundation. In fact, the DDPD's shortcomings exist on two levels – an operational failure to actually follow through on the terms of the agreement and a deeper, conceptual failure of trying to address the crisis in Darfur separate from the myriad of conflicts in other marginalized regions of Sudan.

The agreement itself is badly flawed and incomplete. It is inadequate in that it does not tackle the core security and political issues that led Darfuris to take up arms against the

regime in the first place. Moreover, it does not rein in the militias that continue to stoke the instability by preventing the return of internally displaced persons and refugees. The DDPD is eerily similar to the diplomatic disaster wrought by the earlier Darfur peace agreement signed in Abuja in 2006, which also spurred on intra-Darfur fighting and separated Darfur's issues from the structural marginalization felt by most peripheral regions in Sudan.

The grievances found in Darfur are illustrative of larger national problems; in short, the situation is not unique. This is the root of the DDPD's inherent flaw. The agreement addresses one manifestation of the broader problem of Khartoum's rule – the economic, political, and social marginalization of populations living at Sudan's peripheries. Until a comprehensive approach to political inclusion and democratic transformation for all Sudanese people is adopted, the DDPD –and any subsequent stove-piped agreements—will fail to bring peace to the volatile region, just as the Darfur Peace Agreement and similar such agreements were unable to do so previously.

In light of this, the U.S. government, as well as other key donors and multilateral organizations, must change their handling of Darfur as a separate policy portfolio from the rest of Sudan. Moving forward, Darfur must be integrated into holistic policy thinking concerning Sudan.

The DDPD is Failing

The DDPD's feeble implementation process is a continuation of Khartoum's usual stalling and diversion tactics – the government agrees to an accord to appease international pressure yet does not credibly follow through on the obligations of the agreement. Even Khartoum's best recognized instance of abiding by its obligations, allowing the South's secession, is fraught with limitations. While Sudan acknowledged the South's independence, several other key elements of the Comprehensive Peace Agreement, notably the final status of the Abyei area and popular consultations in South Kordofan and Blue Nile, remain unresolved and unimplemented. Khartoum's modus operandi is to do just enough to stave off international pressure – such as sign an agreement – while doing nothing substantial to implement the agreement's obligation and make meaningful change. This approach predetermines the failure of agreements because the government is disingenuous in its intentions.

There are several examples of this tactic at work vis-à-vis Khartoum's implementation, or lack thereof, of the DDPD. The three most glaring violations of the DDPD's provisions are the government's failure to transfer funds to the Darfur Regional Authority, or DRA, its reluctance to cooperate with the African Union/United Nations Hybrid Operation in Darfur, or UNAMID, and its hostility to humanitarian actors, including continuing to

place impediments to unfettered humanitarian access. Each of these actions constitutes a violation of the government of Sudan's obligations under the DDPD. Moreover, these tactics are not unique to Darfur; they are part and parcel of the regime's strategy in other past and current conflict zones.

Failure to Disburse Funds

Darfur: The government of Sudan has failed to distribute the required funds to the DRA in a timely and efficient manner. This has effectively hamstrung the DRA's ability to carry out any of its functions required in the DDPD; in particular, the facilitation of the return of displaced people and refugees has been stymied. When the government of Qatar facilitated the signing of the DDPD it stipulated that its monetary contributions to the DRA, which would amount to a total of \$2 billion for reconstruction and development, would be linked to the government of Sudan's contributions. Since Khartoum has only allowed a slow trickle of the \$200 million promised to the DRA, Qatar has been reluctant to disburse its funds without Sudan's in-kind contributions. The chairman of the DRA, Tijani Sese, has expressed frustration and concern that lack of money may lead to the DDPD's collapse. As recently as late April 2012 he said, "The government has not paid any penny for the [Darfur Development] Bank. We should be more serious if we want peace in the region."² The failure to receive adequate funds from the government has indefinitely postponed several key DDPD initiatives including infrastructure development, the beginning of the return process of internally displaced persons, and reconciliation efforts.

Elsewhere in Sudan: The government of Sudan's reluctance to fund the DRA is yet another instance of its failure to meet agreed upon financial obligations. When Khartoum signed a 2006 peace deal with the Eastern Front rebels, the agreement stipulated that along with peace would come investment and development for the impoverished eastern states of Red Sea, Gedaref, and Kassala.³ While donors lined up to pledge support⁴, the East has yet to see significant improvement, a fact that threatens to reignite the conflict.⁵

Additionally, during the six year transitional period prior to South Sudan's independence, Sudan consistently failed to duly transfer money rightfully owed to the government of Southern Sudan under the wealth sharing provisions of the Comprehensive Peace Agreement, or CPA. This behavior, the withholding of the dividends of peace, was a factor in making continued unity with Sudan unattractive for Southerners.

Failure to Cooperate with the African Union/United Nations Mission

Darfur: Sudan continues to fail to meet the DDPD's requirements for it to cooperate with the African Union/United Nations Hybrid Operation in Darfur, or UNAMID. To the contrary, Khartoum has actively worked against the U.N., the A.U., and their agen-

cies throughout Sudan. Khartoum has regularly ignored the Status of Forces Agreement, or SOFA, signed with UNAMID in 2008. The SOFA permits UNAMID's free movement through the region without prior approval of the government; however, Sudan consistently limits UNAMID's ability to travel throughout the area, in direct violation of the SOFA.⁶ Without the ability to freely patrol and monitor, UNAMID has been unable to fulfill its mandate of civilian protection. Due to this, the peacekeeping force lacks the trust of the locals, which further complicates its mission. In several incidents when displaced persons were attacked, inside or near the camps, the victims did not report the attacks to UNAMID as they used to. When asked why not, most of them say that it takes UNAMID too long to arrive and investigate.

The A.U. and the U.N. recently announced a decrease in the number of peacekeepers assigned to the UNAMID mission. The reduction in UNAMID troop strength is not a response to the widely held, but inaccurate, belief that violence has diminished in Darfur.⁷ It is, however, an effort to mitigate Khartoum's obstructionist tendencies by more wisely allocating troops to the areas of greatest conflict and weeding out ineffective or dysfunctional troop contingents. The reshuffle responds to the shifting intensity of violence in certain localities of Darfur. Despite this reality, the government of Sudan has misleadingly described UNAMID's troop reduction as a reflection of a decrease in violence.

Elsewhere in Sudan: Khartoum's behavior with regard to UNAMID is a derivative of its interactions with the United Nations Mission in Sudan, or UNMIS. During the time of UNMIS' mandate, which coincided with the CPA's six-year transitional period, the force was supposed to have unfettered access throughout the country to protect civilians and police the CPA. However, as in Darfur, the government of Sudan placed undue restrictions and burdens on the U.N. peacekeeping force. These were so extreme that in the lead up to the South's independence, Sudan was able to wrest control of Abyei, at times even attacking UNMIS peacekeeping personnel, without any meaningful repercussions from UNMIS.⁸

Refusal of Unfettered Humanitarian Access

Darfur: Despite assurances in the DDPD, the government of Sudan continues to severely restrict, if not outright deny, humanitarian access to areas of critical need in the region. Some observers have noted that many areas of the region are still experiencing a "humanitarian embargo."⁹ U.N. agencies as well as reputable and well-known international NGOs such as Médecins San Frontières, or MSF, have faced restrictions, obstruction, and hostility from the government. Sudan's Humanitarian Aid Commission regularly enacts draconian rules throughout Darfur and uses institutional barriers to tighten its grip over international NGOs working in the region. Moreover, NGOs are threatened with expulsion if they accurately report on the dire situation on the ground. In light of Khartoum's 2009 expulsion of aid agencies working in Darfur, such threats cannot be taken lightly by organizations on the ground. As a result, Darfur has become

a “black box’ from which exceedingly little information escapes” regarding the dismal humanitarian situation in the region.¹⁰

Elsewhere in Sudan: Denial of humanitarian access is a hallmark of the Sudanese government policy across the various peripheral areas and regularly occurs outside of Darfur. For instance, the eastern provinces of Kassala, Red Sea, and Gedaref states are chronically underserved and experience hampered access and arbitrary expulsions of NGOs, which most recently occurred in early June 2012.¹¹ At least four aid agencies were forced to discontinue their work in the impoverished eastern states. Perhaps most notable of late is the blatant refusal to allow humanitarian aid workers into Blue Nile and South Kordofan states, despite the desperate levels of food insecurity and lack of medical care experienced by the civilian populations.¹² Sudan has adamantly opposed an agreement jointly mediated by the African Union, League of Arab States, and United Nations to permit humanitarian access, even in the face of growing international condemnation.

Moving Forward

These three examples provide abundant evidence that the DDPD is not living up to its intentions. Yet again, as with many other past agreements, the government of Sudan has not followed through on its implementation obligations. An additional factor is that the three largest and most influential rebel groups in Darfur are not signatories to the DDPD, which points to the agreement’s conceptual flaws.

Only the interests of Khartoum are served by a stove-piped approach. The longevity of the regime depends on its ability to fragment the opposition and separate conflicts into discrete boxes. So far, Khartoum has found an ally in this endeavor in the international community. By continuing to push a solution to Darfur separate from the other areas plagued by conflict and disenfranchisement, the international community risks solving problems nowhere.

Indeed, in Darfur, the conventional donor country approach has been to attempt to increase the number of opposition groups signed on to the DDPD. Not only is this policy impractical, it is irrelevant. The agreement, as it stands between LJM and the government, is neither being implemented nor respected by Khartoum. It is irrational to think the other three groups will rally behind an accord that is already being ignored by the regime. The government of Sudan has been consistently defiant in its non-implementation of the DDPD. The DDPD implementation process has effectively come to a halt.

Justice and inclusion in Darfur cannot be achieved separate from the wider polity. The fates of those in Darfur, Blue Nile, South Kordofan, the East, and the far north, as well as opposition in the center, are inextricably tied together. Each conflict, though they may appear distinct, are simply manifestations of a single root problem – the Khartoum

regime's policy of marginalization and neglect of the peripheries. Darfur is one piece of a larger, disaggregated puzzle. A growing number of voices within Sudan are calling for a comprehensive approach to peace in the country. The conflicts in Sudan's peripheral regions, including Darfur, must be addressed comprehensively. The necessity for an alliance between Darfur's three main rebel groups – the Justice and Equality Movement, or JEM, and both factions of the Sudan Liberation Movement, or SLM-Minni Minnawi and SLM-Abdel Wahid – and other rebel and opposition groups throughout Sudan, in the form of the Sudanese Revolutionary Front, or SRF, is indicative of the corresponding challenges facing all peripheral groups in Sudan. The government of Sudan will continue to perpetuate its pattern of deprivation, violence, and neglect of all the peripheral areas unless fundamental change at the center occurs. The rebels in Darfur have recognized that their goals cannot be achieved outside of the broader context and have thus allied themselves with other opposition groups. From their perspective, acquiescing to the terms of the DDPD – which Khartoum has consistently violated anyway – would be a betrayal of the other marginalized groups of Sudan. By setting Darfur as a discrete problem disconnected from the other marginalized communities in Sudan, the international community is setting up any agreement in Darfur for failure.

Change at the center is in progress. As a sign of this growing unity of purpose among political, and not just armed, groups, 17 opposition parties in Khartoum, led by the Umma Party and Popular Conference Party of Hassan al-Turabi, have signed a petition calling for political reform or regime change in the absence of reform. This group, the National Consensus Forum, proposes a broad-based government and a transitional period of three years. It is significant that the traditional parties are now willing to work on the same political platform with the SRF.

The international community must now refocus its efforts on supporting a negotiation process, in which the SRF members, along with other political parties, Sudanese civil society organizations, and other pro-democracy groups, can comprehensively address their grievances with Khartoum and lay the groundwork for an all-inclusive, comprehensive, and transparent constitutional process leading to democratic elections.

Policy Recommendations

- The U.S. government must integrate its Sudan policy portfolios so that the Darfur crisis is not dealt with in isolation from the country's conflicts and challenges.
- A comprehensive approach to resolving Sudan's conflicts and achieving peace and democratic change can only be achieved through the use of a negotiations model with international involvement similar to the approach that resulted in the CPA. This requires sustained, high-level engagement from regional powers, such as the Intergovernmental Authority on Development, or IGAD, the Troika nations (the

United States, Norway, and the United Kingdom), Qatar, and China, among others. This diplomatic engagement must be supplemented by a significant contribution of resources and assistance.

- Further, the international community should push for a two-track negotiation process in which internal north-north issues are addressed concurrently with the ongoing north-south talks.
- The comprehensive process must be inclusive of civil society as representatives of the people. To that end, the definition of a “stakeholder” must be expanded beyond combatant groups and political parties.
- There is no way to achieve a settlement without incorporating the Sudan Revolutionary Front into negotiations. To do this, the SRF must be encouraged to develop a political platform that is inclusive of all Sudanese. Engagement must persist beyond the signing of an agreement and extend through implementation. Compliance and performance benchmarks must be included in the final document and the high-level engagement must deploy carrots and sticks related to the benchmarks when necessary.
- The international community must encourage a genuine cease-fire and credible agreements allowing for humanitarian access. These agreements must be monitored and compliance must be enforced by regional and international actors.
- The negotiations process must conclude with an agreement that is inclusive of all Sudanese people, which lays out a framework for a transitional period and establishes a transparent and participatory constitutional process leading to democratic elections.

Endnotes

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