

How to save Darfur's peace process

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Introduction

The Darfur peace process as we know it has reached the end of the line and produced shockingly few results. Three major agreements, in 2004, 2006, and 2011, have either failed to impact events on the ground or have actually made matters worse in Darfur. The time has come to recognize that the issues in Darfur mirror those in South Kordofan, Blue Nile, and the East, and should therefore not be dealt with in isolation. The international community needs to abandon its piecemeal approach to Sudan and unite behind a demand for a comprehensive solution to the problem of overly concentrated, abusive power at the center. An equitable peace deal for all of Sudan, constitutional reform, and democratic elections should be the endgame, not competing processes that play into the hands of Khartoum's divide-and-conquer strategy.

Since the July signing of the Doha Peace Agreement, the situation in Darfur has unsurprisingly failed to improve. According to a recent statement made by U.S. Special Envoy Princeton Lyman to the House Subcommittee on Africa and Global Health, "There is ongoing conflict ... and approximately 2 million people are still displaced from their homes."¹ In fact, between 60,000 and 70,000 people were newly displaced from the Shangil Tobaya and East Jebel Marra areas alone between January and July of this year due to conflict.² Government violations of the laws of war and of the human rights of its own citizens continue on a regular basis, while threats of camp closures and forced returns loom large. The current situation is a continuation of the violence seen in 2010, a particularly violent year marked by almost triple the number of fatalities as 2009.³ The current humanitarian situation on the ground clearly fails to reflect the years of effort that have gone into trying to achieve peace in Darfur, a discrepancy that has much to do with the shortcomings of the international approach to Sudan more broadly and to the peace process itself.

Despite the renewed diplomatic engagement that characterized the final months of the Darfur peace negotiations in Doha, Qatar, the outcomes from the process—which included a weak peace document agreed to by only the government of Sudan and the Liberty and Justice Movement, or LJM, a small, splinter rebel faction, and a communiqué from the May stakeholder conference that endorsed the presented framework of the peace document—only really served to demonstrate its dysfunction. After two years and millions of dollars, the peace document has yet to lead to any serious change for the people of the region, while the most significant outcome of the 500 person stakeholder conference seems to have been the government’s renewed commitment to nonengagement with the remaining rebel groups.

While there are a variety of reasons for this lack of results, one of the most prominent is undoubtedly the broader international approach to Sudan. In an effort to put out the worst fires as they arose, the international community fell into a pattern of stove-piped diplomacy, wherein each of the distinct regions of Sudan received its own separate path to peace. Yet each of these conflicts has had at its core the same overarching grievance: economic and political marginalization at the hands of the ruling regime in Khartoum. This piecemeal approach to peace in Sudan, highlighted by the various peace agreements’ focus on the symptoms of the conflict rather than its root causes, has allowed the government to play the various processes off one another, thereby ensuring that progress in one only happens at the expense of another, and to avoid broader democratic change.

In the case of Darfur, the lack of international focus on the peace talks as a result of the referendum and southern secession created an opportunity for the process to go horribly awry. The mediators’ personal grievances, their public disputes, and their competing approaches to securing peace only served to further solidify the impression that the international community lacked the energy to give the region its full attention and the unification of purpose to secure lasting peace. These divisions allowed the ruling National Congress Party to participate in the Doha process in, at best, a minimal way, and at worst, a destructive way, without causing much opprobrium among members of the international community, which spent most of its limited energy on attacking the rebel divisions. As a result, the final document, whose enforcement mechanisms are seriously flawed, lacks a meaningful commitment to reform.

Yet the current situation offers a chance to correct the major structural flaws in the international community’s approach to Sudan and to ending the eight-year conflict in Darfur. As conflict flares in South Kordofan and Blue Nile, and calls for overarching reform become increasingly common, the environment has become ripe for a shift in international strategy. Given the common denominator of marginalization that exists for all peripheral communities, the first priority moving forward should be a comprehensive and inclusive peace process that in the first phase would deal with all of Sudan’s warring regions collectively—rather than individually—and help put in place mechanisms to address national issues such as power and wealth sharing in Sudan. This process, which

would include a constitutional conference followed by free and fair elections, should address a large number of the grievances being negotiated ineffectively at the regional level, if done equitably.⁴

In the second phase of this process, stakeholders from the various regions, including Darfur, would negotiate those outstanding issues that are unique to their regions. The Doha document, while flawed, could offer a good starting point for the Darfur discussions. For this new process to not suffer the same systemic shortcomings, however, it will also need new leadership.

The resignation of African Union/United Nations Joint Chief Mediator Djibril Bassolé and the appointment of new U.S. Special Envoy Princeton Lyman created a window of opportunity for fresh thinking about the direction of the peace process in the post-Doha environment. But the appointment of Joint Special Representative Ibrahim Gambari to replace Bassolé, at least on an interim basis, has somewhat squandered it, given JSR Gambari's already tarnished reputation among Darfuris and his need to focus attention solely on the task of peacekeeping. It is therefore essential, moving forward, that the international community not only restructure the process in a way that puts the root causes of conflict in all of Sudan at center stage, but also pushes for new stewardship that combines African leadership with broader international leverage.

Time for a national process

One of the key structural issues affecting the Darfur process is that, like all of the conflicts in Sudan, it has been taken out of the national context and treated as if it is happening in isolation. Yet, as the conflicts in Darfur, Abyei, the East, South Kordofan, and Blue Nile have shown, the tensions and grievances that persist on the peripheries of Sudan all have similar origins—marginalization and disenfranchisement of the people of Sudan by its central government.

Attempts to address these problems as part of the various individualized peace agreements have been unsuccessful. In the edits that the Justice and Equality Movement provided to the mediation in Doha, JEM made a point of addressing some of the broader, national issues by including the other regions of Sudan in its power-sharing and other provisions. It should be noted that these suggestions were subsequently ignored. Similarly, in its framework agreement on Blue Nile and South Kordofan states, the Sudanese People's Liberation Movement's northern sector included statements such as, "Governance shall be on the basis of inclusivity, partnership and accommodation of the political interests and perspectives of all Sudanese..." Not surprisingly, however, these attempts were rejected by the ruling party. In the former case, the National Congress Party, or NCP, refused to negotiate these points saying they were irrelevant to the proceedings, while in the latter case, President Bashir rejected the framework shortly after its signing.

As a result, the northern sector of the Sudan People's Liberation Movement, or SPLM-N, and both Abdel Wahid and Minni Minnawi's sectors of the Darfuri Sudan Liberation Army, or SLA-AW and SLA-MM, respectively, formed the Alliance of Sudanese Revolutionary Front in August of this year. The Alliance's first order of business was to release a political declaration in which the group outlined its conviction to:

"Liberate the Sudanese people from injustice, oppression and hatred, and to achieve the values of freedom, democracy and just peace to establish a democratic; decentralized; liberal and unified Sudan on a voluntary basis, and to overcome the failure of the ruling National Congress Party which represents an extension of the centralized system that has been controlling the power since independence..."⁵

There is some debate over the sincerity of the rebel movements' desire to bring about democratic transformation and their ability to actually put together a viable alternative to the Khartoum government. Nevertheless, the recent bonding together of the various rebel movements to call for this kind of overarching change at least suggests a recognition of the fact that the roots of all of Sudan's problems are similar and can be, at least partially, resolved through one inclusive process. Furthermore, it reflects calls that have been made by opposition and civil society groups, such as Girifna and the Sudanese Initiative for Constitution Making, or SICM, for more inclusive constitutional processes and government in Sudan.

Yet, in the various parallel peace negotiations, the international community has often accepted Khartoum's refusal to address these root causes, claiming in some cases that the discussion of these issues would anger Khartoum, thereby endangering overall negotiations, and should thus be avoided altogether. In the case of Darfur, JEM's attempts to include Kordofan in its revisions to the Doha document were met with irritation by some U.S. government officials, who informed the rebel group that calls for broader reform were not appropriate for negotiations aimed at one specific region.⁶

Unfortunately, the current international approach is in many ways making matters worse. Years of unsuccessful peace efforts have demonstrated that taking these conflicts out of the national context only serves to ensure the limited sustainability of any peace agreement.

To move toward peace in all of the northern regions, the international community should therefore, first and foremost, push for an all-inclusive peace process that endeavors to create a system that reflects the will of the Sudanese people. This would include internationally mediated negotiations that are focused on resolving the issues common to all the regions of the North, as well as the establishment of mechanisms through which a constitutional review process can be undertaken and internationally monitored democratic elections held. An externally mediated process, with proper international commitment, can ensure government accountability and avoid the amount of ruling party manipulation that would likely occur in a solely domestic process.

In order to achieve true restructuring, demands should be made that opposition groups tone down the rhetoric of African v. Arab (or periphery v. center), thus ensuring the participation of all members of Sudanese society, including the riverine elite. This process, if done fairly and openly, would likely address many of the topics that have been discussed through the various negotiations, without invoking the “siege mentality” that has enabled Khartoum to rule for so long.⁷ Of the issues discussed in Doha, some that would likely be resolved through this process include human rights and fundamental freedoms, wealth-sharing and power-sharing, and the administrative status of Darfur.

Hammering out the details on Darfur

To resolve the regional issues, such as those of Darfur, launching broader negotiations that include a constitutional conference are necessary for the first phase, but will of course be inadequate to address all of the region-specific concerns. In order to achieve sustainable peace in Darfur, negotiations aimed at resolving the region-specific issues will need to be launched under the umbrella of this national process. These breakout negotiations would aim to resolve issues such as compensation and the return of the internally displaced and refugees, and Darfur-specific security arrangements. Here, the Doha document could act as a point of departure.

“The Conference endorsed the Doha draft document as the basis for reaching a permanent ceasefire, a comprehensive and inclusive peace settlement, and sustainable peace and stability in Darfur. The Conference therefore called on the Government of Sudan and the Armed Movements to make every effort to reach a permanent ceasefire and a comprehensive peace settlement on the basis of this document.”⁸

In order for this more inclusive, two-phased national process to have a chance at success, however, Sudanese, regional, and international actors must work to ensure that the right building blocks are in place. This must include, first and foremost, securing the appropriate cast of characters to guide the process, and a framework that limits all parties’ ability to manipulate it.

Ensuring the right leadership

The Hippocratic Oath for physicians also applies to would-be peacemakers: “First, do no harm.” Yet the manner in which successive Darfur peace processes have been handled has often led to the further division of rebel forces, excuses for nonengagement by Khartoum, and continued conflict on the ground. The latest chapter of this story centers on the mediators that the international community entrusted to Sudan to help resolve the multiple conflicts there and showcases the problems inherent in trying to conduct hybrid operations, be it in peacekeeping or peacemaking. In fact, it could be argued that the failure of the peace process has in many ways been in the DNA of the mediation.

The three principal protagonists in the Darfur process to-date have been Djibril Bassolé, former South African president Thabo Mbeki, and Joint A.U.-U.N. Special Representative Ibrahim Gambari. Their competitive approach to peacemaking has undermined any chance for sustainable steps toward peace on their watch.

Checklist for a more inclusive all-sudan peace process

Drawing from the lessons of successful and unsuccessful peace processes, the following is a checklist of some of the fundamental components of any mediation effort going forward for Darfur. A roadmap for success is available in a mixture of efforts, such as the Comprehensive Peace Agreement between North and South Sudan in 2005, and the Ethiopia-Eritrea peace deal in 2000, among many others. Some of the elements of the checklist involve mediator attributes, while others involve prerequisites for a successful peace process.

Attributes of the mediator

- **Gravitas.** The mediator must have gravitas and the respect of the negotiating parties as well as influential countries.
- **Creativity.** With the parties to Darfur's conflict clinging to long-held positions in the face of ineffective mediation, it is critical to deploy a mediator who is creative in devising ways to move toward a more peaceful and secure Sudan.
- **Deep commitment.** Immersion in the detail of the issues is essential, requiring major preparation.
- **Commitment to principle.** The mediator should focus on the core principles of a compromise, and stand on that set of principles throughout the negotiations.
- **Discretion.** The mediator must ensure that any disagreements among the international community about the way forward on Sudan are kept well out of the public eye (giving a reason for that here would strengthen this requirement).

Process prerequisites

- **International unanimity.** In order to close down any effort at peace process forum shopping, a clear agreement over personnel and roadmap should be secured before moving forward, with an agreed mandate that has the backing of key countries and institutions. While it is clear that the countries involved in this process are likely to disagree on occasion, they should make a commitment to engaging in these disagreements in private. This will enable the mediator to speak with authority and hold the parties accountable when they are not engaging to the fullest. International actors must also agree on a venue for further engagement—one that is neutral and acceptable to all parties.

- **Partnership.** The U.S. should ensure a close partnership with the newly empowered U.N. mediator and his or her A.U. backers.
- **Relationship-building.** A mediator's ability to help forging relationships among members of the negotiating teams is crucial.
- **Capital support.** High-level support for the mediator from the capitals of influential countries is key to brokering compromises at sensitive moments.
- **Intelligence support.** The mediator needs to be supported with robust intelligence and information sharing protocols to support the negotiations.
- **Expertise.** The mediator should be empowered with a team full of expertise and experience, both functional and geographic. Lawyers and negotiators are needed at all times.
- **Substantive focus.** Previous mediators have spent most of their time trying to unify rebels, and not enough on the substance of a deal. Focusing on negotiating the solutions, like with the CPA, gives an opening to those Sudanese who want to be constructive and sidelines the obstructionists.
- **Presence.** Permanent staff will be needed on site and shuttling between key capitals for as long as the process is ongoing.
- **Best practices.** The mediator needs to oversee a well-managed process where record keeping, transparency, and other essentials of a successful process are followed.
- **Human rights advocacy.** Human rights and humanitarian access should not be sacrificed in favor of incremental progress at the negotiating table. International backers of the mediation should remain committed to denouncing and creating accountability for major human rights violations by any party, including the obstruction of humanitarian aid.
- **Leverage.** Perhaps most importantly, influential countries should work together to provide the benefits and consequences necessary to provide maximum leverage for peace.

Although Bassolé was appointed the A.U.-U.N. Joint Chief Mediator in June 2008, his authority was quickly undermined by the African Union's appointment of Mbeki to lead the union's High-Level Panel on Darfur in July 2008, which was mandated to examine peace and justice issues in the region.⁹ Mbeki's personal ambitions and history with Bassolé, as well as A.U. Commission Chairman Jean Ping's distrust of the mediator, quickly put Mbeki and Bassolé at odds with each other. The expansion of Mbeki's role as chair of the African Union High Level Implementation Panel on Sudan, or AUHIP, which included North-South issues in addition to Darfur, only served to further exacerbate the already existing tensions.

To make matters worse, in December of 2009 the United Nations and the African Union appointed Ibrahim Gambari to lead the A.U.-U.N. hybrid peacekeeping operation in Darfur, or UNAMID. Since arriving in the troubled region, however, Gambari has repeatedly butted heads with various special envoys to Sudan, a fact that was exemplified by the conspicuous absence of three key envoys at an "international envoys" meeting that took place in El Fasher in 2010. Gambari has also been angling to take on a leadership role in the peace process, despite the fact that UNAMID's primary role is to keep the peace on the ground, something that has thus far eluded the mission. It was little coincidence that he was appointed interim Joint Chief Mediator following the retirement of Bassolé. Gambari's ambition also appears to have been a major factor in his push for the Darfur-based Darfur Political Process, or DPP, where he would have a greater role. This idea, which has also been supported by Mbeki, has limited applicability in the near term, given the current situation on the ground in Darfur, and therefore has only really served, up to this point, as another means to undermine official negotiations.

Furthermore, Mbeki and Gambari's support for the DPP, an AUHIP-UNAMID plan which looks eerily similar to the government's own plans for domestication, has led many Darfuris to doubt the impartiality of these leaders. Proposals for this plan were dead on arrival for most Darfuris whose trust for these institutions has wavered over the years following repeated inaction and perceived bias. Absent the prerequisites of a semblance of freedom of speech and assembly, which would require a 180 degree shift in the circumstances on the ground, any kind of internal process would be considered by many Darfuris to be inherently flawed.¹⁰

Perhaps even more troubling, however, is the structural damage that was done by the duel between Bassolé and Mbeki, with Gration's involvement providing further complications. Mbeki publicly criticized Bassolé's approach on civil society involvement in the peace process, suggesting he had "empowered the armed movements to act as spoilers."¹¹ These and other comments suggested that anything that would be negotiated by Bassolé at the government-rebel talks in Doha would have to be renegotiated on the ground in Darfur in a secondary process. Any possible leverage for a peace deal was thus taken away from the mediators in Doha, making an already elusive peace utterly impossible for Darfur.¹² At a meeting held in April 2011, the A.U. Peace and Security Council only

made the situation worse by openly criticizing Bassolé alone for failing to “liaise closely with the AUHIP” and requesting that, “the Commission issue instructions to the Joint Chief Mediator, to consult with it and the AUHIP, before taking any further decisions, especially those relating to any extension of the Doha peace process.”¹³

Bassolé was also guilty of pursuing strategies that appeared to be more about confirming his own relevance to the process than actually seeking peace in the region. There is broad consensus that a lack of capacity and support had a supremely detrimental effect on the Doha process, which in turn contributed to the creation of a weak document that failed to properly address some of the core issues and to provide specific provisions focusing on the means of implementation. Instead of couching this agreement as the first phase of a larger process, however, Bassolé insisted upon putting together yet another Darfur stakeholders’ conference that would allow the “people of Darfur” to weigh in on the then draft document. Given the failure of the previous stakeholders’ conferences, this move appeared simply to be an attempt by Bassolé to secure some kind of success in a process that might otherwise have been deemed a complete failure.

The results were counterproductive. The conference participants, who were never allowed access to the draft document, ultimately endorsed PowerPoint presentations given by UNAMID and thus opened the door for the government to say that the people of Darfur had fully endorsed the document. Moreover, the government of Sudan once again manipulated the process, detaining some participants who were supposed to attend and stacking the deck with government-aligned representatives. As a result, the representatives of Darfur’s marginalized people in many ways wound up further marginalized by the conference proceedings.

By offering multiple channels for ending Darfur’s conflict and refusing to coordinate with one another, the three international diplomats have allowed the Khartoum regime to employ one of its favorite strategies. Playing these various Darfur processes against each other, and simultaneously committing fully to none, Khartoum has devised a way to appear cooperative while undermining efforts aimed at peace. Its unwillingness to accept serious reform on the national level is demonstrative of its true intentions.

Who’s in charge?

But here is the window of opportunity. Bassolé’s departure provides a chance for the United Nations Security Council, U.N. Secretary General Ban Ki-moon, and regional bodies to come together and lay out the specific framework for this inclusive process that will aim to achieve peace in all of Sudan. While it is essential that this plan is supported completely by the African Union, it is equally as important to ensure that there is one agency overseeing the process, and this agency is the United Nations. At the helm

of this streamlined process should be a single, empowered mediator, who is publicly supported by all parties and assisted by an international team of experts. This would also involve clarifying President Mbeki's role, which should be focused solely on his primary mandate of striking a deal between Sudan and South Sudan on the issues that divide those two nations. It would also require ensuring that the scope of JSR Gambari's work remains limited to peacekeeping and is not arbitrarily expanded to peacemaking, which is not a part of his mandate.

This process will require real leadership on the part of the permanent members of the Security Council: Britain, France, China, Russia, and the United States. These countries will need to work with the influential countries within the African Union to come to a consensus over the mandate for negotiating a larger, national process, which includes credible elections and constitutional reform, and a reasonable approach to region-specific issues. Clear terms of engagement then need to be issued to all international parties so that everyone is on the same page. Anything less will condemn Darfur and other regions of Sudan to more rounds of feckless, competitive peace talks, ensuring continued war.

The U.S. government has a special role to play in providing diplomatic support for more effective mediation, even while former Special Envoy Scott Gration's legacy may make this task a bit more challenging. In his efforts to unify the Darfur rebels, Gration helped form the LJM, with the assistance of Libya. His blatant favoritism toward this group, however, only served to alienate other rebel groups and undermine the work that the rest of the team was doing on rebel unification.¹⁴ By shunning the most militarily significant group, JEM, and by working in a manner at odds with the mediators in Doha, he bears partial responsibility for the process' flawed outcomes.

Conclusion

The international community needs to take a new approach to peace in Darfur, and it must start with a change in its approach to the whole of Sudan. A new all-Sudan peace process, free and fair elections, and constitutional reform need to be prioritized in Sudan, with the understanding that it would be the first step in a multitiered process aimed at achieving peace throughout the country. If the will of the people were to be heard on a national level, many of the overarching grievances that have been at the root of Sudan's various regional conflicts would be addressed. In order for this process to be successful, however, there must also be a new approach to leadership.

At the very least, the international community should stop playing into the hands of the National Congress Party's divide-and-conquer strategy by pursuing multiple regional peace processes rather than one all-inclusive national one. Human rights, political representation, and peace will have no chance in Darfur if the primary problem, the concentration of wealth and power at the center, is not addressed.

Endnotes

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- 7 Magdi El Gizouli, "Unworthy of Liberation," Sudan Tribune, September 5, 2011, available at <http://www.sudantribune.com/Unworthy-of-liberation.40059>.
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- 9 See John Prendergast, Omer Ismail, and Jerry Fowler, "Memo to Djibril Bassolé: Building Blocks for Peace." For more on the AUPD, including its report, see www.darfurpanel.org.
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- 14 For more on the formation of LJM and the Doha process, see Enough Project, "A Peace Process Play-By-Play" (2010), available at: <http://www.enoughproject.org/Darfur-Peace-Process>, and Laura Jones and Omer Ismail, "Neglecting Darfur" (Washington: Enough Project, 2010), available at <http://www.enoughproject.org/files/publications/NeglectingDarfur.pdf>.

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