



enough

The project to end genocide and crimes against humanity

www.enoughproject.org

A STRATEGY FOR SUCCESS IN SIRTE

By Colin Thomas-Jensen and John Prendergast

ENOUGH Strategy Paper #10

November 2007

If not revamped, the Darfur peace process will almost certainly fail. Though hopes were high for talks that convened in early November, the United Nations/African Union joint mediation team made a critical mistake by trying to unify the rebels and assemble them all in one place without a clearly defined vision for an end state that resonates with Darfur's civilian population. Most of the myriad rebel groups—and all of the significant ones—declined to attend the November talks in Sirte, Libya because they feared a repeat of the Abuja peace process that produced the failed 2006 Darfur Peace Agreement, or DPA.

But it is not too late. The Sirte talks can be rescued when they reconvene in December¹ if the mediation team and its international partners, including the United States, take immediate action to reorient the **content**, to restructure the **process**, and to build the requisite **leverage** needed to compel the negotiating parties to reach a final agreement.

Over the last decade, political negotiations in Sudan have achieved one major success—the increasingly fragile Comprehensive Peace Agreement, or CPA—and resulted in one major failure—the DPA.² The international community can draw clear lessons from each process:

- **Comprehensive Peace Agreement:** The Intergovernmental Authority on Development, or IGAD, an East African regional organization, mediated between the Sudanese government and the Sudan People's Liberation Movement, or SPLM. The mediators articulated a clear vision around an end state that the southern Sudanese population strongly supports: self-determination. Senior diplomats from a "troika" of countries—the United States, UK, and Norway³—supported and coordinated closely with the IGAD mediation team to pressure both parties to make the

difficult compromises that ultimately yielded an agreement.⁴

- **Darfur Peace Agreement:** The talks in Abuja, Nigeria that led to the failed 2006 DPA between the government and one rebel faction were also mediated by a regional organization—the AU—but the roles and responsibilities of other international actors were muddled at best. Chad, a country directly involved in the conflict through its support for various rebel factions, was a "co-mediator", while Libya and Nigeria served as "facilitators." The United States, UK, U.N., European Union, and Arab League were five of the sixteen "observers". The overabundance of actors lacked a cohesive coordinating mechanism and preferred infrequent visits from senior diplomats to consistent high-level diplomacy.

These lessons—clear end state, tight structure, and focused leverage—have not yet been applied to the Sirte talks. A clear strategy for success should reflect the lessons learned from the success of the CPA, and failure of the DPA, and include new arrangements and approaches on the content, process, and leverage that guide the talks.

A. CONTENT

Content Recommendation: *The joint mediation team should unveil an envisioned end state in the form of a draft agreement that reflects the widely shared concerns of the principal victims of this conflict—Darfurian civilians who have been displaced from their homes.*

The issues on the table in Libya are complex, with deep disparities between the positions of the government and the rebel groups. Rather than wait for the parties to come up with their own proposals, the joint mediation team needs to author a

¹ On November 16, the mediation team indicated that they talks may be on hold until next year, citing the need to get key rebel factions on board in the process. See <http://news.bbc.co.uk/2/hi/africa/7098696.stm>

² The verdict is still out on the much less elaborate 2006 peace agreement for Eastern Sudan.

³ Italy was also extremely helpful in this framework.

⁴ See ENOUGH Strategy Paper #9, "An All-Sudan Solution: Linking Darfur in the South", by Roger Winter and John Prendergast, November 2007.

draft agreement that begins to bridge this gap by adopting the perspective of a much broader array of stakeholders, particularly the civilian victims of the conflict. A draft agreement that clearly addresses the interests of the people of Darfur and rebel groups will also serve as an incentive for the rebel leaders absent from Sirte to attend the talks when they reconvene in December.

The following four issues must be part of a solution, and the proposals shared widely to build support throughout Darfur.

1) Compensation: Compensation, or *diya*, is a central part of traditional conflict resolution in Darfur. The primary purposes of compensation are to recognize the harm done to a community and (partially⁵) satisfy the victims' demand for justice. In Darfur, this can only occur when the Government of Sudan, as the party most responsible for systematic killing, rape, torture, and looting in Darfur, adequately compensates victims for stolen livestock, land, goods, etc. Moreover, compensation for Darfur must be separate and distinct from any reconstruction and development funds that may be offered once peace is achieved. The DPA authorized a compensation fund of \$30 million for Darfur. Using a very crude calculation, equal distribution among the 2.5 million displaced people would amount to a \$12 payout for each victim. Given the scale of the economic losses in Darfur and the complexity of determining and distributing compensation, the Government of Sudan must allocate substantially more funds and agree to an international monitoring mechanism ensure that those funds are dispersed fairly.

2) Dismantling the militias: The people of Darfur will simply not accept any agreement that fails to establish a clear, internationally monitored process to disarm the Janjaweed militias. By

contrast, the DPA holds the Government of Sudan responsible for disarming its own proxies, a responsibility that the Government has pledged to honor and then ignored on at least six occasions. Meanwhile, a disarmament program must be devised with the goal of formally dismantling the structures of violence in Darfur: the Janjaweed militias and the various rebel factions. The mediation should seek agreement on an internationally monitored process to assemble these groups, collect their heavy weapons, and implement an aggressive program to disarm, demobilize, and reintegrate—a process known as DDR—combatants back into their communities. Moreover, the process must take into account the realities on the ground. Although weapons have flooded the region since the crisis began in 2003, many farmers and herders in Darfur have carried rifles for years to defend their land and livestock. DDR programs should seek to take apart the militias without disrupting the traditional livelihoods of civilians.

3) Darfur autonomy: The question of how Darfur should be administered—and whether it should remain as three states or establish a regional government, as was the case until 1989—is at the center of political negotiations over Darfur's future. The DPA establishes a transition period before a regional vote on Darfur's status, to be held no later than mid-2010. However, some rebel factions continue to demand an immediate return to a regional government, while others have openly called for self-determination and even independence. The mediation team must work with the parties to establish consensus on the question of autonomy before moving on to the specifics of power sharing.

4) Political representation for Darfur: The mediation team in Libya must tackle the thorny question of how to broaden the power-sharing

⁵ In July 2007, ENOUGH participated in a roundtable discussion on reparations for Darfur. The group, convened by Physicians for Human Rights in New York, identified guiding principles for reparations in Darfur that have been endorsed by Physicians for Human Rights, International Center for Transitional Justice, REDRESS, and the Darfuri Leader Network. The draft principles document states that compensation "cannot replace critical parallel accountability mechanisms, including criminal prosecution of individual perpetrators of war crimes. The Government has a duty to provide reparation for all victims of violations in Darfur since ultimately, it failed in its duty to protect its own citizens from harm."

arrangements beyond the DPA signatories to include the rebel factions that did not sign, and, most importantly, a broader set of stakeholders and civil society groups from Darfur. The power sharing provisions in the DPA failed to address a major root cause of the rebellion in 2003: a collective demand by the people of Darfur for greater control over their affairs. Only one of three rebel factions at the talks—the SLA group led by Minni Minnawi, or SLA/MM—signed the DPA under pressure from the mediators and international actors. Encouraged by the international community, the Government of Sudan has implemented the agreement's political provisions and awarded the SLA/MM with positions in the government. Further, in Abuja the Sudanese government's National Congress Party, or NCP used the power sharing talks to drive a contentious wedge between the southern Sudanese and the SPLM, on the one hand, and Darfurians, on the other, exploiting the fact that the SPLM opposes a power sharing deal for Darfur because it would reduce the Southerners' hard-fought political gains under the CPA. The mediation team must preserve the CPA as the national framework for a national political solution, and they must consult directly with the SPLM on the draft agreement to address those concerns.

B. PROCESS

Process Recommendation #1: The joint mediation team must immediately broaden the process to ensure that all stakeholders in Darfur have ownership over the envisioned end state and, eventually, the final agreement.

The Abuja peace talks that produced the DPA were between an unrepresentative government in Khartoum and the three rebel groups recognized by the AU mediators (at least two significant rebel factions were not at the table). The one rebel group that ultimately signed the DPA—Minni Minnawi's SLA faction—lacked and still lacks popular support

in Darfur. After the agreement, many of Minnawi's forces became paramilitaries for the Government of Sudan, committed atrocities, and engaged in widespread banditry and attacks on humanitarians and peacekeepers.

The AU mediators failed to give the people of Darfur and the victims of the conflict—particularly women, internally displaced persons, and non-aligned Arab groups—an adequate voice at the talks, opting to secure buy in from Darfurians after the agreement was signed through a process called the Darfur Darfur Dialogue and Consultation. However, the DPA was dead on arrival, rendering moot the Darfur Darfur Dialogue before it could begin.

Unless of the various stakeholders in Darfur can participate formally in the peace process, any agreement reached will almost certainly lack broad support from the people of Darfur and collapse as spectacularly as did the DPA. The talks must include the following groups:

1) *Sudan's Government of National Unity:* The 2005 Comprehensive Peace Agreement, which ended the civil war between the government and rebels based in the South, established a Government of National Unity between Sudan's ruling National Congress Party, or NCP, and the Southern People's Liberation Movement, or SPLM. The SPLM's decision in October to recall its ministers from the unity government has cast a spotlight on the ruling party's failure to implement key provisions of the CPA and sparked a deepening political crisis in Khartoum. Urgent action is needed on the part of the international community to re-engage in the North-South peace process and prevent a return to war in the South, but also to ensure that the Government's delegation in Libya is genuinely representative of both parties in the Government of National Unity. If the NCP and the SPLM do not share ownership over an eventual agreement for Darfur, the agreement will most likely die during implementation.

- 2) *The rebel signatory to the DPA, Minni Minawi's SLA faction:* As a result of the DPA, Minni Minawi and some members of his SLA faction were formally incorporated into the unity government. The Government-led attack in October on forces loyal to Minawi at Muhajaria in North Darfur demonstrates the total breakdown of the DPA and bolsters the argument of some non-signatory factions that the DPA should not serve as a platform for negotiations. Minawi and other members of his faction within the Sudanese government, including the recently appointed governor of West Darfur, could turn out to be the spoilers in Libya. It is conceivable that they will fight even harder than the NCP not to reopen the power sharing provisions of the DPA in order to protect their jobs. These groups have the "legitimacy" of being signatories to the DPA, and can and likely will be used by the NCP to act as front men to provide resistance, from a legal perspective, to substantially reworking the agreement. To achieve new power sharing arrangements, the mediators will likely need to broker a side deal in which Minawi stands down from his position as Special Assistant to the President and head of the Transitional Darfur Regional Authority, the regional governing body established under the DPA.
- 3) *Non-signatories and other rebel alliances:* Most of the rebel groups that did not sign the DPA met in Arusha, Tanzania in August and "presented a common platform on power sharing, wealth sharing, security arrangements, land, and humanitarian issues, for the final negotiations."⁶ While at the time the meeting was hailed as a breakthrough, the divisions within the rebel groups have continued to deepen and some rebel leaders intend to hold the process hostage by their absence. Abdul Wahid of the SLA refuses to join the negotiations until the U.N./AU hybrid force deploys, disarms the Janjaweed, and removes Arab populations that have settled on

non-Arab land. Other rebel leaders have rejected Libya as a venue and demanded the replacement of the head of the AU delegation, Tanzanian diplomat Salim Ahmed Salim. Coordinated shuttle diplomacy, whereby envoys travel throughout the region to engage the holdouts, can overcome these obstacles to peace.

- 4) *Civil Society:* The U.N./AU mediation team can accomplish three critical tasks by establishing a formal mechanism for other stakeholders in Darfur to have a voice at the Sirte talks. First, greater civil society participation increases the likelihood that a broader section of Darfur will feel ownership of an agreement and help garner support from inside Darfur for both the process and the outcomes. The process of selecting civil society representation must be carefully guarded from outside influence, particularly by the NCP. Many "civil society" participants at the Abuja talks supported NCP positions, suggesting that the ruling party had a guiding hand in deciding who would attend. Second, an assertive mediation can leverage the presence of Darfuran women, displaced persons' groups, tribal leaders (including Arab groups), and other civil society actors to blunt the impact of rebel divisions. The rebels are fighting with each other for the right to control Darfur's political destiny, but faced with the active participation of the people they purport to represent, they will face pressure to set aside the personality squabbles on which most of the divisions are based and deal with the core issues on the table. Non-armed Darfuran groups could be represented formally at the talks by distinguished members of civil society, identified by the AU and U.N. as part of their initiative. Third, it raises the helpful prospect that a future administration or local governments in Darfur will not be made up exclusively of rebels and the ruling party, but will include significant representatives of other key sectors in Darfur.⁷

6 See Conclusions of Darfur rebels' consultations in Arusha. Available at <http://www.sudantribune.com/spip.php?article23165>

7 The Initiative for Inclusive Security has done extensive work on the role of women in shaping a lasting peace for Sudan. These recommendations are available at http://www.huntalternatives.org/pages/7290_sudan.cfm

Process Recommendation #2: The countries with the most leverage—the United States, China, France, and the United States—should deploy full time and fully staffed special envoys to the region to support the joint mediation.

In conflicts where atrocities are committed on the scale of Darfur, warring parties rarely reach durable peace agreements without sustained external pressure. And pressure does not come via phone calls from Washington, Paris, London, Beijing, and elsewhere. High-level diplomatic presence at the talks is essential, and nations participating at the talks should base senior diplomats with appropriate staff in Libya.

To avoid a repeat of the Abuja talks, where a cacophony of mid-level international voices failed to compel compromise between the parties, the United States, UK, France, and China should convene an informal “quartet” to support the joint mediation team. All four countries are permanent members of the U.N. Security Council and have senior diplomats focusing exclusively on Sudan. This quartet should agree on carrots and sticks to cajole and nudge the parties toward an agreement and insistently monitor its implementation.⁸

The United States specifically should designate a *full-time* senior envoy as the point person for a comprehensive strategy for peace in Sudan, including the Sirte talks and implementation of the CPA. At present, there is no clear leader on Sudan within the U.S. government and the policy is incoherent. The lines of policymaking authority for Sudan at the State Department are muddled and competing U.S. policy agendas—Darfur, the CPA, and Sudan’s cooperation on counterterrorism—will only be resolved with strong White House leadership.⁹ President Bush should make clear that his special envoy is in charge and ensure that s/he has an experienced field-based staff to implement a carefully calibrated strategy for comprehensive peace.

Process Recommendation #3: The mediation team—accompanied whenever possible by special envoys from the United States, China, France, and the UK—need to take the draft agreement on the road and conduct shuttle diplomacy.

Aggressive shuttle diplomacy can address the decisions of key rebel leaders not to attend and counter the negative influence of regional states.

- 1) If rebel leaders refuse to come to the peace talks, then the mediation team and its international partners have to take the process to them. The most high profile rebel hold-out is Abdul Wahid, a Fur and the founder of the Sudan Liberation Army, or SLA. Despite a minor military presence on the ground (in western Jebel Marra), Abdul Wahid is a folk hero among many internally displaced persons, or IDPs, especially among his Fur people. His decision not to attend peace talks until the hybrid peacekeeping force arrives is popular in the IDP camps, and Abdul Wahid risks political suicide if he buckles to international pressure and travels to Libya. However, he must not be allowed to hold the process hostage by his absence. The mediators and special envoys must work with the French to pressure Abdul Wahid to appoint a representative to attend the talks in Sirte, enabling him to save face publicly but engage politically. If he refuses, the talks should go ahead regardless. Abdul Wahid lacks the military capacity to play spoiler, and if the negotiations gather momentum without him he will likely be compelled to join. Diplomats supporting the Sirte talks must work equally hard to bring other rebel holdouts—including Khalil Ibrahim (JEM), Ahmed Abdel Shafie (SLA), Bahar Idriss Abu Garda (JEM), and Khamis Abdullah Abakar (SLA)—into the process. Though many rebel leaders object to Libya as a venue for the talks, stronger international engagement through senior diplomats and strong draft agreement would serve as an effective carrot.

8 See ENOUGH Strategy Briefing #3, “An Axis of Peace for Darfur: The United States, France, and China,” by John Prendergast and Colin Thomas-Jensen, June 2007.

9 See ENOUGH Strategy Paper #1, “The Answer to Darfur,” by John Prendergast, March 2007.

2) Since the start of the conflict, Chad, Eritrea, and Libya have jockeyed for influence with the rebels, and maintain considerable sway over Darfur's rebel factions. These neighboring states have strong interests in the political future of Sudan and the potential to undermine progress at the negotiating table if they feel their interests are not being met. Eritrea has hosted most of the rebel leadership at one time or another and the Eritrean government has supported multiple initiatives to unify various rebel factions.¹⁰ The Chadian government has openly supported various Darfur rebel factions since early 2006 and developed a symbiotic relationship with rebel commanders who have operated in tandem with the Chadian army in exchange for logistical and materiel support from N'Djamena. Libyan leader Muammar al-Gaddafi has supported nearly all sides of the conflict at one time or another, and retains considerable influence through his ability to infuse the conflict with money and weapons.

The mediation team and its international partners should designate lead nations to use their leverage with the rebels to respect a ceasefire agreement and adopt realistic positions at the negotiating table.

a) *Eritrea:* The international community should seek to engage Eritrea through an intermediary that President Issayas Afeworki trusts—Norway. Eritrea has long involvement with Sudan's civil wars, and recently brokered a deal that ended a simmering conflict between the NCP and rebels based in Eastern Sudan.¹¹ Although Issayas is increasingly isolated internationally and refuses to meet with the U.S., the Norwegian government retains good relations with Eritrea; Norwegian diplomats can be the international community's liaison with Issayas.

b) *Chad:* Despite the recent accusations of child trafficking against French citizens, the French government retains considerable leverage with Chadian President Idriss Deby. Chad hosts 1,100 French military forces, most of whom will serve as the backbone of a European Union protection force deploying to eastern Chad and northern Central African Republic in the coming months.¹² As a front-line state, Chad has a strong interest in the outcome of the talks and how the rebel factions it supports will be represented in the final agreement on political arrangements.

c) *Libya:* Because of gradually improving relations between Tripoli and Washington, particularly on counterterrorism issues, the U.S. is best suited to blunt Libyan leader Muammar Gaddafi's bizarre public statements and his predilection for quick fixes at the negotiating table. Gaddafi has hosted several "peace summits" in Tripoli to mediate between Khartoum and N'Djamena and to resolve the conflicts in Darfur and eastern Chad, and agreements he hails as breakthroughs have universally failed to achieve anything on the ground. Many rebel groups are justifiably critical of Libya as a venue for the talks after Gaddafi's recent comment that the crisis in Darfur is a "quarrel over a camel."

C. LEVERAGE

Leverage Recommendation #1: The U.N. Security Council must establish clear costs for parties that obstruct the peace process.

As ENOUGH has consistently argued, the international community must build leverage on all parties to the conflict by imposing and enforcing multilateral penalties on individuals that commit crimes against humanity, obstruct deployment of

10 Despite its small size and widespread poverty, Eritrea swings a big bat in the Horn of Africa. Its simmering border dispute with Ethiopia and its role in supporting the Islamic Courts Union in Somalia are Eritrea's most conspicuous activities in the region. U.S. relations with Eritrea reached rock bottom recently when the State Department signaled that it was considering adding Eritrea to its "State Sponsors of Terror List", a designation that would impose harsh penalties on President Afeworki's government. However, Isolating Eritrea over Somalia will have a negative rebound on Sudan, as the Eritreans will most certainly use their relationships with various rebel factions to undermine international efforts at a settlement.

11 Eritrea's recent rapprochement with Khartoum and its attempt to control various Darfur rebel factions is a bargaining chip to neutralize Sudan in the event of a new war with Ethiopia.

12 See ENOUGH Strategy Briefing #7, "A Race Against Time in Eastern Chad," by Omer Ismail and John Prendergast, October 2007.

UNAMID, the U.N./AU hybrid force, and/or obstruct the peace process. Some key actors, including the United States, have argued that punitive actions such as sanctions and divestment could hurt the peace process. Nothing is further from the truth, as successful negotiations require both incentives and pressures. The UN Security Council must provide the stick needed to concentrate minds on negotiations and exact concessions from negotiating parties with a demonstrated knack for digging in their heels. The international community's failure to respond to the recent dramatic upsurge in violence in Darfur and the Government of Sudan's clear strategy to slow deployment of UNAMID is fuelling a sense of impunity on all sides that will ultimately torpedo the peace process.

Leverage Recommendation #2: The United States should provide declassified intelligence to help the International Criminal Court build cases and execute additional indictments against those most responsible for genocide and crimes against humanity in Darfur.

Responding to pressure from U.S. citizens, the Bush administration disregarded its strong ideological objections to the International Criminal Court and abstained from the Security Council vote to refer the Darfur case in March 2005. But the United States has not provided information to assist Chief Prosecutor Luis Moreno Ocampo's investigation. U.S. intelligence services are closely monitoring communications within Sudan, listening to conversations between Sudanese officials and others that could implicate them in crimes committed in Darfur. Earlier this year, a senior U.S. official told ENOUGH that the Bush administration has files that outline the involvement of many senior regime officials in pursuing a policy of scorched earth ethnic cleansing in Darfur. The administration has opted not to hand these documents over to the Court, arguing that the prospect of indictment and arrest could force the regime into "survival mode" and cause it to attack the camps for displaced persons in Darfur. That this argument does not follow is demonstrat-

ed most clearly by recent government attacks on camps, the forced relocation of displaced persons, and the expulsion of a senior UN humanitarian official in South Darfur. The regime is already in "survival mode." Deeply unpopular in Sudan, the NCP cannot win national elections scheduled for 2009 without rigging the vote, nor has it backed away from a military solution in Darfur. The United States and others must support the ICC's investigation. In turn, the Security Council must be prepared to suspend the investigation if a peace agreement for Darfur is signed and implemented.

CONCLUSION

As noted in ENOUGH's most recent strategy paper, "An All-Sudan Solution: Linking Darfur and the South", a strategy for success in Sirte is merely one component of a comprehensive approach to lasting peace in Sudan. The NCP has consistently taken advantage of the international community's inconsistent focus and failure to articulate a clear path toward peace in Darfur and the democratic transformation of Sudan, as promised by the CPA. While the international focus was ending the war in the South, Khartoum bought itself time to pursue its scorched-earth campaign in Darfur. Facing international condemnation over Darfur and haphazard diplomatic efforts to end the Darfur crisis, Khartoum worked assiduously to undermine the implementation of the CPA. Thus, although the regime is constantly on the defensive, it maintains the initiative, runs circles around the international community's efforts to resolve both crises, and continues to grind the people of Sudan under its heel.

The only way for the international community to break out of this deadly rut and take the initiative is by devoting significant resources, setting clear objectives, and building the coordinated leverage necessary to achieve a peace agreement for Darfur and the full implementation of the CPA. Another failed peace process for Darfur and an unraveling of the CPA could plunge the Sudan into unprecedented misery. This, at all costs, must be avoided.



enough

The project to end genocide and crimes against humanity

ENOUGH is a project founded by the International Crisis Group and the Center for American Progress to end genocide and crimes against humanity. With an initial focus on the crises in Darfur, eastern Congo, and northern Uganda, ENOUGH's strategy papers and briefings provide sharp field analysis and targeted policy recommendations based on a "3P" crisis response strategy: promoting durable peace, providing civilian protection, and punishing perpetrators of atrocities. ENOUGH works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve these crises. To learn more about ENOUGH and what you can do to help, go to www.enoughproject.org.



1333 H Street, NW, 10th Floor
Washington, DC 20005
Phone: 202-682-1611 Fax: 202-682-1867
www.enoughproject.org