

**THE DYNAMICS OF MEDIATION AND CONFLICT RESOLUTION IN
DARFUR, SUDAN: 2004-2011**

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DEDICATION

For my Father Mathibe (1947-2005) and my Mother, Mpue, who inculcated in me the virtue of continuously searching for knowledge,

And

All those still working tirelessly towards the realization of peace in Darfur, Sudan

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DECLARATION

I declare that the work in this thesis is my own work and has not been produced elsewhere. It is being submitted for the award of the degree of Doctor of Philosophy in International Relations, in the Department of International Relations, School of Social Sciences, Faculty of Humanities, University of the Witwatersrand, Johannesburg, South Africa. To the best of my knowledge, it has not been submitted before for any degree or examination in any other university.

Name: Johnny Thabo Pitswane

Date: 24 March 2014

Signature:

LIST OF ACRONYMS

AMIS	African Union Mission in Sudan
APRD	Popular Army for the Reconstruction of the Republic and Democracy
AU	African Union
AUC	African Union Commission
AUPD	African Union Panel on Darfur
AUPSC	African Union Peace and Security Council
CAR	Central African Republic
CFC	Ceasefire Commission
CPA	Comprehensive Peace Agreement
DLF	Darfur Liberation Front
DoP	Declaration of Principles
DoC	Declaration of Commitment
DDDC	Darfur Darfur Dialogue and Consultation
DDPD	Doha Document for Peace in Darfur
DPA	Darfur Peace Agreement
DPAIT	Darfur Peace Agreement Implementation Team
DPP	Darfur Peace Process
DRDF	Darfur Reconstruction and Development Fund
ECHO	European Commission Humanitarian Aid Organization
EU	European Union

EUFOR	European Union Force in Chad
ESPA	Eastern Sudan Peace Agreement
FFAMC	Fiscal and Financial Allocation Monitoring Commission
FUC	United Front for Change
GoS	Government of Sudan
HCFA	Humanitarian Ceasefire Agreement
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
INC	Interim National Constitution
JC	Joint Commission
JEM	Justice and Equality Movement
LAS	League of Arab States
NCP	National Congress Party
NDA	National Democratic Alliance
NIF	National Islamic Front
NMRD	National Movement for Reform and Development
NRF	National Redemption Front
OAU	Organization of African Unity
PDF	Popular Defense Forces

Rdff	Revolutionary Democratic Front Forces
RFC	Rally of Forces for Change
SAF	Sudan Armed Forces
SFDA	Sudan Federal Democratic Alliance
SLA	Sudan Liberation Army
SLM	Sudan Liberation Movement
SPLM	Sudan People's Liberation Movement
SRSg	Special Representative of the Secretary-General of the United Nations
TDRA	Transitional Darfur Regional Authority
UDFR	Union of Democratic Forces for Rally
UFDD	Union of Democratic Forces for Unity
UFLD	United Front for Liberation and Development
UN	United Nations
UNAMID	United Nations-African Union Mission in Darfur
UNSC	United Nations Security Council

GLOSSARY

Abbala	Arabic for camel-herders, camel nomads.
Ansars	Followers of the Mahdi, the “expected one” or “guided” one.
Ajwadi	Mediator.
Al kitab al aswad	“Black Book”, published by Islamic supporters of Hassan al-Turabi and which was distributed throughout Sudan and became a rallying reference point in Darfur against the authorities.
Arabization	Gradual process of transmission of norms, values, belief systems, and institutions of governance associated with the peoples of the Arabian Peninsula, and includes adoption of Arabic language and culture.
Baggara	Cattle-herders.
bilad al-Sudan	“Land of the Blacks”, term created by medieval Muslim geographers in Sahelian Africa to denote areas from present day Dakar to Djibouti.
Dar	Domain, territory or homeland.
failaka al-Islamiya	Islamic Legion, military units espoused by Libyan leader Gaddafi in the mid-1980s and to be dispatched to nearby areas to secure the Greater Arab Union, promote Arabization, Islamization and to fulfil the vision of the Libyan ruler for an expanded Jamaharriya.
Fur	Community in western Sudan that gave rise to the Sultanate of Dar Fur between the seventeenth and nineteenth centuries.
Hafirs	Excavated water storage tanks.

Hakura	Traditional system used to determine and administer land ownership.
Islamization	Conversion to Islam and the adoption of socio-cultural legal and political institutions associated with the community of believers in Islam.
Irada hurra	Free Will.
Janjawiid	A composite term of <i>jiin</i> (spirit/ghost) and <i>jawad</i> (horse) in Arabic to referring to outlaws or bandits creating havoc over communities.
Jebel	Mountains, hills.
Jellaba	Small-scale merchants.
Juddiya	A customary practice of mediation.
Mahdi	The “expected one”, “the guided one”, messiah send by God to bring salvation to the community and lead it to a true path.
Naziheen	Displaced.
Sharia	Islamic holy laws.
Tajammu al Arabi	Greater Arab Union, a single geographic or territorial entity envisaged by Libyan Leader Gaddafi from the 1970s and which was to include Sudan and Chad, among others.
Tariqah	Sufi religious orders.
Wallii	Governor of a region or sub-region, usually appointed by the central government.

MAPS

Map I: Darfur in Pre-Independence Sudan



Map II: Present-Day Darfur



INTRODUCTION

Darfur: A Brief Perspective

The purpose of this research is to discuss and analyse the mediation efforts in the Darfur Conflict during the 2004-2011 period. The protracted conflict in the Darfur region, which is in the western part of Sudan, continues to create an unstable and volatile geo-political architecture. The outbreak in early 2003 of armed hostilities between the government's Sudan Armed Forces (SAF), also supported by the militia group called the *Janjawiid*, and some of the indigenous rebel groups such as the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), and further including a plethora of other smaller groups, led to thousands of deaths and the creation of a massive humanitarian crisis in the region. Consequently, large increases in the numbers of internally displaced persons (IDPs) and refugees who fled across the borders to neighbouring countries, particularly Chad, created a significant challenge to the African Union and the international community. The open outbreak of armed hostilities in the Darfur conflict established another unwelcome front of internal contestation for the Government of Sudan (GoS), at a time when the authorities in Khartoum were preoccupied with negotiations with the Sudan People's Liberation Movement (SPLM/A) in the South.

International calls quickly emerged addressing the need to intervene in Darfur, although to varying degrees of intensity. The expectation for Africa to take the lead became more pronounced. The African Union, emerging out of the old Organization of African Unity (OAU) and launched in 2002, was facing its first real test in its new guise. The AU's Peace and Security Council was to be launched later in 2004. The imperative of intervening also happened in a context where references to terms such as "genocide" and "ethnic cleansing" became introduced in certain quarters into the discourse on Darfur. Although perhaps not a determining factor in prompting various actors to intervene, this language did not resonate well on the African continent, especially after the events which occurred in Rwanda a decade earlier. In the early stages of the Darfur crisis, the United Nations was not prepared to actively intervene, expressing its intention to play only a supporting role. They encouraged African mediation efforts to play a

central role. In addition, the African Union was also left to address the immediate need to deploy peacekeepers on the ground.

The Problem

The rationale for undertaking this research lies in the necessity of providing an analysis of the various mediation efforts undertaken in the Darfur conflict. The theoretical and conceptual framework that will be used will be based on exploring the literature on the mediation of different kinds of conflict, with an emphasis on internal intractable conflict and its contextualization within the broader field of conflict resolution. In the case of Darfur, it should be highlighted that throughout the period of the conflict, the distinctive feature has been the numerous and often competing mediation phases and efforts, each having different impact and outcomes. The research will focus on various mediation events and processes in the history of the conflict, encompassing the Ndjamena, Addis Ababa, Tripoli, Abuja and Doha negotiations, by examining the roles played by different mediators such as Idriss Deby, Salim Ahmed Salim, Jan Pronk, Jan Eliasson and Yipenne Gibril Bassole, their mandates, the participation of the parties to the conflict and the agreements or pacts that emerged from the negotiations.

Furthermore, it is also the objective of this research to examine the mediatory roles of regional and international actors in the conflict. This chapter will analyse their roles and how they affect the competitiveness aspect of the mediation and negotiation efforts. Competitive mediation has been a salient feature of the Darfur conflict. Some of the regional actors, such as Libya, Chad and Eritrea, for instance, had strategic interests in the conflict, and this sometimes had a direct bearing on their mediation efforts. International actors, such as the United States and the United Kingdom, and regional blocs such as the European Union, apart from keeping a close watch on the mediation, had varying interests in the outcome of any possible future settlements in Darfur.

The intractability of the conflict needs to be examined as well, particularly as it is essential in understanding the various contributory and multi-causal factors inherent to the Darfur conflict. These various dimensions to the conflict also need to be analyzed with the understanding that conflict in this region cannot be dealt with in isolation from the broader Sudan context. It is also in this regard that it will be argued in the research,

for example, that the Darfurian grievances often replicate those from the South, even to the extent of embracing them. As a result, the Comprehensive Peace Agreement (CPA) is seen by some inhabitants of the region as a source of inspiration in realizing their goals and aspirations, and also in providing an example of a model which Darfur rebel movements can emulate in their negotiations with the Government of Sudan (GoS). This background thus also assumes much importance.

The research hopes to make a contribution by providing additional and novel insight into the dynamics and complexities of mediation in the Darfur conflict by expanding on the existing body of knowledge. This will be anchored in the work done by a number of key authors who have authoritatively carried out research in this area. The current literature on conflicts in Sudan in general tends to cover the historical antecedents and manifestations thereof, in addition to numerous references to what are regarded as the root causes of the conflicts, including in Darfur. Although there exist substantial volumes of important literature comprising work carried out in relation to roles played by peacekeeping missions and humanitarian aid agencies in Darfur, the main focus of this research revolves around the evolution of mediation efforts in that conflict terrain.

Lastly, as the Darfur conflict continues to unfold, doing research at this important stage in the region's history is essential in the effort to reflect on emerging trends and developments, as this will enhance knowledge and expand data in this field.

Significance of the Study

The significance of the research to be undertaken in the thesis on mediation in Darfur is substantial; it is timely, relevant and necessary. It will be conducted at a period when the conflict in the discussed region of Sudan remains unresolved and is continuing. Furthermore, recent mediation efforts took place without any sign of achieving new breakthroughs that could result in agreements with the potential of being both implementable and durable. Such has been the history of Darfur mediation, with its multiple and often competing mediation initiatives. Furthermore, there is a peacekeeping force on the ground, UNAMID, that is not enforcing any peace agreement, particularly since the Darfur Peace Agreement of 2006 and Doha Peace Agreement of 2011 failed to deliver any peace. This peacekeeping force finds itself operating within a mandate

limiting its role to the protection of civilians, IDPs and refugees, and ensuring access to humanitarian assistance for the affected victims of the conflict. There is also no ceasefire agreement currently in place as sporadic armed hostilities between the belligerents continue. Furthermore, the negotiations in Doha did not lead to any meaningful and durable peace agreement. The post-Doha mediation has not taken off and the agreement that emerged out of the process remains unimplemented. Furthermore, no new effort has begun yet.

The significance of this research, consequently, is derived from the need to examine, in detail, the factors that make this conflict in Darfur intractable and how the various key mediation phases intended to resolve the conflict evolved. There is thus a need to re-examine the issue of mediation in Darfur and its salient features and the challenges the various initiatives faced. In this way, the thesis represents an opportunity to reflect on the lessons gathered from the experiences of mediation in Darfur. Consequently, apart from examining the evolution and effectiveness of the various past and current mediation intervention efforts in Darfur, this research will add invaluable insight to the existing body of knowledge in the field while at the same time providing pointers around the challenges and opportunities that new interveners and mediators are facing in the region.

Although there is substantial scholarly appreciation of the established theories and practices in the conflict resolution and mediation field, there is a need to expand and strengthen the pool of expertise in Africa. The work will also highlight the importance of the role of mediation instruments within the framework of the broader African peace and security architecture. Therefore, once completed, this research will also enhance the literature and discourse on mediation in the continent and globally. The research also serves to encourage efforts aimed at exploring indigenous solutions to conflicts.

Finally, the research will be very useful not only to students and scholars of conflict resolution, mediation and peace studies, but also to policymakers in national governments, regional and international governmental and non-governmental organizations, and the broader civil society.

Aims

The thesis will pursue the following four broad aims:

To outline and examine the key mediation and conflict resolution efforts and phases in the Darfur conflict as carried out by the different state and non-state actors. The focus will be on the nature and extent of their involvement, and their often competitive characteristics and tendencies.

To explore the various theoretical and conceptual studies in the field of mediation and conflict resolution and to ascertain how we can improve our understanding of the way in which they can contribute to effective policy actions geared towards the mediation-based resolution of the Darfur conflict.

To demonstrate and unpack the causal factors and complexities underlying conflict in Darfur by looking at factors such as history, politics, geography, culture, ethnicity, race and economy. It is essential to understand the factors which caused the outbreak of the Darfur conflict. Any study on mediation in the region needs to be informed by these key elements.

Finally, to ensure that the aforementioned elements provide a comprehensive, analytically rigid, coherent and chronologically consistent thesis on mediation in the Darfur conflict in a manner that contributes to global knowledge.

Research Questions

The thesis will furthermore endeavour to address a number of critical questions which will assist the researcher in examining, discussing and analyzing the subject at hand. Seeking answers to these questions will enable the researcher to produce findings that will be relevant and coherent and will make a contribution to knowledge in relation to the dynamics of mediation in Darfur. These questions are central to the study:

Can established concepts and practices, including theories of conflict resolution in general, and mediation in particular, provide a useful framework for analyzing conflict dynamics in the Darfur?

In this regard, how do we address the central challenge of the intractability of the Darfur conflict and how this impacts the mediation efforts?

Who mediates and which factors determine the acceptance or non-acceptance of the mediator by the conflicting parties?

When do the mediators enter the conflict terrain in Darfur?

How do the mediators address the changing nature of the conflict?

What is distinctive about international mediatory engagements in Darfur?

How do these shape the nature of the mediation interventions?

What is the nature of external actors or players and their role in the mediation process?

What kind of negotiated agreements emerged from mediation? For instance, the Darfur Peace Agreement (DPA) failed to produce peace. What were the problems?

How have the problems of lack of convergence of interests and goals, including the prevalence of competition among mediators, affected the mediation processes on the ground, given that the Darfur conflict mediation environment has seen the involvement of many actors and interests?

All of these questions seek to directly address the fundamental and central question underpinning the thesis, which is related to the inability of the various mediation efforts to produce sustainable and lasting solutions in Darfur. How can the story of the intractability of the Darfur conflict, and the protracted difficulties experienced by the various mediation phases, be contextualized within the various theories and concepts on mediation and conflict resolution? Which particular elements of the Darfur case study come to the fore as we try to understand why the various efforts have failed to produce widely acceptable and durable peace agreements?

The work by Zartman (2001, 2009) and Touval (2001) regarding the essential concept of “ripeness” as articulated in Ripeness Theory and Mutually Hurting Stalemates will also form an important theoretical basis for the research on Darfur mediation. For instance, I

intend to use this theory to ascertain the state or stage at which the Darfur conflict was “ripe” to allow mediators to intervene and for mediation to take place. Therefore, one of the questions to be tackled is whether the Darfur conflict exhibited, in its various phases, elements of ripeness. In this regard, factors that could assist in identifying the variables behind the desirability of and decision to mediate must be examined. At the initial outbreak of armed hostilities in Darfur, the levels of violence were high and calls for negotiations more vocal, a situation which, to varying degrees, affected the warring parties. In this regard, the concept of mutually hurting stalemate is applicable to this conflict. According to Zartman and Touval, mutually hurting stalemates happen when parties to a conflict realize or perceive that they are suffering because of the deadlock and that the costs of continuing the escalation of the conflict are high. We might ask whether the parties to the Darfur conflict were hurting “enough”, and whether the levels of mutually experienced pain surpassed the threshold to compel the parties to move towards agreement.

Another task in analyzing the literature on mediation will involve looking at further important work that could assist in answering the following questions on the nature of mediation in Darfur:

Who mediates?

Who are the actors or interveners and what is the context that drives the mediators?

When do the mediators enter the terrain?

In dealing with this issue, the study by Mohammed Maundi, Zartman, Khadiagala and Nuamah (2006) on the entry of mediators in African conflicts will be explored with a view to acquiring more insight. The importance of this work lies in the fact that although a lot of work on mediation has been done with regard to the process angle, not much has been done on the question of entry.

Zartman and Faure (2005) point to a direct relationship between escalation of conflict and the recourse to negotiation. They essentially argue that the two concepts of escalation and negotiation can eventually converge, preceded by a number of conditions and circumstances such as demands and pressures. An analysis of the different phases

of the Darfur mediation highlights the existence of these elements.

Furthermore, any analysis of conflict resolution and its application in international relations should be premised on an appreciation of the underlying causes and nature of conflicts. For the purposes of this research, it is essential to understand the dynamics or elements that characterise intra-state or internal conflicts, a category which Darfur falls into. Consequently, while the research will not focus in detail on the issue, attention will be paid to the constitutive features of this type of conflict as this could assist others in tackling similar elements in relation to the case of Darfur. This should shed some light on how mediators mediate in such conflicts, but could also indicate that internal or intra-state conflicts are difficult to mediate and pose a specific set of challenges for mediation and conflict resolution efforts. In this regard, reference to the writings of authors such as Donald Rothchild (2009), Peter Wallensteen (2007) and Christopher Mitchell (1997) will be made. This research will characterize the Darfur conflict as a civil, intra-state or internal conflict.

The questions of what constitutes effective mediation and what support mediators need will be explored. In a study on the role of mediators in civil conflicts in East Africa, Khadiagala (2007) points out that the credibility of mediators is derived from institutional and organizational power, especially when they are faced with resource constraints. He further argues that “reputational variables” are important in determining the legitimacy of the mediator. Consequently, the standing, legitimacy and leverage of mediators becomes crucial in determining their status. In this context, the research will examine the manner in which the various parties to the Darfur conflict perceived the mediators and how this impacted on the mediation.

What do mediators do to achieve specific outcomes in negotiations? Given the often unpredictable nature of the behaviour of the conflicting parties, what are the actionable options available to the mediator? In this regard, an analysis of the actual mediation phases or negotiations will be undertaken in order to address these questions, focusing on the methods, instruments, tactics and other pressures or inducements adopted by mediators to achieve the desired outcomes. The research will seek to highlight the presence of these factors, if they are indeed present, in the case of the different phases

of Darfur mediation.

Peace agreements emerge out of mediated processes and are supposed to provide the framework for the ushering in of peace and the cessation of the recurrence of armed conflict and hostilities. Julius Mutwol's (2009) work on selected cases analyzing the nature of peace agreements emerging out of civil wars on the African continent also provides an important conceptual and empirical basis for the research. For instance, Mutwol, in addition to asking why some peace agreements get signed and others do not, examines why it is that some of the peace agreements signed between parties are not durable and do not lead to the end of civil wars in specific cases. He considers a number of variables; namely, the role of third parties; the existence of "spoilers" or "meddlers"; conflict dynamics; the structure of the settlement itself; and the regional political context within which the agreements emerge, and regards these as key factors in determining the success or failure of peace agreements. To reinforce this analysis, Wallensteen (2007) points out that a peace agreement may not end conflict as peace requires more than an agreement between the parties.

However, a peace agreement is a necessary step towards a lasting arrangement. In another study, Virginia Fortna (2003) in her work focusing on cease-fire agreements sought to determine whether stronger agreements lead to more durable peace. In this regard, the research intends to utilize Mutwol, Wallensteen and Fortna's analyses to establish the reasons behind the inability of the various peace agreements in Darfur to lead to the end of the protracted conflict in that region. In seeking to address this dilemma, the argument will be made, assisted by the relevant literature, that the mediation of civil or internal conflicts or wars is particularly difficult because of the complex nature of these kinds of conflicts.

Organization and Structure

Chapter 1 will provide theoretical, conceptual and empirical context regarding conflict resolution and mediation in general. It will address a range of activities, actions, processes and models pertaining to preventive diplomacy and conflict management in the form of mediation. With regard to preventive diplomacy, the research will draw extensively on the work of I William Zartman (1982, 2001) and other eminent scholars

such as Saadia Touval (1985), Jacob Bercovitch (1986, 1992, 1996) and Peter Wallensteen, as their analyses resonate with the basic thrust of the research from theoretical, conceptual and empirical perspectives. Although the literature on mediation is vast and diverse, this research will also be focussed on analyses of concepts such as diagnostic phases, preventive diplomacy by negotiation, escalation, process strategies, win-win and zero-sum game approaches, ripeness theory and mutually hurting stalemates, big power mediation, and impartiality or neutrality of mediators. Additional instructive work by Mohammed Maundi et al (2006) on the issue of entry into mediation, by proposition and invitation, and by emphasizing the importance of consent in mediation, is also pivotal for the research. In this regard, an examination will be made as to how some of these instruments can be applied to the experience of mediation in the Darfur conflict.

Chapter 2 will provide background on the geography of the Darfur conflict, including analysing the various factors that underpin the conflict. In this regard, the research will focus on the historical background to the conflict in Darfur by examining various causal and contributory factors to the conflicts in that region, such as the environment and climatic conditions, competition over resources, culture and identity, ethnicity, society, religion, economy, regionalism and underdevelopment, and war. Going back centuries, these factors have shaped the character of Darfur society in times of war and peace. Work done by scholars such as Francis Deng, Douglas Johnson, Gerard Prunier, Alex de Waal, Julie Flint, Robert Collins, Abdel Sidameh, Alsir Sidameh, Mahmoud Mamdani, Donald Rothchild and Abdel al-Rahim will provide essential foundational material in support of the analysis to be made in this chapter. The historical period indicating how the aforementioned factors were interwoven into Darfur's existence and society covers eras leading up to and including the Ottoman-Egyptian administration under Muhammad Ali Pasha from 1821-1885, Mahdist rule from 1885-1898, the Anglo-Egyptian administration from 1899-1956 and post-independence Sudan from 1956.

Chapter 3 will focus on the evolution of the first phases of Darfur mediation, looking at the Ndjamena, Addis Ababa and Tripoli processes from 2003/4 to early 2006. The work of by Alex de Waal, Gilbert Khadiagala, Terrence Lyons, Ruth Iyob and Dawit Toga will provide insights into this phase. These cases constitute the nascent phases of Darfur

mediation started by Chad and shortly thereafter taken over by the newly established African Union. Important lessons about critical elements of mediation entry, consent, impartiality, the nature of peace agreements and other factors that enhance mediation, such as the resources and abilities of mediators, will be illuminated by this and subsequent chapters.

An examination of the mediation process in Abuja is carried out in Chapter 4. Analysis provided by de Waal, Laurie Nathan, Abdul Mohammed, Lee Ann Schaffer, Dawit Toga and others has shed useful light on the genesis of Abuja mediation and the eventual signing of the DPA. De Waal in particular has undertaken a detailed study on mediation in Abuja and has performed analyses of the different provisions and considerations of the Darfur Peace Agreement (DPA), including the challenges facing implementation. The Abuja mediation was the more comprehensive, in terms of the number of Darfur participants, degree of negotiations, mediator engagement, range of issues, and the manifestation of international regional interests. Furthermore, the diplomacy of deadlines and mediation with muscle became a feature of the Abuja process, particularly towards its conclusion.

The post-Abuja environment is dealt with in Chapter 5, examining how various attempts at mediation unfolded in the aftermath of the signing of the DPA, beginning with the entry of the joint AU-UN mediators Salim Ahmed Salim and Jan Eliasson. This period coincided with the transition of the African Union Mission in Sudan (AMIS) into the United Nations-African Union Mission in Darfur (UNAMID), a peacekeeping Mission with no peace to protect. The research will outline how mediators grappled with the task of resuscitating the peace process in light of the non-implementation of the DPA by, *inter alia*, engaging in a series of attempts to get the Darfur armed movements to unite and adopt a single, common platform for future negotiations. The road-map pursued by Salim and Eliasson led to a series of engagements in Addis Ababa, Tripoli, Sirte, Arusha and Juba. A brief analysis of the armed movements is made in order to understand how the quest for unity among them was made difficult by their distinct character and divisions, and how the often competing approaches of regional players such as Libya and Eritrea and some international actors led to complications in the mediation terrain. This development adversely affected the efforts of the mediators to move the conflicting

parties towards negotiations and a mediated settlement. This period was also characterised by increasing levels of instability, as the security situation deteriorated as a result of armed hostilities and attacks between the conflicting parties, aggravated by the continued fragmentation of the rebel movements in Darfur. Furthermore, the chapter will also outline the interconnections between the Darfur conflict and the Chadian civil war and the conflict between Sudan and Chad, in addition to the impact of the security dilemmas posed by the volatile situation in the Central African Republic (CAR).

Chapter 6 addresses the mediation efforts of the African Union Panel on Darfur (AUPD) led by former South African President Thabo Mbeki. The AUPD approach was based on the logic that the Darfur conflict was a reflection of a broader Sudan problem and that previous mediation efforts did not address this. It also emphasised that its approach needed to be comprehensive and inclusive, and therefore entailed undertaking broader and wider consultations with as many Darfurian constituencies as possible, with the objective being to enhance the Darfur Political Process (DPP), a blueprint for peace adopted by both the AU and the UN. Through a framework of consultations under the Darfur Darfur Dialogue and Consultation (DDDC), the panel sought to expand the process of negotiations and mediation beyond the rebel movements and the government, and also to include various sectors of Darfur's civil society. However, the Mbeki panel had to reckon with the parallel process that was emerging in Doha, and the AU sought to get the two processes to complement each other rather than be at odds.

Chapter 7 will focus on the Doha mediation, driven by joint AU-UN mediator Djibril Bassole, former Foreign Minister of Burkina Faso, which culminated with the Doha Agreement, known as the Doha Document for Peace in Darfur (DDPD), which was signed in July 2011. The Doha process tried to replicate the Abuja process without paying attention to the lessons of that mediation phase. The boycott of the negotiations by the major armed movements and the problem of legitimacy experienced by the Doha track impacted negatively on future prospects for peace, and this put constraints on the implementability of the Agreement. The role played by Qatar as sponsor and host of the talks is examined, as it received divergent responses from the parties to the conflict. This chapter will also highlight how the parallel mandates of the Doha and AUPD mandates failed to converge. Central to both mediation efforts was an attempt to promote the

Darfur Political Process (DPP), but deep differences between the two mediations proved to be an obstacle. Both mediators, recognising the shortcomings of earlier efforts at achieving peace, sought to actively involve a variety of Darfurian stakeholders in a series of consultations in order to arrive at a widely acceptable peace agreement. However, despite some engagements with sections of Darfur civil society, the mediation activities failed to see the realisation of the envisaged all-encompassing Darfur-Darfur Conference. A brief insight will be provided into the New Darfur Strategy launched by the Government of Sudan at the time that the Doha process was unfolding.

The concluding Chapter 8 will provide an overview of the Darfur mediation process and how its various phases could be understood in the context of the existing theoretical and conceptual analyses, while also reflecting on the experiences and lessons learnt. It will also be ascertained whether the mediation improved prospects for peace over time or not, given the mediation's dependency on the context on the ground. Finally, the chapter will reflect on the current status of the Darfur conflict and mediation by discussing the most recent attempts to resuscitate the moribund Doha process, including efforts to start another peace process.

CHAPTER 1: THEORETICAL AND CONCEPTUAL FRAMEWORK: MEDIATION AND CONFLICT RESOLUTION

Introduction

The art and practice of mediation is as old as conflict itself. It is part of the history of peace-making where war and conflict, and their often devastating effects, compelled actors to be involved in attempts to stop these acts, or manage them. However, as a specialist field of study and research, mediation and conflict resolution in general came into prominence at the height of the Cold War in the 1950s and 1960s, when the arms race, particularly around bi-polar nuclear competition between the superpowers, spawned a universe of literature on arms control negotiations. During this period, Zartman (1977:7) points out that the literature on negotiations focussed on international diplomacy, but there was no body of literature on negotiations as a social process. As a contemporary field of expertise, analyses of mediation as a negotiation instrument came out of studies done in the broad area of conflict resolution. The latter, according to some analyses, also has its basis derived from insights gathered from peace research (Wallensteen, 2007:5). The forthcoming sections of this chapter will discuss in more detail the fundamental elements inherent to mediation and the context in which this form of peacemaking takes place.

The idealist approach in international relations, *inter alia*, encompassed work in this area. In this instance, the work of scholars such as Johan Galtung and others was central. However, Saadia Touval (1992:232), in his study on the role of superpowers in mediation, also places this act of mediation within the realist approach, where rational actors are involved in the pursuit of self-interest and the maximisation of power and influence. In the latter instance, mediation is used as a foreign policy instrument.

More rigorous, systematic analysis and specificity was brought into the field of conflict resolution, and it became an area of knowledge on its own. This also applies to mediation as its subdivision. Over the past few decades, the development of this field was enhanced through the work of scholars such as Zartman, Touval, Bercovitch and others.

Internal or Intra-State Conflicts

Intra-state or internal conflicts take place within the borders of a state or a legally defined territory. These conflicts can range from peaceful, non-violent opposition to civil wars characterised by armed violence. These often include groups or communities challenging the authority of a central government, wherein the latter might be regarded as repressive or illegitimate. Intra-state or internal conflicts can also involve inter-communal disputes, rivalries and even armed confrontation between two or more groups within a state over issues such as resources, political power, ethnicity, identity or religious issues. The changing nature of conflict, and war, means that internal conflicts sometimes involve not only communal groups and the state authority, but also other actors such as warlords, private military contractors and others driven by their own interests (Levy, 2007:19). Often these actors are a creation of or work in tandem with main actors. In Darfur, the Popular Defense Forces and their offshoot, the *Janjawid* militia, played a central part in the conflict. Violent political conflict, in its most extreme form, includes one-sided acts of genocide against unarmed civilians.

In some instances, these conflicts have led to cases of calls for secession or separation from the nation state, as happened during the unsuccessful Biafran war in Nigeria in the 1960s and in the Sudan civil war which led to the secession of the South to form a new state in 2011.

Negotiating and Mediating Internal or Intra-state Conflicts

Internal or intra-state conflicts tend to be protracted and intractable, and as illustrated earlier can go through a number of different levels of intensity, ranging from low-intensity conflict, to guerrilla warfare involving actors such as rebel insurgents, to full-scale civil war. These conflicts, the research points out, are difficult to negotiate and mediate. Zartman (2006) ascribes this reality to a number of factors. For instance, internal conflicts often involve the issue of identity, which serves as a mobilization instrument, where association through solidarity and differentiating identity, accompanied by high levels of violence, leads to escalation. Consequently, Zartman argues that it is difficult to negotiate such conflicts.

Furthermore, Donald Rothchild (2009:242), analyzing Africa's intrastate wars and their intractability, also points out that:

These intense and often brutal civil wars proved difficult to negotiate, and because of lingering distrust after their termination, agreements were difficult to implement. Frequently, the results were weak states that remained fragile, unable to deal effectively with the difficulty to resolve commitment and information problems. The effect in many cases was to make third-party intervention indispensable if these constraints are to be overcome.

Mitchell (1997:4) also indicates that what adds to the intractability that is so often characteristic of internal conflicts is the fact that these deep-rooted conflicts continue for long periods of time, even being transferred from generation to generation. This makes them often resistant to solutions, and they can re-emerge after long dormant periods. An example of such an intractable conflict is what is described as ethno-political conflicts, which are characterized by ethno-nationalist claims, the assertion of indigenous rights, inter-communal contention for power, and finally related economic, ideological, class and religious issues (ibid:5). These conflicts have varied degrees of complexity and go through different levels of intensity.

Furthermore, although negotiation has often brought such internal conflicts under control, the difficulty has been that deadlock often prevails, as both parties sometimes believe that a straightforward victory is possible. In negotiating such conflicts, it is often important for mediators to consider a number of factors. For instance, conflicts cannot simply be negotiated at any time. There must be, *inter alia*, elements of ripeness in the conflict continuum, which present an opportunity to be seized either by the negotiating parties or mediators themselves, when both parties realise that they cannot prevail over each other and have reached a stalemate which is mutually hurting (Zartman, 1985, 2001, 2006). Furthermore, in internal conflicts, confidence-building measures are to be considered because of the issue of asymmetrical power dynamics between the conflicting parties. Where a rebel group is challenging a central authority that constitutes a government, as in the case of Darfur, these power issues become critical.

Mediation in an internal or intrastate conflict is normally resisted by states, since it insinuates or implies that the state is incapable of handling its own problems (Zartman, 2005:214). The problem in mediating such conflicts is complicated by the difficulty in

convincing governments to recognize that a rebellion is a sign of grievances held (ibid). A central authority may well feel that negotiating with a rebel or insurgency group will bestow recognition, legitimacy and equal standing to the latter.

Should the sharing of power be one of the outcomes of negotiations, what would this entail for the parties? Linked to this is the question of the security balance, where the parties might ask:

What will be their future following the end of the war and the accompanying demobilization of soldiers, closing of bases and other measures that are necessary for the reconstruction of peace and the forming of an integrated society? (Wallensteen, 2002:148)

Because of their intractability, especially when the internal parties in a conflict or war are "not hurting enough", the mediators need to first heighten their sense of pain and pessimism before they can turn to their second tack, that of enhancing or sharpening the hearing of the parties (Zartman, 2001). Furthermore, because internal conflicts involve the possibility of a transformative outcome, to change the nature of the state, as in the case of calls for democratization, there is a greater degree of reluctance by those in power to concede, particularly when the latter believes that they have control of power and related institutions. In the various phases of the Darfur conflict, the government believed that it was stronger than the rebels, had more authority, and stood to lose more in terms of making important strategic concessions.

Negotiation

Negotiation is one of the approaches utilized in attempts to solve conflict. The others are domination, capitulation, inaction, withdrawal and intervention by third parties, and it also differs from decision-making processes such as adjudication and coalition-forming (Zartman and Rubin, 2002). Mediation entails the parties to a conflict agreeing to enter into negotiations, usually facilitated by a third party, the mediator. The literature on negotiation as a process and an instrument of international diplomacy has been influenced in the post-war period by fields such as economics, sociology and psychology (Zartman, 1978:7-11). These have then focussed on a range of approaches related to the importance of behaviour, responses, interactions among parties, positive-sum and

zero-sum aspects, and outcomes, as important elements in the process of negotiation. It is also in this context that game theory as an analytical tool emerged.

As a process, Zartman (ibid), posits that:

Negotiation involves first joint agreement on a formula defining the part of the problem to be resolved, identifying the agreed perception of it, establishing a criterion of justice for settling details, and only then resolving those details which fit within the formula. As an analysis derived from political science and related to a specific mode of decision-making, the approach includes a place for the exercise of power in altering expectations and acceptances.

In another study, Zartman and Berman (1982:1-2) define negotiation as:

A process in which divergent values are combined into an agreed decision, and it is based on the idea that there are appropriate stages, sequences, behaviours and tactics that can be identified and used to improve the conduct of negotiations and better the chances of success.

Mediation

Mediation, as a form of conflict management, is voluntary and generally non-binding and the parties have an influence over the outcome. For the conflicting parties, they most often need the participation of a third party intermediary, in the form of a mediator, to facilitate the negotiations and highlight a range of possible options and outcomes. Mediation seeks to assist the parties to end their conflict, narrow their differences, review their competing goals and move the adversaries to a cooperative relationship where all of them see a positive benefit in a future settlement. Mediation, according to Bercovitch (2007:168) is adaptive and responsive. Different conflicts are characterised by varying and particular mediation experiences. However, there are a number of central and common conceptual features and variables, supported by practice and whose consideration is important in understanding the role of mediation in all conflicts. Zartman (2000:225) regards mediation as the facilitated form of negotiation, where parties strive to resolve their conflict, when they are ready to do so, by finding an acceptable agreement. Further, according to Touval (1992:232), in analysing superpower mediation, this activity refers to:

Third-party intervention in a conflict with the stated purpose of contributing to its abatement or resolution through negotiation. It is a mode of intervention acceptable

to the adversaries in a conflict, who cooperate diplomatically with the intervener(s). Mediation differs from other forms of third-party intervention in conflicts in that it is not based on the direct use of force, and is not aimed at helping one of the participants to win.

Zartman and Touval (2007:437), in examining the process of mediation, point out that mediation also involves taking into consideration the interests of the mediator. It also differs extensively from arbitration, which involves judicial procedures where a ruling or verdict is made that normally goes against the interests of one party and calls for acceptance by both parties.

In the process of mediation, it is imperative that the parties not only agree to the mediation but find common ground around elements that would lead to an agreement. Consequently, the agreement reached must be acceptable to the parties. However, the challenge normally presented revolves around the implementability and durability of agreements, as will be illustrated later in the chapter. Often, reaching agreement does not mean the existence of peace.

According to Bercovitch (1997:167-168), mediation in its broad form maintains some salient features:

Mediation is here defined as a process of conflict management, related to but distinct from the parties' own negotiations, where those in conflict seek the assistance of, or accept an offer of help from, an outsider (whether an individual, an organization, a group, or a state) to change their perceptions or behaviour, and to do so without resorting to physical force or invoking the authority of law.

Maundi et al (2006:5-6) define mediation as:

One of the specific forms of the intermediary roles in the broader process of negotiation. While negotiation refers to the peaceful means of resolving conflict through dialogue, mediation, in its intermediary capacity, plays the role of facilitating the dialogue between the conflicting parties, particularly in a situation where they are unable, by themselves, to conduct the negotiations. The notion of inability among the conflicting parties to conduct negotiation by themselves introduces an external component to the conflict.

Central to all these issues is the existence of a number of elements that constitute a mediation environment and determine its form; namely, parties; a mediator; a process of mediation and the context of mediation. Furthermore (Bercovitch, 1997) mediation by its very nature is consensual, non-violent, non-coercive, non-combative and ultimately a

non-binding intervention.

The question of who mediates is one of the important questions that the research seeks to analyse. The focus here is not merely to identify and outline the different types of mediators or interveners, but to briefly examine mediator interests, behaviour, approaches, styles and tactics. Mediators bring distinctive characteristics to the talks in different forms. However, this research also observes that the mediator's approach is not always constant or static. It can change as the process of mediation unfolds and as dictated by the conditions and context.

Mediation also involves a range of role-players. Individuals often play a mediating role in conflict situations. There should also be differentiation in the nature of the individuals themselves. They can be individuals who are prominent scholars or practitioners, as was the case with Henry Kissinger, former United States Secretary of State, during his various mediation engagements in the Middle East, and Ambassador Richard Holbrooke when the Dayton negotiations on Bosnia took place. In the case of Darfur, although somewhat lesser known, there was Sam Ibok, an African Union senior official who played a facilitative role during the initial Ndjamenas talks. Individual consultants, normally drawn from academia, think tanks, and interest groups such as faith-based organisations by and large tend to play a supportive and facilitative role, anchoring and organizing the work led by more eminent individuals such as former Presidents Martti Ahtisaari of Finland, Jimmy Carter of the United States, Thabo Mbeki of South Africa and former Secretary General of the Organization of African Unity (OAU) Salim Ahmed Salim.

Bercovitch (2007:178-9) makes the distinction between individual consultants who are not representatives of their governments or states or what he terms "political incumbents" on one hand and individuals who are representatives of their governments or states on the other. The former encompasses professional mediators who can also be regarded as skilled problem-solving consultants with academic competence who play a diagnostic and facilitative role, often holding workshops and related sessions (Maundi et al, op.cit:21). The latter category, according to Bercovitch, relates to situations where government representatives fulfil a mediation role.

It should be noted that there is often an overlap between the two categories that Bercovitch refers to. Clarity is achieved when individuals have left office and are acting in their personal capacities.

Institutions and Organizations

These actors have agreed to play intermediary roles in conflicts, as the international system recognised their importance. The end of the bipolar Cold War system lifted the constraints put on these actors to play intervening roles. Zartman and Touval (2007) highlight that certain factors have led to non-state actors initiating or accepting mediation roles, and these relate to, *inter alia*, a concern for peace as a value in and of itself, suspicion of the motives of other interested mediators, and perceptions of inherent limitations on the mediation role of states.

Non-governmental actors, as non-state instruments, have also traditionally played mediation roles in attempts to stop conflicts between parties. The advantage that these actors have is that because they have no official political status, they are normally perceived as impartial, and thus unlikely to interfere in internal affairs or threaten the sovereignty of states. Furthermore, as informal agents, these actors, because of their nature, have an advantage in dealing with other non-state actors involved in a conflict, such as rebel movements and insurgents, and can go where states are unable to and be able to reach conflicting parties without the commitments involved in state contacts (Zartman, 2007:475). One of the more prominent examples relates to the work of the religious Catholic group, Community of Sant' Egidio, founded in 1968, with its headquarters in Rome. This organization was effectively involved between 1990 and 1992 in the mediation efforts that led to the end of the civil war in Mozambique and the signing of the peace agreement on 4 October 1992. Furthermore, the Community of Sant' Egidio played facilitative roles during the Accra Peace Talks on Liberia during 2003-2004 and the Ouagadougou negotiations during 2007 on the internal conflict in Cote d'Ivoire, both of which led to the conclusion of agreements. This is in addition to the facilitation and mediation roles it undertook in Albania and Kosovo in the 1990s.

International and regional organizations have historically mediated conflicts. The United Nations, whose Charter calls on it to promote the maintenance of international peace

and security, uses mediation as one of the instruments of intervention. United Nations mediation efforts, within the ambit of the broader peace-making process, saw its involvement in numerous conflicts on all continents since its establishment after World War II. The United Nations' involvement in mediation is often performed through Special Representatives, who essentially represent the Secretary General. According to Wallensteen (2002:232), this ensures that the Secretary General is highly engaged in the negotiations, although not physically there. This has meant that the role of the UN as a forum for negotiations was particularly visible in conflicts such as those in Angola, El Salvador, Namibia and Western Sahara, among others. One of the more recent examples is the participation of the UN in mediation efforts on the issue of East Timor, which successfully led to the independence of this territory from Indonesia and the proclamation of a new state.

The African Union's involvement in mediation can be traced back to its predecessor, the OAU. The OAU, historically reluctant to intervene in the internal affairs of its members, nonetheless experienced instances where through its sub-regional organizations, it sought to promote the resolution of conflicts through negotiations. Driven by the ethic of African Unity, African leaders emphasized the desirability of promoting and espousing African solutions to African problems (Clapham, 2006:295). In 1964, the organisation proclaimed the establishment of the OAU Commission for Mediation, Arbitration, and Conciliation. It mandated respected jurists and civil servants, and not-serving or former heads of state, to conduct mediation. This envisaged structure never became operational, as most mediation efforts became centred around eminent personalities. In this instance, mediation in Africa during this period became a personal affair, conducted by African Heads of State (Zartman, 2009:218). Sub-regional organisations and states relied upon leaders such as Nyerere, Moi, Machel and Mandela to undertake mediatory roles.

The AU's Constitutive Act empowers member states to intervene in other member states where it is deemed that they are failing to protect their own citizens from internal conflicts, particularly when serious and grave occurrences such as war crimes, genocide and crimes against humanity exist or threaten to explode (Kalu, 2009:17). The Peace and Security Council of the AU, established in 2004 and featuring an entirely rotating

membership was, amongst other responsibilities, tasked with the issue of promoting the peaceful resolution of disputes and conflict among member states. A small mediation unit was later established within the Peace and Security Department of the Commission. One of the conflicts that the AU faced after its formation in 2002 was the protracted crisis in Cote d'Ivoire, in which the organization mandated Mbeki to mediate, after the sub-regions representatives from ECOWAS could not achieve a breakthrough.

African sub-regional organizations such as the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS), the Inter-Governmental Authority on Development (IGAD) in East Africa and the Horn have undertaken mediation of intra- and inter-state conflicts. SADC mediation of the Madagascar and Zimbabwe conflicts, ECOWAS involvement in Cote d'Ivoire, Sierra Leone, Liberia and IGAD's peaceful intervention in the second Sudanese civil war and the internal strife in Somalia are a few examples of the numerous efforts that these bodies have undertaken.

The end of Cold War superpower rivalry and influence, the removal of the last remnants of colonial rule in Africa, and the general disinclination of big powers to project direct power through overt military support for proxy governments, meant that the regional organizations, and their sub-regional formations, began to bear more responsibility for bringing about stability through diplomatic intervention. For instance, Khadiagala (2007) points out that the upsurge in internal or civil conflicts in Africa is a manifestation of the decay underpinning the post-colonial order, and the departure by African states from the principle of non-intervention in the affairs of sovereign fellow member states led to the OAU/AU and the sub-regional organizations assuming a more proactive role and revitalizing the institutions for intervention and mediation. Consequently, it became increasingly tenuous for African states to hide behind the veil of non-interference in each other's domestic affairs.

States

States constitute the most common and prevalent category of mediators. Touval (1999) reminds us that for states, mediation is a foreign policy instrument, often resorted to in pursuit of foreign policy and domestic interests. Utilized in its competitive form, mediation

serves to defend the mediator's geopolitical interests and improve its ability to expand its power and project its influence, whereas the non-competitive aspect of a state's mediating role points to a desire to assert a diplomatic presence, promote the intervener's status, or to cultivate relations with one or both disputants (ibid:2). Through their representatives, mainly top decision-makers or leaders, states tend to be actively involved in mediation situations. Most states stand to benefit from accepting intermediary roles, whether from the altruistic pursuit of peace or from the perspective of ensuring their own territorial integrity. The latter is more obvious where an internal conflict in a neighbouring state threatens to spill-over into its territory and create a refugee crisis. Furthermore, where there are ethnic affiliations and identities between a state affected by conflict and the mediating state, the latter will be more inclined to take its role without hesitation. Consequently, from a realist perspective, national interest is a key consideration for the mediating state.

However, Maundi et al (2006) point out that apart from issues of proximity, a state located far away from the conflict might also accept or initiate mediation, either because it has strong bilateral relations with the state in conflict, and perhaps with its neighbours, or because it is compelled by strong public opinion in its domestic constituency which calls for involvement, particularly where there might be humanitarian concerns.

Bercovitch (2007:182) distinguishes between mediation by small states and by large states. Small states, because of their small size and relative lack of "clout", make them appear nonthreatening to the adversarial parties, and thus are ideally placed to mediate. Large states, having access to greater resources and a range of available strategies, in addition to their global interests, bring significant influence to mediation including the ability to wield "carrots" or "sticks" to coerce the conflicting parties (ibid).

In addition to small and large states, Touval and Zartman (2007) point out that medium-sized states are participants in mediation. Both small and medium sized states have few foreign policy alternatives at their disposal, but may wish to enhance their influence and prestige through mediation (ibid:441). Despite the differences in size, both categories of state still need to exhibit traits of impartiality, and be acceptable to the parties in conflict.

The Mediator as Actor

i) Interests

Mediators also bring interests to negotiations. Individual mediators are interested in a particular outcome, which generally includes the need to nudge the parties towards a settlement.

Furthermore, mediators also wish to protect their reputational status in mediation. They also want to expand their capabilities and enhance their experiences. Since individual mediators are in some instances representatives of states, and derive resources and organizational power or support from this association, including their standing in their country, they may espouse certain values that they may wish to be mirrored in the negotiations themselves. Where states are mediators, their interest in being involved is because the ongoing conflict is a threat to their relations with the conflicting parties and their relations in a broader context, and thus wish to see a resolution (Zartman, 2009:2). As an example, Chad's mediation of the Darfur conflict was also driven by self-interest; namely, to enhance cooperative relations with Sudan, to secure its border from insurgents crossing from the Darfur region intent on overthrowing its government, but also to protect the interests of the Zhagawa ethnic group, most of whose kin reside in both territories.

ii) Behaviour

All mediators have the universal objective of modifying, settling or resolving conflict among the parties. This is the essence of mediation. As a result, they are not impassive or exogenous players with no interests. They get involved in the activity because they have particular interests to promote and protect. Bercovitch (2007), Zartman (1997) and Maundi et al (2006) point out that mediators do not get involved because of simple altruistic reasons only, but do so to achieve desired ends, and their participation illustrates the need to espouse a particular set of values. Mediators, by accepting the role, can benefit by extending their influence and building their capabilities.

iii) Strategy, Approach and Tactics

Mediator as *Communicator-Facilitator*. In this scenario, the mediator adopts an approach that is intended to create good conditions for communication between the negotiating parties themselves and between them and the mediator. The mediator seeks to develop a rapport with the parties, provide relevant information, make clarifications, communicate messages and rehearse the parties towards particular behavioural actions (Bercovitch, 2007:177 and Zartman, 2007:468). Furthermore, the mediator can persuade and coordinate the expectations of the parties by highlighting mutual interests, focal points and showing the parties various formulae regarding how to reach a settlement (Aggestam, 2005).

Mediator as *Procedural Agent*. Here, the third-party intervener or mediator starts off by establishing the protocols and procedures underpinning the talks themselves (Bercovitch, 2007). Apart from chairing meetings and delineating agendas, the mediator also assists the parties by, *inter alia*, keeping discussions focussed on relevant issues.

Mediator as *Manipulator*. In this scenario, the mediator attempts to break an existing deadlock among the conflicting parties by emphasizing that they are about to face a dangerous precipice if they fail to find convergence with each other. According to Zartman and Touval (2007:445), mediators can manipulate stalemates and crises and can further create and use them. By pointing out an impending danger, which is recognizable to the conflicting parties, mediators can use this as a warning and as an unpleasant alternative to a negotiated settlement (ibid). In this instance, they use or apply leverage, which refers to power in mediation, and which enables the mediator to navigate through tricky situations and move the parties in a particular, desirable direction.

Mediator as *Coercive Bargainer*. This approach has a close resemblance to the role of mediator as manipulator. Some elements of this approach are linked to the "directive" strategy, also adopted in certain instances of mediation, which includes offering carrots or threatening with sticks and bringing ultimatums to the negotiations (Bercovitch, 2007). In this instance of coercive bargaining, and especially where there is an intractable conflict and strong enemy images are involved, third party mediators again use power to

provide leverage, to attempt to influence the parties' preferences and perceptions of de-escalation and negotiation (Aggestam, op.cit:280). This strategy is normally adopted by powerful mediators, such as a superpower or great power, but is rarely used in other situations. It carries enormous risks and may lead to counterproductive results. It may encourage recalcitrance among the parties and may erode trust between the mediator and one or both parties to the conflict.

In the mediator roles, the convergence between mediator interests and leverage takes place. The interests of the mediators in most instances tend to be benign and intended to be positively pursued, as any perceptions to the contrary by the parties would lessen the prospects for settlement. Furthermore, leverage is applied to different degrees. In its more direct usage, it amounts to the involvement of a "mediator with muscle", but Zartman (2009:4) argues that it is important to assess when such a mediator is required, and how coercively the mediator can be involved without losing status and becoming a party to the problem. In addition, this includes the danger, if not handled properly, of loss of trust with the mediator among the parties.

Fundamentals of the Mediation Process

i) Diagnostic and Pre-Negotiation Phase

Most mediators do not go into playing intermediary roles unprepared, unaware or oblivious to the prevailing circumstances facing the conflicting parties. Pre-negotiation aspects are equally important, as they allow for some diagnostic assessment to be made before the commencement of actual negotiations. This stage sets the tone for the mediation process and allows for a conducive environment to be prepared. Furthermore, during this period, communication between the parties is established, which may include some "sounding out" of the possibility of opening some contacts and perhaps later discussions. In South Africa, despite the fact that the conflicting parties negotiated on their own without external mediation, the earlier bridge-building meetings in August 1987 in Dakar, Senegal, between the exiled leadership of the African National Congress (ANC) and a group of Afrikaner intellectuals provided one of the initial stages of contact. By the time of the signing of the Groote Schuur Minute of 1990 and Pretoria Minute of 1991, wherein the Government of South Africa and the ANC recognized the need for

negotiations, the conflict was showing signs of being close to resolution. Elements of ripeness were evident, as all the parties had reached a mutually hurting stalemate.

Upon entry, the mediator, *inter alia*, plays the role of "explorer", by assessing the readiness of the parties to meet, and that of "reassurer" as the mediator seeks to reassure adversaries that the other is not entirely bent on victory and prevailing over them (Mitchell, 2003:84). Although some mediators, particularly if they come from the same region as the parties, may be familiar with the context of the conflict, it is at this stage of diagnosis that most mediators gather background information on the parties, the nature of the problems and the history of the dispute.

Furthermore, an appreciation of the interests, stakes and such soft elements as the emotional state of each side, including extensions of recognition and promoting dignity, are important ingredients during this period. It is also at this stage that discussions are held about the principles that will govern the peace negotiations themselves, including outlining the ground rules. It is also during this stage that technical aspects such as composition of facilitation teams, including skills needs, choices of venues and structure of meetings are determined. Creating confidence building measures becomes another part of the process, particularly given the fact that in many conflicts, levels of trust among the parties tend to be low and there are entrenched feelings of mutual hostility. According to Zartman and Berman (1982:83),

Prenegotiation is a diagnostic phase where the nature of the conflict is thoroughly examined before remedies can be essayed. Facts include each party's position, which should be clearly and forcefully expressed.

Where an armed conflict has just gone through recent levels of high escalation, and bitter experiences are still etched freshly in the memories of adversaries, adequate preparations during the prenegotiation or diagnostic phase assume particular importance and urgency. Prior to the beginning of the early phase of the Ndjamenan negotiations on Darfur, and once the Government of Sudan had given the go-ahead for the forthcoming negotiations of 2004 to commence, the African Union dispatched a technical diplomatic mission in late March of the same year, led by Ambassador Sam Ibok, its Director of the Peace and Security Department, to Chad to assist the authorities with the preparations for the talks (Toga, 2007:215). It was less than a week before the actual negotiations;

this was not enough time to do any significant preliminary work, including for consultations.

However, all negotiations, be they over territory, ideology, trade disputes, labour issues or environmental concerns such as climate change, go through this important process.

ii) Entry into Mediation

Just as it is important, *inter alia*, to ask the question of who mediates, and provide answers thereto, it is equally essential to understand the aspect of mediator entry into conflict situations. At what stage do mediators get involved in the process of seeking to bring the conflicting parties to the negotiation table? This research concurs with Maundi et al (2006:2) in their observation that comprehensive studies have not been undertaken in the area of entry into mediation, with most focussing on the process stage of actual mediation itself. Attention to the issue of entry could be localized within the stages of prenegotiation and premediation. However, it is different from the *diagnostic* phase, which, although focussing as well on the period before actual negotiations and mediation, looks at various factors intended to create a conducive environment before negotiations commence, and sets the tone for the next phase of actual mediation, and later settlement or agreement. Zartman, Touval and Bercovitch recognise the importance of this phase of entry.

The initiation of mediation and the entry of the mediator occurs when the parties have already recognised the necessity to negotiate, seen the urgency involved, and are willing to consent to the choice of the mediator. Maundi et al (ibid:6) describe entry, or "getting in", as a process of achieving acceptability for intermediary involvement in negotiations where the entry is either mediator-initiated (*entry by proposition*) or parties-initiated (*entry by initiation*). Furthermore, this rational calculation by the parties, premised on a calculation of the costs and benefits of accepting a mediated approach, as opposed to a continuation of the conflict, paves the way for the start of the negotiations. In addition to the consent of the parties, the mediator or intermediary must agree to or give consent to playing the role. Therefore, consent is the backbone or cornerstone of entry to mediation (ibid). What then follows, *inter alia*, are issues pertaining to such questions as the timing of entry. While others propose that entry should be attempted at low levels of escalation

in a conflict, others maintain that entry is ideal when a mutually hurting stalemate affects the parties (ibid:8). After entry, the subsequent start of the mediation process is not always easy, as the talks are sometimes occasioned by delays, last minute complications, disagreements among parties, especially where more than two parties are involved.

iii) Ripeness Theory and Mutually Hurting Stalemates

Ripe moments exist when a particular condition or moment in a conflict presents itself as an opportunity to mediators to effectively enter a conflict, manage the mediation process and possibly arrive at a stage where the likelihood of a settlement is enhanced by the fact that the parties to a conflict are all adversely affected. Ripeness theory, and its wider applicability to the issue of mediation, can be attributed to Zartman (2001:4), who points out that conflicts are managed best when they are at or reach the level of a mutually hurting stalemate (MHS). When the parties to a conflict feel that the costs of continuing the conflict are intolerable and none of them have prevailed, particularly by force, or can unilaterally chart a particular outcome, they are bound to accept mediation. According to Zartman (2003:19), ripeness is mostly applicable at the beginning of negotiations, at the entry point:

Parties resolve their conflict only when they are ready to do so - when alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament. At that ripe moment, they grab onto proposals that usually have been in the air for a long time and that only now appear attractive.

Furthermore:

The concept of a ripe moment centres on the parties' perception of a mutually hurting stalemate (MHS), optimally associated with an impending, past or recently avoided catastrophe. The concept is based on the notion that when the parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them (although not necessarily in equal degree or for the same reasons), they seek an alternative policy or way out (Zartman, ibid).

Ripeness and a mutually hurting stalemate were applicable to the period that led to the first Ndjamenah talks in 2004. From a cost-benefit perspective, the Sudanese government, despite being militarily dominant, had to deal with adverse effects brought

about by allegations of its violations of human rights and international humanitarian law. References to possible "genocide" and "ethnic cleansing", along with other factors, had created a dilemma for the government, pushing it to agree to negotiations.

Ripe moments and mutually hurting stalemates are also linked to the issue of conflict escalation. Zartman and Faure (2005) point out that escalation within a conflict can produce, lead to, or provide an opportunity for negotiation under specific circumstances. More often, mutually hurting stalemates are arrived at during periods of escalation. As parties reach the latter stage, they are bound to agree to negotiations, upon realisation of the costs of continuing the standoff. For the parties to the conflict, the prospect of a worsening or damaging cycle of conflict provides the occasion and potentially the motivation for negotiations to take place, with the objective of de-escalating, reducing and possibly resolving the conflict (Zartman, 2001:4). Such ripe moments often present themselves, although the opportunity to take advantage of them is sometimes missed by mediators and negotiating parties alike.

When escalation takes place, and the accruing levels of pain are sufficient enough to compel the conflicting parties to seek third party intervention, or the alternatives point to a more undesirable outcome, a mutually hurting stalemate has been reached. According to Zartman (2003) and Zartman and Faure (2005) it also means that the parties are under intolerable circumstances, as expressed in the pain, with the related impasse and inability to bear the costs of further escalation. However, at the opposite end, escalation can also be used by adversaries, against each other, as a bargaining strategy within negotiations. In this case, it becomes a lever through which one party attempts to bring the other to the negotiation table or extract and get concessions which the opponent was previously unwilling to make (ibid:5).

Linked to this is the issue of timing of the mediation efforts themselves. The mediator must know when a ripe moment is presenting itself and can be seized. For instance, Zartman (2003:19), highlights that it is during ripe moments that parties to negotiations suddenly accept proposals that usually have been hanging in the air for a while and which now appear attractive. Ripe moments must be seized, either directly by the parties in conflict or if not, through the persuasion of the mediator or third party (Zartman,

2001:227). At the same time, if a ripe moment is not seized at the time it presents itself, this can hasten its passing.

Ultimately, as Zartman (2001, 2003) notes, ripeness is only a condition and is not self-fulfilling or self-implementing; it is necessary but not sufficient for the initiation of negotiations, and not all ripeness leads to negotiation. Zartman (2001:238) himself indicates that ripeness theory also has its problems; for example, where the increased pain of a MHS increases resistance rather than reduces it. Furthermore, not all conflicts are ripe for resolution. Furthermore, ripeness is not identical to its results, which are not part of its definition or constituent elements. Although the theory cannot predict when a ripe moment will present itself, it can nonetheless identify elements necessary, even if not sufficient, for the productive launch of negotiations (Zartman, 2001:228). A ripe moment also offers a "way out" for parties to emerge from a painful, deadlocked situation; a mutually hurting stalemate. In reality, without a sense or belief of a way out of a precarious conundrum, the push associated with the MHS would leave the parties with nowhere to go (ibid). Simply put, if the parties regard or perceive themselves to be in a MHS and see the possibility of a negotiated settlement, in essence a way out, then the conflict is ripe for resolution. Identifying ripeness and mutually hurting stalemates remains a critical element in achieving the resolution of conflict, and moreover retains relevance as a useful analytical and operational tool.

Mediation becomes effective when all the parties see the possible outcome of negotiations from a positive win-win cooperative perspective, as opposed to the zero-sum approach. When the parties rationally calculate the costs and benefits of the conflict, and come to a conclusion that it is better to reach a peaceful settlement and that such is advantageous, then the prospects for effective mediation are enhanced.

iv) Impartiality

For positive outcomes to be enhanced, most conflicting parties involved in negotiations prefer an impartial mediator. The parties are unlikely to accept a mediator who is perceived to be unimpartial, unfair and inclined to take sides. Impartial mediation is where the third party is regarded by the conflicting parties as appreciating their interests and correctly transferring information and evaluations between the sides (Wallenstein,

op.cit:269). However, this does not mean mediators should be neutral, which is a different yet closely related concept. In terms of the latter, it can also hold that a party can accept a mediator who is close to its adversary, with the hope that it can exert influence or bring pressure to bear on that side (ibid). For instance, during the early Darfur talks mediated by Chad, the Sudanese government felt that the mediator, President Deby, could bring into line some of the rebel movements who had close cross-border ethnic affinities with the Zhagawa community.

Zartman and Touval (2007:443) argue that pointing to the centrality of impartiality in and of itself is not adequate, and point out that the mediator's impartiality is not as important to the parties' decision to accept mediation as is their consideration of the consequences of accepting or rejecting mediation. Although the mediator's ability to deliver acceptable outcomes to the adversaries assumes more importance, it is also essential that mediators cannot fully side with one party (ibid). However, perceptions of impartiality can create obstacles in the relationship between the mediator and the negotiating parties, particularly if there appear to be mediator positions or actions which do not meet the expectations of one party or do not promise to deliver the accepted outcome to the latter. In this situation, mediators run the risk of being labelled as being involved in unfair "meddling" by the aggrieved party.

v) Peace Agreements and Internal, Civil Conflicts

In his study analysing peace agreements emerging out of civil wars in several African conflict cases, Mutwol (2009) outlines several hypotheses he identifies as being important in determining the success or failure of these agreements after they are signed. In this regard, Mutwol pertinently seeks to address two central questions: firstly, why some agreements get signed while others do not, and secondly, why some of those that get signed do not hold to the level of effectively bringing an end to protracted civil wars (ibid:3). The study concludes that factors such as the role of third parties, internal structure of the conflict, the structure of the settlement itself and the regional political situation play an important role.

The issue of third parties relates to the hypothesis which proposes that successful agreements are those that include the role of a mediator, adequate resources deployed

in favour of the agreement, neutralise the role of "spoilers", take advantage of deriving concessions from the parties who may be in a mutually hurting stalemate, and in which the agreement is mediated by an impartial third party. Borrowing from Zartman and Touval, Mutwol points out that mediators can use leverage over the conflicting parties to secure a peace agreement. In addition, self-enforcing peace agreements are extremely rare and the complex nature of civil wars makes them difficult to resolve through negotiations undertaken by the parties on their own (ibid:12-14). In this regard, third party mediators attempted, encountering major obstacles in the process, to assist in enhancing the Darfur peace process, as the conflicting parties themselves were very hostile to each other, the armed movements were fractious and mediator expertise was needed to assist the relatively inexperienced negotiators representing the armed movements. Furthermore, the resources that accompanied the process were equally important.

The internal structure of the conflict is regarded by Mutwol as equally important, and he maintains that agreements are likely to hold and be effective when the conflicting parties maintain a consolidated structure than if they have a fractionalized chain of command (op.cit, 327-328). Mutwol's pertinent assessment of this hypothesis is supported by his examination of several African cases, including how the fractionalized nature of Liberia's armed factions during the negotiations in that country affected the nature of the agreement.

Furthermore, Mutwol explains that the success or failure of agreements in civil wars also depends on the structure of the settlement itself. Here, his hypothesis is that a civil war agreement is more likely to be signed and to hold if it includes provisions for power sharing than if it does not (ibid:329). This proposition is reinforced by other analyses, including the study by De Varennes (2003:159), who points out that peace accords or agreements that involve or contain in their provisions the devolution of power and changes to the structure of the state through some kind of autonomy arrangement or power-sharing arrangement with an ethnic minority have been successful in ending or at least suspending ethnic conflict. Furthermore, according to Fortna (2003:363), such political agreement, based on the settlement of political issues which are the underlying causes and contribute to wars, lead to the existence of durable peace. Thus, peace lasts

longer when there are strong agreements and when such agreements have, amongst other tasks, created mechanisms for cooperation and regulated activities that are likely to cause tension and prevent or manage incidents that may lead to a spiral back to a situation of war (ibid:366). The various agreements that underpinned the negotiated settlement in South Africa, preceded by a series of talks, including the various rounds of the main multi-party Convention for a Democratic South Africa (CODESA) negotiations from December 1991 and which later culminated in the final agreement in November 1993, supports this proposition. Conversely, those that fail to address the underlying causes of conflict and do not include devolution or power-sharing formulas, tend generally to be unsuccessful and suffer from the possibility of never fully being implemented (ibid).

In addition to the importance of including issues of democratization in peace agreements, Wallensteen (2002:139-148) identifies the central role of internal security dilemmas that must be addressed by any peace agreement. As most civil wars are characterised by armed conflict, the interests of military units, from the government forces but more fundamentally from the opposition, need to be accommodated. Questions related to the future of members of the rebel movements, insurgency or guerrilla formations often emerge, such as the implications of their demobilization and disarmament and their integration into the regular standing armies. Guarantees need to be considered, otherwise there will be reluctance to participate and an inclination to fall back to the military option. Consequently, a peace agreement settlement should include sufficient security guarantees, including for leaders, officers and agents and to include such matters as the extension of amnesty provisions to these people (ibid:149). The issue of the future of the armed movements' combatants during the Abuja talks was the most sensitive, and was amongst the last to be resolved.

In terms of regional politics, this research also concurs with and will expand on Mutwol's argument that the success or failure of peace agreements also largely depends on the actions of neighbouring countries (op.cit:7). In the case of Darfur, some of the states neighbouring Sudan, particularly Libya and Eritrea, played roles in the evolution of the peace process, more often complicating existing tracks of diplomacy than assisting the negotiations between the parties in a more constructive manner. For example, during the

Abuja negotiations, both Libya and Eritrea hosted some of the leadership of the armed movements, often inviting them for parallel discussions when the main discussions were continuing under AU auspices. Leverage and pressure should have been applied by the two countries on those armed movements to join the negotiations in the Nigerian capital.

Conclusion

The preceding analysis points to the importance of mediation as an instrument of peace-making in the context of internal or intra-state conflicts, and outlines the different factors and conditions underpinning the peace process itself as the conflicting parties strive to negotiate desirable outcomes and arrive at a situation of peace. In this regard, the mediation process, including a range of conditions and activities, was looked at and can thus assist in providing the conceptual and theoretical basis for the case study on mediation in Darfur that follows in later chapters. These salient elements relate to the diagnostic phase, mediator entry, behaviour and approach, interests, leverage and impartiality. In addition, the analysis also looked at the question of the durability, or lack of, of peace agreements that emerge out of mediated settlements by focussing on a number of factors that can determine their success or failure.

Therefore, the theoretical and conceptual elements that are outlined, aided by references to selected empirical examples from inside and outside Africa, and particularly related to the Darfur conflict and the mediation thereof, have proven to be very useful. These elements are pertinent in examining how the Darfur conflict was mediated and provide an assessment of the nature of the agreements that emerged from the various phases, from Ndjamenā to the Doha mediation. In essence, they emphasize one of the key variables and propositions of this research, which is the argument that internal or intrastate conflicts such as Darfur are distinctly intractable and consequently difficult to mediate.

CHAPTER 2: BACKGROUND: GEOGRAPHY AND HISTORY OF THE DARFUR CONFLICT

Introduction

Darfur's internal conflicts throughout its history have been characterized by a number of factors which have led to their intractable nature. The geography and nature of Darfur society played a major contributory role. For instance, changes in the environmental landscape patterns have contributed to conflicts just as much as identity issues of race and culture have, among others. Environmental factors such as changing climatic patterns, desertification and unpredictable rainfall have always had an adverse impact on the availability of water and land resources. Struggles to access water for livestock, grazing and irrigation created tensions between communities, particularly pastoralists and farmers in Darfur. Interwoven with these realities, conflicts over race and ethnicity also broke out in the region. Darfur groups resorted to traditional ways of resolving these conflicts over resources and identity. Thus, an indigenous system of mediation that existed in the region came to be relied upon more frequently. The regional dimension to Darfur's internal conflicts, exacerbated by outside interests and access to weapons by some of the groups, added to the tapestry of conflict in this region.

Darfur: The Land

The Darfur region is located on the western part of Sudan. It constitutes a substantial strip of land and shares borders with Libya, Egypt, Chad, Central African Republic and South Sudan. Sudan itself derives its name from the Arabic phrase *bilad al-Sudan*, which means *Land of the Blacks*. Darfur's land mass is big, covering a surface area of approximately 493,180 square kilometres. Generally very dry but without desert, it is a vast plain that lies 900 meters above sea level and straddles the geographical divide between the Nile Basins and Lake Chad and is also located equidistant between the Atlantic Ocean and the Red Sea (Prunier, 2005:2-3). It is separated from the Nile by the large province of Kordofan to its East. Disrupting the long dry plains of the area is the mountain range of Jebel Marra, consisting of a number of extinct volcanoes, with an altitude of about 3,000 meters. The Jebel Marra Mountains, which are about 70 miles

long and 30 miles wide, are in the centre of Darfur and have historically played an important role in the life and history of Darfur. The immediate surrounding area along this range largely provides seasonal green vegetation, suitable for grazing and crop production, in contrast to the dry and arid terrains of desert characterizing most of the region. To the north of the region can be found another mountain range between the towns of Kutum, Kebkabiya and Korma, where historical accounts point to the existence of centralized states five centuries ago (Flint and de Waal, 2005:3).

The fact that Darfurians do not have access to the Nile has always played a key role in the region. When drought and famine affected the region on numerous occasions in its history, the economy was not only adversely affected, but the demographics and movements of its inhabitants were influenced. Consequently, *riverine* Sudanese, when not disrupted by the ravages of war and conquest, have had more predictable livelihoods.

Administratively, recent Sudanese governments have divided the area into three sub-regions of Northern, Western and Southern Darfur. Two more States of Central and East Darfur were recently subsequently added to bring the number of regions to five. All the regions are led by a Governor (Wali), and have a regional assembly. As a geographical entity, the whole of Sudan, before the secession of South Sudan in 2011, covered an area of some nearly 4 million square kilometres, roughly the size of Western Europe. Sudan as a territory comprises two parts, one desert or semidesert and the other savannah in nature (Mamdani, 2010:6). The Nile River is the central water source for Sudan, with its two main tributaries, the White and the Blue Nile, converging in Khartoum before a northward flow into Egypt.

Climate

The climate is essentially semi-tropical in nature, generally hot and dry throughout the year, except during the months of June to September, when the Darfur region is characterised by rain and warm temperatures, while relatively mild to low evening temperatures are experienced from November to January.

The People

The population of Darfur is estimated to be about 6 million. It is estimated that over forty ethnic groups or tribes have been existent throughout Darfur's history. The Zaghawa, Fur, Rizegat, Masalit Kaitinga, Tunjur, Berti, Jaayilin, Danagla, Seinga, Jawamaa, Bidayat, Ta'aisha, Beni Halba, Jallaba, Habbaniya, Meidob and Birgid are some of the more visible ethnic groups. The Zaghawa, Rizegat and Masalit, because of their relatively large numerical size, have dominated the politics of the region, and equally held sway over other groups when it came to economic interactions with their fellow inhabitants. The Zaghawa also derived their strength from the fact that fellow tribespeople also reside in neighbouring Chad. During conflict, some populations of the Zaghawa would move across the territories of both countries, as happened during the Chadian- Sudanese conflict between 2005 and 2007, and during internal civil strife in those countries. The Zaghawa, Masalit, Fur and the Tunjur are the largest non-Arab tribes in Darfur, although all speak Arabic. The word *Dar Fur*, simply translated, means land of the Fur, from which the region derives its name.

Defined largely in terms of race, i.e., skin colour and facial features, most historical accounts make a distinction between fair-skinned, pale Arabs and the darker Nilotic Africans. However, this mechanical definition, although widely used in some accounts, came to be blurred by processes and experiences of assimilation, for instance through intermarriages. Prunier (2005:4) posits that if the racial character of Darfurians is to be determined, everyone is black in terms of skin colour. Culturally and linguistically, some of the indigenous African groups became Arabised and adopted Arabic as a language. Still, a very small number of the groups remained un-Arabised and kept their languages. However, Arab culture became overwhelmingly dominant up to the present time, wherein Arabic is the official language of Darfur.

In challenging the broad assertion that what defines race in Darfur is a distinction between Arabs and Africans, Deng (2007:1) points out that this is an oversimplification;

for the majority in the North are non-Arab, although Muslims. Even the so-called Arabs are in fact a hybrid African-Arab race, who, through assimilationist opportunities were encouraged to pass as Arabs.

Religion

Religion is a key feature of Darfur life, and together with culture defines important elements or characteristics of Darfur society. It also adds to the complexity and interdependent nature of the environment under which various Darfurian groups coexist. Historically, Islam has been the predominant religion of the Darfur region, with other religions, particularly Christianity, having been eroded from the region throughout the centuries. Currently, all Darfurians are Muslims. This was primarily as a result of two fundamental developments; conquest by Islamic rulers, and then by sultanates. The entry into Northern Sudan of Christianity and its kingdoms can be traced to the 6th century, coming into contact with pre-existing Sudanese practices, but their decline came the following century with the intervention of Islam (Deng, 1995:35). The overthrow of the Christian Kingdoms in 1504 by an alliance of the Arabs and the Islamized Kingdom of the Funj culminated in the final decline of Christianity in North Sudan (ibid:35). Secondly, this came about through natural assimilation and conversion to Islam by Darfurian Arab and African ethnic groups in the north. For the latter, as the dominant view was that being African or of "negroid" lineage denoted inferiority or made one an active or potential slave, conversion to Islam inevitably made them freemen and ensured their acceptance and respect within the community (ibid). A large number of those who resisted this dominance, mainly populations of followers of Christianity and indigenous religions, migrated to other parts of Sudan, particularly to the south. In this regard, the north became almost completely Islamised, and as pointed out later, Arabized, but the south remained largely untouched by these influences until the 19th century (Al Rahim, 1969:7).

The Muslims of Darfur largely belong to two sects, the *Tijaniyya* Sufis, and the *Ansars*, who are followers of the Mahdi or the "expected one". According to Sidameh and Sidameh (2005:7) Sufism, or "mystical Islam", was later to enjoy more prominence and was to be known as "popular Islam". The Ansar Mahdists closely resemble, and derive their influence from, the Islamized Sudanic Kingdoms of West Africa (ibid:7). In present day Darfur, all its inhabitants are Muslims.

Culture

There are many cultural traits among the Darfurian communities, deriving their influences from indigenous practices and those derived from contact with foreign occupiers and through trade and commercial interactions. The Arab and Nilotic African cultures were themselves varied and evolved over time, adapting along with the changing landscape of war, conflict, trade and the effects of natural phenomena such as drought and famine. Over time, the Arabic language became the predominant common language of the inhabitants of the region, also widely used in education, trade and government administration.

Religion and Culture, in the form of Islamization and Arabization, have historically contributed to the formation of identity among the northern Sudanese, particularly the Darfurians. These elements also have to be understood within the context of the evolution of greater Sudan as a whole. However, these factors also contributed to the conflicts of identity in Darfur.

Mamdani (2010:101) points out, in his outline of the history of migration into Darfur, that it essentially involved three groups, namely Arab nomads, West African peasants, and slaves from the South. All these groups, and their eventual settlement in Darfur, led to the infusion of new cultural practices.

Economy

Darfur's economy is primarily agrarian, having a mixture of subsistence elements and limited market characteristics. The economy of larger Sudan is 80 percent agro-pastoral, with the rest divided between forestry, industry, services and trade (El Hassan, 2008:109). The oil services industry gradually expanded over the years. However, for the vast majority of Darfurians, access to arable grazing land and water are the major determinants of livelihood and economic activity. The peasant pastoralist farmers derive their income from animal husbandry and cultivating of land. The cattle-herders, the *Baggara*, are to be found around arable areas in the vicinity of fertile Jebbel Marra where ample grazing land and water exists. During the dry season or when drought sets in, particularly in other areas where arable land or water is not in adequate supply, these

people would move. They often sell their cattle, and milk, in the various small markets. There are also the *Abbala*, who are camel- herders who inhabit the desert edges of the region, particularly in North Darfur.

As de Waal (1989:44-45) also notes, in terms of crop farming, some of the produce includes sorghum and millet, and vegetables such onions, tomatoes and okra. Like vegetables, fruits such as mangoes and oranges are also sold on the markets. The agricultural base of Darfur is also characterised by low levels of tobacco and cotton farming. For the locals, the money generated assists in covering some basic needs. A few would use it not only to buy tractors and farming implements, but also trucks that they would rent out to merchants who transport products between the various villages. Animal husbandry and crop farming in Darfur, because of its rudimentary nature, has not translated into commercial enterprise. This has suited the central authorities in Khartoum, and their appointed representatives in Darfur, such as the Governors (*Walis*), who did not have to deal with the threat of economic elites with potential political ambitions.

There is also the existence of a class of artisans such as weavers, tailors, carpenters, potters, mechanics and shoemakers. This group also plays an important role in the local economies, but sometimes has to deal with the difficulty of contending with short-term economic changes and competition arising from importation of cheap goods (ibid:54). The traditional system of determining land ownership, including managing and resolving related disputes, is known as *Hakura*, and was developed under the *Fur* Sultanate. Flint and de Waal (op.cit:9) point out that this system evolved from being based on feudal jurisdiction, where the owner or holder collected dues from people living within their domain. Land would be allocated to individuals and communities. According to Tubiana (2007:4), not everyone had equal access to land. Chiefs, dignitaries, local and outside leaders, and prominent scholars were awarded land tenure rights. Nomadic communities, largely by virtue of their highly mobile nature, did not have these traditional tenure rights while some peasant farming communities were entitled. As a result, land has remained a central factor in Darfur's history and conflicts.

From the independence of Sudan in 1956, the government's economic policies and

programmes were skewed against the region. Consequently, Darfur's economic development stagnated. Its economy has lacked investment of resources in infrastructure such as roads. This is contrary to the economic prosperity that Darfur experienced during pre-colonial times, between the 15th and 18th centuries under the Darfur Sultanate, when the region thrived as a trading centre for indigenous and visiting Arab merchants, with exchanges in ivory tusks and ostrich feathers. The abominable practice of trade in slaves was also a key feature of Darfur's economy then.

Successive governments did not expand resources to the region. Darfur's economy is relatively underdeveloped, having experienced decades of neglect under the administration of the Government of Sudan. The situation did not change with the discovery of oil in the South, and its control by the central government entrenched the centre-periphery dichotomy with other parts of the country, including Darfur, being marginalised. The gaps between the regions continued to grow, with the central and eastern parts enjoying more of the benefits and controlling all the resources. These areas saw developments in mechanised agricultural production and expenditure in fields such as education. The marginalisation of Darfur led to the exodus of some of its inhabitants to the central regional towns, particularly the bustling metropolis of Khartoum. The capital city and its surroundings became the embodiment of the economic hyper-dominance of the centre, wherein the middle-class, particularly the merchants, known as *jellaba*, continued to extract profits from the peripheries and invested them in the centre (de Waal, 2007:8-9).

Early History: Statehood and Founding of the Sultanate of *Dar Fur*

The independent Sultanate of Darfur was established in the 17th century, in 1630, under the rule of Sultan Suleiman. The sultanate expanded its territory and administrative control. For instance, it conquered Kordofan in 1787. In the process, it became a major political and economic entity, involved in trade and commercial relations with other regions. It is reported that when Napoleon occupied Egypt in 1798, he exchanged letters with the sultan of Dar Fur (Flint and de Waal, 2008:6).

The Dar Fur state was centred in the northern mountains, just south of Dor. The ruling clan here was the Keira dynasty, which gradually expanded its domain

southwards. As the State spread its authority, it absorbed farming communities which adopted the Fur language, converted to Islam, and came under the political and administrative suzerainty of the state (ibid: 6-7).

However, not all the conquered people became Fur within the sultanate. For instance, the Zaghawa, Masalit, Birgid, Berti and Tunjur ethnic groups retained their own language and identities, despite also being able to speak Arabic. The ruling Keyra (or Keira) clan, as a dynasty, still retained their influence, control and dominance. The Keyra Fur Sultanate, as it came to be known, lasted for three centuries until its demise in 1916 when British forces under Lord Kitchener defeated the army of Sultan Ali Dinnar, and Darfur became incorporated into the Anglo-Egyptian Condominium of Sudan the following year. The Fur Sultanate experienced the impact of different encounters with the occupiers of Sudan. For instance, Ottoman conquest of north and central Sudan under Muhammad Ali Pasha, who ruled Egypt in the early 19th century, led to the creation of the Turko-Egyptian administration in Sudan between 1821 and 1885. As Sidameh and Sidameh (op.cit:xi) observe, although the Fur Sultanate survived the initial phase of the conquest, its territory was reduced. Woodward (2003:19) points out that under the Turko-Egyptian administration, indigenous systems of governments practised by ethnic communities were converted into tribal administrations, and at the same time Islamic *sufi tariqas* or religious orders were entrenched.

The Mahdists, who were opposed to the domination of Turko-Egyptian rule, revolted and eventually succeeded in ending this rule. The Mahdist rulers, and their followers, the *Ansars*, expanded their territory and influence in the north, to such centres as Omdurman and Khartoum. The Mahdists did not fundamentally transform the institutions established by the preceding political order. Although a state controlled by indigenous people now existed, the rule of the Mahdists still reflected the deeply entrenched core-periphery elements that had come to be a feature of Sudanese state traditions (ibid). However, friction and divisions were to undermine Mahdist rule, especially following the death in 1885 of the first Mahdi or "Expected One", Muhammad Ahmed Abdullah. Continuous wars, and the ravages of famine, weakened the rule of the Mahdists. The Anglo-Egyptian invasion of Sudan in 1896 was to eventually lead to the defeat of the Mahdist army in Omdurman in 1898, thereby heralding the end of the Mahdist state. According to Johnson (2003:139), this development also saw the brief revival of the

Sultanate of Darfur, which was able to maintain independent existence until its final conquest and incorporation into Sudan in 1916.

The independence of the Sultanate was also entrenched by the attitude of the Anglo-Egyptian Condominium administration in the early years of its formation, which began in 1898. Some Condominium administrators opposed the reconquering of parts of Darfur that were held by the Turks, arguing that Darfur had little or no economic value to the condominium, and that it would be difficult to administer as it was far from the centre, which was based in Khartoum (Prunier, op.cit:20-21).

Darfur Under British-Egyptian Colonial Rule

During the British and Egyptian administration of Sudan, the traditional chiefs in Darfur and other regions of the country worked within a system of "native administration" under a body called the Sudan Political Service, which helped entrench indirect rule. While the chiefs ruled their tribes on behalf of the British, the colonial system was led and administered by well-educated and elite British educated bureaucrats, whose intention was not to interfere with the traditionalism of the past and to avoid "detrribalisation" while at the same time ensure allegiance to the British Crown. Prunier (2005:29) points out that,

Channelling Darfur's discontent was not difficult since the Khartoum administration did almost nothing, good or bad, in its late-acquired province. This benign neglect parading as cultural respect was embodied in the system of Indirect Rule... In summary, the British should exercise their power only through the agency of local traditional authorities which would respect their native culture, avoid affronting local sensibilities, and introduce changes gently and in harmony with the local order.

Darfur remained underdeveloped. Health services were very minimal; almost non-existent. Only a few schools were built, primarily for children of the native administrators, but under the careful objective of avoiding modernisation of the ethnic groups. In terms of the economy, the traditional agrarian sector largely remained unchanged from the preceding period, and industrialisation did not take place in sectors such as food processing, skin and hide treatment, and simple textiles, where it could have been feasible (ibid:33).

1956 and Beyond: Marginalization, Underdevelopment and Resistance in Darfur

The independence of Sudan in January 1956 brought a new era to the Darfur region. However, many similar elements of the north-south dichotomy continued to be manifested. While the Northern, Central and Eastern regions were governed with interest and were prioritised when it came to the development plans of the administration in Khartoum, the western region of Darfur remained more marginalised than before. From the 1980s, a number of developments complicated and added to the changing nature of these conflicts.

Firstly, the different groups got access to weapons, particularly small arms. For instance, Salmon (2007:12) notes that some of the tribes, such as the Bagarra, began to purchase modern automatic light weapons on the thriving Chad-Sudan cross-border arms market. Following the 1984-85 Sahelian drought, incidents of crime, which included banditry, livestock theft and forced grazing on farmlands, became rife across Darfur (ibid:13). Furthermore, according to Deegan (op.cit:171), Nomadic Arab pastoralist tribes acquired weapons to protect themselves from "highway" robbers and bandits as they moved from one area to another. African peasant farmers also did the same. As el Amin (ibid) also noted, these "self-defence" groups metamorphosed into armed movements. Secondly, the lack of effective government in the region meant that these conflicts became subject to political manipulation. Thirdly, the war between Chad and Libya, where militias supporting Libya used the Darfur territory as a base, led to the proliferation of weapons. Similarly, the conflict between Sudan and Chad exacerbated the security environment in Darfur. In addition, the government in Khartoum had established the Popular Defense Forces (PDF), essentially an official army of reservists made up of local Arab militias, to expand their control over the region.

As Salmon (op.cit:13) points out, these militias were also recruited through the native administration system and operated in and around communities. The PDF themselves were in essence irregular mercenary formations integrated into the military chain of command of the government (ibid). The PDF was enthusiastically joined by many members of the nomadic Arab tribes (Deegan, ibid). Out of this emerged the *Janjawiid*

militia, led by Musa Hilal, that was to destabilise the region through attacks on African tribes and opponents of the government, and which came into confrontation with the rebel movements in the region. Salmon (op.cit: 29) further observes that the *Janjawiid* would often accompany the SAF on their strikes or attacks, using trucks or on horseback or camels.

This volatile environment became complicated by deep concerns expressed by non-Arab tribes about their continued political and economic marginalisation, neglect and discrimination. The peripheral location of the South in the nexus of Sudanese life is illustrated by its exclusion by the north in the areas of power sharing, wealth distribution, social services, employment and development opportunities (Deng, March 2007:2). These factors compounded the intractable nature of the conflict. Consequently:

President Nimeiri's creation of a Darfur regional government in 1980, and his failure to provide it with resources, meant that local administration went into a steep decline from which it has not recovered (de Waal, 1989:xv).

Another development in Sudanese history which had an impact on Darfur was the discovery of oil reserves in the 1990s, primarily in the south. The first shipments of crude oil exports from Sudan were in 1999, ushering in a period of increased interest in the country by other external actors such as China, with the latter becoming the largest importer of this oil. Revenues from crude oil sales not only contributed to the fiscus of the central government, but also provided a source of finance for its armaments procurement. Faced with a civil war in the south and an emerging insurgency in Darfur, the government in Khartoum was able to strengthen its military capabilities. Darfurians have repeatedly maintained that the government used proceeds derived from oil sales to suppress them. Furthermore, they have argued that the Darfur region has never benefitted from the oil industry, as illustrated by the severe levels of underdevelopment.

By the turn of the past century, Darfur politics were also transforming, largely driven by politics in greater Sudan. The Islamists in Khartoum were divided, particularly within the ruling National Congress Party (NCP). In 1999, the group led by President Omar el Bashir expelled influential Islamic scholar and former Vice-President Hassan Al Turabi, removing him as Speaker of the National Assembly, and accusing him and his followers of undermining the secular state. This took regional and ethnic dimensions as most of

the westerners from Darfur and Kordofan followed Turabi out of the political mainstream and began to further rally themselves from their bases in their regions. In this context:

Correctly suspecting that most Darfurian party members would side with Turabi, the ruling security officers began replacing local administrators with handpicked loyalists. Most significantly, they brought in new leaders for the Popular Defense Forces (PDF), the local militia that had, until that point, been relatively unpoliticized (de Waal, 2005:127).

The distribution in May 2000 in Khartoum and its vicinity of a publication called "al Kitab al Aswad" in Arabic, or "the Black Book", with anonymous authors going under the name "the Seekers of Truth and Justice", created a stir. Grabbing public attention as its distribution spread to other parts of Sudan, it came to be regarded as one of the contributing factors to the outbreak of another phase of rebellion in Darfur. The Black Book catalogued a history of injustice in Sudan carried out by various post-independence administrations and which was highlighted, for instance, by the fact that the region around Khartoum, controlled by a few ethnic riverine Arab elites from three tribes, dominated the military hierarchy, the judiciary and provincial administrations and the theocratic state, using these institutions to concentrate wealth and power in their hands (Wallis, op.cit:16). Furthermore, this region, containing five percent of Sudan's entire population, had since independence in 1956 controlled between forty-seven and seventy percent of cabinet positions in various governments, and had occupied the presidency at all times (ibid). To Darfurians, the challenge to this state of affairs had to be intensified to remove these imbalances in wealth and power.

The period that followed saw the emergence of Darfur's rebel movements. They had before operated as unorganised groups with no clearly defined objectives, but the continued manipulation of the regional political environment by Khartoum had provided some elements for an ideological identity. The formation of the Darfur Liberation Front (DLF) was the culmination of this. After commencing military operations in February 2003, when the group attacked Golo, the district headquarters of Jebel Marra, the DLF was renamed the Sudan Liberation Movement/Army (SLM/A) echoing that of the SPLM in the South. The SLM/A derives its origins from the membership of Arab and non-Arab students, lawyers, schoolteachers and community leaders, who were able to galvanise the support of ordinary people. Abdul Wahid Mohamed al Nur, a young Islamic student,

emerged as its leader and chairman (Flint, 2007:142-146 and de Waal, 2005:xvii-xviii). This group, despite having Muslims in its ranks, was secular in its approach and ideology. However, a faction emerged, led by the group's Secretary General, Minni Arko Minnawi, called SLA/Minni Minnawi.

A second organization, the Justice and Equality Movement (JEM), was formed within this context of escalating conflict in Darfur. It derives its support from the ranks of Islamic communities, primarily the Zhagawa. Formed around 2001, JEM was very different from the SLM/A, and was underpinned by Arab Islamist beliefs (Collins, 2008:257). Its spokesperson, Khalil Ibrahim, became its leader. It only started military operations in early 2003, when it launched a small scale assault on government positions and facilities in the town of Kabkabiya (Flint, 2007:151). However, its ideological origins can be traced to 1993, when a group that included Khalil Ibrahim met in Al Fasher and formed a secret cell within the National Islamic Front (NIF). The latter, controlled by riverine Islamist officials from Khartoum, wanted to promote the Arabization of Darfur by suppressing local institutions which were under the administrative control of the African Fur, Zhagawa and Masalit (Collins, 2008:254).

The attack on the airport in El Fasher, the regional capital of North Darfur in April 2003 by the rebel movements, which led to the destruction of some of the government's military hardware such as airplanes and helicopters, heralded the start of a major phase in armed confrontation between the groups and the government. The government, facing these increasing military threats from the rebel movements, retaliated with the use of more force, often disproportionately. It also created and armed a proxy militia group, the *Janjawid*, to fight the rebels in support of the armed forces of the state. The *Janjawid* were brutal in carrying out their attacks against the rebel movements and communities regarded as sympathetic to the rebels, often pillaging and destroying villages. Human rights abuses became profound as the massacre of civilians continued to increase. Targeting primarily non-Arab tribes in the region, the activities of the government-backed militias began to draw the attention not only of the African Union and its member states but also the international community. In the West, particularly the United States and Western Europe, references to possible acts of genocide carried out by the government and its militias started to be made.

On 9 September 2004, the then-United States Secretary of State Collin Powell, in his testimony to the Senate Foreign Relations Committee, referred to the situation in Darfur as amounting to genocide (Congressional Research Service, CRS Report, July 2006:4). International non-governmental organizations such as Human Rights Watch and Save Darfur Coalition also provided accounts of massive violations of human rights and international humanitarian law. The African Union was also concerned about the rapidly deteriorating situation, with its Chairperson, Omar Alpha Konare, calling for action to be taken to discourage acts that adversely affected the Darfur region. Armed hostilities in the region led to thousands of deaths, and a humanitarian crisis in which hundreds of thousands of refugees fled and close to two million internally displaced people were affected.

On the political front the al Bashir government continued to be faced with the difficulty of attracting some of the rebel movements to operate within the political processes envisaged for Darfur. For instance, some of the SLM/M Minni Minnawi leaders, the only movement to sign the Darfur Peace Agreement (DPA) in May 2006, were appointed to executive posts in the Transitional Darfur Regional Authority (TDRA) which was established in 2007. However, the DTRD became weakened as the SLM/M became frustrated by lack of authority that this structure had, and from defections from within its ranks by those who felt that the SLM/M was co-opted. The latter grievance led to the split within the organisation which led to the formation of the SLM-Unity faction. Other major rebel movements, the SLA-Abdul Wahid and JEM, rejected participation and cooperation with Khartoum on the issue of the regional authority.

The very different, often disparate and sometimes non-converging identities and ideologies of the rebel movements led to their fractious relations when dealing with the Government of Sudan. These factors often became more pronounced when the rebels came to negotiate with the Government. Multiple identities, and allegiance to internal and external audiences, was to later become a factor when mediation started.

The rebel movements in Darfur were also strengthened politically and militarily through the support of regional actors such as Eritrea, Libya and Chad, in addition to support received from the SPLM in the South. The spread of arms in the region escalated the

levels of conflict. However, the Government of Sudan retained its military power. The Darfur conflicts had converged into what can be called a Grand Conflict.

The Environment and Conflict in Darfur

The Horn of Africa and the rest of the Sahelian belt, of which Darfur is a part, often experiences climactic fluctuations and natural disasters. These environmental factors have also contributed to the rise of inter-communal conflicts in Darfur. Although the increase in conflicts in Darfur cannot be attributed to environmental challenges alone, these factors have proved to be a risk multiplier, contributing to tensions and adding to strains being experienced in local communities. They thus provide an additional backdrop to the myriad of elements that have impacted on Darfur society in times of peace and conflict, including ethnicity, economy, race and others. Therefore, according to Marcel Leroy and Gebresenbet (2011:13) the causality of the Darfur conflict can be disaggregated into different levels; namely, the perennial natural resource conflicts, linked with land and water resources and exacerbated by climate change; the struggle between the government and the rebel movements over political power and wealth; and the regional cross-border conflicts involving neighbouring states, in particular Chad and Libya.

The onset of environmental degradation brought about by the effects of climate change and human activity negatively affected stable societal links by impacting on inter-communal relations, often adding to the articulation of already existing tensions. For instance, environmental changes in the Sahelian belt had an impact on Darfur, resulting in severe droughts. This strain on the environment led to inevitable resource constraints and tense relations among the different groups, with open conflict often emerging, thereby disrupting old, stable relations based on interdependence and cooperation. As Leroy (2009:1) observes, farmers and pastoralists had co-existed in Darfur for centuries, in the process developing a symbiotic relationship based on mutual benefit and that it was important to ascertain if this balance was disturbed by environmental factors, in addition to other causal elements.

For instance, in highlighting the effect of the environment and climate change on Darfur, Leroy points out that:

Darfur has experienced severe climate shifts over recent decades. Reduced rainfall has turned marginal grazing land into desert, placing significant stress on the livelihood systems of local groups and thereby increasing the risk of conflict. The droughts of 1974-75 and 1984-85 have represented a major factor in the present crisis by altering the diverse ecological features of the region. (ibid: 362)

Wallis (2004:21) agrees that environmental aspects of the Darfur conflict became an important factor from the 1970s because of the creeping desert and drought, which forced nomadic pastoralists further south during the time the farmers were expanding production on the available fertile lands. This issue caused conflict between pastoralists and farmers. The next period of drought and famine during the 1980s ushered in a period of involvement of international relief aid agencies in Darfur, and the central government also tried to offer assistance to affected communities, while at the same time denying that famine existed in the region (de Waal, 2005:204-206). Apart from assisting with much-needed relief, food aid brought another dimension to conflict patterns in Darfur. Refusing to cooperate with these agencies, the government became involved in politicised attempts to intervene in drought-stricken areas, as local communities claimed that the government was mostly biased in its delivery of food distribution programmes, primarily the provision of grain. The government was accused of delaying and blocking relief operations through a system of bureaucratic requirements and thereby exacerbating the disaster. This strategy of controlling and manipulating access was regarded as an instrument by the central government to reward those who were its allies and to punish others for their non-cooperation.

Furthermore, according to Flint and de Waal (op.cit:13), where Khartoum could not stop humanitarian agencies from delivering assistance, these efforts were co-opted into its war strategy. The *Janjawid*, who often controlled routes and corridors, were central players in this situation, which led to many incidents of forced starvation. Distrusting the motives of the central authorities, a major uprising erupted in April 1985, when some local groups protested against what they perceived as unfair practices by the State, while riots also erupted in some small towns as deliveries of promised grain never arrived (ibid).

Another similar outbreak of drought and famine in the 1990s led to more pressure on the land, and created tensions and conflict among and between the different groups. Abdel

Ahmed (2009) notes that in northern Darfur, marginal semi-desert grazing land was turned into desert because of reductions in rainfall, which was a result of climate change. This forced nomadic pastoralists such as the Zaghawa and other Arab camel herders to move southwards into farming lands belonging to the Fur and Masalit, in search for water holes and pasturelands. As the Zaghawa moved:

Once accepted and hosted by the local inhabitants, they started establishing ethnically based networks and became considerably more economically successful than their hosts. Their networks extended beyond Darfur, across the borders into Chad, Libya and the Gulf states. More members of the group were attracted by the movement south and south-west and started to claim land in areas that historically belonged to others under the traditional *hakura* system. The space became contested, contributing significantly to the present crisis... In this process of contestation of space, relations of the pastoralists and the farmers who hosted them in their lands deteriorated as local clashes over natural resources intensified. The traditional symbiotic relations between farmers and pastoralists have given way to disastrous conflicts, leading to a great number of lives lost (ibid:95).

Leroy and Gebresenbet (op.cit:11) furthermore point out that droughts, and their contribution to widespread famine, have been worsened by ill-conceived socio-economic policies. Therefore, governance issues also exacerbated the situation, especially around the issue of land. Successive post-independence Sudanese regimes in most instances replaced traditional mechanisms for addressing resource conflicts in Darfur with laws and institutions that inadequately addressed conflicting land claims (ibid:13). For example, in the mid 1990s, in a conflict reflecting aggressive assertions over land claims and which led to many deaths, high levels of violence, rape, stripping of assets and systematic destruction of agricultural assets, the non-Arab Masalit clashed with neighbouring Arab groups, with the Masalit blaming the government for endorsing claims in favour of their Arab neighbours (Tanner, 2009:60). The dispute in north Darfur in 2001 between the Zaghawa and Aulud Zeid groups, which led to clashes and deaths, arose because of scarcity of water resources, after allegations of Zaghawa encroachment (ibid:61). Other policies characterised by neglect on the part of the government impacted on the livelihoods of communities. For instance:

Both pastoralists and farmers in Darfur have suffered as a result of government failure to ensure an adequate supply of water, and have become more vulnerable to drought. Until the 1970s, western Sudan had a good share of Sudan's total number of water works, ponds and *hafirs* (excavated water storage tanks). Since then, lack of maintenance and failure to provide additional water points has significantly reduced

the capacity for watering livestock and for sustaining the human population. This has hampered the traditional migration patterns of pastoralists: if the number of water points is reduced, different population groups and livestock concentrate around the remaining water sources, which leads to localised environmental degradation, and possibly conflict (Leroy and Gebresenbet, op.cit:13).

In addition to drought and desertification, deforestation became a problem, as some of the farming communities became more reliant on cutting and selling timber for their livelihood (Kok et al, 2009:34). The situation, also reflected in reduced vegetation, was exacerbated by the influx of displaced persons, the *Naziheen* and refugees into local communities already under pressure because of diminishing resources (ibid). Apart from creating conflict, the influx of people adversely affected the ecological patterns of the region, disturbing agricultural productivity in the process.

As illustrated by Abdul-Jalil (2009:273), decreased land rotation became unavoidable, as farmers had to deal with the increased demands on available resources by putting more land under permanent cultivation. The farmers did not want to give up their land as they were afraid that unutilized land would revert back to communal ownership and be subject to redistribution through the established customary practices (ibid).

Consequently, competition among local communities over these natural resources such as arable and grazing land, and access to water, sometimes exacerbated by overgrazing and drought, has contributed to inter-tribal or inter-ethnic conflicts, and these tensions have been exploited on many occasions by the government and its proxy armed militias, and the rebel groups, for the achievement of political objectives.

The history of conflict in Darfur points to the existence of a mediation and conflict resolution culture that underpins inter-communal relations. Prior to the onset of national mediation efforts between Darfur's armed movements and the central Sudanese government, communities in the region relied on customary and other mechanisms for settling differences. The emphasis was on citizen-based customary mediation practices and government sponsored peace-making conferences. However, Azzain Mohamed (2002:15) points out that in addition to these two aforementioned practices, disputes and conflicts at grassroots level were handled through modern state courts and law enforcement institutions, native courts that apply customary law and Sharia law courts that handle disputes when Muslims are involved (ibid).

Customary mediation in Darfur, a practice known as *Judiyya*, was carried out by mediators called *Ajaweed*. The mediator, an *Ajwadi*, is usually a tribal elder well versed in the local customs and traditions and who is seen as impartial and peace loving, and whose words of wisdom are rarely disputed (ibid). Disputes over land, livestock and other possessions were also subjected to the *Judiyya* system. Conflicts between ethnic groups were also addressed accordingly. For instance, in 1978, the *Ajaweed* were able to intervene and mediate in a conflict between members of the Zhagawa and the Rezeigat, thereby managing to avert impending violence (ibid:17). Furthermore, community leaders contained clashes over herds, migration routes and disputed farmlands by also reorganizing administrative units (AUPD Report, 2009:43).

In describing how this system was traditionally applied to handle issues between pastoralist and farming communities, El Amin (2010:102-103) observes that:

Based mainly on negotiations, the *Judiyya* indigenous mediation mechanism is often adopted to bridge a divide and reconcile conflicting parties at different local levels. This tradition of reconciliation, a characteristic feature of tribally diverse Darfur communities, has facilitated and supported grass-roots initiatives and has contributed to mending fences between Darfur's two major communal groups. Combined with other factors, the tradition has made it possible to move at the grass-root level to restore normality to life and seriously attempt peaceful co-existence despite the rift the grand conflict has created. The inevitability of sharing the same space and economic interdependence leaves no option but to seek reconciliation.

Iyob and Khadiagala (2006:145) also point to the resilience of these traditional mechanisms of conflict resolution such as tribal reconciliation conferences that dealt not only with conflicts between pastoralists and farmers but also the imported ideology of ethnic polarization that pitted Africans against Arabs, illustrated by the Fur-Arab conflicts of 1987 and 1989, which were in essence resource-driven conflicts that developed into ethnic wars. Some of the processes involved the convening of common gatherings of parties to a conflict, called by mediators chosen by each side, wherein each side presented their respective "logic" (ibid).

There was also reliance on the mechanism of government-sponsored conferences to deal with inter-communal conflicts. However, in certain instances, the government did not have the capacity to implement decisions reached during these conferences (de Waal, 2005:xv). Such types of conferences were also called to mediate conflicts related

to the increasing rebellions against the government. An example was the Nyertete Conference of 16-22 August 2002, also called the *Fur Leadership Conference*, and which was convened to deal with Fur grievances against the government and forge unity within the Fur community. It was attended by Fur delegates and produced a number of demands, including a call for the government to stop repeated acts of aggression carried out by the *Janjawid* against the land and possessions of the Fur (Flint and de Waal, 2008:85-86). While the conference also urged the Fur rebel groups to stop attacks on government police and security forces, it blamed the authorities in Khartoum for failing to implement previous agreements and address injustices and grievances (ibid).

Hoile (2005:33) notes in addition that:

As early as 2002, the government sought to address any nascent problems within Darfur... it convened a conference of 60 tribes from 11-13 September 2002 with regard to issues within the Jebel Marra area; in October and December 2002, the government sent delegations of Fur tribal leaders to address issues with rebels in Jebel Marra; in November and December 2002, the government had meetings with members of the armed opposition in al-Fasher, a meeting attended by over one thousand Darfurian leaders.

The CPA and Darfur: A Nexus of Converging Grievances

As the negotiations over Darfur went on, the larger glare of the spotlight fell on talks between North and South Sudan, which started in Nairobi, Kenya in January 2000. The Government of Sudan and the Sudanese People's Liberation Movement (SPLM) had reached critical stages and had made significant strides after experiencing major obstacles. The talks in Naivasha, Kenya achieved a breakthrough that led to the signing of the Comprehensive Peace Agreement on 9 January 2005. For Darfurians, the CPA held promise that their grievances could be dealt with at last. However, this proved to be false hope.

The CPA included a number of protocols which were earlier concluded and signed, and which *inter alia* set up a framework on matters related to peace, transitional arrangements, referendums, self-determination, security arrangements, wealth sharing, power sharing, status of civil servants, and resolution of conflicts in Abyei, South Kordofan and Blue Nile States. The outstanding matters concluded and agreed on in January 2005 related to the integration of the SPLA into the national army, permanent

cessation of hostilities, and the modalities for the implementation of the peace agreement (Schafer, 2007:14). It was believed that the CPA would end the civil war and bring peace to the South. Optimistic supporters of the agreement also regarded it as a model for resolving other conflicts in the Sudan such as Darfur and Jongelei in the East, in current-day South Sudan.

Fears among some in the North were that the CPA would ensure the stranglehold of the Government of Sudan in the North and entrench *Sharia Law* in the territory. Others believed that the CPA opened a window for opportunity for the further mobilization of Darfur grievances and to put pressure on the government during negotiations. The very content and substance of the CPA, as a global agreement, meant that it inevitably compelled the government to treat all Sudanese conflicts as whole. Focus on such issues as wealth-sharing, fiscal federalism, power-sharing, security arrangements were also central to the aspirations of Darfurians. Consequently, the Darfur rebel groups agitated for more resistance to achieve their goals.

According to Williams (2006:175):

It is significant that the rebellion in Darfur coincided with the time that the transitional areas (Abyei, Blue Nile State and Nuba Mountains) were first put on the Agenda in the Machakos/Naivasha talks in Kenya. In other words, it is likely that Darfur's rebels mobilized to ensure that their grievances against the Khartoum government were considered as part of the Naivasha process.

Many of the provisions of the DPA were a replica of those of the CPA. In fact, the CPA provided a framework for much of the negotiation of the DPA. This was not just a question of design but also of logic. By its very nature, the CPA spoke to the issue of the transformation of Sudan as a country, which included the issues of democracy and pluralism (de Waal, 2006:2). As a charter for good governance in Sudan, the CPA intended to also resolve the issues of instability and conflicts in the country, which were a result of uneven development, inequitable sharing of resources and political marginalization. Furthermore, as the North-South talks were going on, there were quiet and informal views expressed, wondering whether the Darfur question should be brought to the table as the fourth area to be considered, in addition to the issue of the south itself, Blue Nile and South Kordofan. However, the Government of Sudan refused, thereby dispelling any prospect of Darfur, and the Beja issue, coming into the negotiation

framework (Interview with de Waal, 20 June 2012). The NDA was lobbying for broadening of the agenda. Given the slow progress experienced by the Naivasha talks at that point, both the NCP and SPLM did not want the burden of another Agenda. The trioka members, Norway, Britain and particularly the United States, also wanted a decoupling of Darfur from the Naivasha talks. As Schafer (2007:22) argues:

The CPA can be used in Darfur as an objective criterion for the implementation of power-sharing and human rights. The CPA, as a constitution for Sudan, explicitly states that all human rights and those articulated in the CPA are for the whole of Sudan. As Sudan continues to battle ethnic divisions in Darfur, the tribal lines remain and prejudices persist, creating a fragile foundation for peace. The implementation of the CPA offers hope to Sudan in the text of the protocols and expresses what the future of Sudan can be.

Even the British government believed that the Government of Sudan would try to resolve the Darfur conflict using the CPA framework (Deegan, op.cit:180). Furthermore, as Mohamed (2007:208) points out, the resolution of the Darfur conflict requires an interface between the region's internal and national dimensions, and consequently the formula for addressing the plight of Darfurians can be derived from the CPA. At the Abuja talks, the rebel movements called for the application of North-South principles to the issue of power sharing in Darfur (ibid:209). In this way, the CPA provided a reference point for the articulation of Darfurian grievances against the centre.

The CPA, when it was signed, put more attention on the GoS and the SPLM/A. Khartoum viewed the North-South issue as the defining step in resolving the grievances in Sudan and tended to regard the Darfur situation as somewhat peripheral. For the government, the insurgency in Darfur amounted to a localised problem. However, there was also a realization on the part of the government that Darfur could not be ignored. The government could not afford to see some splits within the Islamic communities in the North. Darfur had the sympathy of some influential elites in Khartoum such as Turabi, although the latter and his followers had their own political objectives. Furthermore, the government had to negotiate with the rebels because of the regional equations, particularly as its relations with Chad and Libya were also premised on the dynamics in Darfur. Pressure from the African Union, IGAD, United States, Great Britain and others also made it difficult for the Government of Sudan not to continue with negotiations. At a later stage, when problems affected the implementation of CPA and it stalled, the focus

was shifted to the Darfur peace talks.

By then, Darfur mediation, having stalled in 2003, had assumed a life of its own, galvanised by international attention as mentioned earlier. By the end of 2005, pressure from such influential global non-governmental organizations like the Save Darfur Coalition, the International Crisis Group (ICG), Amnesty International and Human Rights Watch was increasing, calling on the parties to the conflict to arrive at a meaningful peace settlement. In the United States, the Bush Administration was calling for international troops to move into Darfur, even mentioning the possibility of approaching the North Atlantic Treaty organization (NATO), and when it became clear that this was not going to happen, the US President shifted his focus to putting pressure on the United Nations (Interview with de Waal, 20 June 12).

During the Abuja negotiations, in 2005, the government of national unity representatives, the NCP and SPLM, were careful not to allow for a divergence from the core pillars of the CPA, particularly around the issues of democratization and pluralism, arguing that these needed no detailed discussion as they had already been provided for in the Naivasha document. Consequently, for the Khartoum establishment, the grievances of Darfurians should be addressed within the democratic process contained in the North-South arrangement, and any agreement arising out of the talks needed to be included in the Interim National Constitution (INC) of Sudan (de Waal, 2006:2). Furthermore, a textual analysis of the CPA and DPA points to similarities in many areas, including wealth sharing and fiscal federalism, which also speak to the core of the grievances of Darfurians and the core-periphery dichotomy. For instance, the Darfur Reconstruction and Development Fund (DRDF), intended to mobilize and dispense funds from the central government and international donors for the upliftment of the region, is an elaboration in detail of the National Reconstruction and Development Fund (NRDF) and the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) created under the CPA.

In offering a summation of the convergence of North-South grievances with those of Darfur, issues of marginalisation of the periphery by the centre can be pointed out, underpinning Sudan's numerous conflicts and at the core of the experiences of

resistance and conflict. As de Waal (2007) puts it in the case of Darfur:

That conflict developed partly because of the incomplete resolution of the North-South war. And both conflicts arose from the same general phenomenon: regional discontent with exploitation, of both people and resources, by the central government in Khartoum. The Darfur crisis can neither be understood nor resolved apart from the more deep-rooted North-South confrontation.

Conclusion

Understanding the nature of Darfurian society is important not only in identifying the causes of the various internal conflicts among groups and the region's fractious relations with the centre, but it also provides insight into what kind of conflict terrain the mediators faced. The chapter locates the Darfur conflict within the context of an internal or intra-state conflict, which are intractable and are very difficult to mediate. Factors such as the geographical and environmental attributes, people, history, culture, religion and economy of Darfur were outlined as a background. They pointed to the evolution and rich traditions of Darfur society to the current period. However, some of these factors came to have an effect not just on local politics of the region and find themselves open to manipulation by the centre.

Darfur, throughout its history, had developed a unique and separate character, a reality that emerged out of previous old attempts by the region's people to forge statehood, as illustrated by the formation of the Keyra Kingdom and the Sultanate of *Dar Fur*. The region's colonial and post-colonial rulers adopted policies that led to its marginalization and underdevelopment. This historical pattern of political and economic neglect gave birth to the articulation of grievances and the emergence of rebellion and conflict.

However, there was another important factor that has also contributed to the eruption of conflicts in Darfur; namely, the environment. The analysis illustrated the interconnection between environmental degradation and conflict, particularly how this factor caused conflict between pastoralist and farming communities in the region. These conflict situations arose from the competition over natural resources, as climate change conditions led to desertification, drought and famine, in addition to the effects of deforestation as people looked for arable land and alternative means of livelihood. In this regard, access to land and water became a survival issue and this created tensions and

conflict. Lack of proper land and environmental management systems deepened these divisions. The absence of a political will from the centre to address these challenges worsened the situation. This contributed to providing the breeding ground for the emergence of armed militias.

A brief analysis is made on how conflicts between different groups were historically mediated, prior to the emergence of and prominence given to the broader national mediation efforts involving negotiations between the national government in Khartoum and the Darfur rebel movements. This analysis illustrated that mediation was not a new phenomenon in Darfur society. More importantly, it pointed to the tenacity of indigenous, traditional forms of mediation such as the *Judiyya*, which was an integral part of the peace and conflict resolution culture for many centuries. In addition, government sponsored peace conferences, intended to resolve differences among communities and promote reconciliation, came to be accepted a forum for peace-building.

Finally, the preceding discussion also highlights the convergence between Darfur grievances and the North-South question. In terms of negotiations at the national level, it became apparent that the period leading to the start of the Ndjamenia mediation talks was dominated by the ongoing North-South Machakos/Naivasha talks, which would eventually lead to the signing of the CPA. However, it was becoming increasingly clear that the Darfur conflict constituted a major crisis in its own right and deserved to be accorded the relevant attention and importance.

CHAPTER 3: NDJAMENA, ADDIS ABABA AND TRIPOLI MEDIATION AND AGREEMENTS

Introduction

The forthcoming discussion in this chapter will examine the mediation from the perspective of how a number of the important variables underpinning the question of mediation in general were applicable to the talks in Ndjamen, Addis Ababa and Tripoli, and the context surrounding them. Firstly, how did the entry into the mediation by President Deby and later the AU appointed mediators Hamid Elgadir and others take place? Was it by proposition or invitation? Secondly, the research will ascertain the level of consent to the mediation among the parties at the different stages of the negotiations. Thirdly, and equally importantly, an analysis will be made of whether the parties in Darfur, at the time the start of the negotiations, had reached a mutually hurting stalemate. Fourthly, were the mediators able to use their capabilities to move the conflicting parties to a particular desired outcome? Fifthly, in the case of Deby, what were the interests of the mediator and did these and other elements such as behaviour and strategy impact the mediation? Related to this aspect is the need to examine how the question of impartiality by the mediators manifested itself during these phases. Sixthly, what were the institutional or organizational elements at the disposal of Deby, Elgadir, Sam Ibok and others? Lastly, the mediated talks in question produced agreements or accords, and an analysis will be made on their nature, with a primary focus on whether they were successful or not.

The rebellion, led by Darfur's armed movements, and arising out experiences of marginalisation and unattended grievances by the centre, had continued in the absence of any political process to deal with the region's challenges. The beginning of the Chadian mediation occurred when the negotiations that led to the Comprehensive Peace Agreement (CPA) were taking place between the Government of Sudan and the SPLA. The negotiations between the GoS and southern leadership became a catalyst for political interaction around the Darfur issue. Just as the armed movements showed early signs of moving towards negotiations, the governmental authorities were also under pressure to pay attention to the Darfur conflict, although the tendency displayed by the

government was to treat the issue of the region as secondary. As Tanner and Tubiana (2007:16) observe, the North-South conflict not only played a role in influencing the timing of the armed rebellion in Darfur, but also was to impact on the future peace process, particularly as Darfur leaders began to fear that the future political make-up of the country was being decided without them. Therefore, as the Machakos/Naivasha talks were nearing conclusion, the armed movements in Darfur accepted mediation with the Government in Khartoum, a process which manifested the relationship between the two. However, as the focus tended to be dominated by the CPA talks, there were growing calls for the Darfur conflict and the emerging mediation in Ndjamenā to be treated separately and with equal attention.

Ndjamenā Talks

The Ndjamenā talks also started during a historic period, after the African Union had just been established earlier in 2002, transformed from the Organization of African Unity (OAU). Whereas the latter preferred a consensual adherence to the principle of non-interference in the internal matters of member states, a strong tendency under the new AU emerged which in essence advocated for the subscription to a stance of non-indifference in particular situations of conflict. According to Abdul Mohammed (Interview, 4 July 2012), the AU adopted a new sense of purpose, seeking African solutions to African problems, and displaying willingness for the continent to take the lead in resolving its own crises. A more activist continental leadership had emerged, intent on providing a more robust approach to Africa's diplomacy (ibid). The then-chair of the organization's Commission, former Malian President Omar Alpha Konare, energetically sought to assert this new approach.

The negotiations, which started under the mediation of President Idriss Deby Itno of Chad, and constituted the initial round of the Inter-Sudanese Talks on Darfur, began on 31 March 2004, and which included the Government of Sudan (GoS) and its adversaries in the form of the Sudan Liberation Movement/Army (SLM/A) and the Sudan Justice and Equality Movement (JEM). According to Ekengard (2006:13), Deby was also concerned with the influx of refugees into Chad. The negotiations led to the signing of an agreement on 8 April 2004. The Darfur Humanitarian Ceasefire Agreement, as it was known, was

also co-sponsored by the African Union (AU). An earlier Ceasefire Agreement, also mediated by President Deby, was reached in September 2003 but was short-lived as the parties reneged on it and resumed armed hostilities again, with the resultant worsening of the humanitarian crisis (Iyob and Khadiagala, 2006:152).

The crisis in Darfur, which heralded the beginning of a series of mediation efforts, is thought to have started at the beginning of 2003, when the rebel movements, particularly the SLM/A, launched attacks against the armed forces of GoS and its facilities in the region, most notably in Al Fasher in northern Darfur and in the town of Gulu in Jebel Marra. In response, the government forces attacked the rebels and their strongholds, unleashing ground and aerial attacks on villages purported to be harbouring the rebels. The government also supported the *Janjawiid* militia, which they funded, armed and encouraged, to attack the rebels, particularly as the latter was more adept at desert warfare and could easily elude the GoS forces. Prunier (2005:125) notes that the *Janjawiid* quickly gained a reputation for ruthless, indiscriminate and random use of force. It is widely held that the name *Janjawiid* first came to global attention after the government-aided armed militia attacked the small town of Kadnir in Jebel Marra in September 2003.

The situation led to the internal displacement of thousands of Darfurians and also resulted in massive outflows of refugees across the border into Chad, creating a huge humanitarian problem. Some accounts estimated the number of IDPs inside Darfur to have been around 400,000 in 2003 (Prunier, 2005:131). As Iyob and Khadiagala (2006:152) point out, an estimated 200,000 refugees were in Chad by the end of the same year. The number of deaths directly emanating from the armed conflict was also escalating, with some sources such as the United Nations putting the number at around 50,000 casualties. Darfur was by now the subject of international attention. By the time the parties reached Ndjamená for the negotiations, they were approaching, but had not yet reached what Zartman (2001, 2005, 2007) describes as a mutually hurting stalemate. Both the government and the armed movements could no longer sustain intense military offensives against each other like they did earlier (Mohammed, op.cit).

The Mediator

The entry of Idriss Deby into the mediation was timely, given the circumstances of heightened conflict in 2003. Deby had reason to take the initiative and mediate as the cross-border effects of the conflict had implications for Chad's security, with refugees from Darfur moving into his country. But the issue of Deby's impartiality remained a concern, given the fact that being a Zhagawa himself, there were fears that he might be biased in favour of the Zhagawa of Darfur, particularly as represented by the JEM in the negotiations. Despite this, Deby showed impartiality, leaning equally towards both the Government of Sudan and the rebel movements (de Waal, interview, 20 June 2012).

Mediation Process

When the earlier Chadian mediation process began in Abeche in 2003, the focus was on cease-fire questions, humanitarian problems and political issues, although the latter was not dealt with thoroughly in the negotiations. The mediator was able to secure a cease-fire agreement that was short-lived and only lasted for forty-five days as the belligerents went back to war and the humanitarian crisis deteriorated (Iyob and Khadiagala, op.cit:152 and Flint and de Waal, 2005:119). It was clear that both sides approached the negotiations with no firm commitment to address the issues with a sense of urgency. It was also apparent that they did not respect the cease-fire (Flint and de Waal, op.cit). After this lack of success, the African Union intervened, initiated entry and launched at the end of March 2004 a new round of what came to be known as the inter-Sudanese talks, again under the mediation of President Deby. The objective was to get the parties to negotiate again around the issues of the cease-fire, humanitarian concerns and political matters. President Al Bashir of Sudan, at that time an ally of President Deby, was holding out for an agreement that would not only immediately lead to the cessation of hostilities but would address the concerns of international humanitarian aid agencies.

The difficulty was that both Deby and Al Bashir started from the premise that the Darfur conflict was a local problem, a logic which was to impact negatively of the prospects of the Ndjamenan peace talks. Al Bashir still wanted to retain the final say regarding the status of conditions in the affected areas. Non-infringement and non-interference on GoS's sovereign control over the Darfur region was an important objective of the

authorities in Khartoum. They were simply not comfortable with the role of many actors. The rebel movements saw the presence of observers at the negotiations, particularly from the West, as an advantage to their cause. The rebel groups were also looking at seeking an outcome that would eventually lead to the achievement of a comprehensive political goal.

The pre-negotiation period, from the beginning of March, was hectic, as the Chadian mediation tried to bring the parties to the negotiation table. The AU did its best not to be left out of the mediation. In this regard, AU Commission chairperson Konare dispatched three missions. The first one to Ndjamenā on 5 March was led by his Special Envoy for Sudan, Baba Gana Kingibe, to meet the mediator. The Special Envoy made another visit, this time to Khartoum where he met Vice-President Ali Osman Taha on 10 March. According to a report by the AU Chairperson (2004:3-4) to the AU Peace and Security Council (AUPSC), the AU Commission's Director for Peace and Security, Sam Ibok and his team held a meeting on 26 March in Ndjamenā with the Chadian mediation and briefed Abdelrahman Moussa, the Chadian Minister of Internal Security. In all of these missions, the AU message was the same: the AU is ready to assist the Chadian mediation by participating and rendering technical assistance and to sensitize the international community to mobilize humanitarian assistance to the refugees and IDPs (ibid).

As the negotiations were about to begin, President Deby accepted the offer from the African Union and requested the latter to strengthen his role in the talks by assisting his mediation. The Peace and Security Council (PSC) of the AU had just been established the same year, 2004. The Chair of the African Union Commission at that time, former President of Mali, Oumar Alpha Konare, nominated Hamid Elgadir, a former Prime Minister of Niger, as his Special Envoy to the negotiations. Furthermore, the rebel movements had as well during this period expressed the need for the AU to be involved, concerned that the close relations between Ndjamenā and Khartoum would make impartial mediation difficult. As Flint and de Waal (op.cit:120) point out, Elgadir, despite his best efforts, was clearly unprepared, and the negotiations tended to be disorganised at times. The mediator was also under-resourced, with very little technical support. The mediation was also affected by circumstances surrounding the continued availability of

Elgadir, as he was also distracted by demands in his home country.

During the official opening day of the talks chaired by Deby and attended by the AU, UN, EU, France and the USA, the Sudanese government team was noticeably absent, insisting that apart from the AU, no other member of the international community was to be present, as the Darfur matter was an internal one (AU report, 2004:4). This triggered some hastily arranged shuttle diplomacy by the Chadian mediation and the government mediators finally decided to attend. However, GoS still refused to have face-to-face direct negotiations with the SLA/M and JEM. The mediation immediately arranged separate meetings, wherein the parties presented some initial positions to the mediators. The government presented the following positions (ibid:4):

- both parties need to agree on the principles that would guide the negotiations and on the nature and extent of the crisis;

- proposed solutions to the crisis have to address the interest of all the people in Darfur, as there are many other people who have been affected but have not taken up arms against the state;

- the problem in Darfur cannot be solved militarily, but only through dialogue;

- until the resolution of the conflict, there must be a cease-fire agreement to allow for the delivery of humanitarian assistance to all affected areas in Darfur;

- the crisis in Darfur is an African problem, therefore, only the Chadian government and the African Union should facilitate the talks, while the participation of other international observers should be limited to the discussions on humanitarian matters; and

- amnesty shall be given to those who have been involved in the armed struggle.

The SLA/M and JEM, who were represented in a joint delegation, argued for the following positions (ibid:5):

- commitment to negotiate a temporary humanitarian cease-fire in Darfur leading to unrestricted and unconditional humanitarian access;

the *Janjawiid* militias should be disbanded, as they constitute the main threat to civilian life; and

a mechanism for a political solution should be envisaged that would include face-to-face negotiations in the presence of the Chadian government, the UN, the USA, the EU, the AU and the international humanitarian NGOs, as well as the establishment of an international mechanism for verification of compliance with any agreement that would be signed.

The Chadian mediation, assisted by the AU and representatives of the international community present in Ndjamená, assisted in narrowing the gaps between the belligerents and were eventually able to influence them to have direct negotiations. This was a breakthrough. On 8 April 2004, the GoS and JEM and SLA/M, signed the Darfur Humanitarian Ceasefire Agreement (HCFA). Witnessed by the AU, UN, USA, EU, France and NGOs such as the Centre for Humanitarian Dialogue and the International Committee of the Red Cross (ICRC), the accord was widely welcomed. The Agreement had three broad essential elements, which were the cease-fire, humanitarian and political.

The Agreement

Cease-fire Provisions: These were centred around a broad statement that the parties made to the effect that they intended to stop using force as a means to settling the conflict in Darfur. In that regard, the following issues were agreed upon:

The immediate cessation of hostilities by declaring a ceasefire for 45 days, automatically renewable except if opposed by one of the parties. The ceasefire was to be effected and implemented on land and in the air.

Ceasefire to be effective 72 hours after the signing of the agreement.

Halting of military operations of all sorts, including reconnaissance activities, deployments or any movements that could lead to the resumption of hostilities. In addition, the parties were to refrain from further recruiting any armed combatants.

To stop laying landmines or marking or sign posting related areas, refrain from supplying or acquiring arms and ammunitions, stop acts of violence against civilian populations and ensure humanitarian access, lift or stop any restrictions on the movement of people and goods.

To stop acts such as hostile propaganda.

Ceasefire Commission: the agreement provided for the establishment of this body to be comprised of the representatives of the parties, mediators from Chad, African Union and the international community. Its mandate entailed the following:

Plan, verify and ensure the implementation of the rules and provisions of the ceasefire, defining the routes for the movements of forces in order to reduce risks of incidents and assist with demining operations.

Receive, verify, analyse and judge complaints related to possible violations of the ceasefire and to develop adequate measures and instruments to guard against such incidents in future.

Ensure the confidentiality of information received from the parties upon request by the Commission in the implementation of the agreement.

The Commission and its personnel to be given by the parties unrestricted access throughout Darfur. The Commission to determine clearly, the sites occupied by the combatants of the armed opposition and verify the neutralisation of the armed militias. The parties were to ensure that all armed groups under their control complied with the agreement while the GoS was also to ensure the neutralization of armed militias.

The agreement provided for the freeing and exchange of prisoners of war and all other persons detained because of the armed conflict in Darfur.

The Ceasefire Commission was to report to a Joint Commission composed of the parties, Chadian mediation and the international community.

Humanitarian provisions: These entailed the need to secure access to humanitarian

assistance and aid to the IDPs and refugees and to stop armed hostilities that would worsen the situation. In this regard, the parties agreed to undertake the following:

Facilitate the delivery of humanitarian assistance and the creation of conditions favourable to supplying emergency relief to the displaced persons and other civilian victims of war wherever they are in the Darfur region.

Political provisions: In the preambular paragraph of this clause of the agreement, the parties committed to work towards the establishment of a democratic political culture in Darfur that would guarantee political, economic and social rights, with a view to achieving a global, just and durable solution through peaceful means. In this regard, the parties agreed to:

Negotiate, under Chadian mediation, a definitive global political settlement of the conflict and to discuss solutions to the problems of Darfur within the framework of a conference of all parties representing the Darfur people, especially in relation to the region's socio-economic development (2004: Darfur Humanitarian Ceasefire Agreement)

An analysis of the agreement indicates that it was more favourable to the Government of Sudan than to JEM and the SLM/A. For instance, under the ceasefire provisions, it called for GoS to only "neutralise" the militias under its control. This did not amount to disarmament, which would have been a better provision. It further meant that in the event of the resumption of hostilities, the *Janjawiid* would still retain its military capabilities. In addition, only the forces of the armed opposition were to be assembled in clearly defined areas or sites. This again meant the *Janjawiid* would have faced less severe restrictions on their mobility. In terms of the political issues, the plan for a conference of all parties in Darfur was too broad and perhaps intentionally ambiguous. It implied that both the SLM/A and JEM would have to reckon with the involvement of other stakeholders in the Darfur. This suited the GoS, who repeatedly argued that its negotiating partners were not representative of all the people of Darfur.

Furthermore, another major challenge during the negotiations was that Khartoum stalled on the issue of the upgrading of the African Union Observer Force, which was standing

at 300 personnel. The GoS initially objected to its proposed increase to 3,500 to include military personnel. It was only after incessant pressure and the passing of United Nations Security Council Resolution 1556 of 30 July 2004 that Sudan was, *inter alia*, forced to accept an enlarged monitoring mission.

It became apparent that the rebel movements were outmanoeuvred by the GoS and the mediator (Iyob and Khadiagala, 2006:152). The rebel movements then reneged on the political agreement, insisting that they negotiate directly on the issue of a comprehensive political settlement instead of an all party conference. Furthermore, with regard to the ceasefire, the rebel movements expressed their discomfort that only the armed forces were to be cantoned to specific areas, and not the *Janjawiid*, who would only be neutralized, and to them this was tantamount to surrender (Prunier, 2005:107). They quickly rejected this element of the ceasefire agreement as well. This outcome reflects how asymmetrical power relations between mediating parties can either have positive or negative results. In this regard, and according to Bercovitch (2007:183), mediation is more likely to be effective when there is relative power parity between actors in a conflict. Asymmetrical power relations often result in situations where the stronger side tends to receive more concessions from the weaker side. Armed hostilities and violence resumed, despite claims by the parties that they were respecting the Humanitarian Ceasefire Agreement.

Unable to continue with mediating, Elgabid was in September 2004 replaced by Ibok, a veteran diplomat with a fair grasp of the African Union's functioning and conflict situations on the continent. Having the institutional support and capacity of the African Union Commission, the new mediator brought some stability to the mediation process (Interview with Toga, 19 June 2012). Supported by a team of about five officials of the Commission, Ibok was able set up a framework for the negotiations. Mediation improved as a result (ibid). By this time the AU had belatedly dispatched a small team of military observers whose mandate was only the protection of the small ceasefire monitoring group, namely, the Ceasefire Commission. This deployment took place four months after the signing of the agreement (CRS US Congressional Report, 2006:8). At the same time the UN established the Joint Implementation Mechanism (JIM) to monitor events in Darfur. Critics of this deployment argued that it should have consisted of substantially

more troops and also undertook to protect the civilian populations, who were the most in need. However, it was clear that there was a reluctance by AU member states to contribute more troops. The Mission was to evolve into the African Union Mission in Sudan (AMIS), and the troop numbers increased.

Challenges Facing Mediation

The Ndjamena mediation process and the subsequent agreement experienced a number of problems that made it impossible to implement. Firstly, the rebel movements raised questions around the neutrality of the mediator on some issues. Although Deby was accepted by all the parties, his closeness to Al Bashir at the time of the negotiations was viewed in some quarters as a complicating factor. Most studies on mediation (Wallensteen 2007, Mitchell, 1997) regard the concept of *impartiality of the mediator* as a key element in most negotiation processes. However, others (Zartman 1995, 2001, 2006, Touval 1985, Bercovitch 1996, Maundi et al 2006) maintain that cost-benefit considerations make impartiality not a necessary condition of acceptance. Thus, they would argue that some partiality is necessary, especially when a biased mediator can deliver a party towards which it is biased to an outcome acceptable to all. However, what should be avoided at all costs is where an outcome only benefits or is acceptable to the favoured party.

Secondly, the Chadian mediation regarded the Darfur crisis as a local conflict that would be easy to resolve given the features of cross-border ethnic ties and historical links, but the crisis soon overwhelmed their capacity (Iyob and Khadiagala, op.cit:152). Consequently, according to Lamamra (Interview, 2011), the magnitude of the Darfur problem was not considered carefully at that time, with a tendency by the Chadian mediation to regard the conflict as a "small problem" that could be sorted out by neighbouring countries. There was an inclination to frame the problem as a humanitarian challenge (ibid). Furthermore, although Chadian mediation was familiar with the history of the conflict and had sufficient information, it was clearly unprepared. Special Envoy Hamid Elgadir found it difficult to mediate at the beginning, because of lack of institutional support capacity. During the mediation, Elgadir also showed signs of being unfamiliar with most of the issues around the conflict, and he also lacked the status that

was to be a trait of his successors (Toga, interview, op.cit). In this regard, he did not adapt quickly to the role of mediator.

During early 2004, before the mediation began, the SLM/A and JEM were characterised by disunity among themselves and discord within their ranks. Consequently, it was difficult for them to coordinate positions. This improved when the March 2004 round of negotiations began and when they participated as a single delegation, albeit under different organisational identities. Mutwol (2009) points out that an agreement is likely to be signed and to hold if the parties to the dispute maintain a consolidated structure and effective chain of command rather than a fractionalized one. In this regard, both the SLM and JEM attempted to narrow their differences in dealing with the stronger government negotiating team.

The decision by the rebel movements to shift their stance on the political agreement, from initially committing to the holding of an all-inclusive conference and negotiating with the GoS on the comprehensive political settlement, to focussing on humanitarian and ceasefire issues, destabilised the agreement (Iyob and Khadiagala, op.cit:153). Khartoum had preferred to reach an agreement on this matter, which referred to the establishment of a political culture in Darfur, and a guarantee of political, economic and social rights. The government believed that the disavowal of the political agreement by the armed movements meant that the rebels might be holding out for a power ascendancy in the future on their own terms. The GoS was looking for an agreement that would compel the rebels to agree to some framework of political cooperation with the regional authorities it established in Darfur. For the government, negotiations on Darfur had to be considered within the context of the Naivasha process on the North-South conflict which was then still evolving. Its insistence on discussion of the political issues in Ndjamenia was an attempt to ensure this consistency. The mediator could have clearly outlined the parameters and agenda from the beginning, and urged the parties to agree, as this would have created confidence among them.

The mediation in Ndjamenia was also negatively affected by extraneous factors related to the security situation on the ground in Darfur. Disagreements had emerged around the issue of reported acts of atrocities in Darfur as the UN announced an international

inquiry to examine whether genocide had taken place. This move by the UN proved an unwelcome development and led the government negotiators to believe that the negotiating environment was impacted by international sentiment against it. Khartoum was strongly opposed to the measure taken by the UN.

Another aspect which led to the failure of the Ndjamená agreement was that the rebel movements perceived some of the ceasefire provisions as unfair, particularly the provision that dealt with cantonment of the rebels, and their disarmament. They viewed this as disproportionate, as there were no equal stringent measures provided to curb the government forces. The rebels stalled before eventually agreeing to the provision. It was inevitable that they were going to withdraw their adherence to this aspect of the agreement. The provision worked to the advantage of the government, as it served a containment purpose against the rebel movements, some of who were firmly established inside Chadian territory. It was also intended to restrict the rebel forces inside Darfur.

Furthermore, there was no capacity to enforce the ceasefire. Both the Ceasefire Commission and the small team of military observers could not enforce the provisions. The terrain of Darfur was too vast for such a small deployment. In addition, apart from the lack of AU military units to keep the warring forces apart, the Commission had to generate information based on unclear or unavailable guidelines. This was primarily because the agreements were developed and drafted without any accompanying and agreed map of the boundaries, location and place of names in Darfur (Brickhill, op.cit:6). This made it difficult to ascertain the specifics of the disengagement of the armed combatants. In this unclear environment, the small AU military observer unit, and its successor AMIS mission, lost the command and control initiative as armed hostilities continued. Lack of adequate financial support also hampered the mission.

The parties were also not doing enough to deal with the humanitarian crisis. It appeared that only the pressure exerted by international humanitarian aid agencies compelled them to make a token commitment to this issue. The government has traditionally not been amenable to allowing humanitarian agencies unhindered access to the country.

There was a lack of political will from all sides to implement the agreement, hence the frequent resummptions of armed hostilities. From the perspective of the rebel movements,

they were pushed by Chad to reach an agreement, whereas the Government of Sudan was pressurized by the AU and the international community because of the massive levels of internal displacements, the resultant humanitarian crisis and also threats made towards the leadership, particularly of possible prosecutions for alleged war crimes (Mohammed, interview, 2012). The parties to the negotiations were willing to make compromises but not commit to strategic concessions (ibid).

As Brickhill (2007:6) noted,

When asked why they signed such agreements the rebel movements replied that they had not understood the concepts or contents; they had not expected them to be implemented; and they had been forced to sign them. In the circumstances, it is not difficult to understand why the government signed.

Another major issue that made it difficult for the mediators was the sometimes fractious nature of the rebel movements. During the mediation, the SLA factions, for instance, had significant differences. Having agreed at one point to return to Darfur to mend their differences; the meeting did not take place, with Minni Arko Minnawi opting to go to Asmara, while Abdul Wahid also did not make an appearance for a while, and was to later set up offices in Nairobi and Asmara (Flint and de Waal, 2005:86-87).

Furthermore, the splits among the rebel movements were also a reflection of their histories, where they came from in terms of their strongholds and roots, including ethnic allegiances (Mohammed, interview, op.cit). Although they were disunited, they attempted to establish some coherence in the negotiations, with very little success.

In terms of mediation, the Ndjamen talks illustrated other weaknesses or shortcomings. Firstly, the mediators did not point out to the parties in the Darfur conflict the consequences that would arise out of their lack of commitment. In his analysis of the behaviour and strategies of international mediators, Bercovitch (1992:17-19) points to the use or application of *manipulation strategies* to influence the behaviour of conflicting parties towards a particular desired goal. Critical to this approach, amongst a number of desired objectives of the mediator, is to make the parties aware of the costs of non-agreement (ibid:19). Secondly, the negotiating parties had clearly not arrived at the level of a mutually hurting stalemate (MHS) wherein both accepted that further disagreements and intransigence had more costs than benefits and the continued hostilities were

threatening their continued existence. According to Zartman (2000:229), in his work on ripeness, at the core of an MHS lies the cost-benefit analysis, wherein the conflicting parties, because they find themselves on a pain-producing path, are prepared to opt for a more advantageous alternative.

This would mean being amenable to adopting a less costly approach and a more collaborative stance. In the case of Khartoum, the Al Fasher attacks in 2003, for instance, did not constitute a sufficient coercive threat to move them towards making more commitment. For the rebel movements, despite the significant military advantage of the government forces, aided by the *Janjawiid*, the benefits of confronting the government far outweighed the costs of non-collaboration. These factors made the conditions for resolution more difficult.

Summing up the overall approaches GoS and the rebel movements adopted in the negotiations, de Waal (2005:129), points out that:

The government's negotiating strategy reflects an emphasis on short-term, tactical advantages, with no attention to how to reach a political solution. On the rebel side, the combined SLA and JEM delegations have focussed upon immediate demands for humanitarian access and better security, notably the disarmament of the *Janjawiid* (an entity that the talks have so far failed to define). Essentially, the rebels have taken the commitments made by the Government, and later demands made by the AU and UN, and stated that they will not progress to political issues until these preconditions are met.

A limitation of this approach is that during the Ndjamenia negotiations, there was no attempt to address a range of issues that are so pivotal to the resolution of the conflict, namely land tenure, power sharing, local governance and resource sharing. The tendency was to sometimes focus on what de Waal (ibid:131) calls *secondary issues* immediate to the conflict, such as the disarmament of the *Janjawiid* militias. This inability to address the root causes of the conflict proved to be a shortcoming, particularly given the intractable nature of the conflict. This meant that the mediation underestimated the levels of mistrust and feelings of hatred among the parties.

The Ndjamenia Humanitarian Ceasefire Agreement, and the mediation process that preceded it, had some distinguishing features. Firstly, like all ceasefire agreements, it focussed primarily on the security and humanitarian situations. The AU, because of the

initial reluctance of the Government of Sudan to allow for an increase in the numbers of the peace mission, could not effectively monitor the implementation of the ceasefire. Although the AMIS eventually saw an increase in troop levels, the mandate could not be carried through as armed hostilities between the parties increased. AMIS could not neutralise the *Janjawiid* militia as stipulated under the ceasefire provisions.

There were also problems with the text of the agreement itself. During the negotiations, participants and observers pointed to the existence of two versions of the agreement, one in the hands of the government negotiators and the other in the possession of the rebel movements. The former had a clause outlining a provision indicating the locations of assembly points of the armed movements' military forces in selected sites, while the latter's version did not include that clause (Toga, 2007:217). Furthermore, in addition to broad generalisations, some of the terminology was used interchangeably, lacked definition, and was crafted in an imprecise and vague language, opening up the danger of different interpretations (Brickhill, 2007:5). This was compounded by lack of detail in the agreement, particularly pertaining to implementation mechanisms and responsibility of the parties (ibid).

The continued tensions between the government and the parties, and the delay in implementing the modalities of the Ndjamenan humanitarian ceasefire agreement, prompted the African Union to shift the locus of mediation. The AU wanted to reassert itself as a core body in the peace process and to carry out the task of being the operational arm of the ceasefire agreement (Iyob and Khadiagala, op.cit:153). Consequently, the talks moved to Addis Ababa in an attempt to foster compliance to the agreement among the parties.

Addis Ababa Talks

The first round of the Inter-Sudanese talks on the Conflict in Darfur took place in an environment characterised by escalating insecurity amidst the collapse of the Ndjamenan cease-fire agreement. As fighting continued between the parties and the Humanitarian situation deteriorated even further, there were renewed efforts by the AU to bring the parties to the negotiation table again. The Government of Sudan, JEM and SLM attended a meeting on 27-28 May 2004 in Addis Ababa, together with Chadian

mediators, convened by the African Union, which resulted in the signing of the Addis Ababa Agreement on the second and last day. The international community, comprising of the United Nations, European Union and the United States, attended as observers. This agreement was on the implementation of modalities for the establishment of the Ceasefire Commission (CFC) and the deployment of Observers in the Darfur. It regarded the implementation of the Ndjamenan agreement as the central objective. It also put the AU at the forefront on the moves to implement the Ndjamenan agreement.

The Addis Ababa agreement was intended to operationalise the provisions of Ndjamenan by outlining details regarding the following issues:

Mission: the establishment of the Joint Commission and implementation of the ceasefire agreement.

Description and composition, in terms of membership, numbers (size) and designations, of both the Joint Commission (JC) and the Ceasefire Commission (CFC), including task allocations.

Terms of reference, based on relevant articles of the Ndjamenan agreement pertaining to the establishment of the JC and CFC.

Mandate and its execution.

Modalities for monitoring and verification.

The Addis Ababa agreement outlined that the CFC shall be composed of members from the African Union, European Union, Chadian mediation, GoS, JEM and SLM/A. In addition, other international representatives from UN, EU and USA shall participate as observers.

It also provided for the establishment of a Liaison Office in Khartoum, which would serve as an administrative and logistical contact point, but also equally importantly provide an interface mechanism at a political level between the AU, the parties and the UN, international organisations, NGOs and local contractors. It also provided for the creation of sector sites in El Fasher (sector headquarters), Nyala, Al Geneina, Kabkabiya, Tine and Abeche (Chad). A Humanitarian Affairs Office (HAO) was to be established to serve

as a focal point for links to all the NGOs. The Military Observers (MILOBS) were to be lightly armed.

Despite efforts made at Addis Ababa to strengthen the Joint Commission and Ceasefire Commission, implement the ceasefire, ensure access to humanitarian assistance, and create a environment conducive to peace, the situation remained conflict-ridden. Armed hostilities between the parties continued to exacerbate the humanitarian conditions on the ground. Furthermore, as the AU became more involved, Chadian mediation increasingly became marginal (Iyob and Khadiagala, 2006:153). The AU, recognising this hiatus, and out of frustration, accelerated the timetable for restarting the political dialogue.

This led to the talks resuming in Addis Ababa on 15 July 2004, which immediately faced difficulties. However, the negotiations were concluded two days later. Only GoS sent a senior level delegation, led by Mazhoub al Khalifa, who was a government minister and who had participated in the Ndjamenah talks in April, while JEM and the SLM sent junior ranking representatives, as its leadership refused to attend (Toga, 2007:219-220). The movement's leaders, Khalil Ibrahim of JEM and Abdul Wahid al Nur of SLM had chosen instead to go to Asmara to attend a meeting of the National Democratic Alliance (NDA), convened to forge unity among the Darfur groups. The GoS exploited the absence of the movement's leaders, regarding this as an indication of a lack of seriousness on the part of their opponents. Nonetheless, the talks took place. In the meantime, the UN Security Council tabled a draft resolution on Darfur, outlining specific timelines for actions to be taken and referring to the possibility of sanctions if these were not implemented (ibid).

During the negotiations, the parties focussed on the implementation of the Ndjamenah Humanitarian Ceasefire Agreement. However, on the first day, the talks degenerated into heated and emotional language characterised by recriminations and counter-accusations amongst the parties, with the government negotiators calling the armed movements "bandits" and "outlaws" (Africa Analysis, 2004). The movements' representatives strongly objected to the government's utterances in what they regarded as an unjust criminalization of their legitimate struggle. The armed movements outlined to the Addis Ababa talks one of their basic positions; namely, that the Khartoum

authorities had not kept commitments it had made in the previous round in Ndjamenā in April, in terms of providing unlimited humanitarian access, exchange of prisoners of war and respect for human rights, which in their view were non-negotiable commitments under international humanitarian law (Ibid). Capitalising on the absence in Addis Ababa of the senior rebel leadership, the Sudanese delegation saw this as an opportunity not to move on substantive political negotiations (ibid).

The Humanitarian Ceasefire Agreement and AMIS

The African Union Mission in Sudan (AMIS) was deployed following the signing of the Ndjamenā Humanitarian Ceasefire Agreement and the Addis Ababa follow-up Agreement of 2004. The Mission, authorized on 25 May 2005 by the African Union Peace and Security Council (AUPSC), started as a small military observer mission intended to protect members and assets of the Ceasefire Commission and the Joint Commission in Darfur. However, AMIS was soon given the additional task of providing protection to internally displaced persons (IDPs) requiring and receiving humanitarian assistance (Iyob and Khadiagala, op.cit:154). Around the same period, in 2004, the United Nations established the Joint Implementation Mechanism (JIM) to monitor events in Darfur. AMIS was comprised, in the initial stage, of 305 troops from Nigeria and Rwanda, who were also supporting a team of about 60 monitors (ibid:154). In terms of monitors, it was thought that originally, a total of 132 observers would be sent (Prunier, op.cit:140). At some point, President Olusegun Obasanjo had promised that Nigeria was going to provide 2,000 troops (ibid:145).

Before AMIS was deployed, the GoS had rejected its deployment, as illustrated by statements made by the Minister of the Interior of the GoS, Abd-er-Rahim Mohamed Hussein, who said that the government would not "tolerate the presence of any foreign troops, whatever their nationality" (ibid). However, pressure from AU and its Chairperson Konare, UN Secretary General Kofi Annan and the UN, and from the international humanitarian aid agencies who needed secure corridors to deliver supplies to internally displaced Darfurians, led to the government in Khartoum yielding to the deployment. Furthermore, the glare of the international media proved to create an unwelcome challenge for the authorities, as calls for humanitarian action intensified (ibid:125-129).

AMIS failed to neutralize or curb the excesses of the *Janjawiid*. Furthermore, the government and the rebel groups continued to violate the ceasefire agreement and rendered the work of the ceasefire Commission difficult to execute. This prompted the African Union to seek a mandate for the expansion of the AMIS mission.

While the African Union continued to focus on the mechanisms for the cessation of hostilities, the implementation of the Ndjamena and Addis Ababa agreements, strengthening the Ceasefire Commission and hoping AMIS would bring stability, the bigger objective of achieving peace remained elusive. These agreements, because of their focus mainly on humanitarian security and ceasefire concerns, could not yet provide an entry point to a negotiation process for a political settlement (Lamamra, interview, op.cit). The parties had not yet developed the framework for comprehensive discussions on political matters and as such were not motivated by the prospect of working towards a bigger goal. As de Varennes (2003:157) appropriately maintains, successful peace agreements are not those that have simply agreed to a cessation of hostilities, but tend to be those that identify the root causes of the conflict and try to address them. Failure to address the root causes inevitably leads to a resumption of conflict (ibid). More critically, according to Kagwanja and Mutahi (2007:9), the Humanitarian Cease-Fire Agreement not only failed to seal the ethnic cleavages that underpin Darfur's conflict, but the parties also continued to violate it with impunity.

Tripoli Talks

Libyan leader, Colonel Muammar Gaddafi, attempted to start a peace initiative of his own amidst all the mediation efforts. It was also at the time, in 2004, when the Abuja negotiations on Darfur had started. In October 2004, leaders of tribal groups whose allegiances were divided between those that supported the government in Khartoum and those close to the rebel movements went to Tripoli, having been in Abuja a month earlier, in attempt to establish a peace accord among themselves and present a common approach in the negotiations. The SLM/A and JEM themselves were not participants at the Tripoli peace talks. What came to be known as the "Darfur Tribes Initiative" resulted in the participants agreeing to "build a conservative social order on the pillars of peace, stability and tolerance" (Flint and de Waal, op.cit:125). The old traditional *Hakura* system

of land possession was also to be retained, the talks resolved. At the centre of the Tripoli talks was the participation of Nazir Saeed Madibu, the traditional leader of the Baggara Rizzeigat tribe, one of the most powerful tribes in Darfur. Another delegation was led by General Ibrahim Suleiman.

A follow-up meeting in Tripoli was called by Colonel Gaddafi in January 2005, wherein the tribes intended to build on the consensus achieved during the October 2004 negotiations. Having disappointed the GoS through their rejection of native administration in Darfur in favour of the *Hakura* system, some of the tribal representatives were denied travel visas by Khartoum, with the latter deciding to send a few hand-picked delegates who would be amenable or sympathetic to its positions. The negotiations nonetheless went ahead. Among the issues discussed were the questions around Darfur's representation in Central Government in Khartoum, amnesty or prosecution for those accused of war crimes, and the status of Darfur as far as whether the region should remain three states or be reunited into one (Flint & de Waal, op.cit:125). This mediation effort was different in form and content from Ndjamena, Addis Ababa and Abuja in that the issues addressed were more based on issues of inter-communal unity and relations between the tribes or ethnic groups and Khartoum, although this element was still relevant as well to the other major mediation processes. However, Libya's efforts remained peripheral in comparison to and in the context of AU mediation.

Another mediation initiative by Libya was to take place in May 2005, when it brought together representatives of the SLM and JEM, who agreed that they would resume negotiations with the government in Khartoum without preconditions (Iyob and Khadiagala, op.cit:56). Furthermore, as part of the same initiative, Libya organised a Summit meeting of Heads of State and Government from Chad, Gabon, Nigeria, Eritrea, Libya, Egypt and Sudan, who consented to this new initiative without shifting the venue of negotiations from Abuja (ibid). In line with earlier efforts, Libya was clearly trying to find a role for itself amidst the challenges facing the Abuja process.

However, Libya's initiatives seemed uncoordinated and not necessarily intended to complement the AU mediation efforts. As Iyob and Khadiagala (2006:156) point out, this

effort was in essence a competing initiative. These initiatives could be understood within the context of a broader Libyan foreign policy objective of exerting its influence on the geopolitics of the Horn of Africa and within the African Union.

Conclusion

The preceding analysis of mediation of the Darfur conflict reveals some important features about how the mediation process evolved, especially within the context of established conceptual and theoretical frameworks on the subject. The entry of the mediators into the Darfur conflict in 2004 was characterized by certain dimensions. For instance, Deby initiated the mediation, made easier by improved relations between Chad and Sudan and his closeness to some of the Darfur armed movements. Consent by the parties to the choice of mediator and the entry into the process is important. Although consent to the mediation of Chad from the beginning of the Ndjamenatalks was existent, there was a different reception by the parties to other stakeholders attending the talks. The Government of Sudan complained about the presence of actors such as the US, EU and France while the armed movements welcomed their attendance. Darfur's movements saw the international players as important, also recognizing that the talks in Machakos involved some of these actors. For Khartoum, their presence was an unwelcome distraction, since it felt that the Darfur issue was a simple, local problem.

Was the Darfur conflict ripe for resolution? The parties to the conflict, although they were involved in the Ndjamenatalks, Addis Ababa and Tripoli talks had clearly not reached a mutually hurting stalemate. As Zartman points out, a mutually hurting stalemate happens when the parties find themselves locked in a conflict from which they cannot attain victory and whose deadlock is so mutually painful and costly that they will seek a way out. The Darfur parties, despite inflicting battlefield casualties and damages on each other, could not decisively prevail over each other and as such were not hurting enough. Khartoum had the strength of its administrative apparatus and military machinery, and the allegiance of some actors in the Arab world such as Egypt. The rebels had the moral and political backing of Darfur's people, in addition to military support from its supporters in the region, particularly some of the neighbouring countries such as Eritrea and Libya. This explains why both parties violated the cease-fire agreements and continued armed

confrontation.

Although Deby, and later Elgadir, were generally accepted by the parties as mediators, they were not able to effectively communicate to the adversaries the consequences of not negotiating seriously and ratifying a far-reaching settlement. In the case of Deby, who had leverage over the armed movements and had interests in the conflict because of its cross-border dimensions, it was clear that his ability to manipulate the environment and influence the parties was limited. Scholars such as Zartman, Touval and Maundi point out that mediators who are close to one party are often able to deliver their ally to a settlement, perhaps more effectively than impartial interveners. Another complicating dimension to the mediation is that the Government of Sudan regarded Chadian mediation as lacking the muscle to influence it. For instance, at the beginning of the talks, government negotiators initially refused to be in the same negotiation rooms with the armed movements, questioning the status of the movements and insisting on raising matters separately. It was only after pressure was exerted by the AU and other actors that government negotiators agreed to face-to-face talks.

The capabilities and skills of the mediator is an important factor to effective mediation, as is the organizational support structure behind the process of mediation. Elgadir was thrust into the mediation but did not have the profile and stature that is sometimes necessary to send a signal of authority to the parties, although he held a senior executive position in Niger as a former Prime Minister. Furthermore, Elgadir, unlike Deby, was largely unfamiliar with the issues, a matter which was exacerbated by the inability of the AU Commission or regional economic communities to provide of an adequate support structure to his mediation. In that environment, the mediation ran into difficulties.

Agreements and accords arising out of mediation of internal or intrastate conflicts are unlikely to promote durable peace if some salient issues are not dealt with by the mediators and the parties. The April 2004 Ndjamen and July 2004 Addis Ababa agreements were characterized by a number of shortcomings in this regard. As Mutwol (2009) aptly observes, the success or failure of agreements also depends on the structure of the settlement itself and these agreements are likely to hold if they include

provisions for power-sharing. Although both agreements fundamentally focussed on ceasefire and humanitarian assistance issues, their failure to express a commitment to power sharing or devolution of power to representatives of Darfur communities, and not just the centrally appointed Governors and local councillors, constituted a major flaw. The Ndjamenia Agreement only made a passing reference to creating a mechanism for a political solution which would lead to a global political settlement without outlining what issues were central to this question.

Furthermore, failure to identify the elements for a political solution meant that the parties were unable to discuss pivotal issues such as land-tenure, local governance and resource-sharing, in addition to power-sharing, which are issues at the core of Darfur's grievances against the centre. With their focus being primarily on humanitarian and security issues, Darfur's people viewed the agreements as an entrenchment of the status quo.

Consequently, not only were Ndjamenia and Addis Ababa agreements rejected by the region's inhabitants at a grassroots level, they also created a distance between people and their representatives at the talks. Within the armed movements, there was a lack of coordination between the negotiators in Ndjamenia, Addis Ababa and Tripoli and their military commanders on the ground in Darfur. As Mutwol again maintains, agreements are likely to hold when conflicting parties have a consolidated rather than a fractionalized chain of command. Another important variable is that agreements that address the underlying causes of conflict and are based on political settlement lead to the existence of durable peace, as Fortna correctly asserts.

The negotiations between the Government of Sudan and the Armed movements continued to be interrupted and stalled, and other actors continued to undertake parallel peace efforts; the stalemate persisted. In the meantime, Khartoum was giving more priority to the issue of negotiations with the South, regarding the Machakos/Naivasha process as the major and more significant problem. However, the changing nature of the conflict on the ground and growing international concern meant that Darfur still remained a major challenge, and it became more apparent that Sudan's multiple conflicts were intertwined and their intractability was a reflection of a common reservoir of grievances.

In this context, pressure was again exerted on the parties to negotiate further, which led to the start of a new round of talks in Abuja, Nigeria.

CHAPTER 4: ABUJA MEDIATION

Introduction

The following conceptual elements are to be considered in the analysis of the Abuja phase of the mediation of Darfur's conflict. Firstly, the question of the entry of the mediators and who the mediator was is important. Was the entry by invitation or by proposition? In this regard, the arrival on the scene of Salim Salim and Pronk will be looked at. The interests of the mediators will also be reflected upon in terms of their acceptance of the mediation roles. Secondly, the research will ascertain the level of consent to the mediation among the parties to the conflict. Thirdly, what approach, tactics or strategies did Salim, Pronk and other participants such as President Obasanjo and Robert Zoellick adopt during the course of the mediation? Did they adopt communication-facilitation, manipulator-bargainer or coercive-directive styles or approaches? Skills and capabilities of mediators are essential ingredients to effective mediation and in this regard the possession of these by the mediators in Abuja was a key factor. Furthermore, how the mediators used their leverage to move the negotiations to a particular outcome will be a focus of this chapter.

Fourthly, the issue of impartiality and how it was manifested during the mediation will be addressed. Fifthly, the analysis will discuss the mediation in Abuja within the context of ripeness theory by examining whether the conflict was ripe for resolution, if ripe moments emerged. In addition, an analysis will be made of whether the parties had reached a mutually hurting stalemate or not, and the extent to which this impacted on the behaviour of the parties and the prospects for settlement. Sixthly and lastly, the chapter will focus on the Darfur Peace Agreement (DPA) and discuss how, as an agreement arising out of an internal, civil war situation, it addresses or fails to, fundamental elements that are intrinsic to the durability of such agreements or accords. Here, the hypotheses presented by Mutwol will form the conceptual basis of the discussion and provide insights into the case study itself.

Background and Context

The second round of the Inter-Sudanese Peace Talks on the Conflict in Darfur commonly

referred to at the *Abuja Talks* opened on 23 August 2004, hosted under the auspices of Nigeria, then chairing the African Union. President Olusegun Obasanjo wanted to see a breakthrough in the negotiations. The Nigerian leader also saw an opportunity of deriving broader public diplomatic leverage for Nigeria in hosting the talks and the concomitant desire to enhance his country's image (Tieku, CIGI-Africa Initiative, no.3, April 2012:8). The choice of venue was also made easier because the rebel movements had become uncomfortable with the talks being held in Addis Ababa, arguing that Ethiopia was supporting the Sudanese government, despite the fact that the mediation was under the auspices of the African Union.

Of the previous mediation efforts that took place before on the Darfur conflict, the Abuja talks were the most comprehensive, in terms of the degree of participation by Darfurian stakeholders, involvement of the mediators and international interest. It took seven rounds of talks to reach the signing of the DPA. The Abuja negotiations took place amidst a number of developments. Firstly, the armed conflict had reached heightened levels. Secondly, there was a worsening humanitarian crisis and outcry driven by advocacy groups and NGOs such as the Save Darfur Coalition was getting the attention of the United Nations Security Council and foreign governments, including that of the United States. With regard to the latter, Secretary of State Colin Powell had made reference to the possibility of *genocide* taking place in Darfur. Thirdly, the situation was later to be complicated by an announcement in June 2005 by the Chief Prosecutor of the International Criminal Court (ICC), Luis Moreno Ocampo, of an inquiry into alleged war crimes. The United Nations Security Council had earlier, through resolution 1593 of 31 March 2005, referred the issue of Darfur to the ICC.

Consequently, the mediators faced the challenge of ensuring that the negotiations took place, as threats and counter-threats were exchanged between the conflicting parties, including threats of withdrawal from the negotiations. However, the African Union was able, together with the mediators, to impress upon the parties the need to accelerate the negotiations.

The negotiations were also taking place in the aftermath of the just-concluded Comprehensive Peace Agreement (CPA) between North and South Sudan, sealed in

Naivasha (Nairobi), Kenya, in January 2005. For the Darfurian armed movements, the signing of the CPA by the Sudan People's Liberation Movement (SPLM) and GoS presented an inspiration for them to pursue negotiations, as Darfurian grievances have similarities to those of the Southerners in Sudan. Although not openly speaking of self-determination as was provided for in the CPA, some of the Darfur rebel movements were interested in the outcomes of the discussions around political issues. However, the CPA also presented another dilemma in that Khartoum was unlikely, at least at the initial stage, to move on discussing broad ranging political matters with Darfur rebels, in light of the concessions made with the South. Thus, the range of options available to the Darfur rebel groups participating in the negotiations in Abuja was constrained in this regard.

Entry of Mediators and the Mediation Environment

By 2005, the international focus on Darfur had increased following the signing of the CPA. The Darfur conflict was no longer treated as peripheral in some quarters. Equally, there was a desire to elevate the mediation from the hands of the technocrat but able diplomat that was Ibok. The entry into the mediation of Salim Ahmed Salim in May 2005 enhanced not only the profile of the talks but received the nod of approval from the majority of the member states on the African continent. The AU had initiated the appointment of Salim to chair the mediation; what Maundi et al (2006) call *entry by proposition*, in an attempt to establish a more credible negotiation process. Salim had status, prestige and the backing of Obasanjo and other African leaders (Toga, interview, op.cit.). He came with credentials respected by both the Government of Sudan and the rebel movements, attributes enhanced by his background as a former Secretary General of the Organization of African Unity (OAU), former Prime Minister as well as having served as Foreign Minister of Tanzania.

The question of a mediator's entry into a conflict, and the equally central issue of who mediates, as illustrated by the arrival of Salim Salim, has a particular relevance. The involvement of Jan Pronk of the Netherlands, appointed as a Special Representative of the Secretary General of the United Nations (SRSG) to Darfur, provides an example of how different mediators can be in approach and style, including how they interact with the conflicting parties. Pronk was not always in Abuja, coming on rare occasions, and his

approach was distant. He gave the impression of someone who was not focussed on the detail nor interested in the particular intricacies of the talks, when compared to Salim Salim, his counterpart with whom he was expected to work. Towards the end of the talks, Pronk was not in Abuja, reappearing during the final day on 6 May 2006 (de Waal, 2012:8). In light of the role the UN was expected to play as a partner in the implementation of the DPA, particularly its security provisions, its absence in Abuja during that time was a major shortcoming (ibid). Salim was closer to the talks and was at the heart of the negotiations, frequently providing reports and updates to the AU in Addis Ababa.

He adopted a more "directive" mediation strategy, focussing, *inter alia*, on controlling the negotiation process, using persuasion to settle differences, highlighting areas of agreement, channelling information, making tangible suggestions and trying to merge the positions of parties, and where necessary, assisting with the drafting of agreement texts (Tieku, op.cit:7). In doing this, Salim had organisational power derived from support by institutional structures, a factor which Khadiagala (2007:9-10) regards, among others, as an important variable and instrument that mediators need in a negotiation environment and in their attempts to improve the prospects of mediated outcomes. The AU provided this institutional support by providing a team of officials of the AU Commission led by Sam Ibok, and seconded outside expert facilitators. A structured negotiation environment was created, with the establishment of sector specific working groups and committees, divided along three issue areas, namely security and ceasefire arrangements, power sharing and wealth sharing.

As the talks were going on, the armed movements started to complain about the identity of the mediation. The GoS had wanted AU mediation from the beginning, an option that was for them more acceptable than the UN or other external actors. The government was more concerned about what it considered the belligerent stance of the UN, which pushed for the deployment of peacekeeping troops on the ground rather than highlighting the importance of mediation. The armed movements had expressed some mistrust of the AU, equating it with African governments that suppress the genuine demands of internal groups within their borders and initially insisted on having international actors present in the negotiations (Mohammed, interview, op.cit). The GoS

refused and these countries were accredited as observers, attending only the open sessions of the talks by invitation, at least until the critical period at the very end of the talks, when they assumed a participatory role. The armed movements were eventually pressured by Chad, Libya and to a large extent by the troika of the United States, United Kingdom and Norway, to accept and cooperate with AU mediation. From the side of the US, US Assistant Secretary of State Robert Zoellick was instrumental in this. There were instances of delaying tactics in Abuja, as illustrated by the frequent boycotts and walkouts during negotiations, which were due to the armed movements' belief that in the West, they had friends who would assist them in pressurising the Sudanese government while they bought time.

The concept of co-mediation or joint mediation presented a problem for the Abuja talks, not simply because of the different styles and approaches of the two mediators but also because of communication and other important variables such as the source of mandates given to them. There was also a perception that as the AU appeared to contribute less logistical, substantive and financial support than the UN, the latter, according to the media, participants and partners present during the Abuja talks, was the dominant partner in the joint mediation effort (ACCORD study, 2009:10-11). However, it should be pointed out that the AU led the Abuja mediation process, with the UN asserting itself more prominently towards the end, largely because of its preoccupation with the goal of transforming the AU-led peacekeeping Mission into a UN-mandated one. According to de Waal (Interview, 20 June 2012), a shortcoming of coordination between the United Nations and the African Union existed and this made it difficult to have a framework for co-mediation. According to Lamamra (Interview, op.cit), when such type of mediation composition takes place, operational considerations come to the fore, such as, for instance, when would the two mediators travel together? Would they always agree on the joint modalities? Who plays the "good cop"? It is also argued that the practice of two mediators in the same process runs the risk of failure (ibid). For instance, in Abuja, the Government of Sudan had more confidence in Salim Salim, the AU appointed mediator, and because of Sudan's frosty relations at that time with the UN, it felt the latter was sometimes biased in favour of the rebel movements. GoS felt that Pronk was more sensitive to outside pressures (ibid).

Mediation Framework

At the beginning of the second round of the negotiations, the scene was set by a closed session meeting between Obasanjo and the main representatives of the parties, and also included the mediation team. This meeting, which was held on 23 August and went into the following day, formed part of the preparatory phase for the forthcoming talks. It formed the last part of the prenegotiation phase. The mediation that followed, led by special envoy Elgabid, assisted by Chad and the AU Secretariat, proposed a four point agenda for the negotiations; namely humanitarian issues, security issues, political questions, and lastly, social and economic matters. However, the parties insisted on giving initial priority to humanitarian and security issues, a strategy which worked well for the government side but for the rebel movements contained the danger of distracting from the political dimensions of the conflict (Iyob and Khadiagala, 2006:154). Deep differences among the parties around the humanitarian and security issues related mostly to ceasefire provisions, humanitarian aid access and the mechanisms of disarming the *Janjawid* militia. The talks were then deadlocked but continued after a few days and led to further discussions and the conclusion of a protocol on 1 September 2004 on the improvement of the humanitarian situation in Darfur, particularly the removal of obstacles and all restrictions, including procedures that may hinder the movement of aid workers and goods.

However, discussions around security matters could not be finalised due to disagreements. These revolved around addressing issues of protection of civilians by preventing attacks, threats, acts of intimidation and other forms of violence against them, reaffirming the principle of voluntary return of IDPs and refugees and respect of their rights. The talks were then adjourned following a lack of agreement among the parties and the mediators felt they could not narrow the gap between the parties in this area. The third, fourth and fifth rounds of negotiations took place between October 2004 and July 2005. These rounds aimed to reach consensus on a declaration of principles (DoP) and expanding the agenda beyond humanitarian and security matters to include a comprehensive treatment of the issues as originally envisaged in the second round, and to focus on political, economic and social elements. There was very little progress, with the exception of an agreement signed in Abuja on 9 November 2004 between the

government and JEM and SLM/A regarding the *Protocol on the Enhancement of the Security Situation in Darfur*, in accordance with the Ndjamenan agreement. The objective was to address the worsening humanitarian situation and security problems taking place in the region (Protocol, AU Commission, 2004). The protocol, *inter alia*, stipulates that the Ceasefire Commission and AMIS should ensure that there are no hostile military flights over the region, the parties observe the ceasefire on the ground by calling on the SAF, rebels and militias to refrain from all attacks, harassment and intimidation (ibid:2-4).

The fourth round of talks, which began in December 2004, could not commence as scheduled as the JEM and SLM/A suspended their participation following a military offensive launched by government forces in Darfur early in the same month against rebel positions, under the pretext of clearing road-blocks mounted by forces of the armed movements (AUC report, PSC Meeting, 28 April 2005:1). Khartoum then ceased these operations but also accused JEM, SLM/A and other movements of hindering access for convoys carrying humanitarian aid. These ceasefire agreement violations undermined the confidence-building measures that the mediation team tried to put in place. This round did not achieve much, despite the concerted efforts by the AU Commission chairperson and the mediation. Mistrust and suspicion between the parties continued and in an attempt to keep the mediation alive, the mediators held separate consultations with the parties in February and March 2005, meeting the government in Khartoum and the armed movements in Asmara (ibid:3-4). The mediators undertook similar visits in the second half of March to Ndjamenan to hold discussions with the Chadian co-mediation and then to Abuja to brief Obasanjo (ibid:5). This shuttle diplomacy by the mediation represented an attempt to restart the peace talks.

With the appointment of Salim Salim in May 2005, the negotiations were reinvigorated. It was hoped that new leadership in the mediation would ensure more credibility. In June, the talks resumed. The talks encountered an early obstacle when an impasse emerged around the observer status of representatives of Eritrea and Chad, with JEM accusing Chad of supporting Khartoum, while the latter argued that Eritrea backed the rebels (Iyob and Khadiagala, op.cit:156). The first task was to continue the discussions around a draft Declaration of Principles (DoP), among the parties. The draft document, initially presented to the belligerents during the fourth round of talks, reaffirmed the commitment

of the parties to previous agreements, and contained the following key provisions (AUC report, PSC Meeting, 10-11 Jan 2005:8):

establishment of a federal system of government with an effective devolution of powers, and a clear distribution of responsibilities between the national and other levels of government;

promotion of democracy, political pluralism and the rule of law as a basis for the effective participation of all Sudanese citizens in the management of their own affairs;

the affirmation of citizenship as a basis for civil and political rights and duties;

the equitable distribution of national wealth and due consideration to the socio-economic needs of Darfur;

power sharing and wealth sharing to be addressed in accordance with a fair criteria to be agreed upon by the parties;

recognition and accommodation of the diversity of Sudanese society through respect for ethnic, cultural and religious rights;

guaranteeing the inalienable right of refugees and IDPs to return to their places of origin;

combating impunity and ensuring that violations of human rights are effectively and expeditiously investigated and addressed;

the need to address security arrangements to consolidate the restoration of peace;

establishment of the Darfur-Darfur Dialogue and Consultation (DDDC);

The negotiations, during which the parties agreed to this broad set of principles as a basis for reaching a future comprehensive peace settlement, led to the signing of the DoP on 5 July 2005 during the fifth round of talks. In essence, the DoP represented a pledge to grant Darfur some regional autonomy under a reformed federal constitution and also respecting traditional rights of land ownership, the *Hakura* system (Iyob and

Khadiagala, 2006 :157). In addition the document also addressed issues of impunity on both sides and the plight of refugees and IDPs, including their right to return to their homes. The DoP, given the complexity of the issues involved, was an attempt at dealing with the core issues that underlie the grievances among the Darfurian communities. However, divisions and conflicts within the armed movements meant that the opportunity presented by the DoP was lost.

The sixth round of talks began on 15 September 2005 to discuss the substantive aspects of the DoP and particularly to cover in detail and possibly conclude as soon as possible matters pertaining to security arrangements, power sharing and wealth sharing. However, discussions related to procedural rather than substantive issues characterised these sessions, as the mediators convened a workshop to assist with clarifications around the issues that would form the substance elements of the negotiations. Three commissions on security arrangements, power sharing and wealth sharing were designated to deal with these three broad areas. Negotiations did not commence amidst divisions among the parties and differences between Sudan and the African Union, and the process came to another halt. In the meantime, internal frictions within the armed movements continued. A meeting, attended by the Chief mediator, the mediation team and representatives of partners such as the US, was held in Nairobi on 8 and 9 November, and intended to unite the SLM, but this exercise was unsuccessful (Toga, op.cit:234). Although Abdul Wahid himself attended, Minnawi refused, sending instead junior representatives who refused to even contemplate the possibility of tabling the issue of unity between the two factions.

Another complicating factor was relations between Sudan and Chad, largely due to the outbreak in early 2005 of a civil war in Chad. Chad accused Sudan of supporting insurgents in its territory while Sudan accused Chad of extending political and military assistance to the armed movements, particularly the JEM. Accordingly, peace in Darfur also required movement towards peace between Sudan and Chad, and in turn that required an internal settlement of the Chadian civil war (de Waal, 2012:10). President Deby, for his part, was not ready to negotiate with the internal Chadian insurgents.

The seventh and final round of negotiations opened in Abuja on 29 November 2005 and

were to last five months. The frenetic nature of the talks, complicated by the lack of substantial progress in earlier talks and the insertion of tight deadlines by the mediators into the negotiations, led to the unfolding of a very difficult process. The issues to be negotiated were then divided into the work of three commissions as decided in the previous round, namely, security arrangements; power sharing and wealth sharing.

The Security Commission focussed primarily on ceasefire arrangements and long-term security issues, drawing on aspects of the Ndjamena Humanitarian Agreement and the Addis Ababa Agreement. Negotiations in this sector revolved around the following issues:

Construction of a comprehensive ceasefire.

Creation of buffer zones in the areas of most intense conflict, including "areas of control" for the Sudan Armed Forces and Movements forces.

Disarmament of the *Janjawid* and other armed militia.

Security in the camps of Internally Displaced Persons (IDPs) and for refugees.

Future of the armed movements' combatants.

Security discussions were characterised by a number of problems. At the outset, the armed movements started off by refusing to accept whatever was put on the table, whether by the mediators or the government (Nathan, interview, op.cit). Their attitude changed as the talks unfolded. Negotiations around ceasefire arrangements and the disarming of the *Janjawid* proved very difficult and contentious. The negotiators in Abuja began by revisiting the texts of the Ndjamena Humanitarian ceasefire agreement and the Addis Ababa agreements, particularly concentrating on the modalities for implementation. In this regard, Chapter 3, article 22, paragraph 214 of the DPA called on the parties, *inter alia*, to neutralize and disarm the *Janjawid* and other armed militias in line with UN resolutions 1556 and 1564, AU Summit resolutions, Ndjamena Agreement and Abuja protocol to ensure that security in Darfur would be assured (Darfur Peace Agreement, AU Commission, 5 May 2006:41).

Reaching a comprehensive ceasefire agreement was also critical, given the necessity to

protect civilians in light of the humanitarian crisis on the ground. The provisions were contained in articles 23 to 26 which outlined specific measures that would protect civilians, ensure safe provision of humanitarian assistance, prohibit all attacks between parties and against peacekeeping personnel, and allow for the disengagement and redeployment of armed forces. (ibid:42-54). The issue of allowing the aid agencies access through humanitarian corridors became a very thorny one and AMIS was entrusted with the role of implementing this task. On the ground, the government was always sensitive to the movement of any groups outside its control. Critics of the Government of Sudan sometimes accused it of using access for humanitarian aid as a political instrument, blocking access to much needed aid to areas perceived to be supporting the armed movements, but readily willing to allow the flow of aid to locations that were the stronghold of the government and the *Janjawiid* militia.

The armed movements' forces were to be disengaged and cantoned in designated assembly areas, then redeployed and finally disarmed, while government forces would not be allowed as well to cross into demilitarized buffer zones, in accordance with provisions outlined in articles 27 and 28 (DPA, ibid: 55-69). The responsibility for disarming the *Janjawiid* and other armed militia rested on the government. This was insisted on by the armed movements, who argued that because these formations were supported and created by the government, it had to take responsibility (de Waal, op.cit). The AU would ensure, through the AMIS Mission, disarming of the rebels. The armed movements had clearly been trumped by the government in making this concession, as there were no guarantees that Khartoum would indeed implement this provision. However, it was difficult for parties to disengage and disarm when faced with the prospect of more attacks and when levels of trust were low. Furthermore, the armed movements, particularly the SLM-Abdul Wahid faction, called for a greater role for its forces in guaranteeing the security of returning IDPs and refugees. Both the Ceasefire Commission (CFC) and the Joint Commission (JC) were entrusted with the monitoring and verification regarding adherence by the parties. The GoS criticized the JC as being ineffective in executing the ceasefire monitoring and verification (El Khalifa, 2 February 2006, *Letter*).

However, in its assessment of the negotiations related to the security arrangements, the

International Crisis Group, ICG (2006, no. 39:4) concluded that:

The DPA's greatest failing is its lack of modalities and implementation guarantees for disarmament of the *Janjawid* militias and the voluntary and safe return of refugees and internally displaced persons (IDPs) to their villages. Its comprehensive ceasefire and security arrangements require the parties to disarm themselves, a task usually left for peacekeepers, while authorising AMIS to verify and monitor the processes of their redeployment, assembly and disarmament. This requires robust monitoring but AMIS has too few troops, with too little mobility and firepower and inadequate intelligence capabilities to do it properly. Members of the AU mediation team and AMIS officials in Abuja admitted openly that AMIS as currently constituted cannot fulfil these tasks.

Another issue dealt with was the future of the armed movements' combatants. It was also one of the very last issues to be resolved at the Abuja negotiations. The government negotiators had tabled an initial position which called for the disarmament of the movement's forces and insisted on their return to civilian life. The GoS argued that they were not professional soldiers and as such could not become part of a regular army but the armed movements' negotiators insisted on their integration into the SAF (de Waal, 14 July 2006:1). In the end, the concerns of the armed movements were accommodated, as article 29 stipulated that 4000 combatants from their ranks would be integrated into the Sudan Armed Forces (SAF), and 1000 into the Sudan National Police Force and the Border Guards (DPA, *ibid*:77). It should be pointed out that a peace agreement that renders the military or the rebel soldiers unemployed is more likely to be overthrown or remain unsigned than one that does not (Mutwol: 2009:330). Faced with this scenario and under intense pressure, the GoS conceded to the demands of the armed movements.

The Power Sharing Commission dealt with issues of the political status of Darfur as a region and representation in different levels of governmental administration in Darfur, human rights and the question of democratisation in the Sudan. Details revolved around:

Proposal for the establishment of a Transitional Darfur Regional Authority (TDRA).

Community peace and reconciliation through the formation of a Reconciliation Council.

Launch of a Darfur-Darfur Dialogue and Consultation.

Darfurians in the Civil Service and Education.

Discussions on power-sharing were characterised by deep differences on the nature of the formula to be adopted and the nature of representation in Darfur. The outcomes of the negotiations undertaken in this commission were outlined under the first Chapter of the DPA. From the beginning, the armed movements insisted during the talks that Darfur should be constituted as a single region and not into three as is currently the case. On their side, government negotiators adopted an opposite position, and argued that they will treat Darfur as comprising of three regions. This became a controversial issue and a major obstacle. The armed movements maintained that Darfur has historically been a single political and administrative entity despite being divided in 1994 (de Waal, *allafrica.com*, July 2006). This issue became a major stumbling block as the armed movements insisted that the region's prior status be returned, including reverting to its pre-existing borders (de Waal, FCNL, 7 June 2006:7). The GoS negotiators argued that the current status of the three states had the support of the population in Darfur and was consistent with the Interim National Constitution (INC). On the issue, the most that Khartoum could concede was the creation of what its negotiators called a central "Coordinating Council" for the three regions, the details of which were not sketched out (*ibid*). At the end, the three states remained, with a direct relationship to the central government.

As the rebel movements had not won any war in Darfur, they could not negotiate Khartoum out of power in the region. The armed movements had to compromise. Consequently, the government was strengthened by the status quo. The *Waliis*, regional Governors of the three states, and most of the local administrators in various towns across the region were loyal to the Government of Sudan. However, the armed movements had general grassroots support. Khartoum's negotiators knew that they also had to make some concessions and were willing to negotiate for the "controlled" expansion of representation, as long as it retained the majority. Consequently, discussions around the TDRA became embroiled in debates about numbers of seats and nature of positions.

The outcome was that the NCP government retained majority status in all the states. It

should be noted that article 2, paragraph 17 of the DPA provided in the formula a stipulation that, in determining the representation of Darfurians at all levels, relevant precedents and population size, where appropriate, should be used (DPA, op.cit:4). The government's negotiators ensured that as its representatives were in the minority in the region but held power, they would manipulate this provision to their advantage. However, the armed movements still achieved some gains in the negotiations. One of the three Governors of the three states would be nominated by the movements, while the posts of the two Deputy Governorships in the other two states would be filled by the nominees of the armed movements. The NCP had control of governorships in two of the three states. In the State Legislatures, the government gained more, as they would retain more seats with a system of simple majority. In the final allocations provided for in the agreement, the armed movements had about nineteen percent representation in the executive structures and approximately twenty-nine percent in the legislative bodies (Abuelbashar, 2006:4). This meant that overall, the NCP government retained domination.

The Wealth Sharing Commission concentrated on the issues that included the rebuilding of Darfur within the context of broader Sudan:

Proposed establishment of the Darfur Reconstruction and Development Fund.

Budgetary allocation to Darfur.

Compensation and assistance to victims and the proposed creation of a Compensation Commission and a related Fund.

The parties found a lot of convergence on the issue of wealth sharing and generally agreed on the text on the table, with the notable exception being the difficulties around the issue of compensation of victims. In the negotiations, the parties agreed that Darfur had immediate economic needs but also that plans should be put in place to ensure the long-term rehabilitation and development of the region. The centre-periphery problem of the region, reflected in the levels of underdevelopment, was a result of neglect, as Khartoum failed to provide adequate resources for the region. Furthermore, many parts of Darfur were cut off due to the civil war, as basic infrastructure and livelihoods were adversely affected. In trying to deal with the issue of resources to be allocated to

address the challenges, the parties agreed on the establishment of the Darfur Reconstruction and Development Fund (DRDF) which would be provided with funds amounting to USD700 hundred million, spread over three years – 2006, 2007 and 2008 – to be utilised immediately after the signing of the DPA.

Agreeing on a mechanism of the DRDF was a compromise outcome as the armed movements had initially wanted the agreement to stipulate specifically the amount of the national budget which Khartoum should allocate to Darfur. The armed movements' negotiators in Abuja were aware that in the Naivasha process and the CPA itself, there was provision for generating a particular figure or percentage but the negotiators from both sides finally decided not to make any predeterminations (de Waal 2006:28). Furthermore, like in the CPA, the principle of fiscal federalism was reaffirmed in Abuja, and a Fiscal and Financial Allocation Monitoring Commission (FFAMC), assisted by experts, would work out formulas for financial transfers from a National Revenue Fund to the three states in Darfur.

The issue of compensation for victims proved to be the most difficult and contentious in the wealth sharing commission. In terms of immediate needs of Darfurians who were affected by the conflict and were uprooted from their communities, the issue of restoring their livelihoods assumed greater importance. Living in destitution, without a basis for livelihood, and largely confined to IDP and refugee camps, the matter of compensation was raised forcefully by all three of the armed movements, requesting the government to indicate how much money it would provide (ibid:5). Although there was consensus on the right to compensation and establishing the legal mechanism for providing it, major differences emerged around the amounts to be allocated.

The armed movements moved for getting as much as possible, only to be met by major resistance from the government, which was unwilling to make any specific and substantial financial commitments. In the end, during the final day of talks, agreement was reached on the compensation matters, related to two areas. Firstly, a Compensation Commission would be established with the mandate of examining every single case and make recommendations on the awarding of compensation on a range of issues such as restitution of stolen assets, cash payments, in-kind assistance in the form of agricultural

tools and animals, and access to medical, psychological and legal assistance (The DPA, de Waal, 2006). It was also indicated that the work of the Commission would continue until all claims were settled. Secondly, a Compensation Fund was to be established which would provide interim and immediate awards, particularly given that the work of the Commission was expected to take a long time. An amount of USD30 million was pledged to start the fund. The armed movements argued that the amount should be increased to USD200 million and the government maintained that it had not mandated any ceiling (Toga, 2007:243). Although unhappy with the relatively small figure in light of the many claims expected, the armed movements' negotiators were pleased that it was decided that the Commission would be led by an individual nominated by them, a move they regarded as an important gain.

Lastly, for the signatory parties, the principles upon which wealth sharing arrangements will be implemented were outlined under article 17, chapter 2 of the DPA, where wealth was defined to be constituted by natural, human, historical and cultural assets, and financial assets that include credit, public borrowing, international assistance and grants. In this context, the parties agreed that the sharing and allocation of wealth shall be based on the premise that all parts of the Sudan are entitled to equitable development. The agreements around wealth sharing represented an acknowledgement by the government that Darfur was underdeveloped and neglected by the centre and that this situation had to change if the peace process was to be enhanced. However, the government in Khartoum did not show the political will to establish policies that would assist in the implementation of programmes to reconstruct and develop Darfur. The NCP elites believed that having Darfur in the periphery would entrench political control of the centre.

DPA and the Question of Land

Disputes over land are one of the major causes of conflict in Darfur. The 2005 DoP contained agreements on respecting and protecting traditional rights of land ownership and the return of IDPs and refugees to their places of origin. However, negotiating land issues in Darfur and Sudan as a whole is a complicated process. Historically land in Darfur was managed under the traditional *hakura* system of land tenure. One of the

distinguishing features of this system was the principle of hospitality, where newcomers were allowed to settle on free land provided they respect the customs of their hosts. However, some landless groups, particularly Arab tribes, saw this land tenure system as an obstacle, whereas the armed movements wanted a reaffirmation of the historical rights to land as encapsulated by the *hakura* (Tubiana, 2007:78). In 1970, the Niimeiri government passed the Unregistered Land act, which declared that all non-registered land was the property of the state. The implication of this law entailed, in practice, that the majority of land in Sudan, and almost all land in Darfur, came to be controlled by the state (ibid:79). This contradiction between traditional land tenure and Sudanese law intensified the conflict in the region, in addition to the inability of the land ownership system to deal with the demands for farms and pasture, especially in periods of drought.

The parties in Abuja established Property Claims Committees to deal with and adjudicate disputes that arose as people returned to their lands, in addition to the creation of a Darfur Land Commission. However, the DPA failed to clearly outline what remedies would be put in place when returnees went back to land that had been occupied by others during their forced absence. The armed movements also wanted to avoid tensions that may erupt in some areas in Darfur between Zhagawa newcomers and returning non-Arab groups such as the Fur and Tunjur. Consequently, SLM-Minni Minnawi's signing of the DPA exacerbated anti-Zhagawa sentiments, particularly among non-Arabs (ibid:89).

The mediators, in recognising the complexity of the land issue and the reluctance of parties, particularly the armed movements, to make major commitments on specific details, proposed that the matter be dealt with in a Darfur-Darfur Dialogue and Consultation (DDDC) framework. The mediation also felt that the opinions of civil society members, especially traditional leaders, which were not represented in Abuja, needed to be canvassed. However, the DDDC, which expected to convene within sixty days, could not reopen the DPA's agreed text in this area for renegotiation.

There was another challenge to the mediation's attempt to resolve the land question. It related to a general problem facing the government negotiators to the effect that as the issue of land was critical to all Sudanese, resolving land ownership in Darfur without

addressing similar challenges in other parts of the country would create more complications. Khartoum wanted to assert the principle of sovereignty by having one set of laws to govern all land related matters. The Darfur Land Commission was tasked with coordinating land issues with the National Land Commission and preparing for representations to the DDDC.

Shortcomings of Abuja:

i) Darfur Conflict Parties Not *Hurting* Enough

Although the parties signed the DPA after negotiating, they often displayed a serious lack of political will to reach far-reaching convergence. Although the DPA was a large document with many chapters and provisions, the detail should not be seen to be an indication of a commitment to implementation. Effective mediation achieves better results when the parties feel that they own the process. Equally, others argue that agreements which are not shaped and embraced by the disputants have little chance of enduring as the adversaries, particularly in civil wars, are likely to thwart efforts to force an outcome on them (Nathan, 1999:9). It should be pointed out that parties are also likely to embrace the process not simply because of ownership alone but also because the costs of continuing confrontation are to them so unbearable that they have to embrace the process and the settlement thereof. However, it is clear that during the negotiations, a lot of pressure was exerted on the parties by the mediators and external actors to sign the agreement, and the signatories acceded without any conviction to implement. The parties had not reached a mutually hurting stalemate. They were not hurting enough to the level where all felt that the agreement best served their interests and presented a way out. This was because the SLA and JEM had not won the war and although the government was in a more powerful military and political position, it had not won either (de Waal, 2006).

The fact that a ripe moment had not been reached because the adversaries had not reached a mutually hurting stage is further illustrated by the stances adopted by the parties. Both sides did not seek to urgently make firm commitments in the talks and were thus holding out for time in what they perceived as possible options. On one hand, the government thought it could crush the rebellion quickly and believed it had the time to do

so ahead of the conclusion of the talks. On the other hand, the armed movements were of the view that the threat of US sanctions on Khartoum and international pressure arising out of the widely reported humanitarian crisis would lead to capitulation of the government (Nathan, interview, 26 July 2012). The armed movements, especially JEM, felt that they could, with the support of external militaries, inflict significant military damage on the SAF, despite the overwhelming strength and superiority of the latter.

According to Nathan (*ibid*), of all the movement's leaders, the SLA's Abdul Wahid al Nur appeared to be hurting the most, particularly towards the conclusion of the talks. As the most popular of all the leaders of the armed movements, with a huge following in Darfur, particularly in the IDP camps, he was under pressure to deliver a peace agreement to his followers, who were anxious to get a settlement that would return them to their villages and towns. Time was not clearly on his side. Al Nur had grossly miscalculated by staying away from Abuja most of the time, only appearing consistently in April 2006, just before the DPA was signed early in the following month. He still refused to sign the DPA. After the closure of the Abuja process, Al Nur stayed behind in Abuja, wanting to continue negotiations, and calling for a reopening of the talks, a move which was rejected by the AU (de Waal, *op.cit*). However, he and his faction of the SLA retained hero status in the refugee and IDP camps where, given the refusal to sign by Khalil Ibrahim's JEM, only Minni Minnawi's faction remained isolated. The non-signatories had openly expressed their dissatisfaction with the DPA, arguing that its provisions fell short of meeting their key demands and pledging to continue their confrontation with the government.

Therefore, most of the parties appeared to regard the battlefield as the strategic arena of conflict and the negotiations as a way to achieve tactical objectives (Nathan, 2007:257). The parties were showing an inclination to believe that they could outwit each other. According to Zartman (2000), the fact that parties are negotiating does not always mean that it is the result of a ripe moment; it could also mean that these negotiations serve as a tactical interlude, a breather for rest and rearmament, a "sop to external pressure", and not serve as an indication of an intent or willingness to search for a joint outcome.

In terms of military fortunes on the ground, the parties were not hurting enough. The

government, although stronger with more firepower, could not decisively defeat the rebel movements in a conventional war. The government had at its disposal in Darfur an arsenal of Russian-made helicopter gunships and Antonov bombers, MiG jets and armoured tanks, which amounted to a formidable military capacity (Wallis, op.cit:18). However, the SAF's superior hardware was ill-suited to the desert-like, sandy terrains of north Darfur, where sandstorms often made aerial bombardment a futile tactic. Faced with guerrilla warfare executed by the armed movements, who relied on small units of highly mobile (although underequipped) forces, the SAF could not obliterate and crush the rebellion, as al Bashir had promised. Consequently, it had to rely on the *Janjawid* militia on horse- and camel-back to assist its war effort. The government could not always count on the loyalty of all members in its military echelons in Darfur. There was a lot of sympathy for the plight of ordinary Darfurians within the SAF units. Many lower and middle-ranking officers hailed from Darfur (ibid:20). Furthermore, the SAF was weakened by prolonged deployment in the South and by the concentration of power in parallel security services (ibid).

The armed movements had the advantage of mobility, often moving on foot but also using rugged and rickety yet reliable four-wheel drive vehicles and could attack and retreat as circumstances allowed. From the period in 2003 when the armed movements inflicted heavy setbacks against the SAF during the attacks on the Northern Darfur towns of Al Fasher, Mellit and Kutum, dislodging the government forces, the rebel movements were continuously able to survive. Sometimes after suffering from the intense force of the SAF, and dithering on collapse, some of the armed movements would regroup. The flow of weapons support from neighbouring countries was essential for them. When under heavy attack they could also slip across the borders into Chad, the Central African Republic and Eritrea. They could also seek temporary refuge in Southern Sudan, sometimes under the protection of the SPLM. However, one of the main threats to the armed movements proved to be perpetual in-fighting within their ranks and rivalries between them. As the Abuja talks unfolded, the military stalemate between the GoS and the armed movements had not reached a hurting level that would provide a ripe moment for resolution among all the parties present in the negotiations.

Another important condition for ripeness, which was missing in Abuja, was that there

was no sense of a way out among the parties, that the talks represented an opportunity to move out of a mutually hurting stalemate towards a more desirable outcome. Thus, the lack of an MHS meant that their perception of the negotiations was not based on a subjective assessment of pain and the costs of a stalemate or future escalation. Under such a situation, fruitful negotiations are unlikely to happen (Zartman, op.cit:231). Not even the mediators, and the international partners present in Abuja, such as the United States, United Kingdom, Netherlands and others could move all the parties to agree to the accord.

ii) Divisions Between the Rebel Movements

The rebel movements tried, with very limited success, to present a common front in Abuja. However, their varied interests and ideological stances, coupled with internal rivalries, made it difficult to adopt uniform positions in the negotiations. As Tanner and Tubiana (2007:40) note, when the Abuja talks were about to reach an end, relations between the leaders of the two factions of the SLA, Abdul Wahid al Nur and Minni Arko Minnawi had deteriorated to such a level that some observers believed that if one of them was to sign the DPA, the other was likely not to sign. Furthermore, relations between JEM and SLA were more often competitive, acrimonious and sometimes violent. Despite fighting alongside each other against government forces, such as when they launched the attack on El Fasher in 2003, they also fought each other, as illustrated by Minnawi's forces' offensive against JEM combatants in the Gereida and Jughana areas in May 2005 (ibid:35).

Although they shared a similar objective of eradicating the economic and political marginalisation of Darfur and lessening the stranglehold of the centre, their leadership nonetheless harboured different ambitions, mistrusted each other and some were beholden to external interests. They also had divergent objectives. For instance, the JEM had the ultimate objective of overthrowing the Government of Sudan and viewed the negotiations as an aside. Khalil Ibrahim was in most instances never in Abuja to support his negotiating colleagues in the JEM (Nathan, interview, op.cit). Abdul Wahid al Nur's SLM faction also showed a lack of commitment to the talks and believed that his overwhelming support in the IDP camps meant he had the upper hand. Furthermore, the

SLM-Abdul Wahid was suspicious of the Islamist agenda of the JEM. In this context, Zondi (interview, 24 July 2012) points out that it became a difficult challenge for the mediators, as it was an onerous task to identify a group that represents all Darfur people.

Al Nur, although the most popular of the rebel movement leaders among the Darfurian communities, also showed an inconsistency. After the DPA was signed, he tried to enter the peace process again by signing, although this did not materialize. Al Nur offered ineffectual leadership and continued to vacillate. Leadership struggles became deeper within the other armed movements as well and there were cracks in the armed movements approach to the DPA. A month after the agreement was signed four faction leaders of the two movements that did not sign, SLM/A and JEM, submitted to the African Union a "Declaration of Commitment" to the DPA, pledging their support to its implementation and explaining the provisions to their followers (Deutsche Presse Agentur, 9 June 2006). The leaders criticised Wahid al Nur and Khalil Ibrahim for not signing the DPA.

The weakness characterised by lack of consolidated leadership among the armed movements is also illustrated by the fact that while the armed movements were engaged with the government negotiators in talks under mediation, they also spent a lot of time negotiating with each other on how to approach the negotiations and unify themselves, than with the Government of Sudan. This disarray on the part of the delegations of the armed movements strengthened the hand of the GoS negotiators (Nathan, interview, op.cit). This presented a major problem for the mediation team, who had to continually strive to get the armed movements to negotiate, with very little success, under one umbrella, trying to ensure that there were no splits. As Mutwol (2009:328) aptly argues in his analysis of the Liberian civil war, an agreement is likely to be signed and hold when disputants or parties retain a consolidated structure than if they have a fractionalised chain of command. This insight provided by Mutwol is applicable and relevant to the Abuja negotiations, and the preceding phases of the talks, as the differences and divisions within the armed movements, illustrated by the split within the SLM, continued to adversely affect their ability to negotiate from a position of strength. Most of the outcomes of the DPA, and the textual elements thereof, show that in most instances, the

government negotiators outmanoeuvred their counterparts from the rebel movements.

iii) Attributes of Negotiators

The nature and character of the negotiation teams on both sides not only reflected different capacities but more visibly the power asymmetry that existed. Maundi et al (2006) argue that internal conflicts are characteristically asymmetrical. The different rounds of talks in Abuja were characterised by frequent breaks and adjournments, particularly because more often, the negotiators representing the rebel movements could not clearly articulate their positions, or were simply unprepared in some of the commissions. In many instances, some of rebel leaders and negotiators in Abuja were not conversant with the issues and the intricacies of negotiations and some of them could not take decisions and broke repeatedly from the negotiation sessions to consult with military commanders on the ground in Darfur (Toga, interview, 19 June 2012). According to Nathan (interview, op.cit) this illustrated the lack of skills, experience and access to knowledge on the side of these negotiators, given their inability to develop and articulate positions. This reality meant that very few were able to engage seriously in the talks while the majority played the role of spoilers or "peace vultures" (Abdul-Raheem, 2005:1).

This situation made it difficult for the mediators, who also had to assume the role of educating some of the negotiators, bringing them into line and assisting them. At one point, during the negotiations in the security commission, the mediators had to bring in experts in Disarmament, Demobilisation and Reintegration (DDR) to train the rebel negotiators (Toga, interview, op.cit). Thus, in this instance, the mediators adopted what Bercovitch (2007) describes as a procedural mediation strategy by providing direction, keeping discussions focussed and delineating the simple issues from the complex.

In comparison, the negotiators representing the government were experienced, skilled and sophisticated. Unlike the rebel movements, who relied on international sponsors to enable their participation in Abuja, government negotiators had access to resources by virtue of being representatives of a state. For instance, negotiators representing the government included securocrats, lawyers and economists, among others. Furthermore, any party to negotiations should of necessity (while alone an insufficient element) have a

strong valid spokesperson (Zartman, 2000). While the rebels had no credible spokespersons to communicate common messages on their behalf, the government negotiators had mandates and were receiving instructions from Khartoum (Nathan, interview, op.cit). Some of the representatives of government also had the benefit of being involved in the CPA negotiations. This made their negotiation approach more consistent and uniform in general, and were thus able to provide leadership.

As Abdul-Raheem (op.cit) points out:

While the Sudan government has in Abuja obviously experienced, informed and well connected security and political figures, the rebel groups have chosen to send largely ineffectual, faction-ridden elements. Give or take half a dozen on both sides, all the rebels could be sent back without any impact on the talks.

In addition, Toga (2007:244) in his analysis of the armed movements and their engagements in Abuja notes that:

The movements in particular suffered a chronic and systemic problem of cohesion and representation. This was unsurprising for the young insurgent groups, which had been precipitously thrust into the world's spotlight without having had the opportunity to establish political organization in the field, and which were led by relatively young and inexperienced political leaders. They were not only ill-prepared for negotiating with an experienced and skilled adversary, but also suffered problems of disunity that only increased with each passing month.

However, despite the government's strength in the negotiations, there were also difficulties within. The authority of the Chief negotiator, Majzoub al Khalifa, was challenged by Ali Osman Taha, his big rival within the NCP, and who attempted to persuade Omar al Bashir to hand over leadership of the government mediation to him, having flown to Abuja in April 2006, to cut a deal with the rebel movements but no agreement was reached (de Waal, interview, op.cit). Thus, al Khalifa prevailed and continued to lead the final push for negotiations.

iv) Problems with the Process

The delays in the negotiations were also due to the structure of the negotiations themselves, particularly around the sequencing of the work of the three Commissions. There was no parallel treatment of the issues and a decision was taken to handle the talks under the sequence of a particular order, firstly dealing with immediate

humanitarian and security issues, followed by political and then socio-economic issues (de Waal, 2005:130). While the mediators, who had enough technical capacity and were assisted by skilled facilitators, preferred the three commissions to do their work simultaneously, the armed movements wanted the work of one to wait until conclusion was reached in another, citing inadequate numbers of negotiators from their side with the same individuals working across all the commissions (Mohammed, interview, op.cit). More critically, the armed movements argued that because of the interrelated and cross-cutting nature of some of the issues, these needed to be sequenced. In their view, this would lead to the avoidance of confusion while at the same time ensuring fairness.

The discussion around the issue of land, one of the fundamental sources of conflict in the Darfur region, was one concern raised by the armed movements. As land in Darfur constitutes a critical resource for all Darfurians and is highly valued both as a base for political power and as a source for generating wealth, the armed movements argued that any discussion over land in the three commissions should not be discussed concurrently (Abuelbashar, 2006:3). According to them, this important matter, including that of the Transitional Darfur Regional Authority (TDRA), had to be negotiated firstly in one commission, preferably power sharing, in order to establish a reference to the other two commissions (ibid). The Government of Sudan, for its part, did not insist on the concurrent format. Under pressure from the armed movements and in attempting to build confidence among all the parties, the mediation settled for the sequencing approach.

v) The Impact of Non-Signatory Parties

The decision by other rebel groups not to sign the DPA was a major shortcoming, and impacted on the overall credibility of the agreement, especially from the perspective of segments of Darfur communities. McCoy (2008:123) indicates that for peace accords to be effective, especially in civil or internal wars, they must include as many actors as possible because this would ensure that all belligerents have a voice. Immediately after the signing of the DPA, the Government of Sudan called on the AU to expel the non-signatory parties from membership of the Darfur Ceasefire Commission (CFC) and the Joint Commission (JC), which was surprisingly accepted and implemented by the AU. The armed movements regarded this as a partisan act by the continental organisation.

Mutwol (2009, op.cit:7) correctly points out in one of his hypotheses that a civil war agreement is more likely to hold if it includes all the insurgents or armed groups involved in the war than if it does not. The rebel groups that did not sign in Abuja pointed to the mistrust of the motives of the Government of Sudan.

Another element complicating the Abuja negotiations was the pressure exerted by the international community, represented as observers in Abuja, on the negotiating parties to reach comprehensive agreement on ceasefire issues. Although this aspect was a main agenda point and was important for the parties, it created the impression that issues pertaining to power sharing and wealth sharing were not given adequate attention. The humanitarian crisis had escalated, and there were calls from some quarters for military intervention. At the UN, the issue of the deployment of a more robust peacekeeping force came to the fore in an effort to double the size of the AMIS mission and transform and put it under UN command. In April 2006, US Secretary of State Condoleezza Rice, in an address to reporters at the State Department, stated that a more robust UN force was needed for deployment and to cover a larger part of the region, which the AU force could not do, and argued that the Sudanese government had failed to protect the people of Darfur (David Gollust, 2006).

The lack of government commitment to implementation of the agreement presented another obstacle. These revolved, *inter alia*, around the inability or reluctance of GoS to start a process and framework for the disarming and integration of the *Janjawiid* into the regular Sudanese armed forces, lack of clarity by Khartoum on the release and utilisation of funds geared towards addressing development challenges in the Darfur, and questions around a commitment on political arrangements. The NCP Government of Sudan wanted to ensure that the commitment it made in Abuja would not lead to the erosion of its power base in the whole of Sudan, particularly for the Islamist core. Khartoum also used the language of possible "state collapse" if pushed too far as an excuse for not making too many concessions in the negotiations (de Waal, Jan 2005:134). This also represented a tactic to discourage any possible military intervention. Sudan was portraying itself as the new bulwark against extremism and a willing ally of the West in its war on terror. The forthcoming elections of 2009, and the implementation of the CPA, were also key considerations.

vi) Mediation by Deadlines

One of the main features of mediation in Darfur was the setting of deadlines in the negotiations, in moves to get the parties to reach settlement. The AU mediation complained that the talks were taking too long. This was also the view expressed by the international actors with an interest in the talks, particularly the major powers and the United Nations. The haste in concluding the Abuja talks represents an inability to appreciate the centrality of a characteristic prevalent in conflict of Darfur's nature, namely, that such intrastate wars and conflicts are intractable, intense, deep-rooted and tend to continue for long periods (Rothchild, 2009 and Mitchell, 1997). These kinds of conflicts have multiple structural, historical, social, economic and political causes. By implication, they need to be addressed through sustained third-party mediation, which becomes an indispensable and necessary instrument towards their resolution.

The calls for the parties in Abuja to expeditiously conclude the negotiations and reach a settlement became more frequent and loud after the end of the fifth round of talks, which produced the Declaration of Principles after detailed negotiations and the largely ineffectual and chaotic sixth round. During the latter there were disagreements among the armed movements themselves on accreditation, as to who should be the rightful delegates and who were the individuals to serve as their true spokespersons, as illustrated by the fact that in the talks, most of those present demanded the right to speak and be present in all discussions (Toga, 2007:232). This was mainly the case with the SLM, where attempts were made to resolve differences between Abdul Wahid and Minni Minnawi in an attempt to get them to form a combined delegation (ibid:233). These attempts failed as the round, which officially opened on 15 September 2005, had a month later not achieved much.

The objective of the sixth round was to commence and conclude the negotiations on power-sharing, wealth sharing and security arrangements. However, there was nothing achieved under the wealth sharing and security commissions, while progress in the power-sharing was very slow and this round was abandoned in late October 2005 as Salim Salim and his mediation team became frustrated by the lack of efforts of the parties and tried to look at ways to rekindle the talks. By the beginning of the seventh

and last round of talks in November 2005, the mediation was intent on keeping the parties to a timetable. The UN Security Council had set a deadline of 31 December 2005 and which quickly passed. This was an ambitious target given what had transpired before. The diplomacy of deadlines had crept into the Darfur negotiations. This was to have negative consequences for the mediation (Nathan, 2007:259). Salim and his mediation had "set the clock" and 30 April 2006, initiated by the United Nations Security Council, and which was marked as the deadline by which the parties should have agreed on the three broad issues and have completed the signing of the DPA.

More immediate deadlines were to be set. In January 2006, Jan Pronk, the UN Secretary General's Special Representative for Sudan, proposed a new cut-off date of end February, which was similar to the one tabled by the AU Commissioner for Peace and Security Said Djinnit for the conclusion of the negotiations, and who also indicated that his timeline was influenced by the problem of funding shortages for the mediation. However, it was apparent that international pressure was the main reason behind his sudden announcement. The African Union Peace and Security Council in March called for the conclusion of a comprehensive agreement at the end of April, thus reaffirming the UNSC and Chief mediator's deadline. The Sudanese parties ignored these series of monthly deadlines as they were not backed by actions. The parties continued to take their time and procrastinated on many issues. For most of the period between the beginning of January and the end of March 2006, the parties were not talking directly to each other, instead meeting separately with the mediators in Abuja (Sudan Tribune, 11 April 2006). The mediation was engaging them in separate sessions regarding the substance of the issues and the texts prepared by the consultants and advisors. It was only in early April that the parties announced their readiness to negotiate directly under mediation.

Consequently, it was only from this period, towards the end of the final deadline of 30 April, that the parties became more serious, and the talks more intense, as international pressure became more pronounced. The intention was to exert more pressure on the parties and compel them to conclude the talks as soon as possible. This translates to the mediation playing the role which authors such as Bercovitch define as that of a "coercive bargainer" or a "manipulator" with power, which in turn provides the mediator with

leverage, and who consciously adopts a "directive" approach and sets out ultimatums to the negotiations (Bercovitch, 2007). Zartman (2009) also refers to this type of mediation as mediation with muscle. The problem was that the parties, particularly the armed movements, perceived the AU as not having the capacity to force them towards a settlement. Knowing that they had allies in countries such as Eritrea, Libya and Chad, the armed movements often displayed an obstinate approach. Similarly, Khartoum did not countenance the AU to provide more pressure. Relations between the government and the AU were poor, following the futile attempt by Sudan to become the rotating yearly chair of the African Union for 2006, which was subsequently handed to Congo-Brazzaville. The concern was more about delaying the deployment of a UN-sanctioned peacekeeping force and appeasing the United States government.

An important factor behind this approach was the pressure exerted by other actors, amounting to a "carrots and sticks" approach. The United States applied a lot of pressure on the parties, but was harder on the government than on the armed movements. While the negotiations were going on, the US, in mid-April 2006, circulated at the UN Security Council a draft resolution calling for sanctions against a number of government military and militia leaders whom it accused of committing war crimes. The resolution was blocked by China and Russia who felt that this move would not assist the peace process in Abuja. British Foreign Secretary Jack Straw, while attending the talks in Abuja on 14 February 2006, delivered a speech to the parties and observers in which he directly challenged the parties to move faster with the negotiations, lamenting the slow progress made and the parties for not honouring the Ndjamena, Addis Ababa and Abuja Humanitarian and Security Protocols and the Declaration of Principles of 2005. More instructively, he threatened that Britain did not rule out supporting additional UN sanctions against either the government or the armed movements if they failed to make peace (FCO News, 14 February:2-3). Similarly, over a week later, British Minister for International Development, Hilary Benn, on an official visit to Khartoum, warned that Britain was losing patience with the negotiations, blaming both the government and the armed movements and threatening that the funds being donated by Britain and its partners for humanitarian aid were not inexhaustible (Report: Darfur Peace and Development, 23 February 2006).

The Netherlands also expressed its dissatisfaction. While in Abuja earlier in October 2005 before the collapse of the sixth round, Dutch Prime Minister Jan Peter Balkenende urged the Sudanese government and the rebel movements that international goodwill was running out, that the world was expecting results and that resources would continue to be spent on problems, reiterating that the parties had a responsibility to their country and the international community to make tough decisions that lead to peace. Furthermore, the subtle threat of withdrawing funding for the mediation itself was becoming evident. The European Union, through its African Peace Facility, established in 2004 to financially and technically support African continental efforts to deal with peace and security issues, and was a major funder of the Darfur Peace process and the Abuja negotiations. There were calls from some quarters on Brussels to put pressure on the parties to reach an agreement.

After accelerated negotiations in the face of an impending cut-off date, AU Chief Mediator Salim and his team submitted a draft text to the parties on 25 April 2005, containing specific recommendations on security arrangements, power sharing and wealth sharing, including the proposed Darfur Darfur Dialogue and Consultation (DDDC). The sudden arrival in Abuja of Sudanese Vice-President Ali Osman Taha heightened expectations but the armed movements were not ready to accede to the new draft. On 30 April, the day of the widely marked deadline, the government, despite highlighting a few reservations, accepted the draft agreement; however, the armed movements rejected it.

With the AU mediation under intense pressure, having just missed the 30 April deadline and not sure as to whether all armed movements would sign, a high profile international quartet of diplomats arrived in Abuja in early May 2006 to "push" the parties towards a settlement. These individuals included Zoellick, Benn and the EU Special Envoy. They joined the increasingly impatient President Obasanjo, and set out to narrow the gaps between the parties while at the same time unveiling packages of inducements and threats to the parties (Brooks, 2008:428). While Benn worked on introducing new amendments to power and wealth sharing provisions, Zoellick prepared amendments on the security arrangements. Benn focussed on alleviating the concerns of the armed movements about the imbalances in the representation in State assemblies, which

favoured the NCP government (de Waal, 2006, op.cit:5). Zoellick worked on ensuring that the armed movements and government finalised the details on the ceasefire, and particularly the future of the armed movements' forces in their integration into the regular armed forces of Sudan. However, neither of the parties would be allowed to alter the amendments and the idea was to force the parties to stop bargaining and instead say yes or no (Kessler, op.cit:2). This was another illustration of the diplomacy of ultimatums and deadlines that came to be a feature of the Abuja negotiations in its final stages. It was a risky strategy particularly as adopted by the international actors.

The United States representatives continued to focus on persuading Minnawi, who they viewed as a strongman of Darfur and who they believed could deliver the peace (ibid). Minnawi, who during talks in the security commission was adamant about the integration of rebel combatants into the regular army, was given an assurance that the United States would dispatch a team of troops to count the number of rebel forces as part of the process to integrate them into the Sudanese defence and police forces (ibid). To the Government of Sudan, the United States put forward the incentive of improved bilateral relations and the removal of sanctions. On 5 April 2006, the US House of Representatives had voted in favour of the Darfur Peace and Accountability Act, which constituted an expanded set of sanction-based measures against select Sudanese officials and *Janjawiid* leaders, imposing diplomatic and financial restrictions on them (Lobe, IPS report, 10 April 2006). The US Senate passed the Darfur Peace and Accountability Act on 21 September 2006, after which it was enacted after being signed by President George W. Bush on 13 October 2006.

By this time, the international "manipulators" had taken command of the negotiations, while the AU team led by Salim continued to attend the meetings and served as experts on the issues (Brooks, op.cit). On 2 May 2005, after consultations between the AU mediation and the international partners now heavily involved in the process, a forty-eight hour deadline was put in place, to allow the parties to reach an agreement. Two days later, on 4 May, the numbers of high-level participants increased with the further attendance of the AU Chairperson President Dennis Sassou Nguesso of the Republic of Congo, AU Commission Chairperson Oumar Alpha Konare and Libyan leader Colonel Gaddafi's representative, Ali Treki. The intense focus was an attempt to force through an

agreement. In the early hours of the following day, in the Presidential Villa in Abuja, Obasanjo, Zoellick and Benn put pressure on and cajoled Abdul Wahid to sign, prodding him to realise the historic significance of a deal and promising support to turn the SLM into a political party that could contest the 2009 elections (de Waal, 2006:5). Abdul Wahid refused to sign. This was after an acrimonious session at the same venue where they failed to persuade Khalil Ibrahim and his JEM delegation. JEM had blamed the AU mediation and maintained that the draft text on the table did not meet their core demands, among which was the creation of a single region for Darfur, a specific timeframe for disarming the *Janjawiid*, enough resources for compensation and the need to reverse the lack of representation of Darfurians in the civil service and judiciary in Sudan (de Waal, 2007:275).

The African Union, after the signing of the DPA on 6 May, closed the process and did not provide for any possible reopening of the text of the agreement, only indicating that the non-signatories could adhere by signing the document while a parallel track would be open to them to make representations. The diplomacy of deadlines in Abuja, which was so prevalent in the last five months of the two year long negotiations, only produced an agreement signed by two parties but rejected largely by the rest of the other Darfur stakeholders. An impediment to the negotiations was that the many deadlines and ultimatums made it difficult for the mediation to develop a coordinated plan and approach for the mediation itself while at the same time making the mediation reactive to outside influences.

It was nonetheless welcomed by the AU and the international community, for varied reasons. The DPA was seen as a necessary condition for the deployment of an expanded, re-hatted UN mandated force. The architects of the agreement were eager to ensure that through its conclusion, there would be an agreement to implement, no matter the lack of adequate inclusivity, and a peace to keep. However, there was an underestimation of the deep animosities and divisions among the conflicting parties, in an environment where the grievances against the government were profound and deep-rooted.

An overarching dilemma in attempts to resolve the Darfur was the nature of the DPA

itself. There was a principle that whatever was agreed in Abuja was an interim measure, dependent on the interim national constitution of Sudan and the elections to be held across the country in the next few years that followed its signing. The logic was that the whole of Sudan was in transition. There was at least implicit recognition, which is a crucial element, that the problem of Darfur had to be dealt with in the context of the broader Sudanese state question. However, the danger was that the unpredictability of the environment, and possible manipulation of the political situation, including the changing dynamics of elite politics in the NCP echelons in Khartoum, would bring uncertainty. The country still had to move from an interim to a permanent constitution following the referendum of 2011 on self-determination by the South. In essence, what was at stake in Abuja was not Darfur's permanent status but an interim arrangement (de Waal, FCNL, op.cit:8). In this situation, Darfur was to be determined within the evolution of the CPA, and any arrangements or mechanisms put in place to realize the aspirations of its people for political power, security and stability, access to wealth and the achievement of socio-economic development was realistically not going to take off with urgency.

The actors in Abuja, both the signatory parties and those that rejected the deal, and their constituencies, could only wait for the peace process to be resuscitated amidst continuing armed conflict in the region, which exacerbated the rising humanitarian crisis. There was no sense of a way out for the parties. In addition, the parties had still not reached a mutually hurting stalemate. In their rational calculation, the belligerents felt they could outlast each other. Khartoum felt it could thus win the war and change the status quo (Zondi, interview, op.cit). In reality, the parties could not decisively defeat each other. The AU continued attempts to restart the peace process. The mediation of Salim Salim and Eliason worked on trying to get the non-signatory parties, including new splinter groups that were not in Abuja such the Group of 19, to append their signatures to the DPA document. Another objective was to unite the armed movements ahead of new talks, and regional actors once again became involved.

In the meantime, with a failed and unimplementable agreement, the focus shifted to the enhancement and strengthening of the peacekeeping Mission in Darfur, AMIS. The AU moved towards the re-hatting of the mission to a UN mandated force, as the Security

Council strongly emphasized through its resolutions. The US was playing a catalyst role in this process. For the AU, it was welcome relief to a financially drained operation, which had experienced troop level increases. Khartoum viewed the development of a transformed AMIS peacekeeping force into a possible hybrid operation as an unwelcome development and an intrusion on its sovereignty. The AU and the partners also believed that the door was not closed on a new peace process as a viable intervention.

Conclusion

The Abuja peace process represented the first comprehensive mediation of the Darfur conflict and the AU and international community hoped a durable settlement was possible. In analysing mediation in Abuja, it is important to ask the following questions: who mediated? How did they enter the process? In their work on the entry of mediators into the settlement of African conflicts, Maundi and others argue that these questions are as important as the later stages of mediation activity itself. The arrival of Salim Salim in the Abuja talks was timely, as the African Union had time to prepare for his deployment. By the time Salim arrived in Abuja, he had been fully briefed and a team of AU officials and independent mediation practitioners were put at his disposal. This was different from the ad hoc and sudden appointment of Hamid Elgadir to the Ndjamenah talks.

The UN had dispatched Jan Pronk to be part of its contribution to the mediation. Salim became the main focal point, as Pronk's involvement at the beginning of the talks was relatively limited and infrequent, although he played a key role towards the conclusion of negotiations. Unlike during the Ndjamenah and Addis Ababa talks, the mediators in Abuja were able to use their leverage to put pressure on the conflicting parties to focus on negotiations and reach an agreement. The parties believed that Salim was an honest broker and as such he enjoyed the broad consent of the parties. However, the Sudanese government reluctantly agreed to the participation of the international actors in Abuja, questioning their ability to be neutral.

In terms of the Abuja mediation's strategy and approach, the interveners adopted actions ranging from serving as *procedural agents*, to *manipulation* and finally *coercive bargaining*. Bercovitch regards the procedural agent role played by mediators as important. For instance, the armed movements came to Abuja under-prepared for the

negotiations and most of their representatives, particularly at a technical negotiations level, were new, whereas the government negotiators were skilled and experienced. In order to narrow this gap, the mediation spent the early part of the Abuja process in workshops with the representatives of the armed movements, taking them through the procedures, training them on various issues, including preparation of agendas and issue areas within the structure of the three commissions on wealth-sharing, power-sharing and security issues.

The Abuja mediation illustrates the importance of how mediators with skills and stature can enhance the process. The capabilities of the Mediator are an essential component for any mediation activity. The mediator must possess the necessary skills and be able to utilize the tools available at his or her disposal. Bercovitch states that the mediator must have specific knowledge of the conflict at hand, and possess tact and intelligence, in addition to possessing the requisite rank. In this regard, Bercovitch points out that high-ranking mediators, such as a President, a Prime Minister or a Secretary of State, can be more persuasive and be better able to marshal resources needed in the mediation. Such mediators are better equipped as well to apply leverage or power in mediation. The choice of Salim Salim and Jan Pronk were thus important. Apart from having occupied positions of authority in their countries, both had significant experiences in multilateral affairs and negotiations within their regions and internationally. The mediators in Abuja also had organizational and institutional support provided by the AU, UN and other international actors, an element which provided more influence to the mediation in Abuja.

The mediators tried to manipulate the environment by emphasizing to the parties the dangers of not reaching a peaceful settlement. Backed by pressure exerted by Olusegun Obasanjo as the host, the mediators pushed the parties to move towards an agreement, pointing out that funding might run out and that the international community was becoming impatient. Zartman and Touval argue that mediators can manipulate stalemates and crises and can utilize them by pointing out an impending danger, turning them into a warning and raising the spectre of unpleasant alternatives. At the same time, the mediation in Abuja moved towards the phase of coercive bargaining that Bercovitch, Aggestam and others identify as among the options available to mediators. Here the

pressure on the conflicting parties was exerted more by the international actors in Abuja, like the United States and Britain, who used threats of more sanctions and embargoes for non-cooperation. The US put a lot of pressure on Minni Minnawi and his SLA faction to sign as they regarded this group as the strongest and likely to deliver a concrete settlement. The Government of Sudan was similarly faced with the threat of more sanctions and other scenarios while they were offered improved bilateral relations and the lifting of sanctions as an inducement.

The US considered the SLA- Minni Minnawi as allies, and as a group they could work with in future. Therefore, the role played by the US in Abuja was not an impartial one. Eventually Minnawi relented and signed the DPA, the only armed movement present in Abuja to do so. Zartman, Touval and others maintain that impartiality is not always a necessary requirement for effective mediation and that a mediator who has close links to a party can use their influence and leverage to bring that particular party to accede to an agreement or settlement. This proposition is supported by this outcome in terms of SLA-Minnawi's acceptance of the agreement.

Was the Darfur conflict ripe for resolution by the time of the Abuja talks? The cessation of armed hostilities by the conflicting parties in Darfur allowed the negotiations in Abuja to continue, but did not amount to a commitment to a permanent peaceful solution. Although it appeared to the mediators that a ripe moment was present and should be favourably exploited to push the parties to a durable solution, the Government of Sudan and most of the armed movements adopted approaches that indicated that negotiations were one of the alternative options available and not the only way to peace. Furthermore, the situation did not reflect a condition where both parties believed they had reached a state which Zartman describes as a mutually hurting stalemate (MHS), in which the costs of continuing the war outweighed the benefits. The military battles were largely inconclusive with no victor, and sporadic attacks and counter-responses on both sides; it exhibited general attributes of an internal low-intensity conflict. The parties were not hurting enough to accept that a peaceful settlement was the only way out of their predicament.

It should also be pointed out that Zartman argues that despite the importance of

ripeness theory and its role in analysing negotiation in conflict cases, not all negotiations appear to be the result of a ripe moment. This observation also applies to the Abuja mediation of the Darfur conflict, where the parties treated the negotiations as, in Zartman's words, a tactical interlude, a breather for rest and rearmament and a sop to external pressure, without any intent of creating an honest search for a joint outcome. In this context, while the armed movements' and government negotiators in Abuja were preoccupied with the negotiations, the military commanders on both sides retained the option of military force to pursue their objectives.

The DPA document represented the first major attempt at addressing the issue of resource and power sharing, which have led to conflict in the region and which are among the key grievances for Darfur's marginalized people. Although a number of structures were established to deal with budget allocation and economic reconstruction of the region, provisions related to power sharing were unequal, favouring the government. For instance, the structure and powers given to the Transitional Darfur Regional Authority at various levels gave the government and its representatives more authority, a factor which was highly disputed by the armed movements. Furthermore, the government insisted on restructuring the region around three states while the movements maintained that Darfur should be treated as a single region. Mutwol rightly points out that the success or failure of agreements in civil wars also depends, *inter alia*, on the structure of the settlement itself. The provisions of the DPA they related to power-sharing were rejected by the armed movements who did not sign, as they were regarded as perpetuating the dominance of the centre.

CHAPTER 5: POST-ABUJA ENVIRONMENT

Introduction

The literature on mediator entry into conflicts, particularly when looked at as part of the pre-negotiation phase outlined in the work of Maundi et al (2006), and Zartman and Touval (2007), reveals some insights into how Salim and Eliasson were invited to mediate the Darfur conflict. As part of their preparatory work, did they bring the lessons of Abuja into play? The problem of lack of consent by some of the major parties to the talks had adversely affected some of the previous peace efforts and the joint mediators had to deal again with this issue. Would the main Darfur armed movements cooperate, and share the mediation rooms with new, smaller splinter groups and factions that emerged post Abuja? It is also important to establish the nature of the approach and strategies adopted by the joint mediators in attempting to implement their road-map and get all the conflicting parties to the negotiations, including unifying the divided Darfur groups around a common political platform. How deep were perceptions or notions of impartiality of the mediators entrenched among the armed movements and the government during this phase of mediation?

Did the fragmentation of the armed movements, the continuing armed conflict and the international pressure on the Government of Sudan lead to a heightened sense of a mutually hurting stalemate to engender collaboration or not? In the process, did any elements or moments of ripeness present themselves to the mediation of Salim and Eliasson and to the conflicting parties, in order to move the parties towards a resolution (Zartman, 2001, 2009)? It is also essential to assess the prospect of the parties reaching an agreement within the framework set out in the road-map of the joint mediation, given the obstacles that existed. Finally, the insights provided by the studies of Mutwol (2009) and others on factors underpinning the success or failures of peace agreements in situations of civil wars or conflicts are helpful in this context.

The situation after the signing of the Darfur Peace Agreement was characterised by a number of developments, key amongst which were new attempts to get the non-signatory armed movements to sign, even after the talks in Abuja were concluded. As

the ICG (2007, no. 125:19) notes, initial attempts to get Abdul Wahid and Khalil Ibrahim to sign the DPA failed. The DPA remained unimplementable. The entry into the Darfur mediation by Salim Ahmed Salim and Jan Eliasson soon thereafter represented a new period in the peace process as both attempted to achieve a significant breakthrough. Earlier efforts at mediation by Jan Pronk had come to an abrupt end as the Government of Sudan refused to work with him after it had initially cooperated with the mediator. The two joint AU-UN mediators, Salim and Eliasson, began by establishing a roadmap which was a framework through which parties to the conflict would commit themselves, prepare for, and ultimately undertake negotiations that Salim and Eliasson, and the international community, hoped would lead to an agreement that was widely acceptable and durable. The mediators had to face the problem of dealing with the weaker constraints of the DPA. Furthermore, the mediators expected that a strengthened peace-keeping deployment, through the transition from AMIS to the hybrid UNAMID would create the space and stable environment in which negotiations could take place. This would lead, the mediators hoped, to the conclusion of an agreement that the newly mandated international peace-keeping force could later help nurture or if necessary enforce.

However, other significant obstacles facing the new mediation effort needed attention. These were the fragmentation of the armed movements, competing regional mediation initiatives exacerbated by the role of spoilers and external interests, and increasing levels of insecurity characterized by the continuation of armed hostilities between the Government of Sudan and the armed movements. In addition, the volatile regional security dimension remained a factor. In terms of the latter, the conflict between Sudan and Chad, and the added security dilemma involving the Central African Republic, further complicated the mediation environment.

Protecting the Fragile Peace (From AMIS to UNAMID)

One of the features of the Darfur conflict was that the peacekeeping Mission existed in the absence of an implementable peace agreement. Traditionally, peacekeeping operations take place in order to support a peace agreement. AMIS had largely struggled to keep the peace in Darfur. Violations from the side of the rebels and the government continued. However, AMIS, with a preventive deployment mandate, had

been deployed in time to stop the situation from not only descending into instances of further human rights abuses but also possible atrocities in future (Interview with Lamamra, 24 December 2011). The response of the African Union, and the international community, was to call for more efforts to deal with the increasing levels of violence and the deteriorating humanitarian situation.

The formal decisions to transform AMIS into a UN peacekeeping force had their initial basis following a Meeting of the AU Peace and Security Council of 12 January 2006, expressed in its communiqué. In its follow-up communiqué of 10 March 2006, following support from UN quarters, the AUPSC reiterated its decision for the transition of AMIS to UNAMID. From its side, the United Nations through its UN Security Council Presidential statement of 3 February 2006 (S/PRST/2006/5) and its resolutions 1663 (2006) and 1679 (2006), also proclaimed its support. Furthermore, UNSC Resolution 1679 requested for the sending of a joint UN-AU technical assessment team to visit Sudan to make a determination around the prerequisites for the transition to a UN peace-keeping operation.

The transition of the African Union Mission in Sudan (AMIS) into the United Nations-African Union Hybrid Operation in Darfur (UNAMID) came about because of the deteriorating security situation in the region as the belligerents continued to struggle to implement a viable ceasefire and the humanitarian situation remained a major challenge. Furthermore, the protracted Abuja negotiations, and uncertainty about its likely outcomes and prospects, necessitated a review of the AMIS-centred peace-keeping approach. Constant ceasefire violations, even after the signing of the DPA, contributed to the instability. Another important factor was that given the resource constraints affecting AMIS, bringing in the UN would bring in some financial stability to the Mission as well. In addition, despite the best efforts of AMIS, it was apparent that its troop levels were inadequate to allow the peace-keeping forces to cover the large areas of Darfur. Furthermore, there were calls for the United Nations to be more involved in the peace-keeping operation and to refocus the mandate. However, the GoS had expressed its opposition to the transition from AMIS into any hybrid operation that would include the UN troops inside its territory.

During 2006/07, AMIS had approximately 7,000 personnel, comprising military and civilian police units. The AU, in a statement to the UNSC on 28 August 2006, expressed that in essence, and:

...notwithstanding serious financial, logistical, managerial and other constraints, the AU nevertheless embarked on the most extensive and challenging military undertaking in its history... In spite of the particularly challenging environment in which AMIS has been operating, the Mission, with the support of the international community, has made a significant contribution in alleviating, to a certain extent, the suffering of the civilian population in Darfur.

This statement painted a more positive picture of AMIS, although in reality the Mission encountered enormous obstacles in an environment where the various peace agreements were not holding or implementable.

In its attempt to create urgency regarding the AMIS transition to a UN Mission and dealing with the necessity to support the DPA, the United Nations invoked Chapter VII of its Charter, when it called:

...upon the African Union to agree with the United Nations, regional and international organizations, and Member States on requirements now necessary, in addition to those identified by the joint assessment mission of December 2005, to strengthen AMIS's capacity to enforce the security arrangements of the Darfur Peace Agreement, with a view to a follow-on United Nations operation in Darfur. (UNSC Res, S/RES/1679 (2006), 16 May 2006)

and also endorsed:

...the decision of the African Union Peace and Security Council in its communiqué of 15 May 2006 that, in view of the signing of the Darfur Peace Agreement, concrete steps should be taken to effect the transition from AMIS to a United Nations operation, calls upon the parties to the Darfur Peace Agreement to facilitate and work with the African Union, the United Nations, regional and international organizations and member states to accelerate the transition to a United Nations operation, and to this end, reiterates the requests of the Secretary-General and the Security Council, calls for the deployment of a joint African Union and United Nations technical assessment mission within one week of the adoption of this resolution. (UNSC Resolution, S/RES/1679(2006), 16 May 2006)

The joint UN-AU Technical Assessment team conducted its mission from 9-21 June 2006. During this period there was added pressure for the preparations for the hybrid operation to unfold, particularly given that the AMIS mandate, which was extended earlier by the AUPSC, was about to expire in 30 September 2006. Then, according to

Ban Ki-Moon and Alpha Oumar Konare in their UN-AU joint report of 24 May 2007 to the UN Security Council (S/2007/307) on the hybrid Operation in Darfur:

On the basis of the recommendations of the joint African Union-United Nations technical assessment Mission conducted in June 2006 and the report of the Secretary-General of 28 July 2006 (S/2006/591), on 31 August 2006 the Security Council adopted resolution 1706 (2006), in which it authorized the expansion of the United Nations Mission in Sudan (UNMIS) into Darfur and invited "the consent of the Government" for the deployment of a multidimensional United Nations peace operation in Darfur. However, the Government of the Sudan did not give its consent.

The initial objection of the NCP-led GoS government threatened to complicate the transition of the Force. According to the International Crisis Group (2006:1) the primary motive behind GoS's objection to a proposed UN force deployment was fear that improved security would loosen its grip on the region. At this stage, the GoS was under international pressure to allow the hybrid peace-keeping mission to operate and it eventually agreed to the deployment. The DPA had not yet delivered a ceasefire in practice as the fighting continued. Other parties to the conflict in Darfur had not yet signed the DPA that was concluded earlier. An important step was taken at a high-level consultation meeting convened and co-chaired by the UN Secretary General and the AU Chairperson in Addis Ababa on 16 November 2006, intended to examine modalities needed to tackle the situation in Darfur. The Addis Ababa meeting reached a number of conclusions revolving around three priorities, namely, re-energising the political process, establishing a strengthened ceasefire and defining the way forward for peace-keeping in Darfur (UN-AU report, 22 June 2007)

According to some accounts, UNAMID was by 2008 operating at 60 percent troop deployment, which according to the UN was a good achievement given the circumstances (AU Press Release, 16 January 2009).

The state of Post-Abuja Mediation

The DPA remained dormant following the conclusion of the Abuja process. As the agreement continued to be criticized by the non-signatory armed movements and many segments of the Darfur society, it became more apparent that the mediation had to address the issue of the inclusivity of the peace process, one of the weaknesses of the

DPA. According to Flint (2010:23), other lessons of the DPA were not learnt, such as the need to make significant adjustments to the agreement, including better guarantees for the disarmament of militias, an issue that would have improved the prospects of broader acceptance of the accord. However, Salim and Eliasson confronted the difficult task of starting a new process as the AU and UN, in mandating them, had declared that the DPA could not be re-negotiated (ibid).

The African Union decided to immediately approach the non-signatory armed movements. When this proved to be difficult, they sought to embrace whatever groups, even the smallest in size, which were willing to join the process and support the DPA. For instance, in June 2006, the African Union announced that it had received a signed copy of what was called a *Declaration of Commitment (DOC)* from four faction leaders from the two main rebel movements who did not sign the DPA (2006, 9 June, Deutsche Presse Agentur). These factions were the SLM/A-Free Will, SLM/A-Peace Faction and the JEM-Peace Wing (Ibok: 2007). Another SLM/A faction, led by Abulghassim Imam, later joined the group that signed the DOC (ibid). These factions had pledged to participate in the implementation of the DPA and to fully explain its provisions to their followers (Deutsche Presse Agentur, op.cit).

During the same month of June 2006, the Chairperson of the AU Commission established the Darfur Peace Agreement Implementation Team (DPAIT) under Sam Ibok, Director for Peace and Security, which was to operate from Khartoum and El Fasher (Ibok, op.cit.). The DPAIT intended to set up mechanisms for the implementation of the power-sharing, wealth-sharing and security provisions of the DPA. In terms of the latter, it attempted to foster close collaboration with the Ceasefire Commission and the Joint Commission. With the weaker constraints of the DPA apparent and manifest, it soon became clear that without the involvement of the main armed movements, and the collaboration of the Government of Sudan, the work required of this structure would prove insurmountable.

The necessity of resuscitating the peace process and attempting to open a new mediation avenue was not only concentrated at the level of the AU and UN. Other actors were involved in parallel efforts. For instance, after the DPA, the United States continued

to try and get the non-signatory armed movements to come on board, while also urging implementation of the agreement. In September 2006, the US administration appointed Andrew Natsios, a former head of the United States Agency for International Development (USAID), as a special envoy for Sudan. Natsios believed that peace in Darfur required the consent of the ruling elite within the GoS and was sceptical of the notion that UN forces would be able to impose any kind of peace in Darfur without a political settlement, but at the same time he thought that agreement was unlikely (Flint, op.cit:28). Accordingly:

He considered the conflict unripe for resolution, in large part because of the problems posed by the fractious rebels, the refusal of Abdul Wahid to engage in any negotiations, the disconnect between negotiators from the diaspora and commanders on the field, and the perverse effect advocacy campaigns were having in inflating demands and instilling false expectations about the degree of support the movements could expect from a US administration (ibid).

Re-energizing the Peace Process: Towards the Addis Ababa

Conclusions

As the situation after the signing of the DPA remained uncertain, efforts were made to salvage the peace process. The non-signatory armed movements were still refusing to join the process and the agreement was widely criticized in Darfur. In this context, a meeting was convened in Addis Ababa in November 2006 and involved the AU and the UN, and which led to the appointment of Salim Salim and Jan Eliasson as joint Special Envoys for Darfur. Salim had been engaged in the process since Abuja. Svensson and Wallenstein (2010:29) point out that the entry into this phase of Darfur mediation by Salim and Eliasson was prepared and concluded earlier, in May 2006, during a joint meeting of the permanent members of the UN Security Council, the Government of Sudan, other African countries and the African Union. This joint mediation initiative was an attempt to build on recent previous efforts and its mandate was to re-energize efforts for a political solution and built on what the AU had done in the preceding years. It was also intended to create an innovative new approach where two mediators appointed by the AU and UN respectively would work in tandem with each other (ibid).

However, the entry of Salim and Eliasson was viewed by some of the actors in the conflict with scepticism and apprehension. Flint (ibid:19) argues that after Abuja, Salim

had little credibility among Darfurians and was widely perceived as seeking only to prove the DPA right and its critics wrong, including pushing a controversial development agenda with donors and the UN. Eliasson reluctantly accepted the Darfur mediation file at the personal request of UN Secretary General Kofi Annan and was criticised, like Salim, of working part-time on Darfur matters (ibid). However, Eliasson elsewhere maintains he was willing to accept Darfur mediation, primarily because of the grave humanitarian situation in the region and “having stuck my neck out on the issue of Darfur in my speech as president of the UN General Assembly. I had publicly talked about the disgrace of the international community for neglecting the Darfur conflict” (Svensson and Wallensteen, op.cit:34). Neither Salim nor Eliasson had based themselves in the region, an issue which led to unhappiness, not only among some of the parties, but also in their own staff (Flint, op.cit:24).

The Addis Ababa conclusions highlighted and adopted the principle that there could not be any military solution to the conflict in the region, and consequently political dialogue became important. The outcome of the discussions in Addis Ababa resulted in the outlining of some the issues to be tackled, including the following:

- resolving the Darfur conflict through an all-inclusive political solution using the Darfur Peace Agreement as a basis;

- dealing with the slow pace of the implementation of the DPA;

- recognizing the proliferation of peace initiatives, agreeing to work towards consolidating the various peace initiatives under one umbrella of the AU-UN mediation;

- effectively addressing the challenge posed by the fragmentation of the non-signatory armed movements; and

- dealing with the regional dimensions of the conflict in Darfur. (2007, UN-AU report:7-8)

The Addis Ababa conclusions also identified the African Union as the lead actor in the implementation of the DPA. With the acknowledgement that the DPA was not sufficiently inclusive, and that there has been increased insecurity and a worsening humanitarian

situation on the ground in Darfur since its signing, the Addis Ababa meeting requested the special envoys to convene a series of consultations with the various stakeholders in Darfur. These actors were civil society, political parties, tribal leaders, internally displaced people, and representatives of rebel movements. It was therefore hoped that this would make the DPA more inclusive and broaden its support base (ibid). The special envoys were also expected to seek a new date for the convening of formal talks. However, the immediate problem was that the main non-signatory armed movements, including JEM and SLM-Abdul Wahid, having outright rejected the DPA in Abuja, refused to accept it as a basis for renewed negotiations.

Furthermore, the Darfur armed movements continued to display disunity at political and military levels. The signatory and non-signatory parties disagreed on the DPA as a platform for a future peace process. The consensus in Darfur was that the DPA was dead, and the key was to bring the different armed movements and splinter groups together and start a new political process. There were even attempts to forge unity among the armed movements' military units on the ground. In February 2007, a commanders' conference was held in north Darfur under the banner of the NSF, "Non-Signatory Forces" attended by the JEM, National Redemption Front (NRF), G-19 (Group of 19), and the SFDA (Sudan Federal Democratic Alliance). The stated objective of the conference was to forge unity among the military formations because of the perceived failure of the politicians to achieve a common purpose (*Africa Research Bulletin*, 2007:16984-16985). However, the conference failed to deliver much success in the period that followed, as political, tribal and clan allegiances remained a divisive factor in the quest for collaboration.

First Tripoli Consultations and the Launch of the AU-UN Roadmap

Libya convened a meeting on 28 April 2007 to hold further consultations on the political process in Darfur. Attended by African, Arab and Western countries, the Special Envoys and the partners, it explored ways to persuade all the conflicting parties in Darfur to adopt an approach of dialogue that would start negotiations which would in turn lead to a comprehensive peace agreement (IHT, 6 July 2007). The parties in Darfur were encouraged to achieve a political solution to the crisis in the region through negotiations

and to create a security environment conducive to these talks by ceasing all hostilities (JMST internal report, 2007:1). The mediation also called on the parties to commit to accept the outcome of the negotiations, failing which they would have to accept the consequences of their obstruction of the peace process (ibid). According to Lotze (2007:34), a major obstacle which undermined the value of the negotiations remained the refusal of several of the warring factions to participate in future negotiations, including the exclusion of the *Janjawid* militia which was central to the Darfur conflict.

Later, on 8 June, Eliasson presented the roadmap to the UN Security Council, which moved swiftly to endorse it. This entailed a series of steps, three in total, with timelines. Firstly, measures were to be taken to get all political and mediation initiatives together under the AU-UN umbrella. The objective was to eliminate competing initiatives and gain regional support for fresh negotiations (Flint, 2010:24). Secondly, consultations would be conducted in June and July, through shuttle diplomacy, to prepare for negotiations, and during this time parties would ensure that the armed movements had created a unified negotiating position. Thirdly, the start of formal negotiations would occur afterwards, in the month of August 2007 (ibid:25).

In the aforementioned briefing to the UN Security Council, Eliasson pointed out a number of factors that needed to be taken into consideration by his joint mediation with Salim, and pointed out:

Nonetheless, we have to be frank and recognize that ensuring harmonization of positions and convergence of initiatives is not easy. It is estimated that we now have more than a dozen non-signatory groups. At this stage, there continues to be tendencies of 'forum shopping', as well as some degree of overlap. It is obvious that not one individual initiative can bring all parties to the negotiations. We need to work together. Here the UN-AU has an important catalytic role. This also includes the need to make the process more inclusive and to bring other key Darfurian constituencies in Darfur into the process... In this context, we must not forget that poverty, environmental degradation and marginalization are also at the root of this conflict. (Statement to the UNSC, 8 June 2007:5-6)

The first phase would comprise steps to consult with the Government of Sudan, signatory and non-signatory rebel movements, civil society, tribal leaders, refugee and IDP representatives, women's and youth groups through the Darfur-Darfur Dialogue and Consultation preparatory framework to listen to their concerns and harmonise them into

a negotiation platform. During this stage, the mediators would be adopting an approach that Bercovitch (2007) characterizes as *communication-facilitation*. Part of the strategy was to develop a rapport with the parties, provide relevant information and to communicate messages with the objective of preparing the conflicting parties towards a particular behavioural action; in this case, negotiations (ibid:177).

In addition, the consolidation of various mediation initiatives and their incorporation into the AU-UN process would be encouraged, while a negotiation strategy would be developed, drawing on the lessons from the Abuja process. The second phase, related to pre-negotiations and preparations, was to establish the substance of the parties' core grievances and positions on key issues such as power-sharing, wealth-sharing and security arrangements, with the objective of narrowing the gaps on divergent positions. An important component of this phase was the immediate upholding of the ceasefire and the facilitation of access to humanitarian assistance. The third and final phase, which the mediators hoped would start in August 2007, involved the actual convening of the parties after the issuing of invitations and the start of formal negotiations (JMST report, 8 June 2007:5). It was the mediation's target that this phase should lead to a comprehensive agreement and that the AU-UN hybrid Mission in Darfur would assist with the monitoring and implementation, especially around humanitarian and security arrangements.

In addition, the roadmap, to be led and implemented by the AU-UN mediators, Salim and Eliasson, supported by the joint mediation support team, was also intended to draw the support of the regional actors and international community through the exchange of information, coordination and collaboration (ibid:2). Newly appointed UN Secretary-General Ban Ki-Moon wanted quick results from the Salim-Eliasson process (Flint, 2010:25).

Second Tripoli Consultations

The next step for Salim and Eliasson was to spearhead the implementation of a roadmap following the ambitious parameters set by the Addis Ababa conclusions and the first Tripoli consultations. The African Union and the United Nations convened a meeting in Tripoli in July 2007, attended by eighteen countries, with the objective of promoting a political solution to the Darfur crisis and enhancing the peace process. The European

Union and the League of Arab States were the other sub-regional organizations present in Tripoli. Key donors and states that attended included Canada, Chad, China, Egypt, Eritrea, France, Italy, Netherlands, Norway, Russia, Sudan, United Kingdom and the United States. Representatives to the meeting agreed that the mediation should focus on a roadmap that would start with new negotiations among the parties as soon as possible (*International Herald Tribune*, July, 2007). In addition, the participants conducted an assessment of steps taken to resuscitate the peace process since the signing of the DPA.

The Tripoli meeting also sought to bring together a number of competing mediation initiatives presented by neighbouring countries such as Eritrea, Libya and Egypt into a single coherent approach (Agence France Press, 16 July 2007). At this meeting, the AU-UN mediation was accepted by all the parties, the region and the international community as the only internationally sanctioned mediation on Darfur. (AU-UN JMST report, 7 May 2008:2).

Arusha Talks and the Elusive Unification of the Movements

Talks were held between the non-signatory Darfur armed movements in Ngurdoto, Arusha from 3-6 August 2007, chaired by the joint mediators, Salim and Eliasson. The key objective of the meeting was to unify the armed movements and get them to adopt a single platform of positions in the planned negotiations. This formed part of a plan by the mediation to find a convergence of views among the armed movements and to establish a pre-negotiation framework before the actual commencement of the formal talks. Mediators, in preparing for negotiations between the parties, also have to address process issues such as establishing protocols and procedures that would underpin future talks (Bercovitch, 2007). The Arusha process reflected this approach as well. The single-platform approach reflected agreement among the armed movements to adopt a common negotiation position on issues of land or *hawakeer*, power-sharing, wealth sharing, humanitarian issues and security arrangements, a strategy they would jointly take to the final negotiations (*Conclusions from the Arusha Consultations*, 6 August 2007). Another key outcome of the talks was the commitment by the groups to stop their attacks on peacekeepers and aid agencies.

The earlier deadline set by the joint mediation for the commencement of negotiations from the first week of August between the Government of Sudan and the armed movements had passed. Many of the non-signatory armed movements were encouraged to attend the Arusha meetings because a few days before the talks began, on 31 July 2007, the UN Security Council passed resolution 1769, authorizing the necessary deployment of a hybrid AU-UN peace-keeping operation, and which expressed support to the political process.

The armed movements believed that the hybrid force would contribute towards ending violence and insecurity on the ground, and also allow for the free access of humanitarian aid agencies to affected areas. As such many of the armed movements had high hopes in the United Nations but their expectations of UNAMID were unrealistically high (de Waal, 2007).

In explaining the rationale for holding the Arusha talks, Salim pointed out that,

Our objective is to find a common position. You cannot have negotiations with on the one hand, the Khartoum government, and seven, eight or nine rebel groups on the other. (*Aljazeera.net*, 3 August 2007)

His counterpart Eliasson emphasized the approach to the Arusha talks when he said,

We hope that by the process that we are now sketching and showing, rather, they would be encouraged to bring their positions together and unify them as much as possible. If they could go on further and identify a common negotiations team that would of course be ideal. (*Sudan Tribune*, 19 July 2007)

In addition, the armed movements committed to the roadmap of the AU-UN joint mediation, which recommended that the final talks should be held between two to three months from the conclusion of the Arusha talks, and which could be held in countries of the regional initiatives or in any country that the mediators considered suitable (ibid). More importantly, the armed movements agreed to keep open the possibility for those groupings who were invited to Arusha but did not attend to join the common platform, and thereby ensure inclusive representation (ibid).

The Arusha talks were negatively affected by the incomplete representation of the armed movements, as reflected by the absence of Abdul Wahid al Nur and Suleiman Jamous, a

once-influential leader within JEM who had joined SLM-Unity (de Waal, 2007) Although JEM attended, some its splinter groups did not. Abdul Wahid and his faction of the SLM refused to attend, indicating that they would participate only if an oil for food scheme covering the region was established, issues around compensation for victims were addressed and a no-fly zone was in place in Darfur to deal with the threat posed by what they regarded as the Khartoum military's bombardments (Reuters Africa, 7 August 2007). Abdul Wahid also opposed the invitations to Arusha issued to many of the groups, who he viewed as not representative of Darfur communities and led by individuals prone to factionalism (*Aljazeera.net*, op.cit). Furthermore, he also maintained that he will not be involved in any talks while there was ongoing fighting and armed hostilities on the ground in Darfur, a situation compounded by the active role the *Janjawiid* and other government militia were still playing (*Interview in Sunday Tribune*, 7 August 2007).

A problem encountered by the talks was that despite consensus achieved in relation to a common platform, no agreement could be reached by the armed movements on selecting representatives for the planned negotiation between themselves and the government.

At the conclusion of the Arusha talks, most of the non-signatory armed movements had agreed on a joint negotiation platform as a basis for future AU-UN mediated talks. The mediation and Khartoum regarded the Arusha talks as a success, while at the same time expressed disappointment at the non-attendance of some of the non-signatory groups, especially Abdul Wahid. Despite establishment of a common platform, Khartoum continued to insist that the DPA was not open for renegotiation (Reuters Africa, 7 Aug. 2007).

Sirte

The roadmap of the mediation saw the convening of talks in Sirte in October 2007, led again by the joint AU-UN mediation. The Sirte process was intended to constitute the first stage of negotiations after Arusha. The Sirte talks were a debacle as they were attended by many times more diplomats and experts than rebels, and boycotted by the significant armed movements (Flint, 2010:25). The Government of Sudan and a few armed movements attended, but key ones such as JEM, SLA-Abdul Wahid and SLM-

Unity boycotted the peace talks. These armed movements criticized the convening of the negotiations in Tripoli, dismissing them as irrelevant and pointing out that they would not negotiate with smaller groups that lacked significant support, arguing that the armed movements' participation should be limited to the two of them as they were the true representatives of the Darfurian people. According to Brosche (2008) they also expressed their opposition to Tripoli as the venue for the talks, arguing that Libya was biased towards the government. The groups had also objected to the talks held in Sirte. They further blamed the SAF for continuing military attacks on their positions and claimed that the government forces attacked JEM in the area of Jabel Moun in west Darfur, on the border with Chad (acd.iiss.org, 26 February 2008). A small group of mediators travelled to Darfur to plead with the absentees to give Sirte a chance and participate, but were rebuffed (Flint, 2010:25).

In an attempt to start the peace process and salvage the talks in the midst of their rejection by JEM and SLM-Unity, the mediation tried to recast the Sirte session as "consultations" ahead of actual negotiations, stating that the talks would start when the parties were prepared. In this regard, the mediation offered more time to the armed movements for the purpose of preparing for negotiations with the government. Salim and Eliasson initially refused to acknowledge failure and to adjust their approach, and remained in Sirte trying to bring about a deal (Flint, 2010:25). The peace talks had failed because the armed movements remained fragmented. The mediators' decision of inviting small and unknown groups who claimed to have a political agenda and a presence on the ground in order to bring about an agreement did not work (ibid:25). Furthermore,

Seeking a quick fix, the mediators turned a deaf ear to requests that the SLA be given more time to put its house in order and come to new talks with a united front. They also ignored warnings that the Sudanese government, under fire from activists and the ICC, was in no mood to make concessions (ibid).

The mediation then undertook to consult with the major rebel movements in Darfur ahead of the negotiations, which they rescheduled to December 2007. The talks did not take place, as the mediation felt that not enough critical mass existed to re-open formal negotiations, as the major armed movements continued to reject a process which included the participation of smaller armed movements (JMST report, 2008, op.cit). With

the unification of the armed movements proving elusive, the mediation modified their approach, deciding to now focus on the single platform of negotiations strategy achieved in Arusha instead of full unification of the groups (ibid).

The Sirte process was also one several attempts by Libya to control the mediation, and as host to the talks, was opposed to any settlement that involved international peacemaking or peace-keeping (Flint, 2010). Therefore, Libya and Eritrea's acquiescence was cosmetic, and they were ready to sabotage the peace efforts if it became in their interests to do so (ibid:25).

The Juba Engagement

Another round of unification efforts was convened in November 2007 in Juba, South Sudan. The SPLM/A was the host of this meeting. The objective, as in Arusha and Sirte, was to facilitate the unity of the armed movements, but more importantly to consolidate a single platform for negotiations with the government. The mediators and broader international community pinned great hopes on the SPLM-led initiative to bring the factions together in Juba (ICG Report, no. 130, 2007:9). Most of the armed movements attended the meeting, making the meeting relatively inclusive, and they committed to holding formal negotiation with the Government of Sudan within two to three months (Brosche, op.cit:31). The representatives in Juba agreed that splits between and within armed movements affected them negatively but differed on the main reasons behind these divisions (ibid).

The groups present in Juba believed that this meeting was ideal, in that the SPLM was an independent actor and did not pressure them into uniting, although critics of the Juba process argued that the SPLM/A wanted to exploit the opportunity provided by this forum to push its own agenda against the NCP government (ibid:32-33). However, according to others (ICG, op.cit), the Juba talks were hampered in part by lack of a consistent focus, exemplified by the expansion of the scope of the meeting, wherein firstly it was intended exclusively for non-signatory factions and then changed to one bringing the non-signatories together in a broad cross-section of Darfurian society.

Further Pre-Mediation Consultations

Throughout 2008, the mediation team focussed on undertaking a number of consultations with the government on one hand and the armed movements on the other. Acknowledging the lack of readiness of all the parties to enter negotiations, the mediation concentrated on the short-term objective of informal mechanisms intended to build confidence and attract grass-roots involvement (JMST report, op.cit:3). As the mediation outlined:

The aim is to help the parties: a) build trust and gradually develop common positions and working relationships that will achieve substantive progress on key issues and eventually lead to more formal dialogue; and b) broaden the basis of support for a political solution to the crisis. In pursuit of these aims, the mediation will seek coordinated support from regional, international and other actors to harness their leverage and comparative advantages (ibid).

This ushered in a new round of shuttle diplomacy by the mediation, separately visiting the GoS to seek assurances on security issues and to the armed movements to encourage them to narrow their differences. Furthermore, the mediation support teams continued to work on preparing draft texts and other documentation that would form the basis of future negotiations. The deteriorating security situation saw emerging collaboration between the joint mediation and the UNAMID hierarchy.

Rebel Movements: Search for Unity Amidst Fragmentation

Unity continued to elude the rebel movements in Darfur after the conclusion of the Abuja talks. Consequently, one of the main focusses of the mediators was the unification of the rebel movements (Interview with Nathan, 26 July 2012). More than a dozen factions and splinter groups had emerged out of the three main rebel groups (SLA/A, SLA/M and the JEM). A new predominantly Zaghawa group, the G-19, led by 19 commanders from north Darfur who were mostly anti-Minnawi, emerged in March 2006 out of the non-signatory ranks of the SLA at the height of the Abuja talks and drew closer to Abdul Wahid (Tanner and Tubiana, 2007:48). After the Abuja talks, the SLA-Abdesh-Shafi was created in August 2006 by predominantly Fur commanders, who had abandoned Abdul Wahid (ibid:50).

By 2007, as many as twenty-one factions and splinter groups had emerged, including

newly formed groups. Within some of the armed movements themselves, there were often differences between the political heads who were negotiating with the government, and the military commanders on the field. The fragmentation of the rebel groups not only undermined their ability to coerce the government to yield to their demands, but also proved to be one of the main obstacles to the revival of the peace process. The mediators were thus confronted with a key problem; namely, who among these many emerging splinter groups and factions should be communicated with, and who were the leaders representing the people of Darfur? (Interview with Dersso, 9 December 2011). The international community therefore also had to deal with the difficult question of how to engage with these disparate groups (Tanner and Tubiana, 2007:66).

Justice and Equality Movement

The JEM had grown in numbers during and after Abuja, standing alongside the non-signatory SLA factions (mainly G-19) in most rebel-held areas in north and west Darfur, including having significant military hardware (Tanner and Tubiana, op.cit:52). However, the JEM under Khalil Ibrahim soon experienced an internal crisis of leadership, wherein the authority of its entrenched leader was challenged. Although Ibrahim retained popularity among Darfurians for not signing the DPA, tensions soon emerged, which saw the formation of "JEM-Eastern Command", led by Abdalla Banda Abbakar, a former commander of JEM. Khalil and JEM tried to consolidate their power and support by attempting to create alliances. As noted by Seymour (2007:5), despite achieving gains on the military front, the group tried to build the National Redemption Front (NRF) into a political alliance but this plan fell to the wayside. The NRF, which was established in Asmara, Eritrea, on 30 June 2006, and supported by Eritrea, Chad and Libya, was an attempt to bring all Darfur non-signatory groups together under one umbrella body, both politically and militarily. However, due to internal tensions and rivalries, the NRF had collapsed by the end of 2006.

The Government of Sudan had also claimed that JEM had links with the SPLA, including military ties, and there had been concern of a possible exacerbation of the security situation in Darfur because of alignments between Darfur rebels and South Sudanese leaders (Sabala, 2011:57). These linkages led the Government of Sudan to regard

JEM's role with mistrust, and question the latter's ability to be a credible partner in negotiations.

Sudan Liberation Army/Movement (Minnawi)

The SLA/Minnawi faction was also affected by splits, leading to the emergence of the SLA-el Nerby and SLA-Yahya factions. These factions were led by military field commanders. Although less influential, the creation of these splinter groups led to confusion as to who really represented some of the Darfurian communities. Significant sections of Darfur communities supporting Minni Minnawi were unhappy with his decision to sign the DPA, citing their mistrust of the Sudanese government and doubting its commitment to peace and the development of the region. Some of Minnawi's fighters and commanders, who had disarmed as part of signing the DPA, defected from his ranks and threatened to return to the battlefield (Tanner and Tubiana, op.cit:44). One of his commanders, who also served his faction as its humanitarian coordinator, Suleiman Jamous, and who was opposed to the DPA and criticized the SLA/M leadership for their dictatorial practices, was detained by the group and allegedly tortured (*Sudan Tribune*, 9 June 2006).

Sudan Liberation Army/Movement (Abdul Wahid)

Abdul Wahid al Nur, like Khalil Ibrahim of the JEM, emerged from the conclusion of the Abuja talks on a moral high ground, among many in the Darfurian population. He did not sign the DPA, an agreement his followers maintained favoured the government. With his support base largely in the IDP camps inside the region and refugee locations elsewhere, his followers were sceptical of some of the provisions of the DPA, which they viewed as inadequately addressing their concerns. They highlighted matters related to their security, right of return to their original communities, humanitarian access, and lack of adequate attention to the deployment of a peace-keeping force to oversee the planned disarmament of their armed combatants.

However, discontent with Abdul Wahid's leadership had emerged among the many field commanders on the ground in Darfur. Almost three months after the signing of the DPA, a group of influential military commanders of his faction announced in a statement his

removal as the leader of their movement, in what they regarded as an impeachment, "replacing" him with Ahmed Abdelshafi Yagoub Baasi (*Sudan Tribune*, 1 Aug. 2006). The thirty-two military commanders, who had converged in a meeting in Darfur under the umbrella of the SLM/A Military Council and Field Command, criticized al Nur for failure, among other things, to consult widely with the commanders while engaged in negotiations in Abuja and with the movement inside Darfur, thereby failing to communicate the position of the SLM correctly to the AU and the international community (ibid). The new group claimed it would protect the rights of Darfur's people and all Sudanese much more effectively.

Another smaller group called the SLA-Free Will (*irada hurra*), also known as the Front for Liberation and Rebirth, broke away from the al Nur faction immediately after the signing of the DPA. This group, with very little military presence, and with its fighters drawn from militias in the Nyala area, was led by Abder-Rahman Musa Abbakar, a Tunjur who was Abdul Wahid's chief negotiator in Abuja and who had immediately left for exile in France (Tanner and Tubiana, op.cit:45). Inside Darfur, the group's main support came from the Tunjur and Birgid ethnic groups. Abdul Wahid, like the other leaders of the armed movements, was often regarded as removed from the realities on the ground, regarded often as a globe-trotter. Despite the challenge to his leadership, al Nur retained control of his faction of the SLM/A. The new faction of Abdelshafi, like other splinter groups, remained a marginal actor.

These divisions were further illustrated by the formation in Eritrea in July that year of an umbrella organization called the United Front for Liberation and Development (UFLD), comprising five Darfur rebel groups. The organization was made up of two factions of the SLA, and included lesser known groups such as the Revolutionary Democratic Front Forces (RDFF), the National Movement for Reform and Development (NMPD) and the Sudan Federal Democratic Alliance (SFDA). Most of these groups were outside the framework of the DPA, and refused the Sudanese government's attempts to get them to sign the DPA. These groups also had divergent objectives and interests, with no clearly defined political goals. In an attempt to forge unity among the rebel groups and restart the peace process, the AU and UN hosted a meeting in Arusha, Tanzania in August 2007 to create a common platform for those groups that had not signed the DPA.

In its report of April 2007 on the Darfur peace process (op.cit:23), the International Crisis Group noted that,

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.

Furthermore, the ICG (ibid:9) noted that efforts to deal with the unification of the rebel movements continued to lag behind the AU-UN roadmap and its schedules. The mediators, and the contact group, namely the U.S., the EU, the Arab League, Libya, Chad, Eritrea, Egypt and other donor countries, found it difficult to get the armed movements to the negotiating table.

Escalating Insecurity

After the signing of the DPA, armed conflict continued in the territory. The ICG (ibid:3) pointed out that both the rebel movements and the government pursued a military strategy after the DPA was signed, with the government continuing to support the *Janjawiid* instead of disarming them, while at the same time arming the defecting new splinter armed movements (ibid). Apart from attacks between the conflicting parties, fighting between and within the armed movements became more intense. A turf war emerged between the armed movements who were signatories to the DPA and those who were not, and the latter's commanders, who were regarded as inconsequential in Abuja, had reorganized themselves into a force (Flint, 2010:18). They had in 2006 converged in Asmara, Eritrea, to form the National Redemption Front (NRF) and drove SLM-Minnawi out of most of North Darfur (ibid.)

Violence was also directed against aid workers and peacekeepers. The presence of aid agencies in Darfur continued to be threatened even after the Abuja talks. For instance, aid organizations that had been bringing water, food and medical supplies to camps in the village of Gereida in southern Darfur had to pull out at the beginning of June 2006 because of clashes between the *Janjawiid* militias and fighters from the SLA (Weissink, transcript: radio Netherlands, 06 October 2006). In another account, armed hostilities between the government forces and the rebel groups led to over one thousand conflict-

related fatalities between December 2006 and January 2008 (iis.org, 2008). Intra-movement competition was also characterized by violent clashes such as the armed confrontations between the SLA-Abdul Wahid and the newly established SLA-Abdelshafi in September 2006 (Tanner and Tubiana, op.cit:50). Furthermore, persistent ceasefire violations by the parties continued as armed exchanges became frequent. As Ban Ki-Moon and Alpha Konare observed:

The period from July 2006 to January 2007 has witnessed increased insecurity and the militarization of some camps for internally displaced persons and a sharp reduction in humanitarian access. Targeted attacks on non-governmental organizations and AMIS personnel and property have continued on a large scale, and cases of abduction of AMIS personnel, car-jacking and banditry along major supply routes have also increased. In Northern Darfur, major fighting between Darfur Peace Agreement signatories and non-signatories, including aerial bombardment of villages, led to civilian casualties and overall insecurity. (UN-AU report to the UNSC, 2007:6)

The attacks on the peacekeepers and humanitarian aid convoys were experienced while the *Janjawiid* and other militias continued to pose a threat to the security of Darfur. In addition, the continuing fragmentation of the armed movements decreased their military capabilities and their ability to weaken the power of the government in Khartoum.

In the first five months of 2007, approximately 130 000 people had been displaced as a result of insecurity in Darfur (ibid:7). The government used Antonov bombers and helicopter gunships against the rebels, while the rebels also launched military assaults (ICG report, op.cit:3). As the new peace efforts continued, the security situation on the ground in 2008 deteriorated further. Large numbers of Darfurians continued to be displaced inside the region while others crossed into neighbouring countries and joined thousands already in refugee camps. The paramilitary Popular Defense Forces (PDF) and the *Janjawiid* continued to operate without much restraint, and the armed movements also continued to operate militarily, attacking government facilities freely. Intra-movement rivalries often resulted in armed confrontations as well. In the absence of any viable ceasefire in the region, the situation made it difficult for negotiations to be launched. UNAMID officially assumed its mandate on 1 January 2008 and quickly realised, despite increased troop levels as compared to its predecessor AMIS operation, that the security challenges on the ground were enormous. Stabilizing the environment and carrying out the critical task of ensuring humanitarian aid access to the camps

became arduous responsibilities.

During February 2008, intense armed attacks erupted between the armed movements and GoS, which led to the aerial bombardments of rebel positions by the Sudan armed forces in the area of Jebel Moun, west Darfur, and retaliatory attacks by the rebel fighters. Both JEM and SLM were involved in the exchanges with government forces, and these incidents were condemned by UN Secretary-General Ban Ki-Moon and regarded as a threat to mediation efforts and an obstacle to peace (acd.iiss-armed conflict, 26 February 2008). Clashes continued, as illustrated by the JEM's serious attack on government positions in the major town of Omdurman near the capital, Khartoum. Despite inflicting some damage on the adversary, JEM's fighters were eventually defeated by government forces (*Al Jazeera*, 25 December 2011). Khalil Ibrahim's and his JEM military command's decision to take the battle to Khartoum and its environs surprised many but was also regarded as indication of its leaders' ultimate wish to overthrow the al Bashir government.

Between January 2008 and end of March 2009, it is estimated that two thousand violent deaths occurred in the region, which was attributed to a combination of armed confrontation between the rebels and government forces, and inter-tribal fighting (El Affendi, 2009:1). The Darfur conflict, accordingly, had become a "low-intensity conflict", a reference made by then AU-UN Joint Special Representative to Darfur, Rodolphe Adada, in a presentation to the UN Security Council in April 2009. Adada was criticised for his characterization of the conflict, with others pointing out that not only is there no numerical threshold for low-intensity conflict, but also that, *inter alia*, this view ignored the potential "spikes" in violence in the conflict (de Waal, 2009:1-3).

According to UNAMID's Gambari (2010), inter-tribal violence, acts of banditry, kidnapping and common criminality increased, while armed confrontation between the government and the armed movements became less frequent in the following years, primarily because of the now-established and confident UNAMID forces (Briefing to the AUPSC Field Mission, 17 December 2010). However, the situation remained volatile and unpredictable, as factional activities among the armed movements persisted, particularly by the JEM and to a lesser extent the two main factions of the SLM, Abdul Wahid and

Minni Minnawi (Gambari, op.cit). The latter, who was appointed Senior Presidential Special Assistant to al Bashir after he signed the DPA, became increasingly frustrated with the government as he continued to be marginalized. Minnawi blamed the Government of Sudan for failing to implement the DPA. His movement then decided to re-launch armed attacks against the government. By December 2010, Minnawi and his fighters were engaged in direct military clashes with the Sudanese armed forces.

Some observers maintain that with the deployment of UNAMID, the figures of casualties and number of incidents were drastically reduced (ibid). Their frequency was drastically reduced compared to the period of intense hostilities in 2003-2004.

Regional Security and Mediation: Role of the Chadian War and the Sudan-Chad Conflict

The linkages that impacted on the situation are a reflection of the regional dynamics that also play a role in the Darfur conflict and the search for peace in that region. Internal Chadian problems, Libya's interventionist role in Chad and Darfur, and the proxy war between Sudan and Chad contributed to the regionalization of the Darfur conflict. The interests of the Zhagawa ethnic group, with its strong presence in both Chad and Sudan, consistently remained an integral factor.

The Civil War in Chad and the Role of the CAR

The civil war in Chad started in the mid-1960s as a peasant revolt against the regime of Francois Tombalbaye. Given the latter's initial total control over the Chadian territory, the opposition began to organize itself outside the country, leading to the formation of FROLINAT (National Front for the Liberation of Chad) which was founded in Nyala, southern Darfur in June 1966. This group included the ethnic Gourane group led by Hissen Habre and the Zhagawa group of Idris Deby. Darfur thus became the natural hinterland of the Chadian rebellion, and the frolinat established rear military bases in this region, from which it attacked targets inside Chad (Prunier, op.cit:43). Another dimension was added to the conflict with the arrival on the scene of Colonel Muammar Gaddafi in September 1969 after a military coup in Libya. Gaddafi's fixation with the geopolitics of pan-Arabism and Arabic cultural supremacy was immediately evident (ibid:44). With

regard to the latter, this was attributed by some analysts to be an expression, although simplistic, of racism by the Libyan leader, as it was claimed that he wanted to depose Tombalbaye because he was a black African from the Sara ethnic group and also a Christian (ibid).

The major challenge posed to the Chadian government in recent years has come from the opposition Rally of Forces for Change (RFC), which was a conglomeration of groups. The armed movements have accused Deby of centralizing power in his own hands and favouring his ethnic-kin Zhagawa to the exclusion of other groups.

Libya set forth on a confrontation with Chad when it made a territorial claim over the Aozou strip of land between the two countries, and harboured the ambition of eventually annexing Chad and Sudan as part of greater Arab Union, *Tajammu al-Arabi*. In the early 1970s, the Libyan leader created the *Failaka al-Islamiya* (Islamic Legion) to pursue the objective of Arab Unity in the region and the entire Sahel. The Legion was part of his designs on Chad. The assassination of Tombalbaye in April 1975 by one of his own officers, and his replacement as president by Félix Malloum, another Sara, further exacerbated the fragility of the Chadian State (ibid:45). The Libyan forces crossed into northern Chad and occupied the territory. With the civil war also raging, Habre, who was now hosted and openly supported by the government of Jafaar al Nimeiri in Sudan, eventually took power in Chad with the direct support of France and Zaire (Marchal, op.cit:177). The new government under Habre engaged the Libyan forces militarily.

The Central African Republic (CAR) was also a factor in the nexus of socio-political and military linkages in the region. For decades, the CAR provided refuge for armed opposition to Chadians, particularly the armed rebels from southern and central Chad, with these groups moving between the two countries and also into the Darfur region (Marchal, op.cit:174-175). Internal strife within CAR itself, wherein armed rebels were attempting to overthrow the government, also led to thousands fleeing into southern Chad. A peace agreement, brokered by Colonel Gaddafi and signed in February 2007 in Sirte, Libya between the government of François Bozizé and the main rebel group, the Central African People's Democratic Front (FDPC), failed to bring peace and instability continued with refugees, particularly those from the north-eastern part of the country,

fleeing into Chad (*Africa Research Bulletin*, vol. 44, no 2, 2007:16960). The Sirte agreement, *inter alia*, provided for the cessation of armed hostilities between the government and the rebel groups, the integration into the national army of the latter's military units and the release of political prisoners by the government (ibid). Other rebel movements in the CAR, such as the Popular Army for the Reconstruction of the Republic and Democracy (APRD), the Union of Democratic Forces for Rally (UDFR) and the Union of Democratic Forces for Unity (UFDD) refused to sign the peace agreement and military insurgency against the Bozizé government continued (ibid). The UDFR was reported to have bases in south Darfur and had links with some of the armed movements there. Furthermore, it is also highlighted that the possibility of the UFDD receiving foreign support was increased, given that the group operated in a region that borders Darfur, and because this group, which is better equipped than the others, had established contacts with Chadian rebels sponsored by Sudan (Brosche, op.cit:55).

Some analyses maintain that CAR's influence on the other conflicts in eastern Chad and Darfur is exaggerated and that the country's role is marginal, primarily due to the limited economic and military capability of Chad and that Sudan and Chad have generally concentrated on undoing each other's support of rebels threatening both (ibid:56).

However, despite different views on the impact of CAR on the Chadian and Darfur conflicts, the intrinsic links between them are clearly identifiable. Furthermore, the international community viewed the new humanitarian crises in eastern Chad and northern CAR as an extension of the pattern of violence in Darfur (Tubiana, 2011:46). In addition, there is the issue of border challenges that compound the security challenges in the region and shifting loyalties. These have created instability. For instance, as illustrated by Debos (2009:19):

The unstable shared border between the three nations is a main factor for the existence of a regional web of hostilities. However, the complex logic behind the crisis has not received adequate attention. Its regional dimensions are often reduced to a mere 'Darfurisation' of eastern Chad - and to a lesser extent of the north-east of the CAR. Before the conflicts gained international attention, many combatants involved in the Chad, Darfur and Central African crises had already fought in several wars in the region, either as rebels or soldiers. The repeated re-conversion of armed combatants, who easily shift allegiances, is indeed a structural pattern of the current conflicts that has major implications both at the local and transnational levels. Moreover, Kin-based social networks that straddle borders are a significant factor in

the mobility of these fighters and their shifting allegiances. (ibid:20)

Furthermore, droughts and migration patterns often led to the movements of people between the Chad, Sudan and the CAR.

Chad-Sudan Conflict

In recent decades, relations between Chad and Sudan have been characterised by periods of peace, occasionally interrupted by moments of intense hostility and conflict. The conflict between the two countries, and the relationship to Darfur, has manifested in a number of ways. Firstly, historical, kinship, tribal and clan allegiances, which cut across the social fabric of Chad and Darfur, including a common border, played a role in terms of military alliances. Both countries, during heightened tensions, accused each other of interfering or meddling in their internal affairs. Chad has often accused the Government of Sudan of trying to overthrow the government of Idriss Deby. The latter, a Zhaghawa, the dominant group in Chad, had alliances and sympathies with the Zhaghawa of Darfur, including with Khalil Ibrahim and JEM. From its side, the Government of Sudan has accused Chad of supporting and arming some of the movements in Darfur. Between 2005 and 2009, Chad was the major external supporter of the Darfur armed opposition (Tubiana, 2011:51).

From December 2005, a proxy war between N'djamena and Khartoum took shape, in which the stakes on each side were profoundly internal. By supporting the Chadian armed opposition, the Sudanese rulers expected to curb the Darfur insurgency; Idriss Deby was using the latter to secure his border and keep his grip on power (Marchal, op.cit:174).

Tensions between the two countries led to a joint initiative by Libyan leader Muammar Gaddafi and then-Chairperson of the African Union, Denis Sassou N'Guesso, President of Congo, who convened talks in Tripoli on 8 February 2006 between Al Bashir, Deby Itno, and included the participation of Bozizé of CAR. The talks led to the issuing of a declaration and the signing of an agreement. The declaration primarily called for Chad and Sudan to engage in dialogue, stop interfering in each other's internal affairs, establish confidence-building measures between one another, and move towards a peaceful resolution of their differences (*The Tripoli Declaration on the Situation between Chad and Sudan*, 8 February 2006:1-3). The declaration provided the basis for the

agreement, which, apart from reaffirming the aforementioned provisions, also included an agreement to ban with immediate effect the presence of rebel elements from the other party's side in their respective territories (ibid). Furthermore, it urged the parties to avoid measures, especially subversive ones, that undermine the sovereignty and territorial integrity of the parties, work towards the normalization of their diplomatic and consular relations, cease to conduct hostile media campaigns towards one another and strive to establish an acceptable peace and security force along their mutual frontier (*The Tripoli Agreement for the settlement of Differences between Chad and Sudan*, 8 February 2006:1-2).

Recognizing that internal armed conflicts commonly have important regional linkages, Eliasson pointed out that,

I have repeatedly said that there could be no solution to the Darfur conflict in Sudan unless there is also a normalization of the relationship between Chad and Sudan. Intrastate and interstate tensions breed on each other (Svensson, 2010:41).

It was hoped that both the declaration and the agreement would not only promote reconciliation and lasting peace between the two countries, but would also create an environment that would be conducive to the parallel mediation efforts that were planned to bring the Government of Sudan and the Darfur armed movements back to the negotiation table. However, the fragile peace reached in Tripoli suffered a severe setback on 13 April 2006 when Chadian rebels launched simultaneous military attacks on the capital N'djamena and the city of Andre in eastern Chad, in a major but failed attempt to overthrow Deby and his government. The attacks were led by the United Front for Change (FUC), a coalition of several armed movements (AUC Chairperson's report, 12 February 2007:1). Once again, the Chadian government accused Sudan of involvement in these attacks and immediately decided to close its borders, broke diplomatic and economic relations, and withdrew Chadian facilitators assisting in the Abuja talks on Darfur.

A subsequent AU Commission-mandated fact-finding mission dispatched to Ndjamenana to gather information after the April attacks was informed by Chadian authorities that those members of the rebel movements arrested during the incidents were 178 Sudanese and 156 Chadian deserters, and an officer from the Central African Republic, with the latter

claiming, according to Chadian officials, that had the Ndjamena attacks succeeded, the group would have received assistance to proceed to CAR and overthrow Bozizé and his government (AU report, 21-27 April and 2-7 June 2006:9).

Relations between the two countries continued to worsen and by 2008, their armed forces were on the brink of attacking each other, amidst cross-border raids. The presence in eastern Chad of EUFOR, the European Union's military force contingent, deployed to protect displaced victims and refugees and to secure humanitarian access, could also not provide any deterrent value. Deby hoped that EUFOR could play a stabilizing role, believing that it could provide a buffer against incessant attacks by Chadian rebels from the eastern front; but the multinational force refused to be drawn into the conflict, choosing instead to abide by its neutral mandate (*Africa Research Bulletin*, vol. 45, no. 6, 1-30 June 2008:17557). Deby and Al Bashir signed a peace agreement in Dakar, Senegal, overseen by Abdoulaye Wade and co-sponsored by Libya, in March 2008, in an attempt to promote dialogue, but primarily to address the issue of border security, and pledging to respect each other's territorial sovereignty. On the 17th of June of the same year, Chad claimed that ground troops from Sudan's army, supported by helicopters, carried out an attack on the border town of Ade, inside Chadian territory, although Khartoum responded by saying the raids were carried out by the Chadian rebel movements (*ibid*). This incident followed an earlier attack carried out in May by Darfur rebel groups, led by JEM, over-running the major town of Omdurman but repelled on the march to Khartoum. The Government of Sudan believed that this surprise coordinated attack could not have been carried out in isolation by the armed movements, as they did not have such capacity, and maintained that Chad was behind this attack.

In October 2009, the two countries reached an agreement to normalise relations between themselves (*Crisis Watch*, no. 76, 1 Dec 2009:3). The advent of improved relations between Chad and Sudan had the impact of significantly weakening the political base of the Darfur armed movements, although they remained militarily relevant (Tubiana, 2011:64). However, they could now no longer count on the military support and training of Chad. They also could not easily carry out tactical retreats into Chadian territory in the face of confrontation with Sudanese forces. The borders remained very

porous, however, and Chadian authorities had no capacity to extend control over these terrains, thus allowing some space in which the armed movements could manoeuvre. In 2010, Chad expelled Khalil Ibrahim and the JEM leadership from its territory. Ibrahim immediately went into further exile in Libya where he stayed until the insurrection that led to the demise of the Gaddafi regime.

All the interlinked conflicts point to the intractability of the Darfur conflicts and the impact of the role of the crises in Chad, CAR and the Sudan-Chad problem. In essence, as Lotze (2007:34) indicates:

The active involvement in Sudan's conflicts, and support provided to belligerent groups, by neighbouring countries continues to hamper the various peace processes underway.

The End of Joint Mediation

At the end of 2007, the UN and AU were searching for a single mediator to replace Salim and Eliasson once their mandate ended, a process which took six months due to prolonged disagreement between the two organizations and the reluctance of some individuals who were approached to accept the mediator role (Flint, 2010:32). By mid-2008, the Darfur peace process was stuttering along, showing no signs of achieving a significant breakthrough. Citing lack of political will among the Darfur armed movements and the Sudanese government, and to a lesser extent lack of concerted pressure from the international community, Eliasson decided to discontinue his involvement as mediator by not renewing his mandate, which expired in June 2008 (Svensson and Wallensteen, 2010:98). This decision did not provide Salim Salim with many options and he duly decided to terminate his mandate as well. The withdrawal of the two mediators was also an attempt by both to send a signal to the parties, the AU and UN, and the international community at large, that the mediation was not to be blamed for the impasse in the negotiations and that the responsibility for the absence of a fruitful process towards peace rested elsewhere (ibid).

Conclusion

The post-Abuja mediation process under Salim Salim and Jan Eliasson was premised

on an attempt by the AU and the UN to bring a new dimension and impetus to the Darfur peace process. It was also the view of the two organizations that collaboration in mediation was a natural necessity in the context of efforts being accelerated to transform the AMIS Mission and deploy the hybrid UN-AU Mission for Darfur (UNAMID). The appointment of the two high-profile and experienced mediators was in order to strengthen the process and compel the parties to the conflict to move towards a settlement. Salim was a veteran of mediation efforts on the African continent, with previous involvement in Darfur during the Abuja talks and as Secretary General of the OAU from 1989-2001, while Eliasson had his mediation skills honed and tested in previous mediation roles in 1980-86 and 1988-91 during the first and second Iran-Iraq War, the Myanmar/Burma-Bangladesh conflict in 1992, Sudan also in 1992 and Azerbaijan (Nagorno-Karabakh) in 1994. However, the inability or unwillingness of the mediation to address issues arising out of the Abuja process was to prove critical. With the DPA not implemented, a new comprehensive and inclusive process was needed, which could have also focussed on addressing the core grievances and the root causes of the conflict in Darfur. But the opportunity was missed.

It became apparent that the conflict in Darfur was not ripe for resolution, as the parties, *inter alia*, had not reached what Zartman (2001, 2003, 2007 and 2009) describes as a mutually hurting stalemate. One of the reasons why this situation prevailed was that some government actors in Khartoum thought for a long time that a military solution was possible, and put their faith in a military outcome in their favour, despite the government publicly declaring their belief in a political solution (Svensson, 2010:39). Thus the government accepted the AU-UN mediation team without enthusiasm (ibid). The SAF carried out a few operations of aerial bombardment, such as the attack against JEM positions in West Darfur in March 2008 (Security Council Report, 2013). The armed movements also counted on their ability to inflict military damage on the government and its facilities, as illustrated by a number of attacks between June 2006 and December 2008. One of the most ambitious onslaughts was the JEM attack on GoS in May 2008 which reached the town of Omdurman, on the outskirts of Khartoum, surprising both the government and UNAMID (ibid).

The involvement of regional actors such as Libya and Eritrea, not only by offering

support to some of the armed movements but also through the hosting, in Libya's case, of some of the meetings of the joint mediation, was important. The involvement in negotiations by some of the armed movements came through the urging of their main backers. Although the mediators were able to issue invitations to as many armed movements as possible, the manipulation of these regional actors was also instrumental in getting the movements to participate, especially the JEM and the main SLA factions. These states brought their interests into the mediation environment, in a number of instances participating as spoilers. For states, as Touval (1999) points out, mediation is a foreign policy instrument used often in pursuit of external and domestic policy interests.

Referring to the role of regional actors and other international actors in general, Hoile (2005:73) indicates that:

There is another difficulty which has posed a problem in the search for peace in Darfur - those foreign governments and constituencies who, for their own political interest, would wish to see continuing conflict in Darfur and the continued destabilisation of Sudan and elsewhere. Eritrea is an obvious candidate in this respect. The International Crisis Group has also commented upon the sometimes less than helpful role played by international observers at the peace talks themselves, citing one observer as saying - 'The process had too many players. It was too hard to keep the international actors united. They were a fractured, agenda-ridden group. It was a political catfight. The observers never settled their own differences.'

Dealing with the fragmented armed movements, some affected by in-fighting and leadership contests, continued to undermine the peace process. The proliferation of new armed movements and the creation of splinter groups posed a problem to the mediation as to who to invite and which group was a genuine representative of people on the ground. The Salim-Eliasson roadmap had as one of its objectives the need to unify the armed movements by establishing a common negotiations platform to engage the GoS. The formation of such groups as the G-19 and the NRF did not lead to meaningful unity. Furthermore, major movements such as the JEM and SLA-Abdul Wahid refused to recognise some of the smaller Darfur groups, as experienced during the Sirte, Tripoli and Arusha talks.

In this environment, the mediation efforts of Salim and Eliasson not only failed to resuscitate the DPA, but could not deliver a new, widely acceptable and durable

agreement. According to Flint (2010:44) the mediation needed to configure the peace process according to the continuously changing political forces in Darfur by not creating new blueprints but sticking to existing formulas while shifting the emphasis to engagement with tribes and IDPs, and improving security arrangements on the ground through local communities already working towards reconciliation.

With the departure of the joint mediators in mid-2008, obstacles to peace in the Darfur region continued to exist, and the peacekeepers endeavoured to deliver on the mandate of dealing with the protracted environment of insecurity and to keep peace in the absence of a meaningful political settlement. While the rapprochement between Chad and Sudan and the diminished threat from CAR offered opportunities to move forward on the mediation front, peace in Darfur remained elusive as the search for a new mediation track continued.

CHAPTER 6: THE AFRICAN UNION PANEL ON DARFUR (AUPD)

Introduction

This chapter will provide an analysis of the role of African Union Panel on Darfur (AUPD) in efforts to bring peace to Darfur. It will examine the entry of the Panel into the mediation environment, the level of consent given to the panel by the parties to its involvement and how the mediators interacted with the conflict environment, especially after the post-Abuja period. What attributes and leverage instruments did Mbeki and his panel of eminent fellow former Presidents bring to the environment? In the range of strategies, tactics or approaches available to mediators, which one did the AUPD use to pursue the objective of resuscitating the peace process? Furthermore, why did the AUPD expand the previous mediation formulae of negotiations traditionally focussed on talks between the GoS and the armed movements and adopt a much broader framework including other stakeholders such as NGOs, civil society, native administrators, women's groups, the youth and religious leaders?. Did the AUPD believe the Darfur conflict was now ripe for resolution?

A general hiatus had existed in Darfur mediation since the signing of the DPA in 2006. Despite numerous efforts, primarily by Salim and Eliasson, a mediation breakthrough remained elusive. Since then, various Summits of the AU pronounced the urgent need to restart the peace process. The general consensus within the AU was that mediation should focus on encouraging the establishment of a much broader approach to the negotiations. Out of this logic emerged the idea of pursuing a Darfur Political Process (DPP), which would be inclusive in nature and go beyond focussing only on the DPA signatories and the armed movements that were not party to it.

Darfur Political Process (DPP) and Darfur Darfur Dialogue and Consultation (DDDC)

The African Union Panel on Darfur (AUPD) was established at the beginning of 2009 in an attempt to give an added impetus to peace efforts in Darfur and to enhance the

prospects for the conclusion of the other mediation track that had started in Doha, Qatar, during the same period. The three person eminent panel, appointed by the Chairperson of the AU Commission, was led and chaired by former South African President Thabo Mbeki and included former President of Burundi, Pierre Buyoya and erstwhile former Head of State of Nigeria, General Abdulsalami Abubakar. Former Egyptian Foreign Minister Ahmed Maher was part of the panel at the beginning, until he withdrew soon after its establishment. The panel was tasked, *inter alia*, to identify ways to achieve peace, justice and reconciliation in a complementary manner without jeopardizing and compromising on any of these objectives (Peace and Security Council Report, ISS, 5 December 2009:6). The expert assistance of a number of prominent African jurists was made available to the panel in that regard. The creation of the panel constituted a new innovation to the mediation experience in Darfur as the mandate became wider than the achievement of a peaceful political settlement and agreement.

It had stature, prestige and brought experience and political clout to the process. The *modus operandi* adopted by the panel was at inception more facilitation than mediation, although the latter activity gradually took hold. The panel's approach could be characterized as what Bercovitch (2007) and Zartman (2007) call a communicator-facilitator mediation strategy, which *inter alia* included creating good conditions and communicating to the parties messages and details on the issues that needed to be discussed and negotiated. The strategy was geared towards ensuring that a Darfur political process, which was to be comprehensive and involving all Darfurian stakeholders, emerged and possibly lead to a mediated platform comprising "peoples representatives". A key consideration for the panel, according to Mbeki, was to have an understanding of what went wrong with the Abuja process (Interview with Mbeki, 28 June 2012). It was apparent, Mbeki concluded, that the DPA could not be implemented because it had no popular support among the people (ibid). Therefore, the AUPD wanted to bring a new dimension to Darfur mediation, with lessons learned from previous efforts, and sought to move beyond the Government of Sudan-armed movements bipolar framework to include grassroots representatives, civil society, religious leaders, youth and women's groups (interview with de Waal, 21 April 2012). This process was based on the belief that the people of Darfur should be put at centre of any peace process in

Darfur. It advocated a bottom-up approach to constructing a platform for peace in Darfur (Interview with Lamamra, 24 December 2011).

The panel held its inaugural meeting in March 2009 in Addis Ababa. A major strategic component of the DPP would be the launching of the Darfur-Darfur Dialogue and Consultation (DDDC) process (which is a requirement of the DPA and was to have convened within sixty days of its signature), and which would include other groups and stakeholders throughout Darfur.

According to Ibrahim Gambari:

The concept of the DPP arose from popular consultations conducted by the African Union High- Level Panel on Darfur (AUPD). After extensive consultations with Darfurian constituencies, the Panel concluded that the Darfur conflict could be resolved only through a renewed approach to peace that conforms to the following three principles: first, peace must be inclusive, and thus involve all stakeholders in Darfur; second, peace must fully address the multiple dimensions and layers of the conflict including the establishment of peace at the local level; and third, peace must be sensitive to the broader national context, taking into account the wider national challenges facing Sudan, including the implementation of the CPA (Gambari, Briefing to the AUPSC in Addis Ababa, 8 April 2011:1).

The Panel was, *inter alia*, mandated to implement its own recommendations and to further develop the DPP. From the beginning, the AUPD set out on a series of consultation visits to Khartoum to interact with the government and to Darfur and its various locations and IDP camps where discussions were held with a wide spectrum of many civil society stakeholders, in addition to meetings with the rebel movements (Interview with Thabo Mbeki, 28 June 2012). Furthermore, the panel held discussions with Sudanese legal professionals and also with the Prosecutor of the International Criminal Court (ICC) on matters pertaining to justice and impunity (PSC Report, 2009:6). The panel also visited refugee camps in neighbouring Chad to canvass opinions among Darfurians who fled there. These first consultations took place in March and April 2009. The objective was to consult as widely as possible, to avoid what Mbeki regarded as one of the weaknesses of previous mediations such as Abuja, namely, lack of popular grass-roots support to the negotiations and agreements thereof (ibid). The AUPD was of the view that it was important to undertake wide, popular consultations before any firm recommendations could be made to the various organs of the African Union (interview

with Mbeki, *ibid*). The intensity of these consultations created the expectation that an inclusive peace settlement might be achieved in Darfur.

For instance, in the month of June 2009, the panel met local administrators, women, youth and representatives of various factions of the SLM in north Darfur at the village of Ain Siro, an area controlled by SLM-Abdul Wahid. The panel then met with the Sudanese political parties in Khartoum. Fourteen parties attended the meeting, including the two that had boycotted the Sudan People's initiative of 2008, namely the Communist Party and the Popular Congress Party (PCP) (AUPD Report, 29 October 2009:28). The discussions focussed on how the Darfur question is related to Sudan within the context of an inclusive dialogue, including the question of democratisation (*ibid.* 29). Furthermore, the substantive discussions also focussed on the relationship between the Darfur peace process and the national elections (*ibid.*) The Khartoum visit was also followed by a meeting with civil society, attended by 125 participants. This meeting was a breakthrough, especially as it was the first time in twenty years that representatives from a wide range of civil society organizations attended such a meeting, and also given the lack of a national civil society forum in Sudan (*ibid*).

The panel held further meetings with various other stakeholders from across north Darfur who travelled to El Fasher (DDDC Press Advisory and Bulletin, 19 June 2009). The El Fasher consultations were also attended by the numerous representatives of pastoralist communities across north Darfur, the vast majority of them Arabs. In Nyala, South Darfur, the mediators met with over three hundred people from the communities, including native administration leaders and discussed a wide variety of issues that included the administrative status of Darfur and the question of elections (AUPD report, *op.cit*:29). The hearings in El Geneina, West Darfur, saw the participation of representatives from IDP camps, civil society and local administrators. Some of the main issues discussed included the role and representation of women, the relative responsibilities of the Government of Sudan and of the armed movements for displacement, and the occupation of vacant land by new settlers. The meetings in the town of Zalingei, also in West Darfur, were characterised by discussions between the actors on contentious issues such as the international trusteeship for Darfur, the right of self-determination, and the handing over of the President to the ICC as a prelude to any

political negotiations, in addition to issues such as displacement and the state of the peace process (ibid:29-30.).

Conscious of the regional dynamics affecting the Darfur conflict and the role of other interests, the panel also held meetings with numerous leaders, including Gaddafi, Hosni Mubarak of Egypt, François Bozizé of CAR, in addition to the Chadians (AUPD report, 2009:30). In further describing the approach and method of the AUPD, and its focus on targeting a wide range of constituencies, de Waal (October 2009:3), who was also an advisor to the panel, points out that,

During the last six months, the Panel's three former Presidents, the Nigerian Abdulsalami Abubakar and the Burundian Pierre Buyoya, as well as Mbeki, spent at least three months worth of full-time work on the task. Overall, the Panel spent more than forty days in town-hall style meetings in Sudan, mostly in Darfur. This was a gruelling exercise, unmatched by any special envoy, mediator, or investigator. These were not ad hoc lectures or informal discussions, but well-prepared consultations in which Darfurians systematically spoke about their fears and hopes. It provided an important role for the Darfur-Darfur Dialogue and Consultation. As a result, every recommendation is grounded in what the people themselves have said. For example, in long meetings with refugees and displaced persons, tribal leaders, women, civil society activists, and nomads, all these groups insisted that they should be directly represented at future peace talks. They were not content for the armed movements to represent them; all felt that the rebel leaders had been a disappointment. The Panel reflects this unanimous demand with its round-table formula for political negotiations.

After undertaking the consultations, the panel on 29 October 2009 reported back to the African Union Peace and Security Council held at the level of Heads of State and Government during its seating in Abuja. The AUPD reported on the outcomes arising out of the various consultative meetings it held with Darfurian parties and also provided recommendations. In its report, the AUPD recommended the creation of a hybrid court, establishment of a truth and reconciliation commission, strengthening of the Sudanese domestic criminal justice system and removing immunities for state actors accused of violating human rights (Security Council Report, New York, 1 December 2009:6). The PSC meeting also took a decision to transform the AUPD into the AU High Level Implementation Panel (AUHIP) and expanding its mandate to engage not only with the Darfur issue but also with a wide range of Sudanese issues including national elections, completion of the CPA and preparations for the possibility that the January 2011 referendum in southern Sudan might lead to secession (de Waal, 2012:21).

The Joint Chief Mediator (JCM), and the Government of Sudan, were expected to act on and implement the recommendations as well. However, the GoS delayed implementing even the simplest of measures aimed at improving security and promoting justice in Darfur, while the JCM himself also studiously ignored the recommendations, preferring at that time to pursue his approach of focusing on the participation of the JEM in negotiations and paying less attention to the need to convene all the stakeholders, as envisaged by the AU (de Waal, 2012:21). According to Mbeki, a key message that emerged was that the vast majority of ordinary people in Darfur wanted a process that included them as citizens (Interview, op.cit.). This AUPSC meeting further endorsed the DPP approach and other recommendations of the AUPD report as the policy basis of the organisation's Darfur conflict resolution efforts (Gambari, op.cit:1). The AU believed that these recommendations, should they be implemented, would support the peace process (Security Council Report, op.cit.). The UN Security Council formally took note of the AUPD Report on 12 December 2009.

Furthermore, in a session of the UNSC on 21 December 2009, under the rotating presidency of Burkina Faso, the AUPD report was welcomed by the Council, which also received a briefing on the report itself. Accepting the report, UN Secretary General Ban Ki-Moon described it as a revealing assessment that looked at the Sudan in its totality (www.umma.org, article, 22 December 2009). This UNSC session expressed its support of the “holistic approach to the problems facing Sudan” and agreed with the panel that the causes and consequences of the conflict in Darfur have yet to be addressed (ibid). In his remarks, Thabo Mbeki emphasised that,

Drawing on its collective experience, the AUPD understood that a peaceful settlement of the conflict in Darfur could only be achieved through a negotiated agreement amongst the Sudanese themselves. In other words, we proceeded from the position that it was neither possible nor desirable to impose a Darfur solution on the Sudanese people. The members of the Security Council will also have taken note of the fact that the AUPD underlined that the conflict in Darfur, as was the case with the conflicts in South and Eastern Sudan, is a manifestation of a general Sudan crisis. We explained that this Sudan crisis was of long standing, encompassing both the colonial and post-colonial periods (www.polity.org.za, publication, 21 December 2009).

The AUPD's approach of a comprehensive understanding of issues in Darfur is reflected in its reference in the report to the region's conflict as “Sudan's crisis in Darfur”. The

AUPD located the Darfur problem within the context of the broader Sudan question, especially marginalization of the periphery by the central core of power, a situation which is a key element to the grievances and resistance history of the region. Therefore, for Mbeki and his panel, the resolution of the Darfur conflict cannot be found only in Darfur, but within the context of Sudan as a whole (Interview with Lamamra, 24 December 2011). In this regard,

“According to AUPD, the roots of Darfur’s crisis lie in a history of neglect of the Sudan’s peripheries, dating back to the colonial era through the years of Sudan’s independence to the present. In particular, the Report noted that the crisis in Darfur is a manifestation of Sudan’s inequitable distribution of wealth and power. The Panel recommended a comprehensive negotiation process to end the conflict and suggested that all the political interlocutors in Sudan and Darfur work towards the signing of a Global Political Agreement (GPA), preceded by a road-map comprising of a number negotiated arrangements. The road-map would entail ensuring immediate security and provide an enabling environment while talks commence. The steps to be undertaken would be:

- a) The Government of Sudan (GoS) and the Armed Movements to negotiate and agree to a Suspension of Hostilities Agreement/Truce aimed at reducing violence while negotiations are underway;
- b) Adoption of a Framework Agreement involving the GoS, armed movements, political parties, civil society organisations, IDPs and refugees, the native administration and the nomads;
- c) Negotiation of a Permanent Ceasefire, including an Agreement on Comprehensive Security Arrangements by the GoS and the armed movements, which takes into account all the sources of violence and insecurity in Darfur;
- d) Negotiation of a Global Political Agreement by the GoS, the armed movements, political parties, civil society organisations, IDPs and refugees, the native administration and the nomads of Darfur;
- e) The negotiations for a suspension under (a) need not delay the subsequent steps, especially the adoption of a Framework Agreement. Moreover, the negotiations under (c) and (d) can take place simultaneously;

- f) The Joint Chief Mediator should give urgency to consulting with the stakeholders, in preparation for the comprehensive negotiations, and in that regard, should take into account the findings of the panel. This should include consideration and resolution of the important issue of how the various constituencies would participate in the negotiations (AUPD Report, 2009:105-106).

The panel's report also recommends deepening the democratization processes in the country, promoting reconciliation and building mutual trust, normalizing relations between Sudan, its neighbours and the wider international community. (PSC ISS Report, 2009:5).

Subsequently, the African Union Summit in Addis Ababa in January-February 2010 endorsed this decision. Furthermore, in an effort to widen consultations and strengthen the peace process, the AU and the UN held a Strategic Review meeting in Addis Ababa on 6 May 2010 which also recommended the establishment of a Sudan Consultative Forum (SCF). The forum not only focussed on Darfur but also on the CPA. The creation of the Sudan Consultative Forum was an attempt to coordinate the approaches of the AUPD and JCM Bassole and remove the discord that existed between the two (de Waal, 2012). The meetings of the SCF would be coordinated and held at a high level. The core members of the Forum were the AU, UN, IGAD, Arab League, European Union, Organization of the Islamic Conference (OIC), Norway, Qatar, permanent members of the UN Security Council in the form of China, France, Russia, United Kingdom and the United States. The forum held its first meeting in April 2010.

During this initial meeting of the Forum, co-Chaired by the AU Commissioner for Peace and Security Ramtane Lamamra and UN Under-Secretary General for Peacekeeping Operations Alain Le Roy and attended by Mbeki, Bassole, UNSG Special Representative for Sudan Haile Menkerios, Joint Special Representative for Darfur Gambari and others, a distinction was introduced between the political and peace processes. The political process, namely the Darfur Political Process (DPP), related to the all-stakeholder series of consultations and negotiations envisaged by the AUPD which included, *inter alia*, issues such as reconciliation, justice and accountability, while the peace process referred to the ceasefire and peace agreement-focussed approach pursued by the Joint Chief Mediator. Although this distinction was an attempt at outlining

role delineation for the two mediations, the meeting was however at pains to emphasize that the two processes should be complementary (HSBA, 2013). In developing the DPP, the AUPD took a number of initiatives and held discussions with various Darfurian stakeholders throughout 2010. By this time, consultations under the framework of the Darfur Darfur Dialogue and Consultation (DDDC) had reached a significant number of constituencies in Darfur. However, the DDDC still had to be converged into the full implementation of the DPP. The necessity of strengthening the DDDC also arose from the belief that:

Seeking peace and reconciliation through dialogue and mediation to resolve conflict within and between communities is a deeply rooted Darfurian tradition. By engaging conflicting groups, restoring confidence, building trust and promoting open and transparent dialogue to overcome grievances and agree on common grounds to achieve sustainable peace, the DDDC is a continuation of this tradition. (DDDC Press Release, 19 June 2009)

Furthermore, the panel briefed two meetings of the Sudan Consultative Forum, firstly in Khartoum on 17 July, and then in Addis Ababa on 6 November 2010. The establishment of the Consultative Forum was the latest manifestation of the international focus on Darfur, and an expression of the varied interests in the outcome of mediation of the conflict. The United Nations, through UN Security Council Resolution 1935 of 2010, expressed its support for the AU-UN-led political process for Darfur and the role of UNAMID in assisting the process. The UN further called for the process to complement the work of Joint Chief Mediator Djibril Bassole in the Doha process.

The framework approach followed by the panel was to address issues such as the land question, reconciliation, justice and development. With regard to land issues, the panel found out that although general consensus was that the traditional *hakura* system be restored, it should not lead to the creation of ethnically exclusive enclaves, as this might lead to conflict, but should entrench the general right of all Sudanese citizens to land necessary to enable livelihood (AUPD, 2009:40). The breakdown of law and order, and the politicisation of the native administrative system, including the latter's ineffectiveness and lack of impartiality, led to the situation of an absence of a law enforcement machinery in the region (ibid:42). Against this background, armed militias and other groups, existing in an environment characterised by the proliferation of small arms, acted

with impunity and violence.

Consequently, in pursuing reconciliation, issues of justice, according to the panel, had to be addressed as well. Mbeki and the panel regarded the three objectives of peace, justice and reconciliation as inter-connected and inter-dependent (www.polity.org, 2009). In this regard, reconciliation was to be promoted by the extent to which justice would be seen to be done, and by the individual or collective willingness of perpetrators of crimes to acknowledge responsibility for violations (AUPD, op.cit:341). The cause of peace, the panel believed, would then be enhanced. In terms of justice, the panel recommended that various existing and available forums for addressing related matters should be utilised, namely the formal courts, traditional courts and the transitional arrangements of the TJRC, to allow for the participation of all groups in society, and to remain consistent with the principles of fair trial and due process (ibid:338). In addition to reconciliation and healing, the panel pointed out the need for substantive laws and proceedings to promote acts of restitution and reparations (ibid). The more serious violations, it was recommended, would be dealt with by the hybrid court. The panel believed that this environment would foster trust and create space for a meaningful political settlement.

In addition, the AUPD recommended that environmental factors in Darfur needed to be dealt with if any lasting settlement was to be achieved. The panel pointed out the centrality of environmental issues to the conflicts in Darfur, highlighting that drought and climatic volatility had compelled nomads and their herds to move further afield than ever before, and this led to an increase in disputes between nomads and farmers, many of which turned violent (ibid:40).

In this context, in order to end the conflict in Darfur and to ensure that all its inhabitants feel fully integrated into the whole Sudanese society, the AUPD stressed that negotiations should not be restricted to issues such as ceasefire, disarmament and demobilization, but should be expanded to cover issues that were central to the marginalisation of the region and which needed to be addressed, such as access to resources (interview with Mbeki, op.cit). According to Mbeki, one of the critical issues was the need to ensure that the people of Darfur eventually felt integrated into larger Sudanese society (ibid). This would be inherently consistent with the broad principle

espoused by the AUPD – that the Darfur issue should also be addressed within the context of the broader transformation and democratisation of Sudanese society as a whole (Report by the AUPD to the AUPSC, 2011).

Obstacles to the AUPD process

i) Insecurity

As the panel was continuing its work, violent clashes continued to occur in Darfur. The situation was made worse by arms proliferation and smuggling in Darfur, which persisted even before the major attacks on the government by the armed movements in 2003. During his visits to El Fasher and El Geneina in July 2009, where he met the Governors of North Darfur and West Darfur respectively, UN Under-Secretary for Peacekeeping Alain Leroy was informed that the readily accessible illicit arms industry in the region was entrenched and constituted a major source of insecurity (panapress.com, 14 July 2009). The problem was particularly large in West Darfur, with its large border with Chad. The latter has historically provided support to some of Darfur's armed movements, and its territory was used as both a secure location and a launching base for the movements into Darfur. The development of increasing levels of violence was regarded by the armed movements and other Darfur stakeholders as an impediment to lasting peace. For instance, in 2010, a series of clashes occurred between the Sudanese Armed Forces and the armed movements. In May, JEM and the government forces fought in Darfur, with heavy casualties on both sides, followed by further clashes between government forces and JEM and SLA-Abdul Wahid (AW) forces in Deribat, eastern Jebel Marra (HSBA, 2013:2).

The armed movements themselves also continued to fight each other. In July, clashes broke out in Hamadiya camp near Zalingei between supporters of SLA-AW and those of the SLA-Abdel Shafi faction, which had decided to join the Doha talks. These clashes, condemned by UN Secretary-General Ban Ki-Moon, spread to Kalma camp, killing 35 people and displacing 25,000 (ibid:4). The Governor of South Darfur, Abdul Hamid Musa Kasha, accused the SLA-AW of attacking the Kalma camp in order to sabotage the peace process (ibid). Six local leaders accused by the Sudanese authorities of instigating the violence sought refuge at a UNAMID community policing centre (Security

Council report: June 2013). In December 2010 alone, escalating levels of violence led to the displacement of 32,000 people in the Khor Abeche region (Elkins, 2011:1).

In 2011, violent incidents continued. For example, in mid-May, government forces launched aerial bombardments against the armed movements in Labado, which affected and displaced civilians (AU Commission, 26-28 June 2011:33). In September, SAF and allied militias attacked the Fur town of Tabra, which led to the deaths of 58 people with 86 wounded, while in the same month in the Jebel Marra region, 13 Sudanese police were killed and 30 wounded in a clash with armed groups (Security Council Report, 30 September 2011:5). Sporadic and isolated attacks on UNAMID peacekeepers continued, as illustrated by the attack on 10 October by unidentified armed militants, which led to the deaths of two Rwandan soldiers and a Senegalese police advisor (ibid). However, these violent incidents were on the decline as the year came to a close. They had nonetheless exacerbated an already worsening humanitarian situation, particularly related to the increasing the influx of people into IDP camps.

ii) Fragmentation of the Movements

In addition to armed clashes between some of the armed movements themselves, they also continued to be disunited at a political level, despite some efforts aimed at unity. Leadership among the armed movements remained fractured, and in relation to some groups, non-existent. Their failure to speak with one voice or even agree on negotiating with the government around some common grievances threatened to make them peripheral players in the AUPD process. The ideologies and objectives of some of the armed movements were also at odds. According to Bartlett (2009:1), JEM continued to pursue the option of influencing the power struggle within the Sudanese government, and also overthrowing it, while other armed movements such as the SLA/Minni Minnawi chose to confine their focus on addressing the core grievances related to reversing the marginalisation of Darfur and ensuring the security and defence of their embattled constituencies in towns, villages and camps in the region. In addition, intra-movement divisions have over the years led some rebel commanders to form factions as they became disillusioned with their leaders, some of whom the commanders accused of being young and inexperienced, and only catapulted into the glare of the media and

broad attention (Reuters, 2010:2).

In an attempt to forge cooperation and unity in their fight against the government, SLA-Abdul Wahid and SLA-Juba announced the formation of an alliance in May 2011, while during the same period Abdul Wahid and his group established other alliances with SLA-Minni Minnawi and SLA-Mother. Furthermore, a breakaway faction of the LJM signed an agreement with JEM on 18 May 2011 to work together (AU Commission, June 2011:32). However, these new alliances were not based on any significant political issues and common strategies to deal with the government. Apart from condemning the government's plans to hold a referendum on the status of Darfur in June 2011, the armed movements did not launch a united platform against the government. The AUPD recognized the adverse effect of the continuing fragmentation of the armed movements on the peace process. Consequently, the panel held a meeting in Tripoli in August 2009 with representatives of several factions of Darfur's group, namely, the Front of the Revolutionary Force, United Resistance Front, the Arzag branch of the JEM and a few branches of the SLM (panapress, 5 August 2009). Ethno-tribal affiliations of their leaders constituted obstacles to unity. Some of the factions were too small and weak to have an impact.

iii) Non-cooperation of the Main Groups

Although the AUPD succeeded in involving a wider degree of stakeholders in consultations and negotiations, it could not secure the cooperation of some of the armed movements. For instance, both the JEM and SLM-Abdul Wahid held a negative view of the AUPD and its role, arguing that some of the recommendations of the panel would reignite violence, with Abdul Wahid al Nur refusing to have meetings with Mbeki (Sudantribune.com, 12 December 2010).

iv) Competitive Mediation

Just as the AUPD was taking off, another parallel mediation process which started in Doha in July 2009 emerged. The African Union, seeking the endorsement of the United Nations, accepted joint mediation, drawing from the experience of Abuja, and initially attempted to bring the two processes together. To complement the hybrid peace-keeping

operation in Darfur, both the AU and UN felt a collaborative approach was necessary. In November 2010, a Sudan Consultative meeting held in Addis Ababa under the auspices of the AU and UN and attended by Sudan's neighbours, representatives of IGAD, Arab League, Qatar, EU and the Organization of the Islamic Conference pronounced that the Doha outcomes document, which was frantically being developed by its architects with a deadline of no later than the end of the following month, December, would constitute the launching and initial departure point of the Darfur Political Process (DPP) (AU-UN SCF Communiqué, 2010:3). Attempts were thus made to link the two processes. At one point, the panel decided not to push for the immediate implementation of its recommendations, following a plea from the JCM that his Doha strategy would yield quick results that would lead to an agreement and the launching of the DPP (de Waal, 2012, op.cit). Realizing that the Doha process was running into obstacles and facing resistance, the Panel set forth to re-engage with the stakeholders and called for the expeditious implementation of its recommendations. However, it was apparent that despite the wishes of the Sudan Consultative Forum, the platform of the Panel and the Doha process had been operating at opposite ends for a while, not realizing synergies or convergence.

The dilemma of competitive mediation had once again crept into mediation in Darfur. Symptomatic of this challenge is the general issue of coordination and collaboration between the AU, UN and partners in mediation efforts on the African continent. While common purpose and consensus is important, the question of entry and clarity of mandate also assume significance. As observed,

In Africa, conflicts often fall simultaneously within the peacemaking mandates of the AU, the UN and one of the RECs. This complex and fragile nexus is sometimes characterised by tension as there is uncertainty and competition over which organisation should take the lead in a mediation endeavour. Some tension is perhaps unavoidable due to different political perspectives and agendas, but it is nevertheless necessary to improve coordination and cooperation between these organisations. (AU Commission Seminar report, 2009:22)

Despite efforts by the AUPD to expand the level of representation in Darfur mediation beyond the normal engagements with the rebel movements, and to include broader civil society, this approach was hampered by the recalcitrance of the armed movements, as they had entrenched themselves and proclaimed themselves to be representatives of their communities. Furthermore, the communities feared the men at arms and were also

not organised enough to establish themselves as negotiating partners. Also, the constituencies tended to be divided along ethnic lines, often reflecting allegiances to particular rebel movements. Even in IDP camps, support varied between links to Minni Minnawi, Khalil Ibrahim and others.

A particular shortcoming of the AUPD process was that it became overshadowed by the Doha process, despite the latter's lack of inclusivity in terms of rebel representation and the Darfur population at large. The Doha process received attention from its Qatari backers and the Arab League. The AU continued to support the AUPD. At the same time, the AUPD demanded more supervision over and reporting by Bassole (Flint, 2010:40). Nonetheless, with Bassole's term due to expire in June 2010, Gambari wanted the convening of the All Darfur Conference of stakeholders to be occur soon under UNAMID auspices, with a continuing strong Qatari role to guarantee development money for Darfur (HSBA, 2010). In this case, there was no reference made to the possible role of the AUPD in this envisaged conference, despite this being an essential objective of the Darfur Political Process.

Another problem was that as time went on, meetings and sessions convened by the AUPD became less frequent, leading to a reduction in momentum. Contact between the actors became infrequent and minimal under this process. It was becoming increasingly clear that there was no effective cooperation between the DPP process and the Doha track. At its 271st meeting in Addis Ababa on 8 April 2011, the Peace and Security Council of the African Union, in its communiqué, recognized this reality, and noted:

...the need for the Joint Chief Mediator to liaise closely with the AUHIP and coordinate his efforts and initiatives with the panel, especially those that could affect the other tracks, including extending the deadline for the completion of the Doha process. Council regrets that such coordination has not taken place and that, as a consequence, the necessary coordination and harmonization between the Doha process and the DPP and other AU policies, do not yet exist (AUPSC, 8 April 2011).

Creeping timelines and the constraints of deadline diplomacy also became a factor. The pressure exerted by the government authorities and the Qatari government, the financial backers of the Doha process, for a quick conclusion of the latter track, put the African Union in a difficult dilemma. On one hand, the AU was aware that the Doha process was not all inclusive and had wished that other armed movements would join. Any extension

to the Doha timelines, it hoped, would possibly allow others to join. On the other hand, with the independence of South Sudan looming in the following two months, the continental body was aware that the Government of Sudan would not countenance any long delays. With this impending independence, the interim constitution would give way to a permanent one and Darfur would necessarily be part of the new constitution. Recognising the changing political dynamics, the Mbeki panel had thus emphasised in its recommendations that the Darfur crisis be resolved well before the April 2010 elections to enable Darfur to take part in the polls (www.umma.org, 2009). As the chairperson of the panel pointed out:

In our Report we insisted on everything being done to enable the people of Darfur to participate in both the 2010 General Elections and any national dialogue that might take place around the critical issue of the 2011 South Sudan Referendum. For this reason, we thought it was important that the Darfur negotiations should be concluded before the impending general Elections. We attach a great deal of importance to this because we were concerned that should the people of Darfur feel excluded in any way from both the Elections and considerations of matters relating to the Referendum, this would serve to underline their marginalisation and disempowerment which were a central cause of the armed uprising which started in 2003 (www.polity.org.za, 2009).

However, the reality was that any resolution was unlikely to happen within the short time span left. The recommendations of the panel were not being implemented by the GoS and the Joint Chief Mediator, while the Doha process itself was moving slowly and the main armed movements were absent from the latter talks. The DDDC process was not making a lot of progress in leading to a Global Political Agreement. This proved to be a major flaw in the concept of joint mediation and revealed the collaboration problems between the two processes, especially where there was also no coordination of timelines set by the mediators. More critically, the scope and depth of the Darfur issues, and the recommendation to link them to the impending rapidly evolving Southern issues from 2010 onwards, though significant, proved to be a daunting task, especially given the unwillingness of the GoS to contemplate fast-tracking any process or forum other than Doha.

Another shortcoming was that by the end of 2011, the AUHIP on Darfur was engaged more with the North-South conflict between the Government of Sudan and the SPLM. After the independence of South Sudan, the Mbeki-led panel became more preoccupied

with the issue of post-secession or post-independence disputes between Sudan and the newly established state in the South.

In this context, although the Panel continued to exist, the focal point on Darfur shifted to Ibrahim Gambari, who in addition to his role as Joint Special Representative for UNAMID, assumed the role of serving as interlocutor between the government, rebel groups and communities in Darfur. His role was however limited and constrained by the inconsistent support he received from the GoS and the fact that some of the main armed movements doubted the ability or inclination of UNAMID to be a neutral actor in the conflict, despite its specific peace-keeping mandate.

Both the AUPD and Doha mechanisms sent conflicting messages to the communities on the ground in Darfur. To some communities, the AUPD represented an alternative avenue to their interests and aspirations, whereas others regarded Doha as a step towards reaching a peace agreement. This was despite attempts by the AU to present both tracks as complementary to each other.

The AUPD and Doha illustrate clearly the problem posed by competitive mediation and how this can affect movement towards common outcomes. A report (2012, ISS:2-3) focussing on the relationship between the AU and the UN in the context of mediation of some African conflicts pointed out that competition came about in certain instances due to lack of proper consultation between the two organs of these organizations, namely the AU Peace and Security Council and the UN Security Council, in that:

Whilst a cooperative relationship has been established, undergirded by high-level dialogue necessary for building strategic partnerships, the relationship exists at a nadir as a consequence of political tension over mediation in Libya, Darfur, Cote d'Ivoire and Madagascar. This has dealt considerable damage for future harmonious partnerships...The Darfur initiative was beset by chronic disagreement that intensified and became an issue in the public arena. This has obvious consequences for peace-making initiatives. Firstly, for instance in Madagascar and Darfur, mediators paid too much attention to scheming about other mediators. Secondly, at times mediator actions were undertaken with the deliberate intention of undermining opponent mediators. An example of this occurred when AU criticism of the Darfur mediation-which was perceived to be more accountable to the UN and France than the AU-led to the involvement of former South African President Thabo Mbeki. Thirdly, a lack of cohesion and cooperation between various organisations engenders a lack of confidence in mediation amongst the clashing parties. Fourthly, rival mediation efforts could result in conflicting parties possessing leverage over mediators and choosing only those who were favourably disposed towards them.

This factor is also compounded by the tendencies that emerged out of the United Nations. It became apparent that the UNDPKO leaned towards support to the Doha process, although they were not overtly opposed to the AUPD mediation; while UNAMID, because of its proximity to the conditions and appreciation of the sensitivities on the ground in Darfur, supported the holding of a Darfur-Darfur Conference and the necessity to establish an all-stakeholders process, a position which found resonance with the approach of the AUPD (interview with Mbeki, op.cit).

At the same time, the United States continued to follow a parallel process of discussions with the Government of Sudan. On several occasions, the US special envoy to Sudan, former Air Force General Scott Gration, held meetings with the authorities in order to put pressure on them to deal decisively with the Darfur matter. Gration also met with the rebel movements, both in Darfur and outside the region. In August 2009 in Addis Ababa, he met leaders of several factions, including those of SLA-Juba, SLA-Unity, an SLA faction headed by a north Darfur commander Ismael Rifa Jara and also with the United Resistance Front (Flint, 2010:41). During these meetings an agreement was reached to establish a roadmap to unite various factions of the SLM and reach out to splinter groups of JEM and at the same time called for a unity conference (ibid).

v) Implementation of Recommendations

The AUPD would need the coalescence of the Government of Sudan, the rebel movements and the various other stakeholders for the implementation of the recommendations contained in its October 2009 report to the AU Peace and Security Council meeting in Abuja. Its call for the creation of a hybrid court comprised of Sudanese and international judges to deal with issues of justice and impunity was given a lukewarm reception by the authorities in Khartoum, who insisted that such courts should not operate at the expense of Sudanese independence and sovereignty (ibid:40). Furthermore, critics of this proposal said the hybrid courts would be unworkable without a much stronger implementation mechanism (ibid). The authorities in Khartoum regarded the establishment of a hybrid court as a violation of the country's constitution (IPI, 2010:3).

Furthermore, some observers point out that although the AUPD called for cessation of

hostilities and for rebel unity and inclusive negotiations, it offered no ideas or concrete proposals on how to overcome these obstacles (ibid). However, the AUPD did offer some proposals in certain instances. For instance, it proposed the establishment of a Darfur Implementation and Monitoring Commission (D-IMC) to oversee the implementation of a Global Political Agreement (GPA) (AUPD report, op.cit:122). It was nonetheless clear that a political agreement was still non-existent and any mechanism for implementation would need the support of the Government of Sudan.

There was a lack of political will from the side of the Sudanese government to commit to genuine democratisation of the Sudanese state. The extent to which the NCP leadership was willing or capable of democratizing and transforming Sudan, with the hope of resolving all conflicts in Darfur, provided an uncertain prospect to the peace process (interview with Dersso, 9 December 2011).

Conclusion

The entry and involvement of the AUPD in the Darfur mediation was an attempt by the African Union to reassert its influence over the mediation of the conflict and to achieve the objective of providing African solutions to African problems. By approaching and choosing former President Mbeki to head a panel that included other former heads of states such as Abubakar and Buyoya, AU Commission Chairperson Jean Ping tried to address the concerns of African Heads of State and Government, who during various summits of the continental body emphasised the need to arrest the impending danger of the AU being unable to conclusively deal with conflicts, and the risk of being marginalised in that regard. Although cooperation with the UN was regarded as very important, as illustrated by support of the joint mediation under Salim and Eliasson, and later accommodation of Pronk until the Sudanese authorities expelled him from Sudan, the AU became aware of the limitations of the joint approach to mediation.

The AUPD had to contend with an environment wherein its mediation took place in a contested environment of competitive mediation. The UN Security Council was a factor in this context, and some of its permanent five members, particularly the United States, retained an active interest. As the AUPD panel interacted with various stakeholders in Darfur, US Special envoys continued sustained engagement with the authorities in

power in Sudan. Furthermore, the panel also held a number of briefings with senior US representatives, including Special Envoy Gration, not only to sell its vision and approach to the Darfur issue, but to also to clarify matters. On one such occasion, in June 2010, Mbeki met US Secretary of State Hilary Clinton, wherein the issue of Darfur was discussed (News Blaze, 16 June 2010). At another level, the AUPD's role was undercut by the role of Qatar, which, over and above providing a venue for the talks, dictated the reporting framework for Joint Mediator Bassole. The latter did very little reporting to the AU in Addis Ababa or to any session of the AU Peace and Security Council.

In this environment, the relationship between the AUPD and the Joint Mediator was from the beginning characterised by a lack of cooperation, with Mbeki and Bassole hardly coordinating their work. The architects of the AUPD saw it as providing a more comprehensive platform of understanding the root causes of the conflict in Darfur and involved engagement with the vast majority, a process which could eventually benefit the more narrowly focussed negotiations in Doha. If properly synchronized, the AU believed that an all-Darfur Stakeholders conference, emerging out of the DDDC, would lead to the broad acceptance of the Doha process. However, to the contrary, the two tracks failed to converge. As originally envisaged, the AUPD consultations were completed on time and the recommendations it provided were to be implemented by the Joint Mediator, having being accepted by the AU leaders. The Joint mediator and the sponsors of the Doha process steadfastly refused to deal with or address issues raised by the AUPD, opting instead to focus on a few of the armed movements it could get to the negotiation table.

The consultative approach of the panel, with its holding of meetings in the villages, towns and cities in West, North and South Darfur, and in neighbouring Chad, was welcomed by many of the stakeholders who participated. It assisted in building confidence in communities. Ordinary Darfurians felt they were for the first time becoming an integral part of the peacemaking environment, and had a say in their future. Of course some of the armed movements saw this inclusive style of engagement as a threat to their monopoly over power and influence in the communities, IDP and refugee camps. The armed movements have always believed that they are the sole representatives of the people. As a response, the armed militias in Darfur sought to continue their use of force, as this instrument sustained their existence. Therefore, as

the AUPD consultations continued, sporadic acts of violence continued as inter-communal clashes erupted. Furthermore, the *Janjawiid* and armed movements attacked each other and at a broader level the government and the main armed movements forged ahead with confronting each other militarily.

The armed movements remained fragmented. Disunity continued as leadership rivalries became more prevalent and new factions and splinter groups emerged. The problem of discord between the political and military leadership within the armed movements continued to undermine their ability to form a united front against the GoS. Although some of the armed movements participated in the numerous stakeholder consultations convened and facilitated by the panel, major armed movements such as the JEM and SLA-Abdul Wahid remained sceptical and questioned whether the approach of the panel would yield results. However, the AUPD should also have had more interactions with the armed movements, given that in the volatile situation that Darfur constituted, those who held leverage or influence over the communities because of control over arms and had the capacity to use force or coercion were always going to be a factor in any political settlement. Abdul Wahid al Nur's popularity and control in some of the IDP camps in Darfur is an example of this point.

The innovative approach and mandate of the AUPD led to mixed results, which reflected its accomplishments and highlighted the problems it faced. The AUPD was able to articulate in more detail, and perhaps with more depth than the other processes starting with Ndjamena, aspects related to the root causes of the Darfur conflict, anchoring these in the context of the greater Sudan problem, core-periphery relations, marginalization of the region, the land question and environmental issues, including the pivotal role that matters such as justice, impunity and the need for reconciliation should play in any future resolution of the conflict. According to Fortna (2003:363), political agreements that address underlying causes and the contributions of these to civil conflicts or wars normally lead to the existence of durable peace. The AUPD believed that addressing such fundamental issues would result in the eradication of the conflict in Darfur.

However, by outlining the necessity to deal with issues of justice and impunity, particularly the call for the establishment of a hybrid court, the AUPD hit a raw nerve with

the GoS. The context of the ICC indictment on President Al Bashir and a few of his colleagues, including major atrocities blamed on the government-sponsored *Janjawiid* militias and Popular Defense Forces inevitably led to the government's rejection of the recommendations put forward by the AUPD. In relation to the ruling elite, the political temperature was thus not right to deal with the matter and they were thus not willing to open negotiations around such issues. As Mutwol (2009:7) aptly argues, a civil war agreement that promises accountability for past crimes is more likely to be overthrown or not accepted than one that does not. For the Sudanese leadership, these matters were not negotiable. The government maintained that these issues infringed on the sovereignty not only of the constitution but also undermined the capacity of the national judiciary to deal with them.

The AUPD was also of the view that the moment was ripe for a concerted effort to be made to resolve the Darfur crisis. As Mbeki himself remarked during the Panel's briefing to the UNSC on 21 December 2009,

Just over a week ago, we visited Sudan as the AU High Level Implementation Panel for Sudan, the AUHIP, and had occasion to meet, among others, with a broad spectrum of the leadership of Darfur civil society. These leaders emphasised exactly this point that, to use their words, the situation in Darfur was ripe effectively to accelerate the peace process (www.polity.org.za, 2009).

In this context, the parties to the conflict had approached, although not fully arrived at, what Zartman (2001, 2003) calls a mutually hurting stalemate. The Government of Sudan was embattled from sanctions and international pressure, while the armed movements were weaker and fragmenting further into factions and splinter groups. An element of a ripe moment had presented itself but the opportunity was lost. The momentum of the AUPD's work was lost and the recommendations of its report were not taken up by the Joint Mediation that was running in parallel in Doha. Once again, the AU had been unable foster a breakthrough.

CHAPTER 7: DOHA MEDIATION

Introduction

The African Union and the United Nations appointed Bassole, whose entry was largely accepted. Bassole, because of his relatively low profile, was not likely to adopt what Zartman and Touval call “mediation with muscle”. He was regarded by the conflicting parties as non-threatening and unlikely to exert a lot of pressure and forcefully push through a settlement. However, the consent given to the joint mediator’s entry soon turned into apprehension as he became manipulated by the host, Qatar, and put under enormous pressure by some of the permanent members of the UN Security Council. To complicate matters further, Bassole was criticised by the AU for his perceived non-cooperative stance towards the AUPD, AU Peace and Security Council and the AU in general. Moreover, by rejecting his overtures and invitations to join the Doha process, a number of the major armed movements in Darfur made the mediation environment in which he was operating difficult and complex. Did this context provide the mediator an opportunity to use any leverage or not? In this environment, what strategies or approach did the Joint Mediator adopt during the mediation? Which interests became central in the course of the mediation period and was impartiality, or lack thereof, a factor in this regard? Lastly, did the Doha Agreement of July 2011, called the Doha Document for Peace in Darfur (DDPD) enhance the prospects for peace in the region? Was it implementable?

Evolution of Doha Mediation

The Doha mediation, which started in February 2009, was undertaken under joint AU-UN mediation and was led by Djibril Yipene Bassole, former Foreign Minister of Burkina Faso, who was appointed as mediator. The bold attempts by Salim Ahmed Salim and Jan Eliason to create a roadmap towards peace post-Abuja, with the intention of unifying the armed movements and getting them to reach a meaningful agreement with the GoS through a comprehensive round of negotiations, did not result in a success. Bassole’s arrival on the scene was seven months late, with the UN having announced his appointment on 30 June 2008. The host of the talks, the State of Qatar, provided political

and material support. The initiation of the Doha mediation had started a year earlier in 2008, during a meeting of Arab Ministers of Foreign Affairs, when the Qatari delegation introduced a draft resolution whose intention was to launch a Qatar-Arab initiative on Darfur, emphasising the necessity for cooperation with the African Union (interview with Ramtane Lamamra, *op.cit*). A three-member Ministerial Committee was then established, consisting of the Minister of State of Foreign Affairs of Qatar, the Secretary General of the Arab League and the Chairperson of the African Union Commission. Consequently, the Qataris brought the support of the Arab League to the mediation.

Qatar's arrival on the Darfur scene represented an attempt by the Emirate to be seen as a key international actor and supporting the joint AU-UN mediation was seen as an integral part of this strategy (Lamamra, *ibid*). In its region, Qatar was involved in brokering accords between the Palestine Liberation Organization (PLO) and Hamas. Similarly, it was also involved in peace efforts inside Lebanon. It was now trying to assert its role beyond the Middle East and extend its influence to other regions. As Flint (2010:33) puts it,

Qatar, for its part, was attempting to carve itself a role as a 'third way' in Middle East and international diplomacy. It maintained political contacts with countries as opposed as Israel and Iran; it hosted US central Command, the US military command structure directing wars in Afghanistan and Iraq, as well as the Arab television station Al Jazeera; and in May 2008 it had used its influence with pro- and anti-US groups in Lebanon to broker a deal to end a political crisis that many feared could tip the country back into civil war.

This posture by Qatar is consistent with the assertion by Zartman and Touval (2007) that just as the process of mediation is important, the interests of the mediator are equally central. Qatar's support for the mediation arose from its belief that it had leverage over Khartoum, and could use the cultural and religious affinities it had with Arab and Islamist elites in the NCP-led government to promote the peace process and bring about a settlement by the conflicting parties in Darfur (interview with Nathan, *op.cit*). Apart from close links with the NCP, Qatar had also cultivated strong relations with the Islamist PCP political grouping of Hassan al-Turabi. In 2001, Qatar had tried to get the NCP and PCP to reconcile their differences (Flint, 2010:33).

In order to provide incentives for the parties to reach a settlement, Qatar pledged to

establish a 2 billion US dollar Special Fund for Darfur in order to assist in funding development and reconstruction projects in the region. Qatar's State Minister for Foreign Affairs, Ahmed bin Abdalla al-Mahmoud, pointed out that these funds would be made available in the event of an agreement being reached in the negotiations in Doha (ibid) The Emirate's leaders and representatives also wanted to address a major concern raised in Abuja which was one of the most contentious, namely, funding to tackle underdevelopment of the region.

In the UN Security Council, three of the permanent members, the United States, France and Britain, were more comfortable with the Doha process and overtly supported Bassole. However, they realized that the support of the AU was necessary for the process to have legitimacy. China and Russia, although generally supportive of a comprehensive peace process inclusive of Darfur's people, were wary of a process that was characterized by undue pressure from outside.

Of the main Darfur rebel movements, only JEM was present at the start of the negotiations in Doha, but it soon retreated. From the beginning, Bassole had focussed on getting JEM to be a central player in the negotiations, a position which was supported by Qatar, France and Britain, but opposed by others (Flint, op.cit:33). Bassole believed that if he could get the cooperation of JEM, this would put pressure on Abdul Wahid al Nur's SLA to join the Doha process (ibid.) However, JEM had decided not to participate again and withdrew from the new round of talks scheduled to begin on 19 November 2009, citing lack of unity among the rebel movements as the reason (*Crisis Watch*, no. 76, 1 Dec 2009:3). Abdul Wahid al Nur of the SLA/M-A did not attend, preferring to remain in his exile base in France. The talks were then postponed. However, despite the failure of this new round of talks, Bassole and his mediation were able to get some of the civil society representatives who had converged in Doha from 16 November ahead of the aborted talks to agree on a single negotiation position (Flint, 2010:35).

The newly established Liberation and Equality Movement (LJM), a coalition umbrella group of about fifteen small groups, joined the Doha talks in early 2010. Supported by the AU-UN joint Mediation Support Team (JMST), comprised of technocrats and experts, Bassole set out to get a new peace process started. JEM's participation in Doha

fluctuated between interest and indifference, with Khalil Ibrahim and his group often appearing in Doha and making statements without actually being involved in the negotiations themselves.

This context made Bassole's entry into the mediation complicated. Maundi et al (2006) point out that consent is the backbone or cornerstone of entry into mediation and therefore the lack of acceptance of his mediation from the side of other armed movements was an obstacle that the parties and the mediation was confronted with. Where it tried to engage the GoS, with the prodding of the Qatari hosts, the encounters were usually short-lived. This was to be the pattern of JEM's association with the process at the initial stages. Libya, a close ally and frequent host of Khalil Ibrahim, exerted pressure on JEM to be more engaged in the Doha talks, particularly as Libya and Qatar at that time had developed close relations (interview with Lamamra, op.cit). However, JEM remained distrustful of the government and its intentions. Although the Sudanese government would not overtly admit it, the non-participation of other major armed movements was also a major concern to the government. Al-Bashir acknowledged that the government was hopeful that the rest of the armed movements would participate in the Doha round as this would strengthen the process (Meeting with AUPSC members, Khartoum, 16 December 2010).

According to the Doha timelines, an Outcomes Document was to have been completed by early to mid-December 2010. The Outcomes Document was intended to serve as the departure point for the holding of the initial meeting of the Darfur Political Process (DPP) in mid-to-late December 2010 under the auspices of the AUHIP or AUPD and UNAMID, and in partnership with Qatar (AU-UN SCF meeting, 6 November 2010:3). In essence, this planned meeting was to lay the foundation for an all-inclusive Darfur-Darfur Conference in the near future, preferably during the early part of the following year, which would culminate in negotiations that would lead to the conclusion of an inclusive political settlement based on consensus among the people of Darfur (ibid:3). The Outcomes document was not ready as planned according to the timetable agreed to between GoS and LJM and the meetings did not take place either. This development delayed the conclusion of the Doha negotiations. Furthermore, the attempt to streamline the DPP and DDDC into the Doha timelines represented an ambitious attempt to

reconcile two parallel yet divergent processes.

In terms of the peace talks themselves, civil society representatives were not present in Doha, at least at the beginning of the negotiations. When pressure emerged in favour of the participation of broader Darfurian communities, GoS responded by creating its own civil society organizations (Khalid Ali el Amin, 2010:92). To further illustrate this challenge, a select group of senior National Congress Party (NCP) leaders attended the talks in 2009 in their capacity as representatives of civil society groups (ibid:92). The involvement and participation of civil society groups would have, according to El Amin:

Generated momentum for the process, communicated community concerns to negotiators, and provided legitimacy for any agreement (ibid).

In that context, a lot of the persuasion was undertaken by the Qatari hosts and the partners, as illustrated by efforts to get Abdul Wahid al Nur to attend and to get JEM to make concessions during the periods it chose to participate. Furthermore, and according to El-Affendi (2009:3), Bassole's inputs into the Doha mediation tended to be minimal. Another problem was that he was often at war with his mission, refusing to invite any of his senior colleagues to the talks.

Bassole continued to pursue the participation of JEM and SLM-Abdul Wahid. For instance, he travelled to Khartoum with Qatari Minister of State for Foreign Affairs Abdullah Al-Mahmoud in November 2010 to meet president Al-Bashir to discuss, *inter alia*, the government's response to the demands of the armed movements participating in Doha for a single region for Darfur and the position of Vice-President in the Federal Government, issues which were not resolved (thefreelibrary.com, 26 November 2010). It was also during this meeting that Bassole and Al-Mahmoud requested Al-Bashir to make some concessions to JEM's demands for the resumption of talks, particularly around issues of power-sharing and the free movement inside Sudanese territory for its leader Khalil Ibrahim, then based in Libya (ibid). In the discussions, the need to establish further contact with Al-Nur was raised, as the latter was conducting a series of consultations in Nairobi with his group around the issue of the peace process (ibid). At the beginning of May 2011, the mediation issued invitations to the leaders of SLA/M-Minnawi, SLA/M-Abdul Wahid and the new and lesser known SLA/M-Abu El Gasim Imam to join the talks

in Doha in order to enhance the inclusivity of the peace process (AUC Report, 26-28 June 2011). These armed movements refused to attend the talks in Doha. A number of the Darfur groups objected to the venue of the talks, declaring that the talks should have been held in an African country. Qatar was viewed by some of them as not impartial or neutral, citing its close links with the Government of Sudan.

Another round of talks took place later in the month from 21 to 27 May to discuss a document prepared by the mediation. About 500 delegates comprising of selected representatives from Darfur including tribal leadership, civil society, internally displaced persons (IDPs) and refugee communities were invited to Doha. The mediation support team produced a document for consideration and signature. This led to the production of a framework document, as it came to be known, covering seven areas which were to form the basis of an agreement between the conflicting parties. The government hoped that the signing of this document between itself and the LJM would force JEM to limit its demands and rejoin the process. The framework agreement comprised the following,

- Power-sharing and administrative status of Darfur

- Wealth-sharing

- Permanent ceasefire and security arrangements

- Compensation and return of IDPs and refugees

- Human rights and fundamental freedoms

- Justice and reconciliation

- Internal dialogue and consultation mechanisms

With regard to the issue of power sharing and administrative arrangements for Darfur, outlined in chapter two of the DDPD, the following issues should be highlighted. Firstly, Article 3 of the provision indicates that in terms of power-sharing at the national level, the principle of proportionality would be applied (DDPD Agreement, 14 July 2011:14). This meant that in terms of representation in the national executive, as stipulated in Article 4, the armed movements would have their representatives appointed to occupy one of the

few vice-Presidential posts on offer, while they would also have five ministerial cabinet posts and four ministers of State (deputies) in line with proportional representation (ibid:15-16). This provision was similar to the DPA, opening the way to the continued political and administrative dominance of the NCP representatives. This control was also to be asserted in the national judiciary, the national civil service and other public bodies.

At the regional level, the Darfur Regional Authority (DRA) would also be based on the same principle of proportionality. This structure, in collaboration with the GoS, would serve as the principal implementation instrument of the DDPD (ibid:18). The DRA, comprising of two organs, the Executive Organ and Council, would have its own budget and undertake tasks related to planning, policy-making and implementation. It was envisaged that its primary aim was to promote the following:

Peace and security;

Socio-economic development, stability and growth;

Justice, reconciliation and healing.

The powers given to the DRA were nonetheless not sovereign, with the Government of Sudan having the prerogative to influence and participate in the operationalization of the structure. In this context, allies of the government would be advantaged, and these include the government-aligned Governors (*Waliis*) and other office-bearers, particularly since these people had the power of incumbency. Another complication was the government's position in favour of reconfiguring the three states in Darfur by increasing the number to five. The LJM wanted the status quo of three states to remain, which was the dominant view of the non-signatory armed movements of the DPA, but the government refused (*Al Jazeera*, 19 December 2010). The Doha agreement was thus characterized by imbalance, favouring the Government of Sudan. As Mutwol (2009) aptly points out, the success or failure of agreements in civil wars also depends on the structure of the settlement itself, and that these types of agreements are likely to hold if they include provisions for power sharing. It should be pointed out that although the DDPD, like the DPA, had these provisions, they were inadequate and not far-reaching enough to address the deep-rooted grievances.

With the national referendum having confirmed the secession of the South, the political status of Darfur firmly remained in the grip of the Sudanese government. Furthermore, although the agreement provided for the participation of the armed movements in the drafting of the national constitution, the final status of Darfur was to be decided through a referendum.

The wealth-sharing provisions, contained in chapter three of the DDPD, highlighted the necessity for the rehabilitation, reconstruction and development of the region, with social and physical infrastructure regarded as key priorities (ibid:27). A National Revenue Fund (NRF) and a Fiscal and Financial Allocation and Monitoring Commission (FFAMC) would be established to deal with these matters. The NRF was entrusted with the objectives of securing financial sources and funding, including foreign aid, while it would be the responsibility of the FFAMC to ensure financial transfers to the regions and institutions in Darfur. The GoS relied on the assurances of the financial pledges made by Qatar, which had announced a US dollar 2 billion fund. Unlike the Abuja process, which could not identify funding channels for the region, Khartoum was of the view that Doha had overcome this challenge (Atabani, Briefing, Khartoum, 16 December 2010). The signatories to the DDPD chose to be oblivious to the implications of the single-source mechanism that Qatar was promising, and the possibility of such a source controlling the post-settlement process.

With regard to justice and reconciliation, chapter 5, articles 55-58 of the document attempted to provide arrangements similar to the DPA. It committed to providing compensation, *Jabr al Darar* in Arabic, to a range of victims and a variety of transgressions. A dispute settlement process was also created to deal with contestations over land and property. In addition, a truth, justice and reconciliation commission (TJRC) was established to promote peace by encouraging disclosure of the truth about atrocities, seeking redress for victims and calling for forgiveness. In this process, it was envisaged the national government, the DRA, state administrations and local councils would support the work of the TJRC.

The question of the centrality of asymmetrical power relations between the conflicting parties was evident in the Doha process as well. During the negotiations, the

government had developed and announced what it called a new Darfur Comprehensive Strategy, dealing with issues that were also being discussed in Doha. This was not the only act of power projection displayed by the government, as illustrated by the referendum decree. The SLA/M-Minnawi and JEM regarded the latter aspect as an indication of the arbitrary and unilateral actions taken by the authorities in Khartoum (SLA/M-Minnawi and JEM *Political Statement*, March 2011).

Another shortcoming of the Doha process was the weakness of the LJM. The GoS negotiators dominated the negotiation terrain in Doha. The major counter to the strength of the government side was the JEM, although the frequent pull-outs of the latter's team from the talks left the LJM as the movement with which the government was really negotiating with. The LJM was in essence a coalition of small groups, attracted by a combination of diplomatic and financial inducements, which were invited to coalesce around the Doha process with the intention to create a semblance of formal negotiations (de Waal, 2012). Being new to the Doha peace process, it was always going to be at a disadvantage in terms of dealing with the resolute Sudanese authorities. Its negotiators lacked institutional memory and experience, having not dealt with the Khartoum authorities before in the early processes. However, a major flaw was that the LJM could not be regarded as representing a significant constituency in Darfur. It lacked cohesion and organisational discipline, combined with the added weakness of the absence of an effective chain of command and an almost non-existent military capability (Interview with Nathan, op.cit). The AU and UN joint mediation knew the fundamental limitations of the LJM as a viable negotiator for Darfurians but continued to promote it nonetheless (ibid). Bassole himself and his team acknowledged that without Khalil Ibrahim and Abdul Wahid al Nur the talks were weakened (ibid).

Doha's Diplomacy of Deadlines

Three years had passed since the signing of the DPA and the mediation of the Doha process was eager to achieve a much quicker conclusion to the new talks. The preceding years before the start of Doha had seen a few unsuccessful attempts to restart formal negotiations. Doha, like Abuja, was taking place when the parallel CPA process was unfolding and the negotiations had to content with the pressures emanating

from the latter. However, unlike Abuja, the parties in Doha had a definite target to aim for, which was to conclude the negotiations long before the implementation of the CPA, particularly the forthcoming referendum. The parties had already failed to conclude the negotiations by the earlier deadline of 19 December 2010, which was firmly set by the AU-UN mediator Bassole and his team. For such a strategy of deadlines to be realizable, it needs to be supported by the mediator's effective use of leverage or "mediation with muscle", an attribute which Bassole clearly did not have. Bercovitch (2007) recognizes the importance of leverage as an ability not only to communicate the benefits of cooperation to the parties but at the same time have the capacity to apply pressure if non-compliance threatens progress. Furthermore, use of such an instrument may entail bringing ultimatums to the negotiations (ibid).

For its part, the government, although it was a negotiating party, was exerting considerable pressure, even insisting, in the face of significant obstacles and waning legitimacy of the process, that a deal must be reached by the end of December 2010, failing which it would completely withdraw from the talks (*Al Jazeera*, 19 December 2010). However, realizing the inevitability of missing the deadlines and rescuing the process, the government decided to recast its timelines. By the time of the referendum of early 2011, which confirmed the South's decision to secede, the focus shifted on reaching an agreement before the July date of the inauguration of a new State.

This was more acutely desired by the Government of Sudan, who wanted to shape an agreement in Darfur which would encourage the unity of Sudan and thus portray possible secession of the South as a negative and undesirable option. The GoS was intent on showing the Southerners that grievances could be accommodated and resolved within a national framework of development, unity and a new, planned constitution.

A feature of the talks in Doha was the minimal pressure put on the parties by the mediation, as compared to the intense pressure the parties in Abuja were subjected to. A combination of threats and inducements were made by the mediation and international partners in Abuja. According to Duursma (2011:17) there was no real coercion of the parties in Doha, but instead the talks provided a secure environment in which trust could

be built among the parties in the peace process, and consensus achieved, as opposed to the "take it or leave it" approach of Abuja. Therefore, the mediation refrained from imposing an agreement on the parties (ibid). In reality, with regard to the armed movements, there was no need for intense pressure on the LJM. It was a willing and weak partner ready to sign. JEM and the main SLM factions were more formidable foes. Their indifference to the Doha mediation made it easier for Bassole and the JMST to get the LJM to agree on many issues.

Equally, the GoS negotiators were not subjected to coercion and manipulation;

...although the pressure on the GoS may have increased due to the International Criminal Court's (ICC) indictment handed down on 14 July 2008 against President Omar al-Bashir, no costs were leveraged and no benefits were provided by the mediation team at Doha. In fact, in response to this indictment, Bassole expressed the fear that it would dissuade GoS officials from engaging in peace talks. (Duursma, op.cit)

Furthermore, there were no threats by the partners to cut off funding for the mediation. Qatar's funding and hosting alleviated any possible pressure, providing the necessary support to the funding channels from the UN. When Bassole resigned from the mediation in April 2011, only to resurface towards the conclusion of the Doha talks, this ushered in a greater role in the process for Ibrahim Gambari, the AU-UN joint special representative and the political head of UNAMID. Gambari suddenly became the point-person and public face of the mediation, and began playing a key role. What worked to his advantage was his familiarity with grass-roots opinion on the ground in Darfur and his interaction with various stakeholders.

Other Elements of the Doha Document for Peace in Darfur (DDPD)

The DDPD bears close resemblance to the DPA. The issues were generally the same, with very little efforts made for the DDPD deal with the thorny issues that made some of the major armed movements not accept the Abuja process. In addition, it was apparent that the document was conscious to the post-Abuja realities such as the rapidly evolving nature of the conflict in the Darfur region. The provisions of the DDPD reflected the seven points outlined in the framework agreement, namely power-sharing and the administrative status of Darfur, wealth-sharing, permanent ceasefire and security

arrangements, compensation and return of IDPs and refugees, human rights and fundamental freedoms, justice and reconciliation, and the modalities for internal dialogue and consultation mechanisms. In terms of power-sharing, the main issue revolved around the issue of the allocation of posts in the central government. The LJM negotiated for getting the post of Vice-President in the Government of Sudan, a request the government was reluctant to grant.

Chapter 6, articles 62-74, of the DDPD focussed on the permanent ceasefire and final security arrangements and contained details on the role of the ceasefire and joint commissions and their roles in creating a conducive environment for peace, lessening of hostilities through the establishment of demilitarized zones, disarmament, reintegration of combatants and access for humanitarian aid agencies to communities affected by conflict. De Waal (Interview, 2012:17) recognizes some of the major flaws of the DDPD in relation to the security provisions, particularly the fact that despite the DDPD's reference to disengagement, withdrawal of forces and limited disarmament made little sense, as the LJM had very small military capacity on the ground in terms of fighters, while the GoS forces had by now spread throughout Darfur and had become involved in active operations against the forces of the non-signatory armed movements. To be precise, from the LJM's side, there were no units to disengage, withdraw or disarm. Even in other parts of the security arrangements such as ceasefire articles, the DDPD was weaker than the DPA (ibid).

With regard to the issue of justice and reconciliation, Doha also tried to address the issue of acts of impunity by the parties, with the GoS pledging to engage in further negotiations on the matter (Interview with Lamamra, 24 December 2011). Having not disarmed the *Janjawid* militia, and armed movements such as the JEM and SLM who were still engaged militarily and not committed to the Doha process, the GoS negotiators were aware that not much progress could be achieved. Amongst the major provisions of the Doha Agreement, whose implementation was given to an Implementation Follow-up Committee, were the establishment of a compensation fund for victims, a new transitional Darfur Regional Authority to govern the territory until its final status could be determined through a referendum, and a set of power-sharing agreements (Ottaway and El-Sadany, 2012:20). A weakness of the Doha Document is its inherent belief that the

newly established Darfur Regional Authority would be the key catalyst to drive the political process needed to secure lasting peace. The DRA, it has been conceived, would implement programmes that could lead to economic reconstruction and development in order to address the underlying economic grievances that are so much a part of the Darfur conflict. In the eyes of some Darfur communities, such a centrally driven project directed by the government through the DRA does not fully address their fundamental grievances. Apart from distrusting the motives of El Tijani Sissi and the Sudanese government, these sectors of society regard the Doha document as largely flawed.

Major Challenges of Doha Mediation

i) Insecurity and Violence

The Doha mediation was also affected by the continuation of armed hostilities and fighting between the armed movements inside Darfur. In the absence of any ceasefire, the parties continued to engage militarily and the humanitarian crisis remained. UNAMID peacekeepers were also increasingly becoming targets. Furthermore, acts of banditry and common criminality by armed gangs with no political agenda exacerbated the security situation. Doha was clearly not a process that emerged out of a ripe moment that presented itself. Equally, there were no conditions that entailed the creation of a mutually hurting stalemate whose heightened levels of pain compelled the parties to agree to mediation (Zartman, 2001, 2003). The parties to the Darfur conflict were not faced with a real or perceived threat of a catastrophe that would force them to seek durable solutions.

ii) Non-Involvement of the Key Movements

The talks were also hampered by the non-participation of some of the key rebel movements, namely the SLM/A-Abdul Wahid and the SLM/A-Minni Minnawi. Only the Liberation and Justice Movement (LJM) participated from the beginning. The JEM only announced in early 2011 that it would participate at the peace talks and continued to move in and out of the talks. Bassole also showed an inclination to persuade JEM to join the negotiations, but this tactic did not work (Interview with de Waal, 20 June 2012).

Seeing JEM as a prize to pursue, he made no significant efforts to court the Abdul Wahid and Minni Minnawi groups. This was despite the fact that JEM had no significant constituency within Darfur (ibid.). The AU has always been concerned about the non-participation in Doha of other significant Darfurian rebel movements.

For its part, Khartoum's position was that any agreement was better than none. Doha should continue even with the absence of other significant players such as SLM/A-Abdul Wahid and SLM/A-Minni Minnawi. It hoped the process would marginalise the non-participants.

iii) The Mediator

Another impediment to the mediation was the way the mediator approached the process. Bassole's mediation was characterised by ad hoc-ism and this proved ineffective (interview with de Waal, ibid). His mediation neglected to focus on the details and give consideration to the changing dynamics of the conflict, including the situation on the ground. Although Bassole had resources at his disposal, he lacked another equally essential trait that mediators in internal or civil conflicts need: local knowledge about the drivers of conflicts, which are issues that straddle the structural and cultural bases of power (Khadiagala, 2007:6). His mediation team was criticized for being inexperienced, with Bassole largely and deliberately working alone within the team (Flint, 2010:34).

Consequently, for others, Bassole was not totally conversant with the issues and was unduly influenced by some members of the United Nations Security Council (Interview with AU Official, Addis Ababa, 7 June 2012). The Joint Mediator reported more to the United Nations in New York than to the AU in Addis Ababa. He, like Pronk during the Abuja talks, rarely came to Addis Ababa, with an official of the AU pointing out that he came to brief the AU Commission only twice between the time he was appointed and the signing of the DDPD in July 2011 (Interview, June 2012). This meant that often, the Peace and Security Council was not fully briefed on developments in Doha.

Furthermore, the joint mediator did not adequately interact with Ibrahim Gambari, Joint Special Representative of UNAMID, which would have been an essential element to coordinate messages and for the operational command of UNAMID to be kept abreast at

all times of developments in Doha. Furthermore, many Darfurians wanted Bassole to work with UNAMID on the ground to promote the peace process. As Flint (2010:34) notes:

They urged Bassole to spend more time in Darfur and to encourage UNAMID to attempt to weaken Abdul Wahid's influence in the camps by doing more to address the concerns of camp dwellers. Bassole, however, continued to spend most of his time in Doha, strengthening the movements' conviction that he was 'a passenger on the Qatari bus'. He had little time for UNAMID, saying privately that the mission had no new ideas or leverage to offer

In addition, Bassole had very limited interaction, to the level of being non-existent, with the African Union Panel on Darfur (AUPD). He regarded the AUPD as a competitor (Interview with Toga, 19 June 2012). In essence, he strongly opposed the entry into the mediation and work of the AUPD. While the African Union expressed concern about the role of the Joint Mediator in relation particularly to his interaction with the AUPSC, the United Nations at best seemed ambivalent and not duly concerned. The latter was adequately and regularly briefed by Bassole.

The mediator lacked stature and the support of a constituency, ingredients which are essential for such a task. Despite having previously played a key role in brokering the Ouagadougou peace agreement between the government and rebels in Cote d'Ivoire, Bassole, although still relatively unknown, failed to adequately assert himself within the mediation and was consequently overshadowed by the Foreign Minister of Qatar who seemed more in charge of the mediation, frequently making press statements and occasionally coming to Addis Ababa to attend the Sudan Consultative Forum meetings.

This created the problem of a mediation which was severely limited in its ability to influence the major stakeholders and parties. Bassole appeared reluctant to put pressure on the government and armed movements' negotiators when the need arose. Flint (2010:32) alluded to the inability of Bassole to be an effective mediator in Darfur, in comparison to the successful role he played during the mediation of the Cote d'Ivoire internal conflict between the government and the rebels, which led to the signing of the Ouagadougou Agreement in 2007:

In Ouagadougou, however, Bassole had assets that he would not have in Darfur: Burkina Faso had been a backer of the Ivorian rebels and was a heavyweight

mediator with incentives of its own to offer; in Darfur, Bassole had little influence and no personal leverage. Observers welcomed the fact that he would be working full-time and planned to base himself in Darfur, but soon expressed concern that he was too cautious, and not forthcoming enough with new ideas and approaches.

Some of the main rebel movements detested the frequent meetings held in Doha and pointed to the influence of the Arab League in this regard (Interview with Toga, op.cit). Lack of support from the African member States was apparent. Having been appointed by Jean Ping, Chairperson of the Commission, the mediator had no meaningful interaction with Africa's leadership, as reflected by his non-attendance of AU Summits.

The struggle for influence often led to a situation which could be portrayed as reflecting the attempts by other interested parties to claim ownership. Apart from the influence exerted by UN Secretary General Ban-Ki Moon and the US and China in the Security council, the Arab League was most of the time at the forefront of efforts aimed at galvanising the Doha process without the necessary interface with the African Union.

The Sudanese government's announcement that it was calling for a referendum on the administrative status of Darfur proved a major stumbling block. The Presidential decree was for Darfurians to vote on whether to unify the three states of Darfur into one region. As a result, JEM announced in April 2011 that it would rescind its decision to join the Doha talks, because of the GoS's "unilateral" move to call for a referendum. This was a blow to the mediation effort, as JEM is a significant player that could have enhanced the credibility of the negotiations. The GoS said the referendum was in line with the 2006 Darfur Peace Agreement. Furthermore, the rebel groups denounced the government's plan to create two additional states in western Darfur, bringing the total to five, regarding this as divisive and intended to impose government control.

iv) Fragmentation of the Movements

Reminiscent of earlier efforts, including Abuja and the AUPD, Doha mediation continued to also push for the unity of the armed movements in order to strengthen the process. Divisions among the Darfur armed movements, as in previous negotiations, had affected the ability of these armed movements to influence the GoS effectively and ensure that their positions were solidified. Despite repeated calls by their leaders for unity, these never translated into them presenting a united front during mediation. This lack of

coordination and absence of common positions made it easier for the Government of Sudan to exploit these differences. However, there was a breakthrough on 22 March 2011 when JEM and the LJM made an announcement in Doha, during one of the mediation sessions, that they had agreed to fully coordinate their positions in the talks and were working towards merging and forming a single movement, and made a similar approach to other rebel groups in Darfur to unite and denounce fragmentation (*Sudan Tribune*, 22 March 2011). The accord was signed by a leading JEM representative, Ahmed Hussein Adam, and his LJM counterpart Azhary Mohamed Shatta (ibid). Furthermore, in a parallel initiative shortly thereafter, JEM and SLA/M-Minnawi issued a joint political statement committing to work for the unity of all the armed movements in Darfur (ibid.) This was the latest manifestation of the endless, unsuccessful attempts by the movements to bridge divisions, coordinate their negotiating positions and present a common front during talks with the Government of Sudan.

However, a setback emerged in the following month of April, when JEM announced the suspension of its involvement in the Doha process. This arose from the presidential decree announced by the government that a referendum on the administrative status of Darfur would soon be held. JEM objected to al Bashir's decree, insisting that only a negotiated solution should determine the region's status (transcript, *Radio Dabanga*, 2-8 April 2011). The mediation was also accused by JEM of failing to address the issue of the decree directly. However, the government negotiators and their LJM counterparts achieved some limited progress and were able to reach agreement in several areas, including justice and reconciliation, although they differed on issues related to power-sharing and security arrangements (ibid).

In terms of the broader efforts aimed at a future inclusive political settlement, the fragmentation of the rebel movements would impact negatively on their ability to bring Darfurian civil society together under their banners.

v) Competing Mediation

Apart from the continued absence from Doha of the other main Darfur armed movements, and their fractious nature, there was the problem of opposing and competing initiatives. The AUHIP and the Doha "Forum" process were showing divergent

paths. There was an expectation among Darfurians that the AUPD would also be bringing all parties to the negotiating table, whether by encouraging them to join Doha or accelerating the holding of the all-Darfur Conference. As the Doha peace talks and the work of the AUPD were happening at the same time, there seemed to be no convergence of the processes.

Mbeki and Bassole have been engaged in a behind the scenes struggle to assert control over the Darfur peace efforts that are now centred around negotiations between Khartoum and rebel movements in the Arab Gulf State of Qatar (report, *Sudan Tribune*, 9 April 2011).

Actually, there were in some instances differences of approach. Other participants were saying that Doha should be concluded first, before any other process. This meant that preparations for the Darfur-Darfur Dialogue and Consultation (DDDC) process could not be finalised. In addition, the all-inclusive Darfur Conference, planned to be held inside Darfur and including the rebel movements, tribal authorities, elected representatives, NGOs, refugees and IDPs and members of civil society in general, could not start. In reality, the transitional DRA and the DDDC mechanisms, envisaged to be among the central peace-building measures aimed at resolving conflicts at local and regional levels, were not functioning (Lotze, op.cit:34). Consequently, Doha was making very little progress and its timelines were affected. Eventually, with options running out, the Doha agreement was signed by the Government of Sudan and only one movement, the LJM.

Regional actors also undertook initiatives that were intended to promote the peace process, while at the same time entrenching their interests. However, these efforts did not complement either the Doha or the AUPD mediation tracks. They amounted to competing processes. For instance, during the Doha negotiations, Egypt hosted meetings in Cairo facilitated by its Foreign Minister Ahmed Aboul-Gheit in July 2009, with Bahar Idriss Abu Garda, leader of the United Resistance Front, Abdullah Yahya, head of the SLM-Unity faction, Ahmed Tugud Lisan and Suleiman Sanda, the chief negotiator and intelligence chief of the JEM respectively, and their teams (freelibrary.com, 9 July 2009). The discussions dealt with the need for the armed movements to unite their negotiating positions with the hope of establishing a formal initiative of all rebel groups to join negotiations which would be an alternative to the “bilateral talks” between the Government of Sudan and JEM, later joined by the LJM (ibid). Egypt was offering

another avenue separate from the Doha process, in direct competition to Qatar.

Egypt has been unhappy about being sidelined in the initiatives on the Darfur crisis as they consider the Sudan their own backyard. The Egyptian Foreign Minister Ahmed Aboul-Gheit had made statements in the past stressing that the Darfur initiative crafted by the Arab League is an Arab one and not owned by one single country. Earlier this year the Qatari foreign minister Hamad bin Jasim Al-Thani speaking to Al Jazeera TV said that his country's mediation efforts in Darfur are aimed at removing Arab competing forces and settling the crisis internally. Al-Thani's statements were understood to be referring to Egypt (ibid).

Furthermore, Libya, which wanted to continue to exert its aspired role as peacemaker and an influential actor in the region also felt excluded from the Doha process and this was exacerbated when Khalil Ibrahim refused to brief Libyan officials on the first meetings in Doha, especially having traditionally given logistical support to JEM. One of the objectives pursued by Libya was to seek unity among all of Darfur's "revolutionary movements" as part of a larger vision of absorbing the region into a greater Arab Libyan Islamic-Sudanic State (Collins, op.cit:255). In an attempt to carve out a role for Libya, Ali Triki, Head of the General People's Committee for External Relations, effectively Libyan Foreign Minister, held talks in Tripoli with Bassole on 19 April 2009 (panapress, 20 April 2009). During the meetings, the latest developments in Darfur were discussed, including the status of the peace efforts (ibid).

Other Shortcomings of Doha

In a similar vein, by relying on funding from Qatar, the sponsors of the Doha mediation, to enable the DRA and Khartoum to carry out its development objectives, the legitimisation of the process is somewhat limited. The non-participation in Doha, and non-signature by other significant rebel groups, made it difficult for some communities to accept ownership, either through fear of possible reprisals by radical elements of the rebel groups, or more plausibly, because of the view that a comprehensive peace needs an indigenous all-stakeholders political process.

Furthermore, although funding of the DRA is significant for the Sudanese government and the LJM, the broadening of political consultations remains sine qua non. To highlight this major shortcoming, the JEM, SLM-Minni Minnawi had informed the Joint Chief Mediator that they would only negotiate national economic and political reforms while

SLM-Abdul Wahid asserted that it would not negotiate until the root causes of the Darfur Conflict had been addressed (UNAMID Bulletin, Issue 46, 29 April 2012). These sentiments, apart from making matters difficult for the negotiations to resume in an expanded manner, strengthened the resolve of the Sudan Revolutionary Front (an umbrella body of the non-signatory Darfuri rebel movements), which dug deep to oppose the government of President Al Bashir.

GoS and LJM, and to a large extent the Chief Mediators, called on the rebel movements who had not signed to sign and accede to the DDPD, without expressing a desire to actually reopen the talks. This was an unrealistic expectation. This was worsened by some pronouncements from the government around a cut-off date for agreeing to sign, with the process being closed thereafter. This led the other rebel movements to harden their positions.

In an attempt to circumvent the challenge posed by the limited nature of the DDPD, the signatory parties planned to undertake in mid-2012 an information and consultation campaign to eventually canvass the views of the Darfurian stakeholders. They hoped to rely on the implementation of provisions in the agreement that set out the details on the issues of internal dialogue and consultations. A process named the Darfur Internal Dialogue and Consultation (DIDC) as contained in the agreement was set out, whose terms of reference entailed that:

Primarily, the DIDC will, through popular consultation and dialogue, seek to consolidate peace in Darfur, promote confidence-building, and encourage reconciliation as well as unity amongst the people of Darfur and Sudan in general. (DDPD, chapter 7, article 76)

In this regard, it was the hope of the mediation and the parties that this would expand ownership of the agreement in various sectors of society and at the same time mobilize support for its implementation (ibid). However, the process of dialogue and consultation threatened to be derailed by political obstacles and rising levels of insecurity. As UNAMID observed:

A preliminary analysis showed that these stakeholders were interested in the dialogue, but concerned about equal representation, freedom of expression and the security of the participants. (UNAMID Bulletin, op.cit)

However, other accounts point to the rejection of consultations that were only framed around the DDPD.

The DDPD: A Flawed Agreement

A major weakness of the DDPD, like all agreements before it, arose from its treatment of the Darfur conflict as a regional conflict, and not part of the broader challenge of Sudan as a whole. Consequently, it neglected to address the major source of the grievances of the people of the region; namely, marginalization. By treating the conflict as a regional, as opposed to a national problem, the authorities in the government were attempting to downplay the core-periphery dimensions of the problem, a factor which underpins almost all of Sudan's conflicts. As El Amin (op.cit:92) puts it:

In the meantime, the transformation of Sudanese politics and the reconfiguration of the country's power structure are yet to occur, and government manipulation has rendered broadening the peace process almost meaningless.

Furthermore, the DDPD as a peace agreement was nothing more than a framework document. It was not the result of serious negotiations among the parties, namely the GoS and the armed movements, and as such its outcomes were not widely accepted (Interview with de Waal, 10 April 2012). The civil society representatives that were flown to Doha made no substantial inputs, but were expected to endorse and sign the agreement (ibid). It was a document prepared by the experts and the mediation support team and put forward to the parties to consider and this represented a completely new approach to peacemaking (Interview with de Waal, 20 June 2012). According to Lamamra, the Doha process was more "facilitation" or "Good Offices" than mediation, given the structure of the engagements in Doha (Interview, 2011).

Legitimizing Doha: Khartoum's New Comprehensive Darfur Strategy

The main armed movements continued to boycott and reject the ongoing Doha talks, pointing to, *inter alia*, their lack of inclusivity, and the participation of smaller groups who they regarded as unrepresentative of Darfur's population. As a response, and in light of the waning legitimacy of the Doha talks and increasing calls for the government to address the core grievances of Darfur's people, the Sudanese government announced

the launch of a newly developed strategy to deal with the challenges of the region. This strategy, launched in mid-2010, was regarded by the government as a new multi-faceted approach that would not only assist in evolving mediation, but also address some of the DPA provisions while at the same time involving the larger Darfurian communities in the future of the region (Atabani, Briefing to AUPSC members, 16 December 2010).

In conceptualising the strategy, the GoS argued that:

The conflict in Darfur has been altered by new dynamics, which present a challenge as well as an opportunity to secure peace through a sophisticated and well-coordinated effort. Such an approach will focus not only on negotiations, but also on a broad developmental program and consultations that will incorporate the concerns of the Darfur community, helping lead to a comprehensive, sustainable and forward-thinking resolution (GoS document, 2010:1).

The government believed that the strategy's launch was necessitated by the fragmentation and proliferation of rebel movements with the result that they could not agree on a united stance, the hardening of positions by these armed movements, divisions in civil society, emergence of newly elected representatives in Darfur following the April 2010 elections, enhanced security, and the need to make available resources necessary to guarantee livelihoods, especially for nomads (ibid:4). The authorities thought that the strategy would not only provide support to the peace processes taking place, particularly Doha, but also provide the necessary detail on how the political process would evolve. The new comprehensive Darfur Strategy was centred around five fundamental pillars, namely Security, Development, Resettlement, Reconciliation and Justice, and Negotiations.

i) Security

According to the government, security would now be based on a political concept, and not a simplistic view of merely defeating or pushing back the rebels. It meant addressing and eliminating the sources of insecurity by involving local communities and leaders in Darfur. This also meant reinforcing the argument that the problem of Darfur, in this context, started as a result of divisions between the different ethnic groups ("tribes" in the general discourse on the conflict) and not between Africans and Arabs. The protection of civilians and those in the IDP camps would remain the responsibility of

UNAMID, while the government would negotiate ceasefires with all amenable belligerents, undertake disarmament and demobilization, and integrate armed movements' armed formations into the Sudan Armed Forces (ibid:6).

Regionally, the strategy would also address relations with Chad and the Central African Republic (CAR), as this was also of pivotal importance. In relation to the latter aspect, the authorities view CAR as a weak link in any security arrangement in the region, while the Chadian factor is more positive as the improved relations between Sudan and Chad and the joint border patrols by the respective armed forces constitute necessary confidence-building measures and have helped reduce levels of conflict (ibid:1).

ii) Development

This element entailed bringing communities of pastoralists, farmers and townspeople into participating in development projects to be carried out in a number of areas, and to move from relief to development and in the process provide basic services and halt and reverse environmental degradation (GoS document, 2010:7). In 2010, the government had set aside nearly 2 billion US dollars, utilizing the Qatar pledge, for development for the following few years, while 550 million US dollars was immediately available for this purpose. Also, according to the government, certain flagship infrastructure projects were planned, including the construction of a major road linking Darfur to Chad and stretching as far as Northern Nigeria.

iii) Resettlement

The objective was to resolve the problem of internally displaced persons by facilitating their safe return to their places of origin, new areas and into towns while at the same time creating the conditions necessary for the voluntary return of refugees (Atabani, op.cit). In 2010, the figure of IDPs and refugees amounted to approximately 2 million (AUC communiqué, 2010:3). The Ministry of Finance and other state agencies would be involved in the financing of this project, and more funding would be sought from donor countries and member states from the League of Arab States. UNAMID would be requested to provide security of passage for the affected people as the resettlement was implemented, but the peacekeeping operation would need to be provided with the

necessary resources to undertake this role.

iv) Justice and Reconciliation

The government outlined its intention to work towards the implementation of justice and reconciliation measures by capacitating the judicial system to deal essentially with specified crimes, namely war crimes, kidnapping, murder, banditry and common petty criminal acts such as theft. Compensation schemes for communities affected by the conflict would be established and measures implemented through existing compensation funds. Lastly, the GoS planned to appoint a Special Prosecutor for Darfur and related national tribunals to impartially carry out their mandates (ibid:7). In order to promote reconciliation, new forums would be established for this process while at the same time strengthening existing structures such as the traditional system of conflict resolution (GoS document, 2010:6-7). For the government, the imperative would be to create a framework for reconciliation to take place between the different tribal groupings in Darfur, as inter-tribal conflicts over land, grazing areas and resources was the major problem. The rebels would be marginal actors in this process, having brought, according to the government, their own counterproductive ideologies into the equation.

v) Negotiation

This would involve the local communities, civil society, NGOs and traditional leaders and not just the rebel groups. In terms of the broader negotiation process, the focus would be on successfully concluding the Doha talks. While acknowledging the contributions of the AUPD process, for the GoS, the Doha forum remained the only agreed venue for Darfur negotiations (ibid:4). The Doha mediation was encouraged to establish a Darfur Consultative Forum (DCF), to allow for the participation of other Darfur stakeholders such as the communities themselves and to complement the negotiations (ibid:4). The ultimate goal of the negotiations was to draft a Global Political Agreement (GPA) that would address the concerns of Darfurians, ceasefire and security issues, reconciliation, power-sharing and wealth-sharing (ibid:5).

Limitations of the Strategy

The new comprehensive strategy for Darfur appeared to be an attempt to give

momentum to the Doha talks as criticism of them increased. Any strategy that ignored recognising the roles of the older and more established armed movements was likely to encounter obstacles. Furthermore, the rebel movements dismissed the strategy while the government did not effectively promote it among the local communities in Darfur. In outlining the issue of development, GoS was trying to address an issue that constituted one of the main grievances of some of the communities in Darfur, mainly non-Arabs: that is, their continued economic marginalisation and neglect by the government. It also did not spell out the details related to one of the fundamental issues of the DPA; namely, wealth-sharing. Furthermore, on the issue of development funding promised in the strategy, it was not clear how this was envisaged to work in relation to the Darfur Reconstruction and Development Fund (DRDF) which was provided for under Article 19 of the DPA.

On the issue of negotiations, there was no clear convergence between the strategy and the AUPD and Doha processes. The GoS needed to ensure that the two mediation tracks complemented each other and to equally fit with the strategy. This was not achieved. The problem was also that failure to implement provisions of the DPA and the recommendations of the AUPD had eroded the confidence of the communities. Furthermore, there was general mistrust by the rebel groups and other stakeholders of the government's description of local communities, which was viewed as meaning those closely aligned to it. There was a view that GoS would in the distribution of resources favour those communities that had traditionally supported it.

Conclusion

The entry phase of the mediation process, including its important component of pre-negotiation, is critical, and the Doha case exhibited aspects which illustrated this. The entry of joint Mediator Bassole into the negotiations, although generally supported by the AU, UN, GoS and the LJM, was resisted by the major armed movements such as the SLA-Abdul Wahid and the SLA-Minnawi. The other groups also largely refused to cooperate with the joint mediator. This development removed an important element needed for successful mediation, which is consent by parties. Even though it is often the case that lack of consent from one or two parties will not necessarily stop the

commencement of negotiations and mediation, the unwillingness of major actors to agree to be part of the process represents a major impediment. Maundi et al (2006) and Zartman and Touval (2001), among others, point to the importance of achieving consent in peace processes.

The pre-negotiation phase (Zartman and Berman, 1982) also requires of mediators the inclination to focus on such issues as preparing the groundwork for negotiations by narrowing the gap between competing interests and goals of the parties, including establishing the framework for future negotiations. However, Bassole and his team did not engage in an exercise to get the all the parties to Doha, whose issue areas, *inter alia*, needed more attention, deciding instead to move straight into the negotiation phase. Adequate preparation ahead of the talks would have allowed the mediation team the opportunity to draw lessons from the Abuja phase. During the actual talks, the joint mediator displayed an inability to get the parties to commit to the more fundamental issues, hence the more frequent delays and postponements. When JEM briefly participated in Doha, Bassole was largely unable to deal with its recalcitrant and uncompromising leadership. The mediator thus had no power to use as leverage (Bercovitch, 2007). In this situation, he could not utilize what Zartman (2009) terms “mediation with muscle”. In a moment of exasperation, Bassole resigned, only to resurface before the conclusion of the talks and the signing of the DDPD.

The main armed movements viewed Bassole as partial, biased in favour of those movements the Government of Sudan had courted before and during the Doha negotiations. The subtle pressure sometimes exerted on Bassole by Qatar was regarded by the armed movements as adding to this partiality or taking of sides. On one occasion, the Qatari State Minister had even travelled together with Bassole to Khartoum to meet senior government representatives to discuss the Darfur issue. However, Zartman and Touval (2007) point out that impartiality in and of itself is not adequate, and what is more important is the parties’ consideration of the consequences of accepting and rejecting mediation. The joint mediator continued to focus on getting JEM to the negotiating table, believing that this would result in a major breakthrough. However, he could not achieve this objective. Another problem the mediation faced was that although the promise of funding from Qatar was expected by those involved in the Doha process as key to

addressing the developmental challenges in the region, this was not a view shared by the larger armed movements, who continued to cast aspersions on the legitimacy of the peace process.

There were different interpretations of Qatar's role. On one hand, while its role was welcomed as an example of how a small and non-threatening state could advance peace, there were views on the other that the emirate was a spoiler or meddler, and was using financial incentives to promote a particular agenda. A number of the armed movements, particularly the SLA-Abdul Wahid and SLA-Minnawi, questioned the motives of Qatar and its suitability as a venue. Others felt that the talks needed to be held on the African continent. Just as mediators have interests, so do states or territories that offer to host negotiations. However, Touval (1999) reminds us that for states, mediation is a foreign policy instrument used often in pursuit of external and domestic policy interests.

The Doha process was unlikely to succeed in an environment where the armed movements remained fragmented. The splinter groups and factions that had sprung up since the DPA was signed were varied in orientation and most had no significant political or military weight. The situation of disunity within and amongst the groups, although favouring the government because they ended up negotiating with a weak adversary in the form of the LJM, affected the legitimacy of the peace process. Furthermore, those negotiating in Doha could not convincingly claim that they were the true representatives of the people of Darfur. The other problem was that other armed movements argued that in an environment where violence and insecurity continued, they would not join the talks in Doha, pointing to the complicity of the GoS, the Popular Defense Forces and the *Janjawid* in this instability.

Another shortcoming of the DDPD was that as an agreement it did not pay adequate attention to the root causes of the conflict in Darfur, factors which are endemic to the architecture of grievances in the region. It therefore did not take into consideration the report of the Mbeki-led AUPD process, which identified addressing these root causes as critical to the resolution of the Darfur conflict. As indicated previously, political agreements that address the underlying causes and their contributions to civil conflicts

or wars normally lead to the existence of durable peace (Fortna, 2003:63). Failure to deal with the root causes will therefore lead to the continuation of opposition, rebellion and civil or internal conflicts in a state. The agreement, despite alluding to the issue of power-sharing, did not bring in any new elements or improvements to the formulae proposed in Abuja. De Varennes (2003) argues that durable peace agreements are those which make provision for some devolution of power through some autonomy arrangement or power-sharing agreement. Furthermore, according to Mutwol (2009), peace agreements are likely to be signed and hold if the parties do not have a fractionalised chain of command. In this regard, the LJM was a weak movement, made up of divergent groups, led by individuals with divergent interests. It was created for the purpose of ensuring that the Doha talks acquired legitimacy.

CHAPTER 8: CONCLUSION

Mediation is an important instrument in the resolution of conflicts and remains one of the most widely used options and tools available to policy-makers and practitioners in the pursuit of peace today. However, third-party mediation is not a new practice and has been in existence for a long time. The objective of the thesis has been to undertake an analysis of the various phases of mediation of the Darfur conflict from 2004 to 2011, while recognizing that mediation of Darfur's numerous conflicts preceded the period the research focuses on. This research has located the case study on Darfur mediation within a theoretical and conceptual framework that explores research undertaken in the field of mediation as a component of the broader area of conflict resolution. It has therefore been important to understand the conditions under which mediation takes place, particularly in internal, intra-state conflicts such as Darfur. Significantly, lessons learnt from the research, particularly related to the mediation of an intractable, internal conflict such as Darfur, and the role of the mediators themselves, will in the future be of assistance to practitioners, policymakers and academics focussing on the field of mediation.

Mediating Internal, Intra-State Conflicts

Internal, intra-state conflicts are difficult to mediate and the negotiations that take place are normally protracted and complex in nature. These types of conflict, often reflected in civil wars, are sometimes characterised by prolonged instances of violence, discord and societal disruption. They are fundamentally intractable. A lesson derived in this regard, reinforced by the Darfur case, is that these types of conflict pose a peculiar set of challenges and obstacles to mediators. Firstly, when they involve a group or groups challenging a central authority or government in power, the stakes tend to be higher, as the latter normally seeks to entrench its position and retain the status quo, while the former seeks the dislocation of the order. Because the objective is to change the character of the state, relations of power need to be considered by mediators and these tend to be very contentious.

Secondly, such conflicts more often involve emotive issues of identity. Belonging to a

particular group based on racial, ethnic, cultural or religious identities and invoking these identities leads to a delicate situation for mediators. It is during periods of intense conflict that such attributes and symbols become manifested and assume political significance. Furthermore, where inequality between groups is seen to exist and is perpetuated to the detriment of other groups but to the benefit of some, conflict becomes inevitable, including in situations of economic deprivation. If the state or central government is regarded as the dominant force responsible for perpetuating these inequalities, to the advantage of the elites and their favoured allied groups in society, the core-periphery situation arises.

Divisions are created and this in turn exacerbates tensions and conflict. In this context, the emanating rebellion is galvanized by forces rallying around specific identities, formulated around the “we” and “them” frameworks. Some of these elements, primarily race and ethnicity, form part of the character of conflict in Darfur, not only among communities but fundamentally between Darfur’s people and the ruling elites in Khartoum. These factors add to the intractability of the Darfur conflict and negotiations around such deep-rooted and emotive issues will always present difficulties to mediators.

Thirdly, such conflicts arise out of competition over scarce resources. In Darfur, contests over access to water, grazing land for animals and arable land for agriculture among the various communities manifested themselves in tensions and sometimes violent conflict when scarcity was more pronounced. Environmental factors such as the impact of climate change, which led to drought, famine and desertification, compounded by deforestation, further contributed to the tensions as scarcity levels increased. Confrontation among different groups, for example, between Zhagawa pastoralists and Fur farmers, became the object of mediation initiatives by local actors. The politicization of these tensions adversely complicated the inter-communal balance of co-existence that existed before. All these aforementioned factors provide the context to understanding the conflict in Darfur.

Darfur’s Marginalization: Insights into a Long, Mediated Conflict

The mediation of Darfur’s various inter-communal conflicts and the bigger conflict

between the region's marginalized groups and the central government took place in a complex environment, which the mediators had to contend with. The long history of grievances raised by Darfur's inhabitants, arising from conquest, land dispossession, political and economic marginalization, illustrates the intractable nature of the conflicts in the region. These protracted conflicts also became interwoven into the articulation of identities in the region for over two centuries. With the onset of the British-Egyptian condominium administration, the neglect of Darfur was part of broader colonial policy in Sudan, where the centre-periphery divisions became more pronounced. The semblance of statehood and self-rule that existed during the Sultanate and the period before colonial rule was eradicated.

From 1956, Darfur's marginalization continued, this time within a changed historical landscape of an independent Sudan, where the core grievances of the region's people were not addressed by the different administrations from the first post-independent but short-lived government led by Ismail al-Azhari, to the current National Congress Party administration of Omar al Bashir. Discontent, grievances and unfulfilled expectations turned to rebellion and finally armed resistance. The influx of weapons into Darfur's conflicts, the emergence of Darfur's rebel movements in the late 1990s, and the government's military response through its Popular Defense Forces and proxy militia *Janjawiid* units established a new dimension to the conflict patterns in the region. Intrinsically linked to the latter realities was the involvement of regional actors and neighbouring countries such as Chad, Libya, Eritrea, Central African Republic and Egypt and the impact of their alliances with the parties to the conflict in the region.

Consequently, the mediators from 2004 needed to deal not only with issues constituting core grievances in Darfur, but also aspects that related to security and humanitarian questions. The Ndjamen and Addis Ababa talks focussed more on the cessation of armed hostilities and the implementation of the Humanitarian Ceasefire Agreement that emerged out of Chadian mediation. Although statements of intent were made, addressing the need to establish a political framework for a future settlement, these were not tabled and thoroughly discussed in the early phases of negotiations. It was only in Abuja that the political issues of power and the economic relations between the core and the periphery received more attention, in addition to the discussions around security

arrangements. Therefore, mediation phases in Abuja, Doha and the AU Panel on Darfur tried to create an environment wherein the core grievances of Darfur's people were addressed. However, the power and wealth-sharing negotiations carried out in terms of both Abuja and Doha processes did not yield a framework for a fair distribution of political power and economic resources.

This was primarily a result of a situation where the armed movements on one hand called for the creation of equitable formulas that recognized the effects of marginalization and past injustices, while on the other the government wanted to utilize new structures that depended on existing relationships of political patronage between itself, traditional authorities and local government structures accountable to it. Consequently, this led to divisions in the talks between the armed movements and the government, despite the acquiescence of those movements that signed the agreements but could not get support from their constituencies. The AUPD facilitation and mediation process tried to follow a different approach, maintaining that negotiations should not just include the government and the armed movements, but also actors in civil society such as traditional leaders, religious groups, women's associations and representatives of youth organizations.

Mediation: Conceptual Considerations

The research found that questions of mediator entry, which is a part of the diagnostic, pre-mediation or pre-negotiation phase, and other pivotal elements such as interests, leverage and impartiality, are useful in providing a context to the Darfur mediation process in its various phases. Furthermore, studies on the different approaches adopted by mediators were insightful in explaining aspects of the mediation activities and thus provided key lessons in the process. The research also highlighted the centrality of factors such as ripe moments and mutually hurting stalemates and how these provided some key conceptual pointers on how the Darfur mediation evolved. The preceding chapters also illustrated how the mediators interacted with the nature of the conflict environment and how the parties reacted to the mediation. For example, the initiation of mediation and the entry of Deby, Elgadir, Salim, Pronk, Eliasson, Mbeki and Basole had distinct characteristics and solicited different responses from the parties in the Darfur conflict. Therefore, important lessons emerged on how these mediators came in and out

of the different mediation phases. Deby had significant interests in mediating the conflict primarily because of cross-national ethnic allegiances and security reasons. A resolution of the conflict would serve the interests of Chad by bringing a more powerful neighbour, Sudan, closer, and at the same time help him in addressing internal threats to his government. For Eliasson, Mbeki and others, mediation provided an opportunity for increased political profile and stature. The former South African President also regarded the role as a continuation of his commitment to the African renaissance, of which conflict resolution was an integral part. Therefore, the research illustrated that all mediators have interests, albeit for varying reasons.

The analysis showed that impartiality played an important part in some of the phases of mediation. Being partial and closer to one or more of the parties did not always present an obstacle to the mediation. Zartman, Touval and others point out that mediators that are closer to one party can play a positive role by delivering their ally to a settlement. Deby was politically closer to the armed movements and had supported some of them militarily, and was thus able to bring them to the negotiations, and even persuaded them to accept the Ndjamenia Ceasefire and Humanitarian Agreement, whose provisions were more favourable to the government than the armed movements. However, where perceptions of impartiality become a major obstacle, mediation will encounter difficulties. The Doha mediation became ineffectual because of non-participation by the main armed movements in Darfur, who regarded Bassole as being impartial and used by host Qatar to promote a pro-Arab agenda in Sudan. The armed movements, with the exception of the LJM, also objected to Doha as a venue for the negotiations. JEM was present at the beginning of the Doha talks but soon withdrew.

A fundamental lesson learned in relation to the behaviour and activities of the mediators was that their approach and tactics were also varied in nature. Mediators follow either a communication, facilitative, manipulation-bargainer/coercive, or a directive approach, and the various mediators in the Darfur conflict adopted one or more of these approaches. For instance, Salim Salim, aided by the muscle applied by Obasanjo, attempted to use leverage by applying pressure on the parties to reach an agreement in Abuja within a specified period. Towards the conclusion of the Abuja talks, Salim's engagement reflected a combination of manipulation and directive behaviour, especially

when the armed movements became recalcitrant in their stances. This contrasted with the low-key behaviour and approach of Elgadir. Mbeki's mediation was more consultative and dialogue-based, premised on expected ownership from the parties.

Although not the only prerequisite or determining factor, an important lesson learnt in the research was that the existence of a mutually hurting stalemate in conflict situations is important, as parties are likely to seek a peaceful resolution because the alternative is more costly. The deadlock or impasse created by a looming scenario of possible mutual destruction, should escalation take place, creates a ripe moment for mediators and the parties to move towards a constructive peaceful solution. This concept proved useful to the research, as a lack of these conditions explains the reluctance of the Government of Sudan and the Darfur armed movements to reach a far-reaching settlement, and the propensity of the parties to ignore agreements signed and frequently resort to the resumption of hostilities.

The research analysed the nature of the various agreements that emerged out of the negotiations. The work of Mutwol provided important insights into which agreements are likely to hold and bring durable peace and which are likely to fail. One of the key hypotheses by Mutwol in his analysis of civil war agreements in Africa is that those accords likely to hold are those in which all insurgents involved in the war are included. In this instance, and providing validity to Mutwol's supposition, it should be noted that apart from the government, the DPA and Doha agreements were signed by one movement, the SLA-Minni Minnawi and the LJM respectively. Not only were these two armed movements not the biggest or most widely representative of the groups, they were politically and militarily less strong than the other main groups. Furthermore, almost all of the agreements on Darfur, from Ndjamena to Doha, were rejected by the majority of the region's people because they were seen as not addressing the root causes of the conflict. Furthermore, they were regarded as not devolving power equally to all levels, despite some having power-sharing provisions. The mechanism of the Transitional Darfur Regional Authority favoured by the government is generally regarded as inadequate.

Elusive Unity and Fragmentation of Darfur's Movements

A significant obstacle to sustained peace in the region has been the fractious nature of the armed movements. Political, military and clan affiliations persisted in creating divisions and fractures within and between Darfur's armed movements. Despite numerous attempts by the mediators to unite the armed movements and bring them under a common negotiations platform, the armed movements remained divided, disjointed and generally weak. The main armed movements, JEM and the SLA factions of Minni Minnawi and Khalil Ibrahim, became fractured, suffering from internal leadership contests and disorganization, and their leaders refused to cooperate with each other. In addition, other smaller splinter groups had emerged, many formed around clan and ethnic allegiances. Searching for credible representatives of Darfur's people to negotiate with the government proved to be a daunting task. During the post-Abuja period, joint mediators Salim and Eliasson tried to deal with this problem, particularly during the Arusha, Tripoli and Juba talks. By the time the Doha process started and ended, disunity among the armed movements remained an obstacle. In an ambitious attempt to promote unity, the major armed movements in November 2011 joined forces with SPLM-North and formed the Sudan Revolutionary Front (SRF), with the proclaimed objective of *inter alia*, overthrowing the Government of Sudan. The Darfur groups were the JEM, SLA-Abdul Wahid and SLA-Minni Minnawi (HSBA, 2013). This development led to heightened tensions between the GoS and these Darfur armed movements, doing significant damage to any chances of the latter signing the DDPD or opening any new negotiations with the government. This further reinforced the views of the hawkish elements within the NCP government that a military solution was a viable option in dealing with "hostile" non-signatory armed movements or groups.

For JEM, the death of its charismatic leader, Khalil Ibrahim, in late December 2011 in north Kordofan was a serious blow, weakening its leadership ranks. Khalil was replaced by his brother, Jibril, following a leadership conference held in South Kordofan. However, splits became wider. In January 2012, another splinter group led by Zakaria Musa, called JEM Collective Leadership, was formed and immediately indicated its intention to sign the DDPD (HSBA, 2013). The LJM unsuccessfully tried to get JEM Collective Leadership to sign the DDPD, claiming that there were vacant positions that could be

filled by members of the splinter group in the DRA (*The Sudan Tribune*, 14 August 2012). Another JEM splinter group, JEM-Bashar, led by Mohammed Bashar Ahmed, was formed in September 2012, with the Chadian leader, Deby, conveying to the international community the willingness of this group to sign a peace agreement, notably the DDPD. The main JEM faction under Ibrahim accused Deby of meddling and sowing divisions within the movement (ibid). Deby was clearly trying to find a re-entry path back into Darfur mediation.

The SLA/M's two main factions had also experienced splints within their ranks. In the aftermath of Abuja, the SLM-G19 led by Khamees Abdullah was established, with the subsequent formation of other groups such as SLM-Unity. Efforts to unite the various factions of the SLM, whose main support base remains the Fur people, met with obstacles.

The Challenge of Competitive Mediation

Another lesson learnt from Darfur mediation was the uniqueness of competitive efforts, and especially how the different mediators arrived on the scene, often working against one another. Competing mediation initiatives undermine the prospects for settlement as they may send different signals and create a perception of alternative tracks or a way out for the conflicting parties. After 2006, the mediators tried to bring the different initiatives together under the single umbrella of the AU-UN process. It had become apparent that the existence of parallel processes made it difficult for the mediation to achieve its objectives. Libya and Eritrea hosted initiatives at the same time the AU-UN processes were taking place. The capacity of both countries to play the role of honest brokers and deliver meaningful agreements was undermined by their preoccupation with using the negotiations primarily for narrow foreign policy and national interests. Libya had always held the view that any settlement in what it considered its natural sphere of influence, the horn of Africa and its environs, needed its stamp of approval. For Eritrea, treated by some of its neighbours as a pariah, particularly Djibouti and Ethiopia, the latter of which has been involved in a protracted border conflict, mediating provided an opportunity to establish itself as a credible peacemaker. It should also be noted that Eritrea also has a border dispute with Djibouti. Egypt, though not actively involved in

mediation of the Darfur conflict, openly supported Sudan and used its regional influence to serve as a counter to the ambitions of its immediate neighbours. Egypt's support for Sudan was also influenced by the cooperative relationship both had around the issue of the Nile River.

In addition, the role of some of the actors and partners went beyond offering mere support, and included active involvement in the determination of agendas and issues to be discussed. The role of Qatar in the Doha process is an example of this. Not only did these have the impact of splitting delegations earmarked for negotiations, but it also led to a strain on resources and allowed spoilers or meddlers, both in the form of neighbouring countries and other external actors who derailed and negatively impacted on mediation. Furthermore, many people in Darfur in certain instances could not ascertain which negotiations constituted the main process.

The experiment of joint mediation between the AU and the UN had its advantages and disadvantages. Joint mediation brought with it more resources for mediation, the weight of UNSC resolutions and a real threat of consequences to the parties for non-compliance. It further highlighted that sub-regional and regional organizations can work together in the area of conflict resolution with the UN, the principal guarantor for global peace and security. For the AU, this was a welcome development. However, in reality, the operationalization of joint mediation had its own difficulties. The working relationship between Salim and his UN appointed counterparts, Pronk and Eliasson, was cordial and professional. Eliasson was a consistent partner to Salim. Nonetheless, during the height of Abuja negotiations, Salim's role as the AU mediator became subsumed under the weight of the UN and a couple of the permanent five representatives present in the Nigerian capital, namely the US and Britain. In addition, there was no single channel of communication or spokesperson. Salim and Eliasson often made press statements separately.

Peacekeepers with no Peace to Keep

Mediated conflicts that produce agreements acceptable to all parties can help provide a firm foundation for any peacekeeping mission deployment. The AMIS and its successor UNAMID hybrid Mission were deployed without any peace agreement to implement as

the various agreements since Ndjamena were not accepted by the main armed movements and were frequently violated. In a volatile security environment characterized by military battles between the government and some of the armed movements, clashes amongst armed movements and factions, and frequent attacks on peacekeepers and humanitarian aid convoys in the region, these peacekeeping Missions also became preoccupied with the reduction of violent security threats and creating safety zones for refugees and displaced persons. There has been no peace to keep and in the absence of a viable, widely owned and durable political settlement, UNAMID continued to exist in a vacuum. After the Doha agreement was signed in July 2011 and with its overwhelming rejection by the other armed movements, the AU was not able to establish a new and comprehensive mediation effort.

During the course of 2012, the peacekeeping Mission continued to come under armed attack, with several incidents reported in Saleah. A major setback occurred in October 2012 when an ambush on a UNAMID patrol in El Geneina by unidentified individuals led to the death of four Nigerian peacekeepers and the wounding of eight others, and in a separate attack during the same month, a South African peacekeeper was killed (2013, Security Council report). In 2013, UNAMID, now in its seventh year of deployment, continued to struggle with the implementation of its peacekeeping mandate, in addition to routinely suffering casualties (2013, Reliefweb report:2). The change in the leadership of UNAMID, with Ibrahim Gambari replaced as of April 2013 as its head and Joint Chief Mediator by former ECOWAS Secretary General Mohammed Ibn Chambas, has not created the impetus for a more stable security environment in Darfur. UNAMID's mandate is expected to be extended by another year to 2014 (ibid).

The DDPD

Since its signing in July 2011, the Doha Agreement has faced major obstacles, despite some breakthroughs. Most of the armed movements in Darfur continued to reject the agreement and a vast number of the region's inhabitants questioned its legitimacy. The Darfur Regional Authority (DRA), provided for in the Agreement, was formally established on 27 December 2011, and inaugurated on 8 February 2012 in El Fasher, north Darfur, in a ceremony attended by Presidents Al Bashir and Iddriss Deby, and LJM

Chairman Tijani Sissi, who was subsequently appointed as chairperson of the DRA (HSBA Chronology, 2012:2). The implementation timelines of the DDPD have been postponed several times since 2011 and most of its provisions, including the final security arrangements, remained unimplemented. In July 2013 (HSBA/Small Arms Survey, 2013), UN Secretary General Ban-Ki Moon noted in his report on the peacekeeping operation in Darfur, that:

Two years have passed ... implementation of DDPD provisions continues at an unacceptably slow pace. Tangible improvements in the lives of the people of Darfur, including through improved security, reconstruction and development, support for voluntary and sustainable returns and the promotion of justice and reconciliation, have yet to materialize.

Resources to deal with development projects have not been easily forthcoming, with promised funds from the Government of Sudan and donors having been very slow to arrive. In April 2012, Sissi accused the Finance Ministry of the GoS of failing to produce the USD200 million as stipulated under the terms of the DDPD for the Darfur Development Bank (ibid:4). An International Donors' Conference for Reconstruction and Development in Darfur was held on 8 April 2013 in Doha, Qatar, raising pledges of approximately USD3.7 billion, of which USD2.65 billion was pledged by the GoS (HSBA, 2013:6).

A Stalled Peace Process

The GoS and the LJM, faced with the frustration of their inability to implement the DDPD, nonetheless argued that the DDPD provided a platform for peace in the region, and continued to call on other non-signatory parties to sign the Agreement. The newly formed JEM-Bashar faction signed a cessation of hostilities agreement in Doha in October 2012 and agreed to further talks on the basis of the DDPD (ibid). The mainstream JEM and other non-signatory armed movements and civil society groups dismissed the JEM-Bashar action as insignificant (ibid). This group eventually signed the DDPD Agreement in Doha on 6 April 2013. Mohammed Bashar, his deputy Arku Suleiman, and six other members of his group were killed in an engagement with JEM near the Sudan-Chad border on 12 May, just over a month since acceding to the Doha Agreement, thereby inflicting a setback on the stalled Doha process (HSBA, 2013:7). In

another attempt to revive the peace process, Chambas on 19 June 2013 convened a meeting of Sudan Special Envoys in El Fasher, north Darfur, which was also attended by DRA chair Sissi, which focussed on the urgency of implementing the Doha Agreement (ibid). However, no clear strategy for implementation emerged from this meeting.

In what Maundi et al (2006) define as mediation by proposition, Uganda recently offered to mediate between the GoS and the Darfur armed movements, with President Yoweri Museveni declaring his intension to host the talks. This effort failed, with the Government of Sudan outrightly rejecting Uganda's approach, arguing that Museveni could not be trusted as a mediator, was not neutral and indeed was hostile to Sudan, and further accusing Uganda of sheltering some of the armed movements (*Sudan Vision*, 30 July 2013).

The Darfur mediation process is on hiatus, and peace in the region remains elusive. Another internationally supported effort is necessary to restart the peace process and lead the conflicting parties to a comprehensive settlement. Some of the improvised mediation efforts of the past have presented difficulties and impacted adversely on the prospects for a breakthrough. Any new peace process would benefit from reflecting on lessons from past efforts, addressing the core grievances of Darfurians and securing the consent and participation of all the armed movements and civil society groups in Darfur. In addition, the approval of the GoS remains important. Finally, one of the key lessons learnt from the preceding analysis on the Darfur mediation is that a process characterized by robust, strong and well-resourced mediation carried out and managed by highly skilled individuals is needed. Relying on the continued presence of peace-keepers on the ground is at best a stopgap measure, as a political settlement remains a more viable route to be undertaken. In this regard, trust between the parties and the creation of an environment of confidence constitute crucial elements in the quest for peace, stability and development in Darfur.

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