

# **The African Union Mediation And The Failure Of The Previous Darfur Peace Agreements In Sudan**

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## Introduction

Even though several armed conflicts have concluded with peace settlements, it remains an uncommon method for resolving violent conflicts due to the persistence of fundamental causes, making them prone to re-ignite.<sup>1</sup> For instance, the post-Cold War period, particularly between 1989 and 1999, saw over 110 armed conflicts, 75 of which had concluded by 1999<sup>2</sup>. The termination of conflicts varies, ending in victory, continuing at a low level, returning after some time, or concluding in a peace agreement. Notably, only 21 of the conflicts during the post-Cold War era ended in negotiated peace agreements, 22 in victories, and 32 became dormant conflicts. However, from 2000-2005, the trend shifted drastically, with peace agreements outnumbering victories by a factor of 4-1, concluding at least 41 armed conflicts compared to 23 military victories.<sup>3</sup>

Peace agreements exhibit varying degrees of effectiveness, with some resulting in a cessation of hostilities and lasting peace, while others collapse shortly after. Scholars argue that certain criteria are necessary for a successful peace agreement, including the willingness of parties to negotiate in good faith, the inclusion of key actors, addressing major disputes, and avoiding pressure and the use of force to achieve goals.<sup>4</sup>

While primary conflict parties play a crucial role in determining negotiation outcomes, there's an increasing involvement of external actors in mediation, especially regional organizations with ties to the conflicting parties. Regional mediations, however, are more prone to quick failure compared to other conflict termination methods.<sup>5</sup> While conflict management scholars traditionally focused on facilitating negotiations, recent research delves into not just the signing but also the sustainability and durability of peace agreements.<sup>6</sup>

In 2004, the United Nations declared Darfur the "world's worst humanitarian crisis," and labeled it "genocide" by the United States. The violence drew parallels to the 1994 Rwandan

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<sup>1</sup> Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall. *Contemporary Conflict Resolution*. Second Edition. Polity Press, Cambridge 2005. P. 160

<sup>2</sup> Wallensteen, Peter. *Understanding Conflict Resolution. War, peace, and global system*. SAGE Publications Ltd. London 2002. PP.28-29

<sup>3</sup> Harbom, Lotta, Stina Hogbladh, and Peter Wallensteen. . "Armed Conflict and Peace Agreements. 2006. *Journal of Peace Research* 43 (5). P. 618

<sup>4</sup> John Darby and Roger Mac Ginty. Introduction: What Peace? What Peace Process? P. 3

<sup>5</sup> Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall. P. 168

<sup>6</sup> Scott Sigmund Gartner. *Signs of Trouble: Regional Organization Mediation and Civil War Agreement Durability* 2011. P. 380

genocide. However, media coverage often sensationalizes the story, perpetuating stereotypes about Africa. Behind the tragedy lies a complex history of social inequalities, environmental crises, competition for resources, conflicting identities, rural militarization, and chronic governance problems since Sudan's independence in 1956.

In May 2023, Darfur witnessed a deadly conflict, resulting in hundreds of civilian deaths and thousands displaced. The Rapid Support Forces (RSF) and Sudanese Armed Forces (SAF) continued violence, despite the ongoing Darfur crisis since the early 2000s. The international response has been slow, even though the situation is a direct outcome of the earlier Darfur crisis in the early 2000s.

The Juba Agreement of October 2020 led to violence in West Darfur, where Arab militias resisted the appointment of Mr. Khamees Abakar, a Masalit tribe member, as governor. The conflict escalated in April 2023, with Arab militias targeting civilians of African descent.

Since October 2023, the RSF has taken over key cities, resulting in thousands of deaths, injuries, and widespread destruction. The international community's response has been sluggish, failing to address the unfolding calamity. The conflict's root cause is unclear, but it highlights the failure of regional organizations in addressing political and human rights concerns in Sudan. Even the United States, traditionally responsive to humanitarian crises, has been slow to react. The international community bears a legal and moral responsibility to halt the bloodshed and protect civilians.

This research aims to contribute to the debate on why some peace agreements, mediated by third parties, fail. Using Darfur as a case study, it explores the Darfur Peace Agreements, considering Sudan's history of armed conflict since independence in 1956.<sup>7</sup> Peace and security as main variables for human development have disappeared in Sudan, making the survival of people who fled their places of origin very hard over 6.6 million people rely on humanitarian assistance, among them 3.2 million people in the Darfur region.<sup>8</sup>

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<sup>7</sup> Birech, Robert T. Giving reconciliation a chance in Sudan: Seeking an alternative response to Darfur conflict. 2009. Monterey, California. Naval Postgraduate School. P. 1

<sup>8</sup> European Commission. Humanitarian Aid and Civil Protection. [http://ec.europa.eu/echo/where/sub-saharan-africa/sudan\\_en](http://ec.europa.eu/echo/where/sub-saharan-africa/sudan_en)

## Research Objective

The primary objective is to test theories on the impact of third-party mediation on peace agreement success or failure, using the Darfur Peace Agreement as a case study. This research contributes to international mediation by emphasizing the crucial role of mediation strategies.

## Theoretical Building Blocks: Sustainability of Peace Agreements

The assessment of peace agreement success or failure is contentious. Scholars like Jean Arnault emphasize the importance of agreement substance, including precise wording, implementation schedules, feasibility, and international legitimacy.<sup>9</sup> Others, such as Luc Reychler and Stefan Renckens, consider both substance and the parties' perception and attitude toward agreement terms as essential for durability.<sup>10</sup>

Criteria for assessing durability include voluntary acceptance, internal support, agreement comprehensiveness, parties being bound by terms, and cessation of hostilities. These criteria provide a framework for evaluating peace agreement sustainability.

First, the voluntary acceptance of the agreement, as the agreement that is voluntarily accepted by the parties tends to be more sustainable than the one imposed on the parties.<sup>11</sup>

Second is the level of support at the internal level. This is meant for the agreement among the stakeholders particularly the population, and political and military elites as such support makes the implementation easier and the impact on the ground wider than that was not to gain high support.<sup>12</sup>

Thirdly, the content of the agreement and its comprehensiveness, which refers to the degree to which the pending issues have been negotiated and addressed by the parties because the comprehensive peace requires an adequate solution for all the needs and disputing issues such as security, political, economy, reconciliations, and redress, etc.<sup>13</sup>

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<sup>9</sup> Jean Arnault. Good Agreement? Bad Agreement? An implementation Perspective. Center of International Studies. Princeton University. P.1

<sup>10</sup> Luc Reychler, Stefan Renckens, Katrijn Coppens, Nikos Manaras, 2008. P.20

<sup>11</sup>Ibid. P.21

<sup>12</sup> Ibid PP.21-22

<sup>13</sup> Ibid. PP.21-23

Furthermore, as Hampson. O. Fen suggests, the evaluation of the durability of peace agreements requires two additional criteria to be met. It requires the parties to be bound by its terms and it should result in cessation of hostilities.<sup>14</sup>

## **Mediation and Non-coercive Strategies**

Mediation strategies, including directive strategies, play a crucial role. Directive strategies involve mediator intervention using influence or power to draft agreement content or change party perceptions. In internal conflicts, non-coercive mediation is preferred, ensuring it remains an attractive option for involved parties.

Mediation strategy could be defined as an approach or method adopted by the mediator to resolve a conflict or dispute, in other words, it refers to the way through which the mediator manages the dispute, the parties, and the process according to Wall J. A and Lynn. The behavior of the mediator is often measured by the mediation strategy.<sup>15</sup>

The mediation strategies in general are built upon certain concepts such as communication, facilitation, directive, and procedural strategies.<sup>16</sup> However, it is argued that these concepts are derived from the classification of mediation strategies conceptualized by Touval .S and Zartman I. W as formulation, communication, and manipulation.<sup>17</sup> These strategies have also been linked to the general mediation framework which consists of information, influence, and behavior of mediators.<sup>18</sup>

This block of the theoretical framework for the current research is more concerned with directive strategies. According to Bercovitch J and Derouen K in this form of strategies the mediator exercises his or her intervention influence and power by drafting the content of the agreement or using the influence to change the perceptions of the parties or the negotiators through the provision of incentives or the use of coercive means.<sup>19</sup>

When it comes to the mediation of internal conflicts it has been argued that many states avoid intervening in a conflict that can be seen as essentially domestic, and thus the only effective

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<sup>14</sup> Fen O. Hampson, 1996. *Nurturing Peace: Why Peace Settlements Succeed or Fail*. PP.9-10

<sup>15</sup> Wall J.A. and Lynn A. 1993, *Mediation: A Current Review*, *The Journal of Conflict Resolution*. PP.165-166

<sup>16</sup> Bercovitch J. and Houston, A. 2000, *Why do they do it like this?* *The Journal of Conflict Resolution*. P. 170.

<sup>17</sup> Touval, S. and Zartman, I.W, 1985. *Mediation in Theory*. In *International Mediation in Theory and Practice*, ed. Saadia Touval and I. William Zartman, 7-20

<sup>18</sup> Bercovitch J. 2011, *Theory and Practice of International Mediation: Selected Essays*. P.27

<sup>19</sup> Bercovitch, J. and Derouen, K. 2004, *Mediation in Internationalized Ethnic Conflicts: Assessing the Determinants of a Successful Process*. PP.157-158

way to deal with such conflicts is to initiate a non-coercive third-party activity, namely mediation which can help the parties to the conflict to reach an agreement.

Bercovitch, Jacob, and Scott Sigmund Gartner emphasize that for mediation to be an attractive policy option for the parties in internal conflicts the mediation directive strategy should be non-coercive.<sup>20</sup>

It has been observed that during armed conflict the ceasefire agreement that is signed only as a consequence of a coercive strategy would result in interrupted war instead of durable peace. Suzanne Werner and Amy Yuen argue that a ceasefire agreement is considered to be ‘‘interrupted war’’ when there is clear evidence of third party pressure to agreement, and the ceasefire agreements resulting from coercive strategies may lead to ‘interrupted war,’ where parties agree due to third-party pressure rather than a willingness to settle. Biased mediation can be associated with coercive strategies, influencing settlement agreements to protect mediator interests. According to Suzanne Werner and Amy Yuen, a ceasefire agreement in such a situation occurred not because the parties were willing and able to settle on a compromise to terminate the conflict but rather due to third party pressure to stop the fighting.<sup>21</sup> Thus, we can observe that if a ceasefire occurred due to third party pressure the agreement most likely reflects only the current circumstances on the war field or the arbitrary conditions designed by the mediator to get the parties to agree to a temporary peace.<sup>22</sup>

The coercive strategies could be associated with biased mediation, and it is important to highlight that bias has been differentiated according to the source and content dimensions. Isak Svensson indicates that the characteristic of bias of source refers to the close ties of the mediator with one party while the characteristic of bias of contents refers to the settlement strategy or proposal of the mediator.<sup>23</sup>

It has been argued that mediators bias one party in an attempt to protect their protégés through the imposition of stipulations in settlement agreements that ensure the interest of their side. Moreover, the biased mediators utilize their power, leverage, and influence on the primary parties to make them agree to costly concessions, and thus the mediators will be associated with agreement stipulations that promote and enhance the prospect of a peace agreement that is compatible with their interest.<sup>24</sup>

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<sup>20</sup> Bercovitch, Jacob, and Scott Sigmund Gartner, 2006 . Is There a Method in the Madness of Mediation? Some Lessons for Mediators from Quantitative Studies of Mediation.PP.379-380

<sup>21</sup> Ibid

<sup>22</sup> Ibid. P.274

<sup>23</sup> Isak Svensson,2008. The Effect of Biased Mediation on Peace Agreement Stipulations in Civil Wars. P.3

<sup>24</sup> Ibid. P.4

## Mediation Strategies and the Content of Peace Agreements

Mediators must pay attention to agreement content for sustainability. Content directly affects peace agreement success, addressing pre-existing conflict conditions and negotiation strategies. Power-sharing provisions must involve all key actors and gain support for long-term success. According to Fortna Virginia, such theory is premised on the assumption that the pre-existing conditions that characterize the nature of the conflict either determine the achievement of a peace agreement or make it less likely. Moreover, the mechanisms or strategies that applied to negotiated peace agreements can determine the success or failure of a given agreement.<sup>25</sup>

The mediators must ensure that the content of peace agreements contributes to the sustainability of the agreements by reducing the uncertainties about the intention of different parties to the dispute and by changing the incentives and limiting the violent attacks.<sup>26</sup> Statistics show that neither control over rebel movements or arms nor withdrawal of troops to ceasefire lines has a great impact on supporting sustainable peace, rather it is joint missions with representatives from the major actors who have the effectiveness in ensuring sustainable peace.<sup>27</sup>

The inclusion of power-sharing by the mediators in the context of a peace agreement is argued to be significant to the sustainability of a given agreement.<sup>28</sup> Nonetheless, it is found that the power-sharing alone might result in a short-term peace agreement.<sup>29</sup> The content of the agreement needs to be supported by all parties to the conflict and the major stakeholders and the power-sharing provisions must cover all key actors of the conflict.<sup>30</sup>

## Methodology

This qualitative research explores the causal relationship between the Darfur Peace Agreement and its durability. A single case study approach allows in-depth exploration, providing a solid foundation for theory development.

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<sup>25</sup> Ibid. P.172

<sup>26</sup> Fortna, Virginia, 2003. *Scraps of Paper? Agreements and the Durability of Peace*. PP.342-344

<sup>27</sup> Ibid. P.362

<sup>28</sup> Lijphart, Arend. 1991. *The Power-Sharing Approach*. In *Conflict and Peacemaking in Multiethnic Societies*, edited by Joseph V. Montville. P.494

<sup>29</sup> Sisk, Timothy D, 2008. *Power Sharing after Civil Wars: Matching Problems to Solutions*. In *Contemporary Peacemaking: Conflict, Peace Processes, and Post-War Reconstruction*, edited by John Darby and Roger Mac Ginty. P.196

<sup>30</sup> Fen O. Hampson, 1996. *Nurturing Peace: Why Peace Settlements Succeed or Fail*. PP. 218-220

The Contingency Model of Mediation will guide analysis, considering conflict characteristics, mediator traits, and strategy impact at various mediation stages. In this study, I will adopt a qualitative research method which is conducted through the analysis and exploration of the causal relationship between the cause and effect of the Darfur Peace Agreement as a case study, and in doing so we will use the textual data. The use of a case study will provide a solid ground for building an intensive exploration which is crucial in developing a theory or a way of dealing with different factors in exploring this casualty.

On the other hand, my choice of a single case study instead of a compared case study could be justified by the fact that it is more suitable for reaching higher levels when it comes to conceptual validity. In other words, it is significant for measuring the indicators that present the theoretical ideas and notions such as the measurement of durability or the success of a mediated peace agreement.<sup>31</sup>

While analyzing the single case study I use the existing theories to answer the major research question, in particular the case of the Darfur Peace Agreement can highlight two causal relationships which are the impact of the coercive mediation strategy on the durability of the agreement, and the impact of the content -by excluding the key actors and nature of the conflict- on the durability of the agreement. Such a method will allow me to reconcile the exploration of the different factors with the theoretical framework of the research and thus I can come out with some findings that might demonstrate the theoretical argument.

## **Research Design**

This explanatory research focuses on why some peace agreements fail, relying on a single case study and document analysis. This research will apply the Contingency Model of Mediation, as it is explained by Bercovitch, Anagnoson, and Wille. This approach is an analytical framework to explain how the characteristics of mediators and the mediation strategies impact the success of mediation. This model considers the results or outcomes of the mediation as contingent or dependent on the context and nature of the conflict and the mediation strategy that is applied by the mediators.<sup>32</sup>

The chosen design ensures evidence supports causal explanations for the impact of mediation strategies and agreement content on durability.

The Darfur Peace Agreement, signed in 2006, is an ideal case due to its complexity, regional and international dimensions, and the elapsed evaluation period.

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<sup>31</sup> George A.L. 2005, Case studies and theory development in the social sciences.P.19

<sup>32</sup> Bercovitch and Jackson, R., 2009. Conflict Resolution in the Twenty-first Century: Principles, Methods, and Approaches. P.37



This model addresses three stages of the mediation process before, during, and after the mediation. Before the mediation the concerns will be the nature of the conflict, and characteristics of the actors and the mediators, during the mediation the concerns are about the mediation strategy, but after the mediation the major concern is about the results or outcomes of the mediation.<sup>33</sup>

The first stage of the mediation process, which is the characteristic of conflict, will be explored through the analysis of the nature of the conflict in Sudan and Darfur, in particular. The characteristics of the parties will be examined through the identification of key actors in the conflict and major mediators in the Darfur Peace Agreement. The second stage, which relates to the process during mediation, will analyze the mediation strategy adopted by the African Union. The last stage, dealing with the outcomes of mediation, will be reviewed through the evaluation of the success or failure of the Darfur Peace Agreement.

Only by analyzing the political and historical aspects of the conflicts in Sudan and Darfur, and by assessing the strategies applied by the African Union mediation in the negotiation process, can we gain a better understanding of the subject matter in this research.

This study will rely on secondary sources, including books, articles, academic journals, internet sources, and reports from the UN, AU, and NGOs. Written materials on Sudan's conflicts and peace agreements will be examined to analyze the political context and the nature of the armed conflicts. For the selected case of the Darfur Peace Agreement, different materials about the peace negotiation, scientific articles, and books will be collected to analyze the outcomes of the mediation in the negotiations that took place in Abuja, Nigeria, and the circumstances under which the agreement was signed.

## **The contextual factors of Darfur Peace Agreement mediation**

- √ Characteristics of the conflict
- √ Background to major civil wars in Sudan

The history of Sudan is a chronicle of armed conflicts since gaining independence in 1956.<sup>34</sup> The first major war broke out in 1963, with a rebel movement from the southern region fighting against the government in northern Sudan, lasting a decade. The second war in 1983 involved

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<sup>33</sup> Bercovitch J. and Houston, A, 2000. Why do they do it like this? P.175

<sup>34</sup> Robert T. Birech, 2009. Giving Reconciliation a chance in Sudan seeking an alternative response to the Darfur Conflict. p.1

rebel movements, including the Sudanese People's Liberation Army, representing the southern region, and lasted four decades.

The most recent war from 1983 to 2005 between southern and northern Sudan was related to the earlier rebel movement of 1956, triggered by the government's attempt to impose Arabic language and Islam on South Sudan. Although the civil war primarily broke out in southern Sudan among Africans following Christianity, it also affected regions in the north with Muslim and Arab cultures.<sup>35</sup>

During the negotiations of the peace agreement between the rebel movement in the south and the government in the north in 2005, there was a dispute around the question of whether the Blue Nile is a part of North or South Sudan, and the peace talks ended to consider the region as part of the North and accordingly the Blue Nile was not granted the same right to self-determination as the southern Region.<sup>36</sup> Regarding the situation of the Blue Nile, there was a protocol adopted by the parties and it includes power-sharing and the possibility of popular consultation for the future of the region.<sup>37</sup> However, in 2011 a violent conflict broke out again in the Blue Nile region between the Government of Sudan and the Sudan People's Liberation Movement-North due to a breach of and delay in the implementation of the political and economic arrangements outlined in the provisions of the Comprehensive Peace Agreement.<sup>38</sup>

### *1. The civil war in the Blue Nile region*

The civil war took place in the Blue Nile region in 1985 when the people of the region joined the Sudanese People's Liberation Army -the movement that was founded by rebellions from southern Sudan- and fought against the central government in Khartoum.<sup>39</sup>The cause of the conflict in this region is arguably the increasing waves of immigration and new settlers who pushed the indigenous population towards the hills and other remote mountainous areas, and this immigration triggered the conflict over land and resources and created a situation of marginalization among the indigenous groups especially when the center biased and discriminated against them politically, economically and culturally.<sup>40</sup>

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<sup>35</sup> James Fearon and David Laitin, 2006. Sudan narrative.P.1

<sup>36</sup> International Crisis Group, 18 June 2013. Sudan's Spreading Conflict (II): War in the Blue Nile.P.9

<sup>37</sup> International Crisis Group, 18 June 2013. Sudan's Spreading Conflict (II).p.9

<sup>38</sup> Claudio Gramizzi,2013. At an Impasse: The Conflict in Blue Nile. pp.15-16

<sup>39</sup> Claudio Gramizzi 2013. At an Impasse: The Conflict in Blue Nile. P. 7

<sup>40</sup> Ibid.p.13

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## ***2. The civil war in the South Kordofan region***

When it comes to South Kordofan the root causes of the conflict are found to be political marginalization, land dispossession, and unimplemented promises. In particular, the conflict could be traced to the late 1960s when the government started to implement large-scale farming projects in the region and deployed several private investors mainly from northern Sudan with the privilege of possessing substantial pieces of land. This allocation was facilitated by legislation that made undocumented lands a pure governmental property without considering the collective and individual land ownership which was based on customs rather than official legislations in the region.<sup>44</sup>

The misuse of commercial farming which led to the eroding of the soil coincided with the drought that covered wide areas in the region during the late 1970s and early 1980s. This drought and desertification forced the Arab groups to emigrate with their livestock from the northern areas of Kordofan to the southern areas including the lands of the Nuba ethnic groups which led to the conflict over land and resources.<sup>45</sup> In the mid-1980s due to armed conflicts with Arab pastoralists and marginalization, the educated people from Nuba groups started to join the Sudanese People's Liberation Army to fight against Khartoum to build a new democratic Sudan.<sup>46</sup>

Like the situation of the Blue Nile region during the negotiations of the terms of peace, the question of whether the Southern Kordofan region belongs to North or South Sudan was raised and it was difficult to grant Southern Kordofan self-determination although it was granted economic and political rights by the Protocol of the Resolution of the Conflict in the Two

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<sup>41</sup> International Crisis Group, 18 June 2013. Sudan's Spreading Conflict (II): War in the Blue Nile.P.9

<sup>42</sup> International Crisis Group, 18 June 2013. Sudan's Spreading Conflict (II).p.9

<sup>43</sup> Claudio Gramizzi,2013. At an Impasse: The Conflict in Blue Nile. pp.15-16

<sup>44</sup> International Crisis Group,14 February 2013. Sudan's Spreading Conflict (1): war in South Kordofan. P.4

<sup>45</sup> Ibid.P.5

<sup>46</sup> Ibid

Areas.<sup>47</sup> The peace agreements for South Kordofan also failed<sup>48</sup> and as a result of the noncompliance with the Comprehensive Peace Agreement, no peace was reached in the south Kordofan region.<sup>49</sup>

In an attempt to unify the efforts of rebel and other political groups in Sudan, in September 2011 Sudan People Liberation Movement/Army-North from South Kordofan and Blue Nile allied with the Sudan Liberation Movement/Army from Darfur, and with northern political opposition and formed the Sudan Revolutionary Front (SRF). They fight against the government in Blue Nile, Kordofan, and Darfur for democratic transformation in the country.<sup>50</sup>

### **3. The Civil war in Darfur**

Unlike the conflict in other regions in Sudan, the conflict in Darfur has a very complex nature because it comprises a combination of different forms of conflicts that interrelate and complement each other.<sup>51</sup> Therefore the understanding of the context of the civil war with its different dimensions is very significant for all actors who are concerned about the peacemaking process in Darfur, particularly the international mediators. The lack of understanding of the nature of the context and nature of the conflict in Darfur would not only affect the ability of the mediators to adopt appropriate strategies but also might undermine their credibility in the eyes of the negotiators.

According to Adam Azzain Mohamed, the conflict in Darfur consists of three main types of conflicts that overlap with each other and he classifies them as 1) intertribal conflicts over resources 2) inter-regional conflicts where communal elites struggle for political power, and (3) region-centre conflicts based on the exclusion of Darfur from power and wealth.<sup>52</sup>

Johan Brosche also describes the conflict in Darfur as a conflict that comprises four types of conflict: communal conflicts, center-periphery conflicts, local-elites conflicts, and cross-border conflicts.<sup>53</sup>

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<sup>47</sup> Jason Gluck. Why Sudan's Popular Consultation Matters? United States Institute of Peace. Special Report 260. November 2010. P.2

<sup>48</sup> International Crisis Group 2013. P. 1

<sup>49</sup> *Benedetta De Alessi 2013. P. 79*

<sup>50</sup> *Ibid .P.88*

<sup>51</sup> Johan Brosche,2014. Masters of War: The Role of Elites in Sudan's Communal Conflicts. pp-69-70

<sup>52</sup> Adam Azzain Mohamed, 2009. Evaluating the Darfur Peace Agreement. A Call for an Alternative Approach to Crisis Management.p.15

<sup>53</sup> Johan Brosche, 2001. The Crises Continue. Sudan's Remaining Conflicts. P.2

In this section, I will briefly analyze the major types of conflicts in Darfur and examine the major causes for the outbreak of the conflict in the region with a special focus on communal and centre-periphery conflicts as they represent the most violent and link directly the peace talks.

#### *4. The communal conflict in Darfur*

Conflicts and tensions between different tribes have been an integral part of Darfur's history, especially the light disputes over grazing, land, and water sources; however, the level of severity of these conflicts increased dramatically in the 1970s and 1980s.<sup>54</sup> According to Robert T. Birech, the transformation of the conflict between the ethnic groups in Darfur from light tensions into armed conflicts could be understood in light of the effects of the ecological crisis in the 1970s.<sup>55</sup>

Robert T. Birech attributes the civil war between Arab groups and the Fur tribe that erupted in the mid-1980s to the expanding desertification which forced the Arab nomads to immigrate with their castles towards the areas of the Fur tribe which are in search of water and pasture.<sup>56</sup> According to Mamdani in 1986 alone more than 384,000 people immigrated from north to south Darfur and thus the situation of insecurity prevailed in the area because those who had access to arms started to resolve the conflicts by violent means.<sup>57</sup> The other important factor is that the development in the situation, especially the immigration to Fur areas took place at a time when the farmers had pressing needs for land and started to sell their produce in different markets.<sup>58</sup>

Some researchers such as Alex de Wall argue that the conflict between the communal groups in Darfur in 1984-1985 became more severe because the government did not intervene effectively therefore both sides armed themselves, the herd-owners bought guns to arm their castles and the farmers armed themselves in response.<sup>59</sup> As a result of the passive response from the government, in the 1980s thousands of people from both sides were killed and similar armed conflicts broke out in the 1990s between Arab groups and other communities of African descent such as Zaghawa and Masaleet.<sup>60</sup>

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<sup>54</sup> Ibid.p.5

<sup>55</sup> Robert T. Birech,2009. P.9

<sup>56</sup> Ibid. P.9

<sup>57</sup> Mamdani, M, 2009. Saviors and Survivors: Darfur, Politics, and the War on Terror,2009.P.237

<sup>58</sup> Johnson, H. D, 2006. Causes of Sudan's Civil Wars.P.139

<sup>59</sup> Alex de Waal, 2004. Counter-Insurgency on the Cheap. Review African Political Economy. P.719

<sup>60</sup> Johan Brosche,2014. Masters of War: The Role of Elites in Sudan's Communal Conflicts. P.68

### *5. The center-periphery conflict in Darfur*

Some studies find that Sudan is among the most unequal countries in the world, and human development is extremely low as Sudan ranked 153 of the 175 countries that were calculated by the Human Development Index.<sup>61</sup> The economic statistic shows that more than 50% of the national income and assets, and about 75% of health care services are in the capital Khartoum<sup>62</sup>

The question of inequality in the distribution of power and wealth between the center and peripheries in Sudan was raised by the late political leader Dr. John Grang the founder of the rebel movement Sudanese People's Liberation Army in southern Sudan in 1983, although the concept was common among the leftist parties and intellectuals in Sudan especially in 1970s.<sup>63</sup> The Darfur region is also considered one of the periphery regions that are severely marginalized by the centre in Sudan and the dimension of the centre-periphery conflict is evident in the political manifesto of the armed rebel movements in Darfur. The Justice and Equality Movement calls for the right of the region to rule the country and to share the wealth on an equal footing with the centre whereas the Sudan Liberation Movement calls for a secular country and decentralization of power.<sup>64</sup> According to Alex de Waal the Black Book that published by the Justice and Equality Movement documented the domination of the center was not only about center-periphery analysis but also racial analysis, and it argued that the problem is not only about the fact that the northern elite have dominated the country but also about allegations that the people of Darfur are too black to be treated equally within the state.<sup>65</sup>

The conflict between the periphery in Darfur against the Centre in Khartoum could be traced to the early 2000s when a group of Darfurians calling itself The Seekers of Truth and Justice produced and distributed widely a political document called The Black Book through which the group shows the imbalance of power and wealth in Sudan, and this group –in later developments-transformed into Justice and Equality Movement.<sup>66</sup>

In early 2000 some communal groups of African descent such as Fur, Zaghawa, and Masaleet organized armed movements against the centre clamming that the government had disfavored them in earlier communal conflicts against Arab nomads and that the government excluded

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<sup>61</sup> Hisham Mohamed Hassan Ali,2008. An Analysis of Growth and Inequality in Sudan: Cointegration and Causality Evidence (1956-2003).P.4

<sup>62</sup> Alex de Waal,2007. Sudan: What kind of state? What kind of crisis.P.6

<sup>63</sup> Ibid

<sup>64</sup> Johan Brosche,2001. The Crises Continue. Sudan's Remaining Conflicts.P.6

<sup>65</sup> Alex de Waal,2007. Sudan: What kind of state? What kind of crisis, crisis states research center. p.7

<sup>66</sup> James Traub,2010. Unwilling and Unable: The Failed Response to the Atrocities in Darfur. P.4

them from political participation and ruling of the country.<sup>67</sup> These communal groups established a resistance movement called the Sudan Liberation Army and along with the Justice and Equality Movement took up arms and fought against the central government.<sup>68</sup>

The two resistance movements as I mentioned earlier cited similar reasons for the rebellion which included the socio-economic and political marginalization of the region and they began their first military activities in late 2002 and early 2003 through attacks against local police offices where they looted weapons and other property of the government.<sup>69</sup>In mid-2003, the rebel movements continued their military operations and expanded rapidly to target government installations in the Darfur cities such as Alfashir, Kutum, and Tina where the rebels destroyed several aircraft and killed several soldiers.<sup>70</sup>

In response to these military attacks, the government called the Arab nomads who didn't have a traditional homeland in the region being affected by the desertification and recruited them with a promise to possess the land of the African communities.<sup>71</sup> Those Arab militias who were recruited were to become what the people refer to as Janjaweed, the traditional name for the armed bandit and outlaw in Darfur.<sup>72</sup>

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<sup>67</sup> Johan Brosche,2014. Masters of War: The Role of Elites in Sudan's Communal Conflicts .P.68

<sup>68</sup> Thu Thi Quach,2004. The Crisis in Darfur: An Analysis of its Origin and Storylines. PP.11-12

<sup>69</sup> Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, 2004. P.23. para 63

<sup>70</sup> Ibid. P.23. para 65

<sup>71</sup> Ibid. P.23.para.68

<sup>72</sup> Ibid. P.23.para.69

## Characteristics of the actors of the conflict

### *The Government armed forces and Janjaweed militias*

The current government of Sudan took power through a military coup led by the National Islamic Front on 30 June 1989<sup>73</sup> allegedly to put an end to the anarchy of the democratic period and to end the proposed peace talks between the elected government and the rebel movement in South Sudan which was described as a barrier to Sudan's Islamic revival.<sup>74</sup>

The Sudanese armed forces have played a central role in the armed conflict in Darfur, and the president of Sudan Omer Al-Bashir represents the Commander-in-Chief of these forces although he exercises his power through the Minister of Defense.<sup>75</sup> However, in military operations, the armed forces are supplemented by civilians who mobilize into the Popular Defense Forces whose functions are to assist the armed forces and other regular forces whenever asked and to contribute to the defense of the country.<sup>76</sup>

According to the Report of the International Commission of Inquiry on Darfur, officials at the local government levels are responsible for the mobilization and recruitment of the members of Popular Defense Forces through the leaders of the tribes and communal groups, and then the government provides arms, uniforms, and training to these paramilitary forces.<sup>77</sup>

The armed forces in Sudan not only include Popular Defense Forces but also Border Intelligence whose members are recruited from the local communities with a primary role of gathering military information. The members of these forces are deployed according to their knowledge of the areas, ethnic groups, and the ability to differentiate between members of different tribes in respective areas.<sup>78</sup>

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<sup>73</sup> Johan Brosche, 2008. Darfur Dimensions and Dilemmas of a Complex Situation. P. 21

<sup>74</sup> Dr. Amin M. Medani, 2010. Criminal Law and Justice in Sudan. Khartoum. P.5

<sup>75</sup> Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, 2004.p.27.paras. 78-79

<sup>76</sup> Popular Defense Forces of 1989. Article 6

<sup>77</sup> Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, 2004.p.28.paras. 82-83

<sup>78</sup> Ibid.p.29.paras.85-86



Such forces were initially established for the fighting of the government against the rebel groups in South Sudan, and the government started to recruit members of the Arab groups into these forces in Darfur during the early stages of the armed conflict in the region in 2002 and 2003 allegedly as a cover to recruit Janjaweed militia.<sup>79</sup>

The military operations of the armed forces are also carried out in concert with the government proxy Janjaweed militias who have been responsible for many atrocities committed against the community groups of African descent in Darfur.<sup>80</sup> Alex de Waal points out that the crimes and atrocities committed by Janjaweed militia against Fur, Masaleet, Tunjor, and Zaghawa were systematic and the effects were grossly disproportionate to the military threat of the rebel movements. The militias killed the civilians, destroyed the villages, cut down fruit trees, and destroyed the irrigation canals in an attempt to eradicate the claims of these groups to the land in Darfur.<sup>81</sup>

According to the findings of the International Commission of Inquiry on Darfur, when the government of Sudan faced two rebel movements in Darfur in 2003, it called on several Arab ethnic groups to assist in the fighting against the rebels. Leaders of community groups in collaboration with local and central government officials played a key role in recruiting and organizing the militia members not only within the Arab groups in Darfur but also from neighboring countries, especially Libya and Chad.<sup>82</sup>

## **The Rebel Movements In Darfur**

The Darfur rebel movements include the Justice and Equality Movement whose leaders affiliate with Sudan's Islamic Movement, and the Sudan Liberation Movement/Army with wide support from community groups of African descent. The composition of the rebels is a mixture of village defense groups and ambitious elites and they are divided on tribal and political basis, therefore the two leaders of the Sudan Liberation Army rarely agree with each other or with the leader of the Justice and Equality Movement.<sup>83</sup>

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<sup>79</sup> Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, 2004.p.29.para.86

<sup>80</sup> Robert T. Birech,2009. P. 25

<sup>81</sup> Alex de Waal,2004. Counter-Insurgency on the Cheap. P.723

<sup>82</sup> Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, 2004.p.32.para.102

<sup>83</sup> Alex de Waal,2007. Darfur and the failure of the responsibility to protect. P. 1040

## ***1. Justice and Equality Movement***

Justice and Equality Movement JEM was founded in 2003 by a group of intellectuals and educated people from Darfur<sup>84</sup> who were drawn mostly from among the supporters of the Islamic Movement leader in Sudan Hassan Altourabi.<sup>85</sup>

Most of the members and leaders of JEM belong to a Zaghawa sub-group known as Kobe and many of them live in Chad most recently the movement has started to recruit intellectual members of Arab groups.<sup>86</sup> According to the sources of Global Security, JEM appears to have received support from Chad as some captured rebels were found to possess Chadian arms.<sup>87</sup>

As mentioned earlier, JEM derives its main ideology from the Black Book which seeks to demonstrate that the Darfur region has been marginalized by the central government in terms of political participation and social economic development.<sup>88</sup> JEM leaders claim that they are fighting the government to rescue and save Sudan through the formation of a new Sudan which would be led by a rotating presidency and include all Sudan's regions in the political power.<sup>89</sup>

Unlike other rebel movements in Darfur JEM has always had better access to funds and logistic support from outside the country due to its Islamic background and its linkage with the international Islamic Movement, and thus it has become the largest armed group among the rebels.<sup>90</sup>

## ***2. Sudan Liberation Movement/Army***

Sudan Liberation Army was established in 2001 by an alliance of two large community groups in Darfur the Fur and Zaghawa tribes, and from the very beginning, the two tribes had different programs and claims. While the Fur leaders adopted and supported the ideas of the Sudanese People's Liberation Army (SPLA) of South Sudan and directed their struggle and fighting

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<sup>84</sup> Small Arms Survey. Justice and Equality Movement. Available at <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/sudan/darfur/armed-groups/opposition/HSBA-Armed-Groups-JEM.pdf>. p.1

<sup>85</sup> BBC. <http://news.bbc.co.uk/2/hi/africa/7039360.stm>

<sup>86</sup> Small Arms Survey. Justice and Equality Movement.1

<sup>87</sup> Global Security.Military. Available at <http://www.globalsecurity.org/military/world/para/darfur.htm>

<sup>88</sup> Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General 2004 P.39. Para. 135

<sup>89</sup> Aljazeera. Who are Sudan's JEM rebels? Available at <http://www.aljazeera.com/news/africa/2009/05/20095721141953829.html>

<sup>90</sup> Omer Ismail and Maggie Fick, 2009. Darfur Rebels 101. The Enough Project. P.2

toward the government, the Zaghawa group instead of fighting the government wanted to fight against the Arab militias with whom they were in conflict over resources.<sup>91</sup>

In 2002, a conference was held in Jebel Marra in Darfur to establish the new movement the Sudan Liberation Army, giving the position of the chairman to a Fur member Abdel Wahid Nour, and the military command to a Zaghawa member Minni Minawi while the deputy chairmanship to a Masaleet member Khamees Abdella.<sup>92</sup>

The rapid expansion and intensification of the conflict during 2004-2005 overwhelmed the leaders of the Sudan Liberation Army and their leadership structure, and the dispute over the leadership between Abdelwahid and Minnawi grew rapidly over time. Minni considers that the military strength of his tribe Zaghawa must be reflected in the leadership while Abdel Wahid and other tribal leaders insist on the original allocation of positions and keeping the Fur member Abdel Wahid as the chairman of SLA.<sup>93</sup> The two groups failed to resolve the dispute in the Haskaneeta conference in 2005 and thus the movement has been divided into two factions SLA/Abdel Wahid and SLA/ Minawi.<sup>94</sup> The split between the two groups was the first in a series of divisions along ethnical lines that weakened the insurgency of the Sudan Liberation Army, it led to personal struggles over power which undermined the credibility of the two new movements among their people.<sup>95</sup>

### **Characteristics of the African Union as a mediator**

The history of African conflict management shows that the interventions for ending armed conflicts in the continent have occurred from actors outside Africa who used to apply conflict resolution principles that have a Western nature, but in recent years the continent witnessed increasing African attempts to transform conflicts across several regions especially the region of the Great Lakes and the Horn of Africa.<sup>96</sup>

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<sup>91</sup> Sudan Tribune, 16 September 2011. Sudan Liberation Army Abdul Wahid(SAL/AW). Available at <http://www.sudantribune.com/spip.php?mot163>

<sup>92</sup> International Crisis Group,2005. Unifying Darfur's Rebels.p.2

<sup>93</sup> Ibid. P.3

<sup>94</sup> Sudan Safari. SLM/MM suffers serious cracks. 28 October 2014. Available at [http://english.sudansafari.net/index.php?option=com\\_content&view=article&id=6486:slmmm-suffers-serious-cracks&catid=2:analysis&Itemid=2](http://english.sudansafari.net/index.php?option=com_content&view=article&id=6486:slmmm-suffers-serious-cracks&catid=2:analysis&Itemid=2)

<sup>95</sup> Sudan Tribune, 6 September 2011.Sudan Liberation Movement/Army Minni Minawi.Available at [.http://www.sudantribune.com/spip.php?mot190](http://www.sudantribune.com/spip.php?mot190)

<sup>96</sup> Benjamin de Carvalho, Thomas Jaye,Yvonne Kasumba and Wafula Okumu, 2010. Peacekeeping in Africa: The Evolving Roles of the African Union and Regional Mechanisms.PP.21-22

The trend towards the promotion of regional initiatives for peace and management of conflicts was largely supported by the United Nations organs as a necessary shift and significant means for the transformation of conflicts in different regions.<sup>97</sup> In particular, the cooperation of the United Nations with regional arrangements and organizations was an issue of high importance for former Secretary General Boutros Boutros Ghali because he thought that they could provide great support if their activities were undertaken in a way that was compatible with the purpose and objective of the United Nations.<sup>98</sup>

In his document, *Agenda for Peace* Boutros Ghali emphasized that " *regional action as a matter of decentralization, delegation and cooperation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation [...] in international affairs*"<sup>99</sup> . He also pointed out that the regional organizations have not been considered as key actors in the UN affairs in recent decades but a new sense exists and acknowledges the contribution that they could make. He stressed that "[c]onsultations between the United Nations and regional agreements or agencies could do much to build international consensus on the nature of a problem and the measures required to address it."<sup>100</sup>

### ***The former Organization of the African Unity and management of conflicts in Africa***

The establishment of the African Union could be traced historically to a union of 32 states that managed to attain their independence and formed the Organization of African Unity (OAU) in 1963 in Addis Ababa, Ethiopia.<sup>101</sup> It could be observed that the commitment in the preamble of the Charter of OAU was to the promotion of understanding among the African people and cooperation among the African states and to a larger unity transcending ethnic and national differences.<sup>102</sup> The overall objective of the OAU was to promote the unity and solidarity of the

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<sup>97</sup> Sarah Ancas, 2011. effectiveness of regional peacemaking in Southern Africa. *African Journal on Conflict Resolution* P. 131

<sup>98</sup> United Nations. Consideration of questions under the responsibility of the Security Council for the maintenance of international peace and security. [http://www.un.org/en/sc/repertoire/89-92/Chapter%208/GENERAL%20ISSUES/Item%2029\\_Agenda%20for%20peace\\_.pdf](http://www.un.org/en/sc/repertoire/89-92/Chapter%208/GENERAL%20ISSUES/Item%2029_Agenda%20for%20peace_.pdf)

<sup>99</sup> United Nations. General Assembly. Report of the Secretary-General on the work of the organization. A/47/277. S/ 24111. 7 June 1992. P.18. para.64

<sup>100</sup> Ibid. P.18. para.65

<sup>101</sup> Mike Aguilar, Thera Watson and Dave Verge, 2008. *History of the African Union*. National Model United Nations. P.5

<sup>102</sup> OAU Charter.

African states and to defend their sovereignty territorial integrity and independence, in addition to the eradication of all forms of colonialism from the continent.<sup>103</sup>

The principle of non-interference in the internal affairs of the Member States outlined in the Charter restricted the OAU and made it difficult for the organization to intervene in armed conflicts and attain its ends.<sup>104</sup> Moreover, the members of OAU did not manage to achieve consensus within the organization due to the different standing points among the French colonies, and the pro-capitalist and pro-socialist factions during the period of the Cold War.<sup>105</sup>

The OAU took some steps to improve its capacity concerning the prevention and management of conflicts in the continent through the adoption of a Mechanism for Conflict Prevention, Management, and Resolution, although these steps did not result in any noteworthy consequences<sup>106</sup> However, during the first years of the existence of the OAU, there were few attempts to promote regional stability and to reduce the impact of the conflicts arising from boundary disputes and territorial claims in the continent, and these attempts despite the critics had achieved some success in dealing with such conflicts.<sup>107</sup>

### ***The African Union and the management of conflicts in Africa***

In 1999 the Member States of the Organization of African Unity adopted a declaration calling for the establishment of a union among the African countries in an attempt to accelerate the integration process in Africa to play an effective role in the global economy and to address the social and political problems that resulted from the negative impact of the globalization.<sup>108</sup> Almost one year after the issuance of the declaration, the Constitutive Act of the African Union was adopted during the Organization of African Unity summit in Lome in July 2000. The following year, particularly during the African summit in Lusaka, the Member States agreed on a transition period of one year to prepare for the transformation from OAU to the African Union.<sup>109</sup>

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<sup>103</sup> Ibid. Article 1

<sup>104</sup> Mike Aguilar, Thera Watson, and Dave Verge. P.5

<sup>105</sup> Mike Aguilar, Thera Watson and Dave Verge, 2008. History of the African Union. National Model United Nations. P.5

<sup>106</sup> Bjorn Moller, 2009. The African Union as Security Actor: Africa Solutions to Africa. P.7

<sup>107</sup> Sam Ibok, 2000. Conflict Prevention, Management and Resolution in Africa. p.3

<sup>108</sup> African Union. <http://www.au.int/en/about/nutshell>

<sup>109</sup> United Nations. Economic Commission for Africa. <http://www.uneca.org/oria/pages/history-background-africas-regional-integration-efforts>

The Constitutive Act shows that the African Union aims among other things at achieving unity between the countries in the continent, defending the sovereignty and territorial integrity of its members, and promoting peace, security, and stability in Africa.<sup>110</sup> However, unlike the OAU Charter, the Constitutive Act of the African Union makes a significant shift in terms of Member States sovereignty by stating the principles of intervention in the internal affairs of its members.<sup>111</sup> Although the principles that guide the function of the African Union affirm the importance of sovereignty, peaceful resolution of conflicts, and non-interference in domestic affairs, the Constitutive Act allows the African Union to intervene in internal affairs in situations of war crimes, genocide, and crimes against humanity.<sup>112</sup>

The African Union has a mandate to engage in all forms of conflict resolution, especially mediation and other types of peacemaking, and this mandate is driven mainly by the provisions of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union.<sup>113</sup> The Protocol has formed institutional mechanisms to enhance the role of the African Union in the prevention, management, and resolution of conflicts in the region, specifically through the establishment of the Peace and Security Council in early 2004.<sup>114</sup>

The Protocol Relating to the Establishment of the Peace and Security Council describes the Security Council as a standing decision-making body for conflict resolution and a collective security and early-warning arrangement to facilitate and respond to conflict in the continent.<sup>115</sup>

The Protocol also defines the objective of the Peace and Security Council among which is the promotion of peace and stability in Africa, anticipation and prevention of conflicts, promotion and implementation of peace-building, and undertaking peace-making functions, especially in situations where conflicts have occurred in the continent.<sup>116</sup>

Even though the African Union demonstrates the willingness to take responsibility and resolve the armed conflicts in the continent it is faced with several challenges in responding to these conflicts.<sup>117</sup> For instance, Laurie Nathan argues that although there is a formal commitment to

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<sup>110</sup> Constitutive Act of the African Union. Article 3

<sup>111</sup> Bjorn Moller, 2009. P.9

<sup>112</sup> Constitutive Act of the African Union. Article 4 (h)

<sup>113</sup> Laurie Nathan, 2009. The challenges facing mediation in Africa. P.15

<sup>114</sup> Kwesi Aning, 2008. The African Union's Peace and Security Architecture: defining an emerging response mechanisms. PP-2-3

<sup>115</sup> Protocol Relating to the Establishment of the Peace and Security Council of the African Union. Article 2

<sup>116</sup> Ibid. Article 3

<sup>117</sup> Julian Brett, 2013. The Inter-relationship between the African Peace and Security Architecture. P.34

mediate in African peace processes the African Union has no specific mediation unit with specialists and expertise in mediation.<sup>118</sup> According to Laurie Nathan, the peace initiatives suffer a lot from a lack of skills and capacity and there is a huge gap between the mandates of peacemaking and the ability of the African Union to carry out those mandates.<sup>119</sup> He emphasizes that the African Union should set up a mediation unit that provides expert analysis, advises and supports the senior mediators, and undertakes mediation in situations of ongoing conflict in Africa.<sup>120</sup>

Analysis of the African Union mediation in Darfur Peace Agreement

### *The process of African mediation in Darfur peace negotiations*

Under the patronage of the African Union and support from the international community peace negotiations aimed to put an end to the conflict between the government of Sudan and rebel movements in Sudan took place in Abuja, Nigeria in August 2004, and after three months the parties signed protocols on security and humanitarian situation which was followed by the Declaration of Principles in May 2005 that led to the negotiations of the agreement.<sup>121</sup>

During the peace talks the rebel movements of Darfur were represented by the Justice and Equality Movement and two factions represented the Sudan Liberation Army under the leadership of a Zaghawa tribe member Minni Minawi and the Sudan Liberation Army under the leadership of a Fur tribe member Abel Wahid Nour.<sup>122</sup>

In May 2005 the Chairman of the African Union Commission Alpha Omer Konare appointed Salim Ahmed Salim the former Chairman of the Organization of the African Unity OAU as the African Union Special Envoy for the Peace Talks on the Darfur conflict which was resumed in September 2005.<sup>123</sup> It was in June 2005 that the Sudan Liberation Army, Justice, and Equality Movement, and the government of Sudan began the early rounds of negotiations where the African Union provided the parties to the civil war with a draft framework to be taken into consideration and they are expected to present their suggestions during the

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<sup>118</sup> Laurie Nathan. Mediation in African conflicts: The gap between mandate and capacity. P. 11

<sup>119</sup> Ibid

<sup>120</sup> Ibid.p.22

<sup>121</sup> Savo Heleta,2008. Negotiating Peace in Darfur: Failures and Prospects. P.6

<sup>122</sup> Margie Buchanan-Smith and Susanne Jaspers,2007.Conflict, camps, and coercion: the ongoing livelihoods in Darfur. P.59

<sup>123</sup> Ted Dagne,2006. Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U:S: Policy. P. 6

negotiations stage.<sup>124</sup> Nonetheless, there was a delay in the negotiations for days as the rebels accused the delegation of Chad of being biased in favor of the government of Sudan and requested the removal of Chad from the mediation. The government of Sudan also objected to the presence of Eritrea as a mediator, arguing that the government of Eritrea supports the rebel movements in Sudan.<sup>125</sup> In November 2005 the seventh round of the peace negotiations started after the failure of the previous rounds which only resulted in a Declaration of Principles and several ceasefire accords that were breached by the different parties.<sup>126</sup>

### ***Pressure and deadline policies***

The strategy that was adopted for the negotiations has been criticized and described as a strategy of imposition where decisions were taken by the mediators and passed to the negotiators, especially the rebels without allowing them to discuss the contents deeply.<sup>127</sup>

The peace negotiations in Abuja were characterized by a trend of using deadlines as a method or a tool in mediation, bearing in mind that when the mediators impose deadlines on the negotiators without considering the needs and requests of the parties may undermine their credibility. Furthermore, sticking to deadlines in a very restrictive manner would result in mediation with a manipulative nature which seeks to get a peace settlement regardless of the efficiency of the process.<sup>128</sup> As I have mentioned earlier if the mediation excludes the parties from negotiations and adjusts a draft of an agreement without leaving room for the parties to consult their constituent about it, the parties would lose the sense of ownership of the negotiation process which could affect the implementation of the peace agreement in the long run.<sup>129</sup>

In the case of Darfur peace negotiations in Abuja, top officials from the African Union and its partners such as the United Nations, and the European Union and donors protested and complained that the process of the negotiations was not fast as they should be and that the patience of the international community is running out. Moreover, they intimidated the parties

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<sup>124</sup> Ibid

<sup>125</sup> Ibid

<sup>126</sup> Laurie Nathan, 2007. The Failure of the Darfur Mediation. Ethno politics. P.497

<sup>127</sup> Oluwadare Abiodun, 2011. Darfur: A Complicated Peace Process? PP.201-202

<sup>128</sup> David Lanz. Sudan/Darfur, Abuja Negotiations and the DPA. Mediation Support Project, Swiss peace. <https://www.wiltonpark.org.uk/wp-content/uploads/darfur-overview-summary.pdf> P.78

<sup>129</sup> David Lanz. Sudan/Darfur, Abuja Negotiations and the DPA. Mediation Support Project, Swiss peace.p.78



threatened them with sanctions, and warned that the funds for the mediation could be cut down if the parties did not speed up the process.<sup>130</sup>

According to Laurie Nathan in February 2006 three months after the seventh round of the talks, the African Union Commissioner for Peace and Security addressed the mediators and the parties to conclude the talks by the end of February, and it was followed by another request in March by the African Union Peace and Security Council called upon the parties to wrap up by the end of April and accordingly the United Nations Security Council considered this date as the final deadline for all those involved in the process.<sup>131</sup>

The British Foreign Secretary Jack Straw whose government was considered one of the main donors for the peace process spoke to the parties in January 2006 and stated that the international community has spent a large amount of money and considerable efforts and time into the negotiations and he emphasized that their patience is limited and if the parties do not reach a common understanding his government and the African Union will start to look for alternatives.<sup>132</sup>

In February Jack Straw made another statement and he stressed that the “ *[p]rocess in the talks has been far too slow. The original ceasefire was signed in April 2004, the Humanitarian and Security Protocols signed here in November 2004, and the Declaration of Principles in July 2005. You parties failed to meet the 31 December deadlines set by the Security Council for an agreement. You are now in your seventh round of talks.*”<sup>133</sup>

According to the International Crisis Group, on 25 April 2006, the African Union mediators presented a peace document to the negotiators and gave them less than one week to accept the compromise document or reject it. The government of Sudan responded within five days and declared they would sign the document despite their reservations on several issues but the rebel representatives did not respond and requested more time and the mediators extended the deadline by two days while the pressure from the US, the UK and the African Union Commissioner was applied on the leaders of Sudan Liberation Movement, particularly Minni Minawi to sign the agreement.<sup>134</sup> As the deadline approached, Secretary of State Robert B Zoelick started to lose patience because after three days of negotiations, the leader of the Sudan Liberation Army Minni Minawi had earlier promised Zoelick to support the agreement and he

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<sup>130</sup> Laurie Nathan, 2006. No Ownership, No Peace: the Darfur Peace Agreement. P.4

<sup>131</sup> Laurie Nathan, 2006. No Ownership, No Peace: the Darfur Peace Agreement. PP.3-4

<sup>132</sup> Darfur at the crossroads: Foreign Secretary’s speech to the peace talks on Darfur, Abuja <http://www.wired-gov.net/wg/wgnews1.nsf/54e6de9e0c383719802572b9005141ed/aac7651aaceb4c40802572ab004bc951?OpenDocument>

<sup>133</sup> Darfur at the crossroads: Foreign Secretary’s speech to the peace talks on Darfur, Abuja

<sup>134</sup> International Crisis Group, 2006. Darfur’s Fragile Peace Agreement. P. 3

would sign it, and later that day he announced he rejected the agreement in full view of the international mediators and the African leaders. According to some observers, the Secretary of State was disappointed and he intimidated the rebel leader by saying '*I can be a very good friend, but I am a fearsome enemy*'<sup>135</sup>

On the other side, the United States told officials in the government of Sudan that it will impose sanctions and help the International Criminal Court to investigate the war crimes in Darfur and support the divestment movement that advocates having companies cease doing business with the government of Sudan.<sup>136</sup> Accordingly, the United States Secretary of State Rebert Zoelick, the British International Development Secretary Hilary Benn, the Nigerian President Obasanjo, and other officials with high importance compelled the government of Sudan and the rebel movements to agree in less than one week.<sup>137</sup>In particular, it was on 5 May 2006 that the rebel leader Minni Minawi and the chief mediator of Sudan's government signed the peace agreement while the leaders of the Justice and Equality Movement and Sudan Liberation Movement Abdel Wahid faction refused to sign the document.<sup>138</sup>

The African Union and its international partners set a new deadline of 15 May and then extended it to the end of May, and then extended it again to the beginning of June 2006 to allow the faction of Abdel Wahid and leaders of the Justice and Equality Movement to join the agreement and sign the document.<sup>139</sup>The mediation team rejected all of the demands of the rebels arguing that the document of the peace agreement could not be negotiated again, and thus the process of the negotiations came to an end in the first week of June when Abdel

Wahid promised to attend the final meeting with the Minni Minawi faction and vice-president of Sudan and then he reneged on his commitment later that day.<sup>140</sup>

Abaker Abuelbasher, a negotiator with the Sudan Liberation Movement Abdel Wahid faction explained their refusal to sign the peace agreement by stating that the Arabic version of the peace document was prepared six weeks before it was delivered to the rebel movements and it was kept with African Union mediators who presented it to the rebels only five days before the proposed date for signing the document, taking into account that the document included issues

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<sup>135</sup> Glenn Kessler,2006. Darfur Peace Accord A Battle of Its Own. Tuesday, May 9, 2006.

<http://www.washingtonpost.com/wp-dyn/content/article/2006/05/08/AR2006050800419.html>

<sup>136</sup> John Prendergast,2006. A dying deal in Darfur. July 13, 2006. <http://www.enoughproject.org/news/dying-deal-darfur-boston-globe>.

<sup>137</sup> Oluwadare Abiodun,2011. Darfur: A Complicated Peace Process? PP.201-202

<sup>138</sup> Laurie Nathan, 2007. The failure of the Darfur Mediation. P.499

<sup>139</sup> Ibid

<sup>140</sup> Ibid

that being raised for the first time.<sup>141</sup> There was great pressure from the African Union and the international community on the rebels to accept the peace agreement and they rejected all the requests made by the rebels to be granted three weeks for studying the document. The rebel mediator Abaker Abuelbasha cited that the "*Darfur Peace Agreement is a very important document to the whole nation and the people of Darfur, in particular as it can shake up the political and economic future of Darfur. Because of that the Movements had officially requested the AU Mediation to grant it three weeks to carefully study the document before presenting its comments. The mediation team rejected the request, which shows another indication that AU was adamant about not reaching a genuine agreement*"<sup>142</sup>

It is obvious that the Darfur peace talks were not granted adequate time and all the processes were conducted under pressure without allowing the negotiators to bridge their gaps and build trust and confidence. The primary role of the mediators is to bring the views and assist all the parties to the conflict in absolute neutrality to reach a durable peace, but not to be adamant in imposing its agenda on the negotiators; otherwise, the mediation would lose its credibility, ethics, and impartiality.<sup>143</sup>

### ***Exclusion of the nature of conflict from the content of the agreement***

The substance of the agreement is a key factor for the durability of peace agreements. Robert T. Birech argues that the level of armed attacks has increased after signing the agreement because the government of Sudan was unwilling to cooperate, and as the political exclusion was one of the main claims of the rebels the power-sharing protocol is very crucial for helping the parties to reach a sustainable peace.<sup>144</sup> During the negotiations of the Darfur Peace Agreement, the negotiators of the rebel movements called for representation at the national level by the vice presidency but the negotiators of the government of Sudan rejected this demand.<sup>145</sup> Furthermore, Adam Azzain argues that the root cause of the conflicts in Darfur are described as underdevelopment conflicts which consist of different types of conflicts but the peace agreement addressed only one type of conflict which is the center-periphery conflict, and omitted the communal conflict, cross-border conflict and inter-elites conflicts. According to

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<sup>141</sup> Abaker Mohamed Abuelbasha, 2006. On the failure of Darfur peace talks in Abuja. August 25, 2006. <http://www.sudantribune.com/spip.php?article17244>

<sup>142</sup> Ibid

<sup>143</sup> Watts Roba Gibia Nyirigwa, 2006. Darfur peace; Does it meet the legitimate aspiration of the people? June 12, 2006. [http://www.sudantribune.com/spip.php?page=imprimable&id\\_article=16146](http://www.sudantribune.com/spip.php?page=imprimable&id_article=16146)

<sup>144</sup> Robert T. Birech, 2009. P.26

<sup>145</sup> International Crisis Group, (2006, June 20). Darfur's Fragile Peace Agreement. Nairobi/Brussels: Africa Briefing No.39.p.7

Adam Azzain the Darfur Peace Agreement gave priority to security arrangement and power and wealth sharing leaving the communal conflict to the Darfur-Darfur Dialogue and Consultation without providing answers to major issues such as the agenda for this interaction, parties to this dialogue and place of the forum.<sup>146</sup> The agreement focused on how to end the conflict between the government and the rebels through the power-sharing and security arrangement and neglected other types of conflict. Article 2 of the Darfur Peace Agreement sets up criteria and guidelines for power sharing, in particular, it calls upon the government to ensure the inclusion of Darfurians at all levels of governance and that relevant precedents and population size shall be applied in determining the representation of the people of Darfur at different levels of governance with emphasis that positive action shall be applied for the favor of people of Darfur to promote the inclusivity in public service.<sup>147</sup> However Adam Azzain argues that one of the major shortcomings is how the power is to be shared during the transitional period, the agreement created leadership positions at the regional and central levels stating that they would be allocated to the leaders of the rebels who signed the agreement or accepted the accord, creating-by this approach- an environment for struggle around who gets what among the rebels.<sup>148</sup> Abaker Mohamed Abuelbasha was the head of the Wealth Sharing Commission in the Abuja peace talks- also argues that the content of the agreement does not include solutions to key disputing issues and focuses on the political questions. In particular, he identifies issues such as:

- The consideration of Darfur as one region with its borders of 1 January 1956 and that communal and tribal land ownership and other historical rights shall be affirmed within their historical borders
- Adequate representation in legislative and executive bodies at national and regional levels
- participation of the rebel movements in the disarming of the Arab militias within a specific period.

<sup>149</sup>There are other issues and rights related to the victims of war in Darfur that have not been addressed effectively by the agreement such as the individual compensations, the duration of the transitional period, and the control of the rebel movements over their forces before the disarmament takes place.<sup>150</sup>

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<sup>146</sup> Adam Azzain Mohamed,2009. Evaluating the Darfur Peace Agreement. P.15

<sup>147</sup> Darfur Peace Agreement. Article 2. Paras.16-19

<sup>148</sup> Adam Azzain Mohamed,2009. Evaluating the Darfur Peace Agreement. PP.15-16

<sup>149</sup> Abaker Mohamed Abuelbasha,2006.

<sup>150</sup> Ibid

### ***Exclusion of the major actors from the content of the agreement***

When it comes to the comprehensiveness and inclusiveness of the peace process it would be important to take into account the participation of the major conflict actors and relevant stakeholders such as the civil society and victims who have to live with the resulting agreement or whom the outcomes of the agreement would have a direct impact on their lives. This inclusion is important because the excluded parties might reject the negotiated settlement and behave as spoilers during the stage of the implementation.<sup>151</sup> By applying the exclusion criterion to the Darfur Peace Agreement it could be argued that the exclusion of the main stakeholders such as the Sudan Liberation Army Abdel Wahid faction, the Justice and Equality Movement, and civil society during the negotiations phase is among the causes of agreement failure.<sup>152</sup>

The African Union mediators omitted or neglected the participation of the people of Darfur especially the victims of the war including the refugees, internally displaced persons, and Arab groups in the talk process although the mediators attempted at the very end of the negotiations to include an item on Darfur-Darfur Dialogue and Consultation as a platform for the Darfurian people but it render meaningless before it could begin as the agreement itself was already dead on arrival.<sup>153</sup> According to the International Crisis Group the two rebels, the Justice and Equality Movement and Sudan Liberation Army Abdel Wahid faction refused to sign the agreement arguing that there was a need for more direct participation in the implementation of the security arrangement, in addition to the fact that the peace agreement did not address the political representation or the redress and remedy for the victims of the conflict.<sup>154</sup>

### ***The consequences of the Darfur Peace Agreement***

According to the criterion of the commitment of the parties to implement the negotiated peace agreement, the Darfur Peace Agreement DPA constitutes a failed agreement because Article 30 of the agreement under the title Sequencing and Timeline Guideline requires Sudan government to completely disarm the Arab militias within 5 months of signing the agreement.<sup>155</sup> Article 19 of the agreement also states that the Sudan Government would establish a special fund for the rehabilitation, reconstruction, construction, and development of

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<sup>151</sup> Luc Reyckler, Stefan Renckens, Katrijn Coppens, Nikos Manaras,2008. P.10

<sup>152</sup> Ibid

<sup>153</sup> Robert T. Birech,2009. PP.23-24

<sup>154</sup> International Crisis Group, (2006, June 20). Darfur's Fragile Peace Agreement. Nairobi/Brussels: Africa Briefing No.39.p.1

<sup>155</sup> Darfur Peace Agreement. Article 30, para. 457

Darfur states, and it shall allocate three hundred million Dollars along with two hundred million Dollars each year for two years after the ratification of the agreement.<sup>156</sup> Moreover, Articles 23 and 24 call for the protection of the internally displaced persons IDPs in the camps in Darfur.<sup>157</sup> According to a report issued by the International Crisis Group, none of these obligations has been fulfilled by the Government of Sudan.<sup>158</sup>

The cessation of hostilities is said to be one of the criteria for measuring the success of a peace agreement. In Darfur the level of attacks and violence in the region since the signing of the agreement is considered as one of the indicators for the failure of the agreement. In his research, Justin Mohamed found that the agreement has expanded the conflict where over 500,000 people have been displaced since May 2006, and in September 2006 the Government of Sudan conducted several aerial bombardments in different villages killing hundreds of civilians.<sup>159</sup>

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<sup>156</sup> Ibid. Article 19, para.153-154

<sup>157</sup> Ibid. Article 23, paras.218-226

<sup>158</sup> International Crisis Group, 2007. Darfur's New Security Reality. Africa Report No. 134. November 26.p.22

<sup>159</sup> Justin Mohamed,2012. Durability in Darfur? Assessing the Darfur Peace Agreement.P.26

## **Conclusion and Recommendations**

This research has examined African mediation in Darfur's peace talks and evaluated whether it resulted in a successful peace agreement. It has provided insights into Sudan's political situation, civil wars, and the dynamics of the conflict in Darfur. The research concludes that coercive mediation strategies, the exclusion of certain conflicts and actors from the agreement, and the failure to meet post-agreement commitments contributed to the Darfur Peace Agreement's shortcomings.

### **Recommendations:**

1. Future mediation efforts should promote ownership and cooperation among negotiators, avoiding coercive strategies and imposing deadlines.
2. Mediation should address the complementarity of conflicts in Darfur, considering communal, cross-border, and inter-elite conflicts to address root causes effectively.
3. All stakeholders, including refugees, internally displaced persons, Arab groups, and civil society organizations, should be given a voice in future peace processes to prevent fragmentation.