

3.9 Mission Reviews

Sudan

Negotiations on a draft peace document for Darfur between the government of Sudan (GoS) and rebel groups witnessed some progress in 2011 facilitated by the Joint African Union-United Nations mediator Djibril Bassolé and the Qatari Minister of State for Foreign Affairs, Ahmed bin Abdullah al-Mahmoud. However, the so-called Doha negotiations – like other peace initiatives, such as the Darfur Peace Agreement (DPA) that came before it – have remained plagued by the inconsistent presence of the rebel factions, the unwillingness of the government to compromise and wide disagreement between, and within, the armed parties on the terms of a future peace deal. While the Liberation and Justice Movement (LJM) signed an agreement with the GoS on 14 July 2011, it was the only rebel group to have reached a deal with the government.

With South Sudan's independence on 9 July 2011, Khartoum placed renewed emphasis on finalizing the Darfur issue. By the end of July, the GoS was intent on securing an agreement with the participating rebel groups and further isolating those outside of the Doha process. The people of Darfur view the South's path to independence and the most recent peace deal with apprehension, as both developments may lead to increased violence in the region – lessening the likelihood of any peaceful resolution to this enduring conflict. Despite the achievements of 2011, the future of Darfur is still precarious.



UN Photo/Tim McKulka

The United Nations Secretary-General's Panel on the Referenda in the Sudan Chairperson and former President of Tanzania Benjamin Mkapa (with cane on left) and member and former Foreign Minister of Portugal Antonio Monteiro (behind Mr. Mkapa on left) arrive at a polling centre.

DARFUR

Background

While there has long been conflict due to scarce resources and inter-tribal rivalry among the populations of the Darfur region, in early 2003 an ongoing war broke out between rebel groups spearheaded by the Justice and Equality Movement (JEM) and the Sudan Liberation Movement/Army (SLM/A) on one side, and the Sudanese armed forces and local Sudanese government-allied militias including the Janjaweed on the other. To date, the ensuing

Joint AU/UN Chief Mediator for Darfur

Authorization and Start Date	30 June 2008 (date of issue) 1 August 2008 (date of effect) (SG Press Release SG/A/1143)
Acting Joint Chief Mediator	Ibrahim Gambari (Nigeria) (Appointed by Communiqué of 19 July 2011)
Deputy Joint Mediator	Azouz Ennifar (Tunisia)
First Joint Mediator	Djibril Yipènè Bassolé (Burkina Faso)

AU High-Level Implementation Panel (AUHIP)

Latest Key Resolution	8 April 2011 (date of issue) (Peace and Security Council Communiqué PSC/PR/COMM. (CCLXXI))
Authorization Date	21 July 2008 (date of issue) (Peace and Security Council Communiqué PSC/MIN/Comm(CXLII) Rev.1)
Start Date	3 February 2009 (date of issue) (Decision Assembly/AU/Dec.221(XII)) March 2009
Panel Members	Thebo Mbeki (chair, South Africa) Abdulsalami Abubakar (Nigeria) Pierre Buyoya (Burundi) Ahmed M. El Sayed (Egypt) Florence N.M. Mumba (Zambia) Kabir A. Mohamed (Nigeria) Rakiya A. Omaar (Somalia)

EUSR for Sudan*

Latest Key Resolution	1 August 2011 (date of issue); 9 July 2011 (date of effect) (Council Decision 2011/499/ CFSP)
Authorization and Start Date	18 July 2005 (date of issue) (Council Joint Action 2005/556/ CFSP)
Special Representative	Rosalind Marsden (UK) (Appointed by Council Decision of 11 August 2010)
First EUSR	Pekka Haavisto (Finland)
Budget	\$3.9 million (1 September 2010- 30 June 2012)

Note: *As of 9 July 2011, the mandate of the EUSR includes both Sudan and South Sudan.

conflict and its consequences have killed an estimated 300,000 and displaced 2.7 million people. Currently there are some 1.8 million displaced in Darfur alone, spread out in more than 95 refugee camps and host communities.¹

Since the war began, there have been numerous regional and international interventions to halt the fighting, from short-lived ceasefire agreements brokered by Chadian President Idriss Déby in September 2003 and April 2004, to more extensive mediation initiatives. The first began in Abuja, Nigeria on 23 August 2004, with the African Union assuming the role of principle international mediator in Darfur. A resulting “Declaration of Principles” in May 2005, clarified the parties’ commitment to a peaceful settlement. This development was preceded by the monumental signing of the Comprehensive Peace Agreement (CPA) between the Sudan People’s Liberation Movement (SPLM) and the GoS to end the decades-long civil war between the North and the South. At the end of the CPA interim period, on 9 July 2011, South Sudan became an independent state.

This was followed by the Darfur Peace Agreement on 5 May 2006. Modeled after the 2005 North-South Comprehensive Peace Agreement, the Darfur agreement addressed three key areas: power sharing, wealth sharing, and security. However, while the SLA faction led by Minni Minawi (SLA-MM) and the GoS signed the Darfur Peace Agreement, the JEM and a faction of the SLA, led by Abdul Wahid Mohamed al-Nour (SLA-AW), rejected it. Indeed, within Darfurian communities, the agreement received almost universal rejection. Ultimately, its non-inclusive nature, lack of support from all parties and poor implementation undercut its effectiveness and triggered a new wave of violence and displacement.

A joint UN-AU effort hoped to revive the agreement in 2007, under the leadership of UN Special Envoy Jan Eliasson and AU Special Envoy Salim Ahmed Salim. But even with greater regional partners (Chad, Eritrea, Egypt and Libya), the so-called Sirte negotiations soon broke down as the initiative was unable to persuade the major rebel groups to come to the table.

AU Liaison Offices in Sudan

The AU's Liaison Offices in Khartoum and Juba were established on 24 August 2007 by the AU Peace and Security Council to "take all necessary steps to fully support the implementation of the CPA." Both offices took over most of the administrative assets of the African Union Mission in Sudan (AMIS) that was replaced by UNAMID in December 2007. Located in the former AMIS headquarters, the Khartoum office is headed by Ambassador Mahmoud Kane from Mauritania, while Ambassador Stanislas Nakaha from Burundi leads the Juba office. In addition to supporting the implementation of the CPA, the offices provide logistical and administrative support to the AU High-Level Implementation Panel chaired by Thabo Mbeki.

EU Special Representative

The EU Special Representative (EUSR) for Sudan, Rosalind Marsden, was appointed on 11 August 2010, with a mandate until 30 June 2012, to support EU policies in Sudan and South Sudan, including encouraging successful implementation of the CPA. In addition to North-South issues, where she provided support for the referendum on South Sudan and is mandated to support institution building in South Sudan, the EUSR also supports a political solution to Darfur, promotes justice, reconciliation and human rights throughout Sudan, including cooperation with the International Criminal Court and works to improve humanitarian access. While Marsden is based in Brussels, the EU delegation to Sudan maintains permanent offices in Khartoum and Juba.

As the Sirte debacle unraveled amid continued insecurity in Darfur, the AU and UN appointed Djibril Bassolé as the Joint Chief Mediator representing both the AU and UN on 30 June 2008 in an effort to revive momentum to resolve the conflict.

Three weeks later, the AU Peace and Security Council authorized the creation of the African Union High-Level Panel on Darfur, that was soon renamed the AU High-Level Implementation Panel (AUHIP), chaired by former South African President Thabo Mbeki. The Panel was mandated to examine the situation in Darfur and make recommendations on how best to foster accountability and reconciliation as well as combating impunity within a lasting and comprehensive peace. By 8

October 2009, the Panel presented its findings stating that the "problem of Darfur requires a political settlement," and stressed the importance of a comprehensive negotiation process built on the values of power sharing, wealth sharing and national reconciliation countrywide.

In September 2008, four months after Bassolé's appointment, a political dialogue was revived through the establishment of the Doha Process under the leadership of Bassolé and the Qatari Minister of Foreign Affairs Ahmed bin Abdullah al-Mahmoud.

Doha Process

In launching the Doha Process, the mediators aimed to reestablish trust between the various parties and to overcome the debilitating failures of Abuja and Sirte during a difficult period: JEM attacks on Khartoum in May 2008 posed a serious security challenge to the government and put into question the viability of peace talks; and in July the International Criminal Court indicted Sudanese President Al Bashir on counts of genocide, crimes against humanity and war crimes, a move that some observers saw as further jeopardizing the Doha Process. Yet, working with Ahmed bin Abdullah al-Mahmoud, Joint Chief Mediator Bassolé secured a goodwill agreement between the GoS and JEM on 17 February 2009. This achievement marked the first stage of Doha, a process that was nevertheless to experience several set backs.

By mid March 2009, five factions - hitherto outside of the peace talks - agreed to join the Doha process by signing a "common ground agreement" in Libya forming, with a sixth faction, the "Tripoli Group." A second coalition, the "Addis Ababa Group," initially comprised of four additional factions, formed in August. Despite commitments by the newly formed alliances to reunite, efforts to synchronize their strategic platforms, and overcome their leadership differences became a serious challenge.

Meanwhile, the negotiations in Doha went ahead. In November 2009, consultations with Darfur civil society groups were held for the first time. The resulting "Doha Declaration" proposed several areas for negotiations and basic principles for

AU Liaison Office in Sudan (Juba)

First Mandate	24 August 2007 (PSC/PR/Comm(LXXXIX))
Head of Office	Ambassador Stanislas Nakaha (Burundi)
Budget	\$1.3 million (1 January 2011- 31 December 2011)
	\$1.3 million (1 January 2012- 31 December 2012)
Staff Strength	Professional: 8 International: 1 National: 12

For detailed mission information see p. 315

AU Liaison Office in Sudan (Khartoum)

First Mandate	24 August 2007 (PSC/PR/Comm(LXXXIX))
Head of Office	Ambassador Mahmoud Kane (Mauritania)
Budget	\$1.1 million (1 January 2011- 31 December 2011)
	\$1.1 million (1 January 2012- 31 December 2012)
Staff Strength	27

For detailed mission information see p. 316

any settlement. Then, on 23 February 2010, JEM signed a Framework Agreement with the GoS that stipulated a ceasefire, a release of prisoners, and a commitment to rapidly conclude a comprehensive agreement. The same day after months of informal deliberations, the ten factions forming the Addis Abba and Tripoli groups united to form the Liberation and Justice Movement (LJM) under the leadership of Eltigani Seisi Mohamed Ateem and later signed their own framework agreement with the government on 18 March 2010.

Seemingly fraudulent general elections in April 2010, however, stalled further negotiations and, after suffering intense military assaults by the GoS, JEM withdrew from Doha in May. Still, the LJM and the GoS resumed negotiations in Doha in early June 2010. After months of informal consultation by the mediation team, on 16 December JEM announced that it would rejoin the Doha talks. With the renewed possibility of JEM and LJM

agreeing on a final document, Bassolé extended the Doha talks into 2011, indicating the beginning of a more proactive role for the Joint Chief Mediator.

On 30 December, Bassolé proposed a plan on the administrative status of Darfur that included a regional authority for Darfur and a vice presidency. While LJM accepted the compromise proposal, the GoS rejected it for being inconsistent with the Sudanese Constitution. Meanwhile, the sole rebel faction that had signed the 2006 DPA, the SLA faction led by Minni Minawi, withdrew from the agreement on 3 February 2011 after Al Bashir removed Minawi from his position as head of the Transitional Darfur Regional Authority (TDRA) gained by the DPA, and declared war on the GoS.

New proposals were submitted to the parties on 23 February 2011, but JEM and LJM rejected them, citing that they did not meet their minimum demands on a single region and a vice presidency for Darfur. In an effort to pressure the armed groups, the GoS on 2 March declared that, in accordance with the DPA, it would hold a referendum on the status of Darfur within three months – a move opposed by both LJM and JEM.

By the end of April JEM, LJM and the GoS were discussing and submitting comments on draft comprehensive agreements presented to them by Bassolé covering six areas: wealth-sharing, power-sharing, the return and compensation of refugees and IDPs, justice and reconciliation, human rights and fundamental freedoms and security arrangements.

In an effort to conclude the Doha process, some of the armed movements and over 500 delegates from civil society, political leaders, IDPs, refugees, and the Darfur diaspora came together in the All Darfur Stakeholders Conference (ADSC), held in Doha from 27-31 May 2011 and chaired by Bassolé, and al-Mahmoud. The conference's outcome document, the "Doha Draft Document for Peace in Darfur," is meant to serve as a basis for reaching a cease-fire and comprehensive peace in Darfur. The document is arranged in seven chapters dealing with, human rights and fundamental freedoms; power-sharing and administrative status of Darfur; wealth-sharing; compensation and return of IDPs and refugees; justice and reconciliation; permanent ceasefire and final security arrangements; and internal dialogue and consultation and implementation modalities.

Khartoum, empowered by the outcome of the ADSC, took a strong stance to maintain the draft document in its current form. The government

The Secretary-General's Panel on the Referenda in the Sudan

In July 2010, the ruling National Congress Party (NCP) and the Sudan Peoples' Liberation Movement (SPLM) requested that the UN have a monitoring role in the referenda on independence for South Sudan and on whether the resource-rich border region of Abyei would be a part of the north or the south, as called for in the 2005 Comprehensive Peace Agreement (CPA). Debates within the UN weighed the relative merits and constraints of mounting a monitoring role. Ultimately, a decision was made to appoint an independent panel that would help enhance the credibility of the referenda and make an assessment of the credibility of the process. The Panel was supported by field officers in all ten states in the South and field officers based in Khartoum traveling to all states in the north, including Darfur. The Panel's support offices were located in Khartoum, Juba and Abyei.

The AU also mandated special envoy Thabo Mbeki to oversee the voter registration for the January 2011 referenda. As the leader of the African Union High-level Implementation Panel, Mbeki also took the lead on discussions on Abyei with President Bashir and the SPLM leadership. Ultimately, despite Mbeki's efforts, the GoS and the South could not reach agreement on the modalities to hold a referendum in Abyei.

On 21 September 2010, the Secretary-General announced that former Tanzanian President Benjamin Mkapa would lead the UN referenda panel with former Portuguese Foreign Minister Antonio Monteiro and former Nepalese Election Commission Chairman Bhojraj Pokharel. The Panel and its staff received administrative support from UNMIS and backstopping by the Electoral Assistance Division in the Department of Political Affairs in New York.

The Panel, which visited northern and southern Sudan a total of five times,¹ was successful in carrying out its good offices role on behalf of Secretary-General to strengthen confidence in the process, and to encourage the parties and relevant authorities to resolve any significant problems or disputes as they emerged. Despite some issues regarding the referendum process, the Panel was never seriously tested by the parties and was able to carry out its mission of monitoring the process and providing a confidence-building role. The Panel concluded that the referendum on independence for the South was, as a whole, free, fair and credible - a finding echoed by other international and national observers.

1 Including three visits during the preparation and registration phases (from 10-15 October, 13-22 November, and 18-22 December 2010), and two visits during the polling, counting, aggregation, transmission and announcement of results phases (from 5-21 January and 5-7 February 2011).

asserted that any rebel groups that did not participate or sign on to the Doha agreement would not be a part of any peace deal. By establishing a deadline after which the document could no longer be modified, the government hoped to pressure the parties into the settlement. By the end of June, LJM stood ready to sign an agreement based on the "Doha Draft Document" with the GoS, while JEM's leader Khalil Ibrahim, criticizing the Sudanese government's approach, was more hesitant to embrace the document. The key point of contention between Ibrahim and the government was that JEM viewed the document as a basis for a comprehensive and inclusive process leading to future talks and not as a binding peace agreement, as the government claimed. The newly reunited SLA led by Abdul Wahid al-Nur and Minni Minawi also refused to be a part of the process.³

On 28 June, the Sudanese government announced that it wanted to sign agreements with LJM and JEM before 9 July - the day of South Sudan's independence. A few days earlier, LJM and

the GoS agreed to delay the referendum on Darfur's status for one year after the signing of a peace agreement. On 14 July LJM and the GoS signed the "Doha Document for Peace in Darfur."

Despite the importance of the agreement reached in July, it remains to be seen if the Doha Process can find a resolution to the conflict in Darfur. Built upon the strength of Bassolé and al-Mahmoud, the mediation team was able to incorporate the views of civil society and overcome the splintering of factions, which complicated the security climate. Yet when the negotiations reached their most pivotal moments, the adversarial parties stood firm to their demands, unwilling to make the compromises necessary to achieve peace. There are continuing efforts to bring JEM back to the table, but as of early August the prospects of their return appear slim.

In parallel with the Doha Process, participants at the Second Meeting of the Sudan Consultative Forum,⁴ agreed on 6 November 2010 to initiate a Darfur Political Process (DPP) with the aim of

The Secretary-General's Panel on the Referenda in the Sudan

Latest Key Resolution	18 January 2011 (date of issue) (UNSC Press Statement SC/10155)
Authorization Date	29 April 2010 (date of issue) (UNSC Res. 1919)
Start Date	September 2010
Panel Members	Benjamin Mkapa (chair, Tanzania) Antonio Monteiro (Portugal) Bhojraj Pokharel (Nepal)
Staff Strength as of 12 November 2010	International Staff: 41
Budget	\$4.3 million (1 July 2010-30 June 2011)

securing a political settlement that included consultations among all segments of Darfuri society and armed movements if they chose to participate.⁵ The initiative is to be led under the auspices of AUHIP, UN/AU Hybrid Mission in Darfur (UNAMID) and the state of Qatar, and aims to achieve “systematic and sustained engagement of all Darfurian stakeholders.”⁶

Critics note that the Sudanese government’s support of the DPP fits within its own “domestication” strategy, unveiled in the summer of 2010, which stresses a Darfur-based solution to the conflict through economic and political development, called “Darfur peace from within.” Some observers argue that the DPP may allow the GoS to exert even greater control over the negotiations on Darfur.⁷ The rebel groups unanimously reject the DPP, and the US Envoy to Darfur, Dane Smith, has moved away from the DPP to focus on achieving a political settlement as part of the Doha Process. Amid these difficulties, the DPP’s implementation remains uncertain.

The Role of the Mediators

With the signing of the peace deal between the LJM and the GoS in July, Djibril Bassolé returned to his native Burkina Faso to become Foreign Minister – a post he was appointed to in late April 2011. The Joint AU-UN Special Representative and head of UNAMID, Ibrahim Gambari, took over as the Joint Chief Mediator ad interim. Since Bassolé’s

departure, the Qatar-chaired Darfur Implementation Follow-Up Committee (IFC) – a body created during the All Darfur Stakeholders Conference – continues to work towards securing a comprehensive agreement among all the parties.

International efforts to find peace in Darfur have resulted in numerous peace processes, often in parallel, and the involvement of several high-level multilateral mediators: Djibril Bassolé represented both the UN and the AU and headed the Doha negotiations; Thabo Mbeki heads the AU High-Level Implementation Panel for Sudan which will lead the DPP if and when it is implemented; and Ibrahim Gambari, the Joint AU-UN Special Representative and head of UNAMID and now also acting Joint Chief Mediator is tasked with supporting an inclusive political process and facilitating the Doha negotiations and the DPP once underway – giving him political mediation responsibilities beyond those of SRSGs in other peacekeeping operations. At times, the various personalities involved have reportedly been at odds over respective strategies to go forward⁸ and the AU and the UN have recognized that a lack of coordination slowed the implementation of these separate initiatives.⁹

The latest efforts by Gambari have been focused on bringing JEM back into negotiations, but despite several meetings in July, JEM has so far resisted calls to return to peace talks. At the same time, JEM as of early August has declined joining the SLA coalition of Minawi and al-Wahid, which has publicized its goal of overthrowing the GoS. The IFC, UN, AU and the Joint Chief Mediator must act quickly to capitalize on JEM’s hesitancy to return to all out war. However, the UN and the AU have yet to decide whether Gambari should permanently lead the Darfur mediation process, or whether a replacement is needed to take on Bassolé’s former responsibilities.

Conclusion

While considerable progress was made in advancing the negotiations on a Darfur peace agreement in 2011, including the signing of an agreement between the LJM and the GoS on 14 July, uncertainties remain about the prospects for securing a viable agreement, acceptable to all the parties. Questions remain about how to move forward in Darfur, including: the relationship between the

Doha Agreement and the Darfur Peace Process, and securing the participation of rebel groups that have remained outside the Doha Process or are unwilling to sign on to the “Doha Document for Peace in Darfur” as it currently stands. It is also unclear if the armed movements and the GoS are willing to make the concessions necessary to abide by a cease-fire and sign a comprehensive agreement.

While the “Doha Document for Peace in Darfur” was borne from a seemingly participative process – the ADSC and the two Doha civil society conferences – and is advocated as a consensual

document embraced by the majority of stakeholders, it is difficult to foresee other rebel groups opening direct talks with the GoS, given the current climate. The GoS has stated that JEM has three months from July 14 to reach an agreement with them. If no agreement is reached, the government of Sudan has vowed to defeat the JEM militarily. In order to avoid this outcome, the various peace initiatives must be reconciled, so that the diplomatic weight of the international community can be used effectively to help foster a comprehensive peace for the people of Darfur.

NOTES

- 1 UN News Centre, “Interview with Joint Special Representative for Darfur Ibrahim Gambari,” 22 July 2011, available at <http://www.un.org/apps/news/newsmakers.asp?NewsID=39>.
- 2 SLA–Unity, SLA–Khamis Abaker, the United Resistance Front, Democratic JEM, and SLA–Juba later renamed themselves the SLA–Revolutionary Forces.
- 3 On 14 May 2010, the two former partners and historic rivals signed a Declaration of Alliance establishing their commitment to “joint action and [the] coordination of political and military efforts to overthrow the National Congress Government.”
- 4 The Forum is co-chaired by the African Union Commissioner for Peace and Security, Ambassador Ramtane Lamamra, and the United Nations Under-Secretary-General for Peacekeeping Operations, Mr. Alain Le Roy, who will step down from his post as his term ended in August 2011.
- 5 African Union, *Second Meeting of the Sudan Consultative Forum, Communiqué*, Addis Abba (6 November 2010), available at http://www.africa-union.org/root/au/Conferences/2010/November/situationroom/Communiqu%C3%A9%20SCF%20_Eng%20_%206%20Nov.pdf. The first meeting was held on 17 July 2010. The communiqué of the second meeting can be found here <http://appablog.wordpress.com/2010/11/11/second-meeting-of-the-sudan-consultative-forum-communiqué/>.
- 6 United Nations, *Report of the Secretary-General on the implementation of the Darfur political process*, S/2011/252 (15 April 2011), para. 6.
- 7 Human Rights Watch, “Darfur in the Shadow: The Sudanese Government’s On-Going Attacks on Civilians and Human Rights,” June 2011, available at <http://www.hrw.org/en/node/99395/section/5>.
- 8 African Union, *Peace and Security Council 271st Meeting Communiqué*, PSC/PR/COMM.(CCLXXI) (8 April 2011), available at <http://au.int/en/dp/ps/sites/default/files/FINAL%20271st%20%20PSC%20Communiqué%20-%20Sudan%208%20April%202011%20EN-1.pdf>.
- 9 United Nations, *Report of the Secretary-General on the implementation of the Darfur political process*, S/2011/252 (15 April 2011), para. 10.