

**DARFUR RISING:  
SUDAN'S NEW CRISIS**

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## **DARFUR RISING: SUDAN'S NEW CRISIS**

### **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

Sudan, where prospects for peace had looked so promising for much of 2003, has become a potential horror story in 2004. The rapid onset of war in its western region of Darfur has created one of the world's worst humanitarian crises -- thousands dead and some 830,000 uprooted from homes. Meanwhile, the IGAD (Intergovernmental Authority for Development) peace talks in Naivasha, Kenya between the government and the insurgent Sudan People's Liberation Movement/Army (SPLA) threaten to deadlock. It is urgent that these talks succeed and that, simultaneously, a parallel process begins to address both the humanitarian and political crises in Darfur.

The negative trends are not unconnected. Rebels in Darfur, not participants in the IGAD peace talks, concluded they had to fight lest decisions on power and wealth sharing for the entire country be taken without them. The Khartoum regime correctly judged that the international community would not criticise it at a crucial point in the peace process, so it slowed the process in Naivasha to give itself time for a major offensive in Darfur.

The initial response was indeed weak and ineffectual. The priority of the key external actors -- neighbouring governments and their backers in Washington, London, Oslo and Rome -- was to get Khartoum and the SPLA to a final agreement. The policy was constructive engagement, marked by quiet diplomacy and a desire to maintain access to perceived hard line government elements. Diplomatic and economic incentives were offered to both sides, and pressure was muted despite evidence that it was pressure that had principally contributed to bringing the government and the SPLA to the brink of peace. More muscular diplomacy was begun only in March 2004 with respect both to the IGAD process and attempts at constructing an effective negotiation on Darfur.

Open warfare erupted in Darfur in early 2003 when the two loosely allied rebel groups, the Sudan Liberation Movement/Army (SLA) and the Justice and Equality Movement (JEM), attacked military installations. The rebels, who seek an end to the region's chronic economic and political marginalisation, also took up arms to protect their communities against a twenty-year campaign by government-backed militias recruited among groups of Arab extraction in Darfur and Chad. These "Janjaweed" militias have over the past year received greatly increased government support to clear civilians from areas considered disloyal. Militia attacks and a scorched-earth government offensive have led to massive displacement, indiscriminate killings, looting and mass rape, all in contravention of Common Article 3 of the 1949 Geneva Conventions that prohibits attacks on civilians.

The civil war, which risks inflicting irreparable damage on a delicate ethnic balance of seven million people who are uniformly Muslim, is actually multiple intertwined conflicts. One is between government-aligned forces and rebels; in a second government militia raid civilians; yet a third involves a struggle among Darfur communities themselves. Its implications go far beyond Darfur's borders. The war indirectly threatens the regimes in both Sudan and Chad and has the potential to inspire insurgencies in other parts of the country. The Beja Congress from eastern Sudan has already allied itself with the SLA, other groups could emerge -- east and west -- in an anti-government coalition, and even SPLA elements from the Nuba Mountains and Southern Blue Nile might be attracted back to the battlefield should they become dissatisfied with the IGAD talks.

Khartoum seeks to avoid addressing the political issues that fuel the conflict. Arrangements focused solely on humanitarian access, however, would not

endure, and the IGAD process or its implementation would be harmed. Any process parallel to IGAD that aims to address Darfur's humanitarian crisis through a ceasefire, such as the talks set to open in Chad in April 2004, must also address the political issues driving the rebellion.

Chad's role in negotiations in 2003 was flawed and counterproductive. The new talks need to have facilitation from a much wider circle of outside actors such as the EU, U.S. and UN. There will have to be more international coordination than hitherto on Darfur, as well as increased public diplomacy in support of the process and regarding ongoing human rights abuses, and clear penalties for any Sudanese party that undermines resolution of the conflict.

Meanwhile, more focused pressure should be applied to whichever is the intransigent party in Naivasha at any given time. The IGAD heads of state and other observer countries should rally behind the recent U.S. proposal on Abyei as a fair middle ground for resolving the key outstanding issue and treat it as a catalyst for intensive endgame negotiations on a final deal. With skillful diplomacy and willingness to use its leverage, the international community can help bring about an early peace agreement between the government and the SPLA.

## **RECOMMENDATIONS**

### **To the Government of Sudan:**

1. Commit to internationally facilitated political negotiations with the Darfur rebels, the initial aim of which would be an internationally monitored ceasefire.
2. Order an immediate end to attacks by government forces and militias on civilians and civilian targets in Darfur.
3. Cease all assistance to the Janjaweed and other militias, begin a transparent process aimed at disarming them, and prosecute those who continue to attack civilians.
4. Order government security forces to protect civilians against armed groups.
5. Allow full humanitarian access to the affected populations for the delivery of emergency relief and reconstruction assistance and accept international observation of the use of that relief and assistance.

6. Ensure the safe return of villagers displaced by the conflict to their original locations and assist them in rebuilding their villages.
7. Negotiate establishment of a Neutral Resettlement and Claims Commission composed of representatives of the government, the Darfur rebels and civil society representatives known for their integrity, chaired by a UN representative, and with a mandate to:
  - (a) record criminal complaints against groups or individuals for injuries, wrongful deaths, and material losses such as livestock and household and commercial goods looted;
  - (b) create mechanisms for restitution, compensation, and investigation of charges by victims; and
  - (c) collaborate with investigations by responsible third parties such as the Civilian Protection Monitoring Team (CPMT) into violations of international humanitarian law.
8. Allow the CPMT to begin immediately investigating allegations of attacks against civilians in Darfur.

### **To the Government-backed Janjaweed Militias:**

9. Cease all attacks on civilian targets and respect international humanitarian law.

### **To the SLA and the JEM:**

10. Commit to internationally facilitated political negotiations with the government, the initial aim of which would be an internationally monitored ceasefire.
11. Allow full humanitarian access to the affected populations for the delivery of emergency relief and reconstruction assistance.

### **To the SPLA:**

12. Accept the link between the two conflicts and help in efforts to promote a peaceful settlement in Darfur while negotiating in good faith the remaining issues at the IGAD peace talks.

### **To the United Nations Security Council:**

13. Pass a resolution that:

- (a) condemns the violations of international humanitarian law committed by all parties to the conflict in Darfur, particularly the indiscriminate targeting of civilians and the obstruction of humanitarian assistance by the government;
- (b) calls for internationally facilitated political negotiations between government and rebels in Darfur, the initial aim of which would be an internationally monitored ceasefire;
- (c) supports the ongoing humanitarian diplomacy of Under Secretary General for Humanitarian Affairs, Jan Egeland, and Special Envoy for Humanitarian Affairs in Sudan Tom Vraalsen; and
- (d) urges swift conclusion of the IGAD peace talks and indicates willingness to support fully a comprehensive government/SPLA peace agreement.

**To the UN High Commissioner for Refugees:**

- 14. Ensure that refugees and IDPs can return to their original villages and towns and coordinate international funding and assistance for their repatriation and resettlement.

**To the International Observer Countries (U.S., UK, Norway, Italy):**

- 15. Pursue more vigorous and public diplomacy, including by applying pressure on whichever party is obstructing progress toward concluding the IGAD negotiation condemning violations of international humanitarian law in Darfur more vocally.
- 16. Coordinate with other interested countries, including France and Chad, efforts to create a framework for internationally facilitated political negotiations between the government and Darfur rebels and make clear to the government that any benefits from progress in the IGAD talks will be lost if it opposes such negotiations to address the root causes of the Darfur crisis.
- 17. Support a broad process of inter-ethnic and tribal reconciliation in Darfur, first by helping return refugees and IDPs to their homes and villages and then, over the longer term, promoting sound management of resources and counteracting desertification.

**Nairobi/Brussels, 25 March 2004**



## **DARFUR RISING: SUDAN'S NEW CRISIS**

### **I. INTRODUCTION**

The international community can no longer ignore the escalating war in Sudan's western region of Darfur, which threatens international peace and security because of its cross-border nature, including refugee spill-over. It is described by UN officials as the worst humanitarian crisis in Africa.<sup>1</sup> Diplomatic attention has been understandably centred on the IGAD peace process between the government and the Sudan People's Liberation Movement/Army (SPLA), but the scope and intensity of the Darfur conflict also demands immediate, focused action.

The UN estimates that in the past year the conflict has led to the killing of thousands of civilians, the forcible internal displacement of 700,000 and the flight to neighbouring Chad of another 130,000, figures the government does not dispute.<sup>2</sup> Testimony of displaced people and refugees depict a consistent pattern of attacks by a government-aligned militia, the Janjaweed, whose horse- and camel-mounted fighters use scorched-earth tactics, backed by government air and land strikes.

Survivors tell of Janjaweed assaults in which villagers are indiscriminately killed, whipped, and raped. Hundreds of villages have been burned to the ground after looting. Grain in storage or about to be harvested is destroyed. These tactics have led to the depopulation of entire areas inhabited by the Fur, Zaghawa, Massaleit, and other smaller groups of black African origin and are grave violations of the

laws of war that govern internal armed conflicts, namely Common Article 3 of the 1949 Geneva Conventions.<sup>3</sup>

The situation in Darfur poses a direct threat to the IGAD peace talks aimed at ending two decades of civil war between the SPLA and the government. As ICG has argued, it is in part because that peace process was structured around the north/south axis -- rather than recognising the fact that the war is a national one, with grievances not limited to the South -- that other marginalised peoples of Sudan felt compelled to fight to make their grievances heard.<sup>4</sup> Darfur is a stark reminder that Sudan's crisis has more to do with the structural imbalances of governance and economic development that characterise the relations of the centre with peripheral regions than with the north/south divide. Fighting in Darfur is not the only sign that Sudan's conflicts cannot be dealt with definitively within such a restricted geographic framework. For example, in mid-January the SLA, the larger of the two rebel groups in Darfur, reached an alliance with the Beja Congress, an ethnically-based armed group operating in Sudan's underdeveloped eastern states,

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<sup>1</sup> "U.N. Slams Sudan War, Says Killings Recall Rwanda", Reuters, 19 March 2004.

<sup>2</sup> Figures as of 26 February 2004 according to UN sources. ICG interview, 26 February 2004. More recent assessments by the UN of up to one million displaced are contested by Khartoum. See "U.N. Slams Sudan War, Says Killings Recall Rwanda", Reuters, 19 March 2004.

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<sup>3</sup> Sudan acceded to the four Geneva Conventions on 23 September 1957. Fighting between army and security forces and SLA and JEM rebels, as well as between the rebel groups and the Janjaweed militia, qualifies as internal armed conflict. However, much violence involves militia attacks on civilians suspected of supporting the rebels. Parties to internal armed conflicts are obliged to uphold Common Article 3 of the 1949 Geneva Conventions, which prohibits attacks on civilians, including violence to life and person, cruel treatment and torture, taking of hostages, outrages upon personal dignity, sentencing and the carrying out of executions without judgment by a regular court. The government of Sudan is responsible for prosecuting under national law abuses committed by all parties to the conflict.

<sup>4</sup> See ICG Africa Report N°39, *God, Oil and Country: Changing the Logic of War in Sudan*, 10 January 2002, and subsequent ICG reporting.

and on 13 February 2004, it joined the umbrella opposition National Democratic Alliance (NDA).<sup>5</sup>

The fate of the IGAD peace process remains linked to Darfur developments. Until recently, the government has essentially had a free hand in Darfur, able to support attacks against civilians suspected of backing the rebellion while calculating correctly that the international focus would remain on the incomplete IGAD process. The international community is only slowly realising that the crisis in Darfur can no longer be ignored.

The IGAD peace talks moved closer to success when the parties signed a framework agreement on wealth sharing in January 2004. They continued for another two weeks -- without result despite heavy outside encouragement -- on the three contested areas of Abyei, the Nuba Mountains and Southern Blue Nile until the key figure on the government side, Vice President Taha, abruptly left Naivasha for a pilgrimage to Mecca.

The government used the three-week break until talks resumed on 17 February to launch a massive military offensive in Darfur it hoped would remove any reason to negotiate further with the SLA/JEM rebels. It has consistently denied that substantial political issues are at the core of the rebellion, which it dismisses as "tribal warfare" or "banditry". It periodically also tries to tie the insurgency to the agenda of domestic or foreign foes, including the SPLA, Eritrea, Chad, Israel, and Hassan el-Turabi's Popular Congress (PC) party.

In fact, the alleged link between JEM (Justice and Equality Movement) and the PC is the most worrisome for it, since it fears Turabi is using Darfur as a tool for returning to power in Khartoum at the expense of his former partners in the ruling National Congress Party (NCP). This concern, and exaggeration of the potential repercussions, lies behind its hesitancy to talk to the rebels, particularly JEM.<sup>6</sup>

The Darfur conflict has potential to destabilise the regimes in both Sudan and Chad. The situation in the region, including ethnic overlaps, has helped

determine power struggles in Ndjamená for decades. The linkages -- and the Chad government's aid to both sides in the present struggle -- have made Chad's mediation efforts (the Abéché process) ineffective. A ceasefire signed by Khartoum and the SLA in September 2003 was rendered irrelevant by Khartoum's escalated support for the Janjaweed. In December, Chad's president called rebel terms for substantive negotiations "unacceptable" and unilaterally broke off the process. The government never kept the ceasefire, increasingly targeted civilians through the Janjaweed and escalated fighting with its own offensive in late December.

On 9 February 2004, President al-Bashir announced an end to military operations in Darfur, claiming that the government had recaptured all rebel territory and had full control over the region. His statement also included for the first time a formal conflict resolution package. In an apparent bid to pre-empt any push for a wider mediation process, the government said it would guarantee unimpeded humanitarian access and safe return of the internally displaced (IDPs) and refugees, a pledge it has not fulfilled. It called for a conference within Sudan -- to which the "citizens" who rebelled would be invited -- in order to "comprehensively redress all grievances in the region", and pledged to implement its decisions. It also offered a one-month amnesty for rebel fighters to hand over weapons, and established a National Committee to focus on reconciliation, peaceful coexistence and the restoration of the "social fabric" in Darfur.<sup>7</sup>

Immediately following this declaration, the government announced that it would not attend a humanitarian dialogue with the SLA, JEM and the Sudan Federal Democratic Alliance (SFDA), on the pretexts that it had not been invited and that the talks, organised by the Geneva-based Centre for Humanitarian Dialogue, had become too politicised.<sup>8</sup> It also launched a diplomatic offensive to persuade interested international parties that while a limited outside role

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<sup>5</sup> The SLA decision to join the NDA was also a sign of internal divisions with the insurgency. There is unease inside the SLA about the true ambitions of the JEM leadership. "One reason why we joined the NDA was to differentiate ourselves from the JEM", an SLA activist told ICG in March 2004. For more on these internal divisions, see below.

<sup>6</sup> ICG interview, 2 March 2004.

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<sup>7</sup> "Statement by His Excellency Omer Hassan Ahmed Al-Bashir, President of the Republic of Sudan, on the situation in Darfur States", Sudan News Service, Sudan Embassy, Nairobi, 9 February 2004.

<sup>8</sup> "Sudan: Government will not attend Darfur Humanitarian Access talks", IRIN, 9 February 2004. The talks, planning for which had taken months, had appeared certain just a few days earlier.

might be acceptable, Darfur issues could be best handled through a domestic political process.<sup>9</sup>

The government promised to open humanitarian corridors by 16 February. Initial reports from the UN and humanitarian agencies on the ground indicate that humanitarian access has improved slightly in certain areas but the majority of the population remains out of reach of relief. The UN estimates that it now has access to 25 to 30 per cent of persons in need, as opposed to roughly 15 per cent prior to the government declaration.<sup>10</sup> However, relief recipients are increasingly targeted by the Janjaweed. Some IDPs, fearing such attacks, have requested humanitarian agencies not to distribute aid under current conditions.<sup>11</sup>

The al-Bashir announcement of victory motivated the rebels to disprove Khartoum's claims. An SLA activist said, "The government has forced us to resume activities by their rejection of the Geneva talks. They don't want to negotiate because they think they have crushed the rebellion. But we are still intact..."<sup>12</sup>

The rebels announced they had attacked the road network in Darfur on 11 February.<sup>13</sup> Although reports indicate that they did sustain heavy losses in the government offensive, they retain enough strength to launch counter-attacks, and fighting has been consistent since al-Bashir's announcement.<sup>14</sup>

The international community has responded to the Darfur crisis largely with quiet diplomacy, fearing too much pressure on Khartoum would endanger the IGAD peace talks. It is clearer by the day, however, that the conflict there must be resolved if there is to be

overall peace in Sudan. The issues behind it need to be recognised as inherently political. The international community should push for a separate, internationally facilitated, political process for Darfur. There are indications that a process focused on humanitarian access will soon begin in Ndjamena, with U.S. and EU (led by the UK and France) observation. Without the commitment to political talks, any ceasefire or humanitarian access agreements will be jeopardised, as will ongoing IGAD efforts. Reliance on Chad to lead such a process without the active involvement of the EU, U.S. and UN would doom it to failure, given the record of its past efforts and its deeply compromised role in officially or unofficially providing support to both sides.

International partners will need to remain involved in ensuring that a neutral process emerges for inter-tribal reconciliation. Initially, this will require making certain that refugees and IDPs can return to their home towns and villages. The government should be required to compel the Janjaweed to withdraw from areas it seized by evicting the original inhabitants. Once these conditions have been met, donors and the government will need to support development programs that counteract the deteriorating ecological situation, such as by increasing water sources for agriculture and human and livestock consumption.

Complicating the picture, fighting between the government and the SPLA has resumed in several areas since the end of January 2004 despite the cessation of hostilities agreement. In the Western Upper Nile oilfields, the trigger was defection to the SPLA of two commanders of the pro-government South Sudan Defence Forces (SSDF), Tito Biel and James Lih Diu.<sup>15</sup> Reports from the area are somewhat contradictory but this is indicative of trends that could threaten any peace agreement. SPLA Chairman John Garang's insistence on negotiating one-on-one with individual SSDF commanders means the government can promote new commanders from within the same movement, while feeding internal divisions with money and arms.<sup>16</sup> Combat likewise flared between government-aligned militias and the SPLA in Shilluk Kingdom in the south east where Dr Lam

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<sup>9</sup> ICG interview, Brussels, 11 February 2004. The government also re-affirmed its commitment to the Abéché process. See: "Press Release", Press Office, Sudan Embassy, Nairobi, 11 February 2004.

<sup>10</sup> ICG interview with a UN official, Nairobi, 25 February 2004.

<sup>11</sup> ICG correspondences, 29 February 2004, and 2 March 2004. See also "Darfur Crisis, Sudan. U.N. Weekly Humanitarian Roundup, 22-29 February 2004", Available at [www.unsudanig.org](http://www.unsudanig.org).

<sup>12</sup> ICG interview, 10 February 2004.

<sup>13</sup> ICG interview, 11 February 2004. See also "SLA and JEM impose total curfew on Darfur region", JEM press release, 12 February 2004, posted at: <http://www.sudaneseonline.com/anews/feb12-55747.html>.

<sup>14</sup> ICG correspondence and interviews, February and March 2004.

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<sup>15</sup> ICG interviews, February 2004. The SSDF is the umbrella organisation for government-aligned southern armed groups.

<sup>16</sup> Khartoum apparently named Peter Dor to command Diu and Biel's SSIM (South Sudan Independence Movement – a faction of the SSDF) forces who stayed loyal. ICG interview, 23 February 2004.



Akol's former government-aligned SPLM/United had merged with the SPLA in November 2003.<sup>17</sup> Khartoum has also begun a concerted effort to reassert control over its southern allies, including by promoting 58 southern militia leaders to high ranking positions in the national army (six as major-generals) in 2004 and imposing travel restrictions over those suspected of talking with the SPLA.<sup>18</sup>

## II. POLICIES THAT DIVIDE

The birth of the SLA in February 2003 was not the beginning of the war in Darfur, merely its latest and most visible chapter. Despite a tradition of relatively peaceful inter-ethnic relations, Darfur's diversity became increasingly contentious after Khartoum introduced policies in the mid-1980s that manipulated ethnicity in the interests of central politicians and their provincial allies. The current ethnic war is the culmination of two decades of misguided policies by successive central governments.

### A. POLITICISATION AND MILITARISATION OF ETHNIC GROUPS

At the root of much of the conflict is competition over fertile land and water, exacerbated by desertification in northern Sudan and the drought that has affected Darfur on and off since the 1970s. Nomadic groups of all origins from the northern semi-desert belt have been pushed southward in search of grazing lands and water. The regular presence in Darfur's agriculturally rich central belt of the nomads and their herds has caused friction with farmers. Ecological decline and a lack of development in the entire region have combined to impoverish Darfur people of all ethnic backgrounds.

Darfur is home to a complex mix for whom the tribe remains a key identifying factor. There are at minimum 36 main tribes, but some sources cite as many as 90 by including sub-divisions or clans.<sup>19</sup> This mix is composed of two major blocks, Arabs and non-Arabs, the latter known locally as "Zurga" or "blacks". Centuries of coexistence and intermarriage have reduced distinctions to the cultural identification or non-identification with the Arab world as members of both groups are dark-skinned. Except for the Zaghawa, who specialise in herding camels, the indigenous black African groups depend on subsistence farming and animal husbandry, while groups of Arab extraction live on camel herding in northern Darfur and cattle herding in southern Darfur.

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<sup>17</sup> For more on the fighting in Shilluk Kingdom, see the press statement of the Fashoda Relief and Rehabilitation Association, 18 March 2004 and "Sudan: Fighting escalating in Shilluk Kingdom", IRIN, 19 March 2004.

<sup>18</sup> ICG interviews, February 2004. The government's strategy also includes continuing support to the Lord's Resistance Army from Uganda. These issues will be further addressed in forthcoming ICG reports on northern Uganda and Sudan.

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<sup>19</sup> Seif Al-Nasr Idriss, "The history of Darfur", in "Darfur: ethnic composition, armed conflicts and violations of human rights", special issue of the *Sudanese Human Rights Quarterly*, Sudan Human Rights Organisation, Cairo, July 1999, pp. 10-11.

Key to understanding the escalating ethnic violence is also the concept of "Dar" (tribal homeland). Historically, the indigenous groups and earlier settled Arab migrants each had their own "Dar". The major tribes voluntarily agreed to settlement of other groups and accorded them a recognised administrative status. Khartoum government tampering with this tradition has had the cumulative effect of seriously disrupting coexistence.<sup>20</sup>

Over the last three decades, "traditional" conflicts over resources or livestock have occurred both within the major Arab and non-Arab groups as well as between them. Yousef Takana, a Darfur scholar, lists three traditional, resource-based conflicts between 1968 and 1976; five between 1976 and 1980; and 21 between 1980 and 1998.<sup>21</sup> He attributes the rapid escalation of violence to the absence of development efforts in the region and the shortcomings of government administration, including its deliberate weakening of the "native administration" systems that had for generations helped Darfur's tribes regulate their affairs. However, he highlights several times when closely linked tribes did not help ethnically related groups in localised conflicts and attributes this restraint to the prevalence of co-existence values in Darfur until the late 1980s.

Against the backdrop of environmental degradation, however, government weaknesses and manipulation of the ethnic fabric of the region gradually produced an alarming shift in the nature of conflict, with ethnicity becoming a major mobilising factor. Differences between the two types of conflict are significant. Traditional conflicts were generally sporadic and at low levels of violence. Ethnically driven conflicts that emerged in the late 1980s were sustained and exceptionally fierce, with ethnic solidarity helping to draw in additional parties.<sup>22</sup> Fighters began identifying themselves more broadly as "Arab" or "non-Arab" for the first time in the 1987-1989 conflict between the Fur and the "Arabs".

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<sup>20</sup> For example, the government introduced the concept of Amarat (Arabic for principalities), which has no roots in Darfur's centuries-old traditional governance system.

<sup>21</sup> Yousef Takana, "Effects of tribal strife in Darfur", in Arabic, in Adam Al-Zein Mohamed and Al-Tayeb Ibrahim Weddai, eds., *Perspectives on tribal conflicts in Sudan*, in Arabic (Institute of Afro-Asian Studies, University of Khartoum, 1998), pp. 195-225.

<sup>22</sup> See the analysis of Mohamed Suliman, "Sudan: wars of resources and identity", in Mohamed Suliman (author), Al Bander, Salah, ed., *Sudan Civil Wars: New Perspective* (Cambridge, 2000).

Elements of Khartoum's policies in Darfur have their genesis in the civil war with the SPLA. Arming southern militias to fight the SPLA greatly strengthened its military position in the south and was essential for securing the oilfields of Western Upper Nile. Through financial and military aid and manipulation of regional, tribal and political divisions, the government effectively turned numerous groups of southern Sudanese against the SPLA. The impact of the resultant years of intra-south fighting is still being felt, and, as noted, pose a threat to implementation of any IGAD process agreement.<sup>23</sup>

Similarly, the growing ethnic divisions in Darfur result in large part from the arming by successive Khartoum governments since the 1980s of its tribes of Arab descent, in order to destabilise the population base of the SPLA rebellion and contain the threat of its spread into central and northern Sudan. In the north as in the south, the army relied on tribal militias as "friendly forces" in its war against the SPLA.<sup>24</sup> The arming of the Rezeigat tribesmen of South Darfur by the elected government of Sadiq al-Mahdi occurred in the mid-1980s. In a region where clashes over land and grazing rights have been traditional, other tribes took advantage of the abundant small arms available in neighbouring Chad.

Leaders of Darfur's Arab and non-Arab groups alike saw in the Khartoum government's proxy war strategy the potential for advancing themselves politically, socially and economically. They have been deeply influenced by the example of neighbouring Chad. Successive Chadian exiles have used Darfur as a training ground for ethnic militias which they later used for seizing power at home, including former President Hussein Habre who in 1982 launched his bid from Darfur, and the man who replaced him in 1990 after a similar campaign, President Idriss Déby.

### 1. The 1987-1989 Fur-Arab conflict

An early ethnically driven clash was the 1987-1989 conflict over access to grazing lands and water

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<sup>23</sup> See ICG Africa Briefing, *Sudan's Oilfields Burn Again: Brinkmanship Endangers the Peace Process*, 10 February 2003; and ICG Africa Report N°73, *Sudan: Towards an Incomplete Peace*, 11 December 2003.

<sup>24</sup> For background see ICG Report, *God, Oil and Country*, op. cit. and subsequent ICG reporting.

sources between nomads of Arab origin and the sedentary Fur:

The conflict began at a very limited level among some camel herding Arab tribes in Northern Darfur and some sectors of the Fur in the northern part of Jebel Marra but it quickly degenerated as a result of the meddling of the politicised elements [of both groups] in Darfur's towns and "Darfur intellectuals" in Khartoum. Propaganda, particularly in the Khartoum media, intensified and stoked the fighting until it drew all the sectors of the Fur on one side and all the Arab tribes on the other.<sup>25</sup>

The conflict revealed an alliance of some 27 Arab tribes acting in a coordinated political and military fashion for the first time under the previously unknown Arab Gathering. Two dozen Darfur leaders in late 1987 spoke publicly on behalf of the Gathering in a controversial letter to Prime Minister, Sadiq al-Mahdi (see below).

Reports at the time already referred to the nomad militia as the "Janjaweed", which was known for attacking not only the Fur but also smaller non-Arab tribes in the strategically and economically important domain of the Fur. The Fur formed their own tribal militia, using retired soldiers to train hundreds of recruits for deployment as village defence units, which later developed more offensive capabilities.<sup>26</sup> Some Fur militia groups later sought to establish a political and military alliance with the SPLA.<sup>27</sup>

According to one source, the Fur lost 2,500 people and 40,000 head of cattle and had 400 villages burned, causing tens of thousands to go to IDP camps.<sup>28</sup> A thriving fruit and vegetable farming sector was crippled as nomadic raiders destroyed fruit trees and burned irrigation pumps and tractors. The Arab groups reported losses of 500 people and the burning of hundreds of camps.<sup>29</sup>

The parties made ethnically polarised claims at a tribal peace conference that started on 29 May 1989 under the elected al-Mahdi government and concluded on 7 July, a week after the National Islamic Front's coup. The Arabs charged that the Fur were intent on widening the "African Belt" around Jebel Marra by expelling all Arabs and denying them access to water and grazing lands. The origin of this claim was nomad resentment at attempts by settled farmers to enclose lands that were not necessarily farmed. The settled groups resorted to *Zaraeib al Hawa* (Empty Enclosures) to protect harvests from herds that were intruding earlier than had been agreed in past tribal reconciliation treaties. Arab extremists failed to produce any evidence of a Fur plan for an "African Belt" but were apparently spurred into action by what they considered disproportionate appointments of Fur and other people of "African" origins to senior positions in Darfur's government, first by former President Nimeiry's administration than by that of al-Mahdi.<sup>30</sup>

Fur representatives claimed that the war against them was genocidal, fuelled by racism and aimed at the destruction of their economic base and at settling their land with Arab tribes, some of which were recruited in other parts of Sudan and from neighbouring countries.<sup>31</sup> While the raids, even as early as this conflict, did aim to destroy Fur economic and social assets, and raiders burned hundreds of villages after evicting the inhabitants, there was no evidence of subsequent settlement by nomadic groups.

However, the indiscriminate attacks on civilians and the widespread destruction of schools, clinics, wells, and irrigation pumps by the Janjaweed and the government in the current conflict do appear to indicate a clear intent to displace the original inhabitants permanently. If the government wishes to rebut charges of ethnic cleansing, it will need immediately and demonstrably to end its own and its proxies' attacks on the Fur and other communities of African background, move with equal resolve to reverse the physical uprooting of those communities, and punish those responsible for human rights violations that continue.

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<sup>25</sup> Takana, op. cit., p. 219.

<sup>26</sup> See Takana's study of the "Awo'rnag" organisations of non-Arab groups, and the equivalent "Agid" institutions among groups of Arab origin, *ibid.*, pp. 214-217.

<sup>27</sup> *Ibid.*, p. 358.

<sup>28</sup> For additional details, see Sharif Harir, "'The Arab Belt' versus 'The African Belt': ethnic and political strife in Darfur and its cultural and regional factors", in *Sudan: Short Cut to Decay*, Nordiska Afrikainstitutet, Uppsala, Sweden. Quotes are from the Arabic translation published by The Sudanese Studies Centre, Cairo, 1997, p. 262 and footnotes 2 and 3.

<sup>29</sup> *Ibid.*

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<sup>30</sup> For more information on the root causes of the conflict, see Adam Al-Zein Mohamed and Al-Tayeb Ibrahim Weddai, eds., *Perspectives on tribal conflicts in Sudan*, op. cit.

<sup>31</sup> *Ibid.*, pp. 264-267.

A government-sponsored initiative to solicit the feedback of individual tribal groups on their perceptions of the root causes of the conflict and recommendations for settlement received a harsh response from the "Council of Fur Elders in Sudan", which in a 17 October 2003 memorandum addressed to the government argued that their community was the victim of ethnic cleansing and gave detailed statistics.<sup>32</sup>

More generally, Darfur Arab activists and Khartoum have propagated a perception of the Zaghawa people in particular as economically aggressive and politically overambitious. The Zaghawa are also suspected of harbouring similar ambitions in Chad where, as in Sudan, they are only 1 per cent of the population. They are alleged to be pursuing their policies by revival of a mythical Greater State of the Zaghawa that would straddle the border.<sup>33</sup> There were violent conflicts between the Zaghawa and groups of Arab background in 1994 and 1997, and in the mid-1990s the Fur, who like them are considered Africans. The two rebel groups currently opposing the government are dominated by Fur, Zaghawa and Massaleit fighters, in addition to rebels from a broad cross section of Darfur groups, some of Arab extraction.

## 2. The 1996-1998 Massaleit-Arab Conflict

Although it turned back a 1992-1993 SPLA incursion in Darfur engineered by a Fur activist (see below), the government sowed the seeds for further conflict by arming the Arab tribes of the region. In its haste to reward these allies, it redrew administrative boundaries in 1994, dividing the region into Northern, Southern and Western Darfur

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<sup>32</sup> See "Council of Fur Elders in Sudan: Perception of the Elders of the aggressions, security conditions, and humanitarian situation in Darfur", a memorandum dated 17 October 2003, which argued: "The security problems that have plagued Greater Darfur over the last two decades primarily concentrated in areas with a majority of Fur inhabitants, such as the provinces of Kutum, Kabkabiya, Jebel Marra, al-Fashir, Nyala, Kas, Zalengei, Wadi Salih and Mukjar. Other settled tribes were also affected by these events, including the Massaleit, Dajo, Meidoub, Bargo, Zaghawa, Berti, Birgid, and Barno peoples. Statistical evidence would reveal that other areas, particularly the Dars of Arab clans, did not witness events at the scale of the former areas despite their suitability both for farming and herding. It is therefore difficult to attribute the aggression on inhabitants of areas where warfare has settled to clashes between farmers and settled communities".

<sup>33</sup> See the detailed footnote 32 in Mohamed Suliman, "Sudan: wars of resources and identity", op. cit., p. 379.

states.<sup>34</sup> This had the effect of splitting the Fur and their centrally located fertile plains of Jebel Marra among the three states.<sup>35</sup>

The new administrative units were mostly created at the expense of black African groups, further alienating them from the government, and stimulating conflicts. A decision on 13 March 1995 by Mohamed al-Fadul, then governor of Western Darfur, to divide the traditional homeland of the Massaleit into thirteen Amarat (principalities), of which five were allocated to Arab groups, is generally considered the primary trigger for the 1996-1998 conflict.<sup>36</sup> Hundreds were killed on both sides, and thousands of villagers and Arab nomads lost livestock and meagre possessions. Foreshadowing today's fighting, government-backed Arab militias did much of the killing as they raided and torched Massaleit villages and sent at least 100,000 refugees streaming into Chad. The conflict received little international attention.<sup>37</sup>

Beyond entrenching the Arab/non-Arab divide, Khartoum's policies risk creating even greater tensions among Darfur inhabitants of all extractions. Abdel-Rasoul al-Nour, a prominent leader of the opposition Umma party, noted:

The administrative sub-division of South Darfur State allocated a province to each tribe. For example, from east to west, Adila

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<sup>34</sup> This took place as part of a broader redrawing of Sudan's federal map that subdivided the then nine states into 26 and the eighteen provinces into 72 smaller ones. Instead of devolving power to the grassroots as the government proclaimed, this reformed federal system stretched the state's meagre resources thinly over a much inflated public sector and failed to deliver the anticipated basic social services. A major aim of the increase in public positions, as several prominent researchers convincingly argued, was to tighten the nationwide grip of the National Islamic Front by placing its members and co-opted clients in position of influence. See Dr. Awad al-Seid al-Karsni (ed.), *Studies of Sudan's federal experience*, in Arabic, Political Science Department, University of Khartoum and Frederick Ebert Foundation (Khartoum, 2001).

<sup>35</sup> ICG interviews, December 2003.

<sup>36</sup> Nazik al-Tayeb Rabah Ahmed, "Causes of traditional and modern tribal conflicts in Sudan", in Arabic, in Adam Al-Zein Mohamed and Al-Tayeb Ibrahim Weddai, eds., *Perspectives on tribal conflicts in Sudan*, op. cit., pp. 139-159.

<sup>37</sup> For a detailed overview of the indiscriminate attacks against civilians, see Massaleit Community in Exile, "An open letter to the international community: the hidden slaughter and ethnic cleansing in western Sudan", 8 April 1999, at: [http://www.massaleit.info/reports/international\\_community.rtf](http://www.massaleit.info/reports/international_community.rtf).

Province for the Ma'alia, with a Ma'alia commissioner; a province for the Rezeigat at al-Daien with a Rezeigat as commissioner; a province at Buram for the Habaneiya; and one for the Ta'aisha at Rheid al-Birdi; one at Tulus for Fallata and one at Id-al Fursan for the Beni Halba. All this area constituted one rural council which was administered out of Nyala. This led to the perception among many that the province was a tribal kingdom, of which the commissioner was the king..."<sup>38</sup>

Al Nour warned that the overlap created between some tribes and local administrative units risked fuelling even more disputes over boundaries and access to resources.

The internal spillover of the Darfur war is beginning to affect Kordofan, where small-scale mutinies have recently occurred at government garrisons in the Nuba Mountains.<sup>39</sup> A strong political message was sent on 9 February 2004, when four prominent Kordofan leaders wrote to President al-Bashir demanding it receive its fair share of national wealth, including the oil of which it is a major producer. Signatories also demanded representation of Kordofan's Dinka and Misseiriya in the negotiations on the Abyei region, and the right for Kordofan to elect its government.<sup>40</sup> They warned that resentment at the lack of social development and economic activity was "threatening to explode".<sup>41</sup>

### 3. Darfur and the Islamist Movement

Darfur's crisis is also rooted in the disputes that have plagued Sudan's Islamist movement since it took power in 1989. Despite intensive efforts by the

National Islamic Front (NIF) to woo voters there, it won only three seats in the region in the 1986 parliamentary elections, two of whom later defected to other political parties. Following a disagreement with Hassan el-Turabi, the architect and spiritual guide of the Islamist movement, the top NIF cadre in Darfur, Yahiya Ibrahim Bolad, defected to the SPLA and led its 1991-1992 offensive into the region. In response the government armed and mobilised Arab tribal warriors and portrayed the insurgency as an uprising by the Fur people. The success of the strategy cemented Khartoum's alliance with Darfur Arab fighters.

A second split in the ruling Islamist movement had an equally destabilising impact on Darfur. In 2000, Turabi, then speaker of parliament, formed the Popular National Congress (later renamed the Popular Congress, PC) following a fierce power struggle with the ruling National Congress Party. To broaden its base, PC activists reached out to Sudan's majority but marginalised African population. The PC even signed an agreement with the SPLA in February 2001 in which the two parties undertook to pursue the ouster of the al-Bashir government by peaceful means. The government reacted by banning PC activities, and detaining many of its leaders, including the elderly Turabi, until late 2003.

In an attempt to appeal to Sudanese African constituencies, the PC argued in a widely circulated pamphlet ("The Black Book") that the ruling Islamist faction was blocking people from Darfur and other peripheral regions from senior posts while giving preference in appointments to people from riverain northern tribes from which many of its own came. The PC backed its claim by listing senior officials, classified by rank, ethnicity, and region of origin. In their attempts to refute the damaging claim, senior Sudanese officials readily admit that outside the capital and the rich central Gazeira plains, the rest of the country is "marginalised". Darfur has indeed suffered its share from decades of mismanagement of the national economy and the corruption and ineptitude of the ruling elites.

The rationale and methodology of the "Black Book" have re-surfaced in the current conflict. A detailed list prepared by "Zurga" leaders gives the names and tribes of past and present commissioners, state and federal ministers and governors in South Darfur

<sup>38</sup> "Before the return of the rebels to the negotiations: who is behind the fire in Darfur?", interview in Arabic, *al-Sahafa*, 24 January 2004.

<sup>39</sup> Independent sources put the number of soldiers who have defected recently at around ten, far less than the 3,000 the JEM leadership claims have come over to the insurgency from government bases in Kadugli. ICG interviews, February 2004. See also "West Sudan rebels moving towards Khartoum", Reuters, 25 February 2004.

<sup>40</sup> The leaders are Sayed Zaki, a former finance minister, Mekki Belayeil, former presidential peace advisor under the current regime, Bakri Hassan Adil of the Umma Party, and Bashir Adam Rahama, of the Popular Congress. See: "Sons of Kordofan demand their share in the oil and the right to elect their governors", statement in Arabic, posted on 9 February 2004 at: <http://www.sudaneseonline.com/anews/feb9-28211.html>.

<sup>41</sup> Ibid.

State between 1989 and 2003. It then breaks down the list by affiliation as "Arab" or "non-Arab".<sup>42</sup>

Khalil Ibrahim, the founder of JEM, adds to the complexity of the troubled relations between the ruling and splinter Islamist factions. He is a veteran Islamist and former state minister who sided with the breakaway PC in 2002 and went into exile in the Netherlands. He was a sponsor of a widely publicised conference in Germany in early April 2003 from which a "Union of the Marginalised Majority" emerged.<sup>43</sup>

Following the near collapse of the talks for renewal of the nominal ceasefire between the government and the SLA in early November (see below), General Abdel Karim Abdalla Mohamed, director of intelligence and leader of the government negotiating team, attributed the hardening rebel positions and improved articulation of their political demands to the support that, he alleged, PC elements had brought. The PC acknowledged that some of its leading cadres had joined the rebels shortly after their release from detention but disclaimed responsibility. It noted that members of the ruling party and of other opposition parties had also joined the rebellion and argued that the charges were a prelude to a renewed crackdown.<sup>44</sup> Indeed, the government detained a few dozen PC members, around the time it was calling the PC the public face of the JEM.

The PC is unapologetic about its political solidarity with rebels' cause, although it says it does not approve of their use of force. In a late February 2004 press conference, Turabi said the cause was just, and a political solution, not the government's massive military response, was needed.<sup>45</sup> Turabi later

declared the government's call for a national conference "staged and cooked" and said the political opposition would boycott it. He called the government responsible for the violence in Darfur because it had incited the tribes and armed the Janjaweed, "who ignored the tasks the government assigned to them and preferred attacking villagers". He also accused Khartoum of arbitrarily detaining more than 200 opposition activists throughout the country, but particularly in Darfur, in connection with the conflict.<sup>46</sup>

The belief that the Darfur rebellion has been hijacked by disaffected rival Islamists is a main reason behind the government's refusal to talk to the rebels, particularly JEM. The personal rivalry between Vice-President Taha and his ex-mentor Turabi for control of the Islamist movement and the country is being played out in Darfur, with civilians as the main victims.

## B. THE ARAB GATHERING

The controversial Arab Gathering first made itself known in a letter to Prime Minister al-Mahdi, which *al-Ayam* published on 5 October 1987. 23 Darfur leaders of Arab extraction, a mix of mainstream intellectuals, tribal figures, and senior officials, attributed to the "Arab race" the "creation of civilisation in this region ... in the areas of governance, religion and language".<sup>47</sup> They complained of under-representation in local, regional and national governments and demanded a 50 per cent share for Arabs at all three levels in recognition of their demographic weight, contribution to the generation of wealth and knowledge in the region, and historic role as civilisation bearers. They concluded with a thinly disguised threat: "... [W]e fear that if this neglect of the participation of the Arab race continued things will break loose from the

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<sup>42</sup> "Participation of sons of South Darfur State in the Salvation Government during 1989-2003", in Arabic, undated, but likely late 2003, on file with ICG. Of 63 positions listed, the record indicates that 41 went to people of Arab background, 23 to non-Arabs.

<sup>43</sup> Several member organisations of the opposition National Democratic Alliance attended the conference, including the SPLA, the Sudan Federalist Democratic Alliance and the Beja Congress. Ali al-Haj, the second ranking member of the Popular National Congress, also participated. See the first communiqué of the Union of the Marginalised Majority at <http://www.hornofafrica.de>.

<sup>44</sup> "Turabi denies his party's implication in Darfur events", Agence France-Presse, 31 December 2003.

<sup>45</sup> See "Turabi: the government accuses Chad of covert involvement in Darfur's events"; in Arabic, *al-Bayan*, 25 February 2004; also, "Turabi: the government detains 200 activists, opposition will boycott Darfur conference", in

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Arabic, *al-Hayat*, 25 February 2004. Shortly after his release from more than two years in preventive detention, Turabi admitted that his party was in close contact with the Darfur rebels and promised to use his influence with them "not to ask them to lay down their arms, but to ensure that they will get their full rights"; see "Turabi admits having links with the Darfur rebels – announces his movement's future program", in Arabic, *al-Khaleij*, 15 October 2003.

<sup>46</sup> "Turabi: the government detains 200 activists", *Ibid*.

<sup>47</sup> Cited in Hussein Adam al-Haj, "The Arab Gathering and the attempt to cancel the other in Darfur", in Arabic, 31 December 2003, at [www.sudanile.com/sudanile13.html](http://www.sudanile.com/sudanile13.html).

hands of the wise men to those of the ignorant, leading to matters of grave consequences".<sup>48</sup>

The letter raised considerable controversy and was condemned by several political parties and opinion leaders. It generated calls to counter nascent ethnic polarisation lest it do irreparable damage to the delicate social fabric in the region.<sup>49</sup>

While the letter had little to say about non-Arabs, its tone was supremacist, presenting Arabs as the standard bearers for religion, culture and civilisation, and claiming they produced the lion's share of the region's wealth. The implication that others had achieved far less drew upon stereotypes popular among nomadic groups that see farmers as of low cultural status. The signatories ignored Islam as a unifying factor, disregarded generations of intermarriage and peaceful coexistence, and used race to polarise.

To this date, the Arab Gathering remains a Darfur phenomena but its destructive ideology could as easily spread throughout Sudan's diverse communities where there are groups that view themselves as racially and culturally superior to others. In this regard, Darfur is not much different from other places in Sudan and beyond where tensions exist between ethnic, regional, or religious groups. These occasionally turn into violent confrontations, with the triggering factor often the political and economic ambitions of unscrupulous individuals who can manipulate the collective fears and aspirations of their communities to personal advantage. The Arab Gathering's supremacist ideology clearly shares responsibility for enabling the "ignorant" people alluded to in the letter to kill, loot, and rape fellow Darfurians while believing their victims are lesser people.

The emergence of the Arab Gathering deeply alarmed non-Arab peoples. The intermittent surfacing of what non-Arab activists believed were internal memorandums far less reserved than the first public document seemed to confirm fears of a detailed plan, including deals with foreign nomadic elements, to engineer the forced replacement of sedentary non-Arab tribes on Darfur lands by Arab tribes.<sup>50</sup> One document

attributed to the Arab Gathering purported to record the minutes of a secret meeting alleged to have taken place in mid-1988, following the appointment of Tigani Sese, a Fur, as governor of Darfur by al-Mahdi. It called upon members to:

- ❑ obstruct the reform programs of the regional government;
- ❑ paralyse the service sectors in areas inhabited by the Zurga (non-Arabs) to persuade the population of the government's inability to provide basic needs;
- ❑ destabilise security, stop production and liquidate leaders in these areas; and
- ❑ encourage disputes among the Zurga tribes to keep them disunited.

The document called for "gathering members in executive posts... to commit to the following:

- ❑ concentrate services in areas of the Gathering as far as possible;
- ❑ avoid appointing Zurga sons in positions of importance and create...obstacles for those among them occupying administrative and executive positions; and
- ❑ use all means possible to destabilise schooling in Zurga areas".<sup>51</sup>

The outbreak of the current rebellion extended ethnic polarisation to new political and military extremes. A mobilisation of non-Arabs is now undeniably in progress, spurred by fears of the strategic designs attributed to the Arab Gathering and the indiscriminate nature of the government's counterinsurgency campaign. Moderate leaders of Arab and non-Arab groups alike are said to be greatly alarmed by these developments because of their potential for threatening the long-term coexistence of Darfur's peoples.

Khartoum has received anguished appeals from within the Darfur establishment and traditional chiefdoms across the ethnic divides warning of full-scale ethnic war. In a disturbing incident largely unreported in Sudan and internationally, 21 Darfur tribal leaders accused unnamed members of the

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> See the interesting analysis of documents attributed to the Arab Gathering in the second of a series of three articles entitled "The Janjaweed", by Hussein Adam al-Haj, originally published in November 2003 by the web magazine *Sudanile*,

[www.sudanile.com](http://www.sudanile.com). The articles are no longer available at the site, but it should be possible to obtain them by contacting the site managers or the author at [helhaj@juno.com](mailto:helhaj@juno.com).

<sup>51</sup> Ibid.

ruling NCP in South Darfur State of having toured as a political coordination committee to propagate Arab Gathering ideology. They attached to their statement six allegedly internal documents in order to "demonstrate the Gathering's heinous project and show...that the predicament of Darfur beginning with armed robbery and tribal wars and ending with the atrocities of the Janjaweed have in fact resulted from...the continuous thrust of an organisation known as the Arab Gathering".<sup>52</sup>

They claimed the documents proved the "racist tribal organisation" existed and had "specialised committees tasked with implementing...well defined and calibrated strategies"; it was using "the institutions and capacities of the state and the ruling party"; and its mission "did not limit itself to the destabilisation of Darfur...but its activities have gone beyond the boundaries of Darfur and Sudan to neighbouring countries".<sup>53</sup>

The allegations gained considerable credibility when, nine days later, some 111 members of the NCP's South Darfur chapter, including state and national parliament members, addressed a memorandum to the chairman and secretary of the NCP warning of the efforts of some members of the party to achieve the objectives of an unnamed "racist organisation". They said these activities risked undermining NCP cohesion and national credibility and added:

We followed with great concern the...subversion of the party's institutions by a group of NCP members in ways meant to cement the objectives of a racist organisation which advocates the division of Darfur along racist lines....We have ascertained that the said

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<sup>52</sup> Unofficial translation of the document "Darfur Tribes: Communiqué N°1 about the racist incitement", in Arabic, 18 December 2003. In addition to the 1987 letter to Sadiq al-Mahdi and the minutes of the 1988 meeting to obstruct the regional governor he appointed in Darfur, both mentioned above, the other documents attached to the communiqué include: directives from the Gathering's division for military operations in Darfur addressed to members, 1992; top secret internal directive dated 1998 by an organisation calling itself Gureish, which the signatories believe was another incarnation of the Gathering; and mission report of the Political Committee of the Coordination Council of Arab Tribes, November 2003.

<sup>53</sup> Ibid. Darfur has since the 1970s felt the impact of civil wars in neighbouring Chad and the Central African Republic. Libya has also used African militias based in Darfur to influence the outcome of power struggles throughout the Sahel.

group has toured the State calling for the isolation of certain tribes from the ruling party...and we haven't seen any action from the party's leadership in the State or the Centre to denounce, repudiate or investigate the reasons behind the establishment of the said organisation and the exploitation by its members of the facilities of the state and the forums of the National Congress to achieve the plans of this incitement...As members of the NCP, we do not approve of the participation of this state in any violations of the security and honour of the citizens...we do not approve of the use of violence, banishment, forced displacement or ethnic cleansing to achieve personal benefits or positions destined not to last.<sup>54</sup>

Khartoum has yet to respond to either demand for an investigation.

### C. GOVERNMENT MISMANAGEMENT AND MANIPULATION OF LOCAL PROCESSES

These protests by senior NCP members and other concerned leaders in South Darfur coincided with the visit to Nyala of a high level NCP delegation. Upon returning to Khartoum, al-Haj Atta al-Manan, the delegation leader and NCP secretary in Khartoum State, warned that the situation was threatening to become an ethnic conflict between the Arab and non-Arab tribes.<sup>55</sup> However, the ruling party remained focused on military victory. In a 31 December 2003 televised speech to the nation, President al-Bashir claimed that "part of a tribe" was responsible for the insurgency. The reference was obviously to the Zaghawa, whom the government was seeking to isolate from the Fur, the Massaleit, the Meidoub and other groups that were in revolt.

While manipulating ethnic realities for short term military gains, the government nonetheless launched a campaign in the last quarter of 2003 to "stitch the social fabric together again" in Darfur. This relied on

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<sup>54</sup> Unofficial translation of the memorandum, in Arabic and dated 27 December 2003, signed by 111 members of the NCP, South Darfur, copy obtained by ICG. The Khartoum daily *Al-Adwa* reported the incident on the front page of its 28 December edition, adding that the NCP members had attached to their letter the same set of documents indicated above.

<sup>55</sup> See "British efforts and tribal contacts to mediate between Khartoum and Darfur rebels", in Arabic, *al-Hayat*, 11 January 2004.



mobilising tribal leaders under the umbrella of the ruling party and the legislative and executive branches of the government to preach peaceful coexistence. At the same time, the government effectively froze diplomacy. The purpose of this approach was to gain time for a military victory that would avoid need to negotiate a political settlement.

The campaign for mending Darfur's social fabric displayed obvious limitations as tribal delegations met one after the other with the president and senior officials and were shown in the state-run media denouncing the rebellion and pledging to revive peaceful coexistence. "How could tribal reconciliation be achieved at a time when one group felt it was collectively being punished for the rebellion and the government preferred speaking to the different groups one at a time?", wondered one leader who took part.<sup>56</sup>

A broad-based process for social reconciliation is critically needed but it is increasingly evident that it cannot be run by the government alone. International involvement could help facilitate such a process and keep it sufficiently neutral to have a realistic chance. This could be done through international organisations specialising in facilitation and grassroots peace work, such as is being done in southern Sudan. In the short term, the international community should focus on ensuring that refugees and IDPs can return and on helping reconstruction. In the longer term, it should promote development projects that aim at encouraging the sustainable management of resources, increasing water sources for agricultural activities and range management. Finally, people-to-people reconciliation efforts should be supported by donors, in the same way as in the south.

## **1. Internal Peace and Reconciliation Processes**

There has been no shortage of internal initiatives for mediating a peaceful settlement between government and rebels or reconciling ethnic groups. These have generated a multitude of projects that compete for attention in the three Darfur states and nationally. At both levels, the government and the ruling party generally manoeuvred themselves into the driver's seat. Where they did not, there was little chance of getting financial and logistical support, without which there was little chance of success.

All these initiatives sought to draw on the deeply rooted tradition of "people-to-people" peace processes that had for generations settled or pre-empted communal conflicts in the country. Tribal peace conferences had in the past often maintained peaceful coexistence among Sudan's ethnically diverse peoples. The colonial administration and successive national governments, including the current one, used this system to keep social peace and acted as guarantors of agreements that peoples in conflict had reached. However, the policy since the mid-1980s of co-opting tribes into counterinsurgency strategies in southern Sudan and elsewhere in the transitional areas between North and South has seriously compromised communal peacemaking. Under the current regime, the strategy of politicising and militarising tribes has reached unprecedented levels.

Until the 9 February 2003 announcement of the government's conference for Darfur, there was little coordination among the various internal peace initiatives, including those launched by the government itself, the ruling party, and parliament. Short of a radical change of government policy towards Darfur and other peripheral areas, the conference stands no chance of success and could even make matters worse. The government and its official media are trying to use the plethora of initiatives, however, to create an impression that something is being done to resolve the crisis peacefully while its operational policy remains security-centred.

## **2. Al-Fashir Conference - February 2003**

The government's initial reaction to troubles in early 2003 was to encourage communal reconciliation. It formed a Mechanism for Extending the Authority of the State (MEAS), and mobilised the region's traditional chiefs and newer elites to work out solutions. According to ICG sources, the then-governor of North Darfur, General Ibrahim Mohamed Suleiman, who chaired the mechanism, favoured negotiating with the rebellion even before it declared itself. He initiated contacts with its leaders and met with them at his office and residence in al-Fashir, according to his successor.<sup>57</sup> However, these contacts reportedly ran into the resistance of government and army hardliners who felt time was

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<sup>56</sup> ICG interview, January 2004.

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<sup>57</sup> "Press conference of the governor of North Darfur", in Arabic, Sudanese Media Centre, 26 January 2004, at <http://www.smcsudan.net>.

being wasted, and the army could easily crush the armed insurgency.

The MEAS invited hundreds of local leaders to a "consultative forum on security in Darfur", in al-Fashir, 24-25 February 2003. The meeting recommended that the government conduct a dialogue with the rebels before using force. It set up four committees to conduct direct negotiations, on a tribal basis corresponding to the major tribes in the rebellion. Committees of Fur, Zaghawa, and Arab notables, and a "neutral" committee for all the other groups each met in the next weeks with rebel cadres.

The Fur and Zaghawa committees reported back to the MEAS that the rebels communicated grievances and demands and expressed readiness to talk with the government provided its representatives were not chosen to represent particular tribes as the al-Fashir Conference had suggested. Fur and Zaghawa rebels explained that their rebellion rejected government divide-and-rule policies and embraced all Darfurians.<sup>58</sup>

In the end, the conference split, with some participants urging a political settlement, others a military solution. With clashes rising, hardliners won the debate, the government moved command of the counterinsurgency operations to army headquarters in Khartoum, and relieved Governor Suleiman.

### 3. The Nahar/Masar Initiative

In late June/July 2003, Minister of Education Ahmed Babiker Nahar, a Zaghawa, and the governor of the northern River Nile State, Abdalla Ali Masar, a Rezeigat Arab, both senior officials in the Reformed Umma party, approached the rebels about a negotiated settlement. Qualifying their initiative as "personal", they nonetheless obtained President al-Bashir's agreement before going to Darfur. A large mediation party of some 30 local officials and an array of tribal leaders accompanied them into the SLA stronghold. The mission offered an opportunity to revive peaceful coexistence but it failed.

The SLA said it was ready for peace talks on conditions that included recognition of the political nature of their insurgency, cessation of their

designation as "armed robbers", and the disarming of the Janjaweed militia. In defence of the SLA, Governor Masar explained in an interview that the SLA aim was "to fight armed robbery".<sup>59</sup> The education minister qualified the rebel cause as "just and rational in some of its aspects, and was amenable to give and take".<sup>60</sup>

The officials recommended that President al-Bashir pursue a negotiated settlement. However, the government's lack of interest became evident as the initiative bogged down in political feuding. The chairman of the Reformed Umma party, Mubarak al-Fadil al-Mahdi, was apparently slighted that the two senior party officials had bypassed him. He called the rebels outlaws, denounced the initiative, and initiated proceedings to dismiss his colleagues from their party positions.<sup>61</sup>

### 4. Other Initiatives

Other people-to-people initiatives that made little headway include the highly publicised meeting in Nairobi on 23 January 2004 between Vice President Taha and Ahmed Ibrahim Diraiqe, a prominent former governor of Darfur and exiled opposition leader. According to a summary released by the Sudanese Embassy in Nairobi, the two agreed that dialogue was the proper way to resolve the problems and condemned any resort to violence. Diraiqe reportedly asserted that Darfur's problems were political and economic and called for an immediate ceasefire as a condition for resuming negotiations. He further promised to try to persuade the rebels to cease hostilities.<sup>62</sup>

Diraiqe has reportedly been consistently opposed to the decision by the rebels to take up arms.<sup>63</sup> Other exiled leaders expressed "disappointment" at his decision to meet with Taha.<sup>64</sup> Regardless, he used his

<sup>58</sup> "Report of the Fur Committee to al-Fashir's consultative conference for Darfur's leadership – 24-25 February", in Arabic, giving minutes of meetings with the SLA leaders on 16-18 March 2003.

<sup>59</sup> "Sudanese Minister of Education tells al-Sharq al-Awsat: no one has abducted me, and the Darfur fighters have a just cause ... the SLA spells 12 conditions to start dialogue with the government", in Arabic, *al-Sharq al-Awsat*, 20 July 2003. Abdalla Ali Masar's statement must have startled Darfur insiders who knew him as a signatory of the Arab Gathering's 1987 public letter.

<sup>60</sup> Ibid.

<sup>61</sup> "Failure of the Nahar/Masar initiative in getting results", in Arabic, *al-Shari'al-Siasi*, 25 July 2003.

<sup>62</sup> "Press Statement", Sudan News Service, Information Office, Sudan Embassy, Nairobi, 24 January 2004.

<sup>63</sup> ICG interviews, April 2003 – January 2004.

<sup>64</sup> ICG interview, 10 February 2004.

influence to persuade the SLA and JEM to participate in the humanitarian dialogue that was to take place in Geneva on 14-15 February until the government abruptly backed out.

Another short-lived initiative, in early January 2004, involved the traditional Zaghawa leadership. Behind it was Hassan Bargo, a Zaghawa who heads the West Africa Department of the ruling party. At a time when the government was attacking rebel strongholds and civilian supporters in Darfur, Bargo convened a highly publicised meeting of the Consultative Council of the Zaghawa People that produced a statement offering Zaghawa good offices to revive talks between the government and the rebels. Following a meeting with al-Bashir, the chiefs said they were sending a delegation of 50 to meet Chad's president. It never left Khartoum: influential Zaghawas reportedly objected that the initiative was implicitly validating government propaganda depicting the Zaghawa as the primary actors in the rebellion.<sup>65</sup>

Opposition parties and civil society groups have also offered to help resolve the crisis but the government has kept aloof. The Sudanese Peace Forum (an umbrella group that includes some ruling party moderates) wrote to inform President al-Bashir on 27 December 2003 of the Forum's plan to convene a national conference and seek his cooperation. Citing the humanitarian crisis, it called on him to recognise that the crisis could only be resolved with radical policies aimed at the root causes of lack of democracy and political and developmental marginalisation; appealed for an end to military escalation; called for disarming ethnic militias; and urged a program to rescue victims and plan long term development.<sup>66</sup> It tried but largely failed to inform the public about Darfur because of the official blackout on news and a lack of resources.<sup>67</sup>

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<sup>65</sup> See "The native administration of the Zaghawa breaks its silence: broad condemnation of the war – unanimity around the necessity for dialogue", in Arabic, *Alwan*, 11 January 2004. See also in the same issue, "Text of the important statement of leaders of the native administration of the Zaghawa". For a dissenting view, see al-Sadiq Ali Hassan, "The Zaghawa initiative: the crisis of unawareness of the crisis", in Arabic, *Alwan*, 20 January 2004.

<sup>66</sup> Sudanese Peace Forum, "Memorandum about the crisis in Darfur", in Arabic, letter addressed to President al-Bashir, dated 27 December 2003, copy on file with ICG.

<sup>67</sup> See for instance SPF's handout, "Statement on the crisis in Darfur", in Arabic, 27 December 2003.

### III. THE ACTORS

#### A. GOVERNMENT STRATEGY

The situation in Darfur cannot be divorced from the IGAD process. As evidence of massive violence against civilians in Darfur mounted in the last quarter of 2003, Khartoum's international partners remained divided on how to react. While the diplomatic community in Khartoum explored possible vehicles for international action, such as a statement by a senior UN humanitarian official before the Security Council, some influential members, namely the UK and U.S., advocated a lower profile.<sup>68</sup>

The government took advantage of this disagreement to pursue its military campaign while blaming the collapse of the Ndjamena ceasefire talks in mid-December on the rebels, although it had walked away without meeting them. Its actions in Ndjamena and at the IGAD talks are attributable in part to a desire to give the army time to deliver a crushing blow so it can impose terms on a defeated SLA/JEM. It dreads the prospect of the conflict dragging on until its manoeuvring room might be seriously curtailed by the development of international pressure and participation of the SPLA and other political forces in policy making.

As the conflict unfolded, partisan rivalry escalated. For example, the government seized on the admission of the SLA into the opposition National Democratic Alliance (NDA) in mid-February 2004 to suspend its dialogue with that body.

The government and the NDA had signed a framework agreement in early December 2003 at the Saudi port of Jeddah in which the NDA endorsed the IGAD peace process. The two parties also agreed that the anticipated peace arrangements should open the way for a democratic Sudan. Vice President Taha told an NDA envoy in Naivasha that the government had broken off contacts until the NDA "corrects its decision to admit the Darfur rebels".<sup>69</sup>

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<sup>68</sup> ICG interviews, December 2003.

<sup>69</sup> "Sudan government suspends contacts with umbrella opposition group", Agence France-Presse, 29 February 2004.

This placed the NDA under considerable strain as its members split over whether to expel the SLA.<sup>70</sup>

On the same day that President Bashir offered the government's first comprehensive policy statement on the crisis in the region, the chairman of the opposition Umma party announced an initiative to resolve the conflict.<sup>71</sup> The coincidence underscored the boomerang effect Darfur is having on national politics. During Sudan's brief democratic periods, Darfur has voted overwhelmingly for Umma, giving it 35 of the 39 parliamentary seats allocated to it in the 1986 elections. However, following eruption of the latest violence, the party faced real challenges to regain the trust of non-Arab groups, among whom the perception was increasing that it reacted too mildly when the Arab Gathering announced itself in 1987. As described elsewhere, the efforts of the Islamist movement to pull Darfur away from Umma were behind some of the disastrous ethnic manipulation policies that have contributed to the current crisis.

The government's actions are also heavily influenced by fear that the situation is being manipulated by Hassan el-Turabi and his Popular Congress (PC).<sup>72</sup> In a recent interview, the NCP secretary general called an internationalised negotiating process on Darfur "the first item in the program of Turabi's party to topple the government".<sup>73</sup>

Despite its efforts to downplay the situation and control it militarily, Darfur has spiralled out of the government's control. The policies of ethnic favouritism, leading to ethnic warfare, risk triggering further disputes within the government and the ruling party as the example of the NCP chapter in Southern Darfur State discussed above indicates. As the situation worsens, Khartoum is systematically undermining its relationship with the international community and risking the diplomatic gains it has made in the IGAD process. The decision to avoid the Geneva talks with the rebels was a missed opportunity that will backfire: eventually it will have to participate in a much larger international forum if the crisis is to be resolved.

In an attempt to deflect increasing international criticism of its conduct in Darfur, the government in December 2003 formed a crisis management committee under the ministry of foreign affairs and including the ministries of defence and humanitarian affairs and the National Security Agency. A spokesman explained its mandate as monitoring and responding to international reactions to Darfur events. He acknowledged that Sudan was under pressure about the humanitarian situation and was trying to prevent internationalisation of the crisis.<sup>74</sup> Nevertheless, the government may need an international mechanism for dealing with the political issues as acutely as the rebels. Without one, it is difficult to see how it can continue to contain the growing number of dissatisfied voices within the north and avoid the spread of war to other parts of the country.

The government has a clear strategy to hide the conflict from its public and the world. It has shown zero tolerance for mildly critical media coverage. The banning of the independent *Khartoum Monitor* (on 24 November 2003) and the independent *Al-Ayam* (on 3 December) and the closure of the Khartoum office of the Al-Jazeera Arab TV network (on 17 December) were clearly meant to reinforce discreet directives to the media to limit itself to the government's version.<sup>75</sup> They have had a chilling effect on the private press in Khartoum while the state-run mass media and private papers that follow the official line have been part of an elaborate disinformation campaign. Travel restrictions have kept foreigners, including relief workers, away from the fighting. Activists who tried to alert the international community have been subjected to preventive detention.<sup>76</sup>

The case of Dr Mudawi Ibrahim Adam is indicative. An engineer who runs the development NGO Sudan Social Development Organisation (SUDO), which implements programs in Darfur, was arrested in Khartoum on 28 December following a trip to the

<sup>70</sup> See Justice Africa, "Prospects for peace in Sudan, Briefing", 27 February 2004.

<sup>71</sup> "Sadiq al-Mahdi demands declaring Darfur a disaster area – calls for resolving its crisis", in Arabic, *al-Sharq al-Awsat*, 10 February 2004.

<sup>72</sup> ICG interview, 8 February 2004.

<sup>73</sup> "The General Secretary of the ruling party: the first item in Turabi's party is to topple the government", in Arabic, *al-Sharq al-Awsat*, 18 February 2004.

<sup>74</sup> "An emergency committee of Foreign Affairs, Defence, and Security formed on Darfur", in Arabic, *al-Sahfa*, 23 December 2003.

<sup>75</sup> Reporters Without Borders, "Sudan: Reporters Without Borders Condemns seizure of Al-Jazeera equipment", 18 December 2003. Available at [http://www.rsf.org/article.php3?id\\_article=8815](http://www.rsf.org/article.php3?id_article=8815).

<sup>76</sup> Amnesty International has documented many cases of unlawful arrest in Darfur or connected to Darfur over the past year. See [www.amnesty.org](http://www.amnesty.org)

region.<sup>77</sup> After being held six weeks without formal charges, he appeared in court on 8 February 2004 on charges that carry the death penalty.<sup>78</sup>

## B. THE JANJAWEED

The Janjaweed are a loose collection of fighters of Arab background mainly from Darfur. Beginning in spring 2003, following a string of SLA victories, Khartoum adopted a scorched earth strategy that relies more heavily on the Janjaweed to target civilian populations suspected of supporting the rebellion. This campaign translated mostly into attacks on Fur, Massaleit and Zaghawa villages.<sup>79</sup>

Some Janjaweed build on a tradition of the "Hambati" or "social bandits" among the Arab tribes.<sup>80</sup> These are robbers rejected by their communities for flouting established traditions but envied for their exploits. Other elements are thought to be professional criminals, including some allegedly released specifically to join or lead the militia.<sup>81</sup> Building on existing ethnic tensions and a raider culture, the government armed the Janjaweed to supplement the army and gave carte blanche for looting and rape. Travellers to the region relate that most Janjaweed are armed with either AK-47s or G-3 rifles and ride camels or horses provided by the government.<sup>82</sup> It is alleged that the government paid many of them roughly U.S.\$100 when fighting began. Most current compensation comes from war booty. Some individuals from Chad and the Central

African Republic have probably been attracted by possibilities of government-sanctioned robbery.

It is extremely difficult to decipher the structure and command of the Janjaweed, but anecdotal evidence helps shed some light. Numerous interviewees spoke of three separate Janjaweed divisions set up by the government: The Strike Force; The Border Guard; and the Hamina (traditional tribal leaders).<sup>83</sup>

President al-Bashir has best captured the relationship between the government and its various proxies, including the Janjaweed. In a widely publicised comment addressed to the citizens of Kulbus, a town the rebels failed to overrun in December 2003, he defiantly said: "Our priority from now on is to eliminate the rebellion, and any outlaw element is our target ... We will use the army, the police, the mujahedeen, the horsemen to get rid of the rebellion".<sup>84</sup>

This sharply contrasted with ambiguity that officials and state-run media mostly maintain about the Janjaweed. Many statements emphatically deny any relationship but in the three states of Darfur where officials have to grapple with the implications of Janjaweed involvement in the fighting, they have occasionally admitted that the government indeed created the militia, while adding that it needs to be brought under tighter control. The commissioner of Zalinge province, South Darfur, told a Khartoum daily in November:

The government has armed this group to fight the rebellion but they opted to carry on their tribal agenda by attacking Fur tribal areas ... they are preventing the people from burying their dead ... the State headquarters is constantly receiving reports of raids and hunting parties by the armed men for survivors in the villages and the surrounding bushes.<sup>85</sup>

The state-run mass media and most officials routinely attribute actions of the Janjaweed to "armed bandits", "uncontrolled elements", or even the SLA and JEM. For instance, a 27 December 2003 statement by the army's spokesman said an SLA raid

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<sup>77</sup> Amnesty International, "Urgent Action: Fear for Safety; Sudan: Dr. Mudawi Ibrahim Adam (m), Director of Sudan Social Development Organisation (SUDO)", 4 January 2004, which also explains how "people suspected of supporting the armed opposition in Darfur are being tortured almost systematically by the National Security forces or the military intelligence, and those seeking or providing information on the region have also been tortured by the security forces".

<sup>78</sup> ICG correspondence, 11 February 2004. Specifically, Dr. Mudawi was charged under articles 50, 51, 56, 63 and 64 of the penal code. Articles 50 and 51 relate to undermining the constitution or the unity of the state and waging war or supporting those waging war against the state, respectively. Amnesty International, "Further information on UA 02/04: Fear for safety and new concern: fear of unfair trial", 19 February 2004.

<sup>79</sup> ICG interviews, 2 October 2003.

<sup>80</sup> ICG interviews, 2 October 2003.

<sup>81</sup> ICG interviews, October 2003. In the course of the current conflict, the government has labelled released criminals *Ta'ibeen* (those who repented), apparently in an effort to make them more acceptable as members of paramilitary units.

<sup>82</sup> ICG interview, 4 October 2003.

<sup>83</sup> ICG interviews, October 2003.

<sup>84</sup> "Sudanese president says war against outlaws is government priority", Associated Press, 31 December 2003.

<sup>85</sup> "Zalenge's commissioner urges the federal government to help", in Arabic, *Akhbar al-Youm*, 9 November 2003. See also "88 killed, 60,000 displaced and three officials abducted in Darfur", in Arabic, *al-Bayan*, 10 November 2003.

on a government position was backed by "the forces of the Janjaweed that support the rebels".<sup>86</sup> But as the impact of Janjaweed raids became known and the government's counterinsurgency strategies came under increasing international scrutiny, a new policy line emerged, formally emphasising denial of any links to the Janjaweed and claiming the government was intent on bringing them under control.

A 21 January 2004 statement by Sudan's Washington embassy accused the rebels of a strategy of attacking "civilian centres to create a humanitarian disaster in order to draw international attention and recognition". It added, "unfortunately, these tactics only feed the flames of ethnic strife in the entire region of Darfur and trigger the cycles of revenge and atrocities currently committed by yet another outlawed group called Janjaweed which the government condemned and currently is working hard to disarm".<sup>87</sup>

The minister of defence in a 28 January 2004 press conference invited the media to differentiate between the "rebels", the "Janjaweed", the "Popular Defence Forces (PDF)" and "tribal militias", such as the "militias" of the Fur tribe, and the "Nahayein" of the Zaghawa, all of which he considered gangs of criminals. He said the PDF are volunteers who aid the armed forces but the Janjaweed are "gangs of armed bandits" with which the government has no relations whatsoever.<sup>88</sup>

Following the new line, the governor of South Darfur in a January interview described the structure of armed groups that appear to conform with what is known about the Janjaweed and the steps undertaken by the state to bring them under control. He distinguished between two forces responsible for deteriorating security: "rebels" and "gangs of armed bandits". To address the latter problem, he said, the state formed a commission of three officials who travelled to the hideouts of the "bandits" and discovered that they were well organised with "hierarchical command structures". The "bandits" subdivided areas suitable for robbery, with each commander looting in the one allocated to him:

The committee was able to convince many of the members of these armed groups to repent and return to their normal lives and promised them that the state will meet all their needs. As a result, 540 of these leaders repented. We were left with the problem of criminal charges that remain pending against them. The state raised the issue to the Minister of Justice in Khartoum who agreed to drop some of the procedures, but there are others that come under the specific mandate of the President of the Republic only and cannot be dropped. The Minister promised to raise the matter with the presidency.<sup>89</sup>

Regardless of the denials and deliberate ambiguity, testimonies of victims consistently depict close coordination between government security forces, including the army, and the Janjaweed in raids. In the latest such incident, the UN Darfur Task Force reported a "well-organised" attack on the town of Tweila, North Darfur State, on 27 February 2004 during which Janjaweed and the army killed at least 67 people, abducted sixteen schoolgirls and raped 93 others, including six in front of their families.<sup>90</sup> According to reports, the Janjaweed branded those they raped on their hands to mark them permanently and ostracise them from society. The attack all but emptied the town, as thousands hid in the bush, and at least 5,000 sought safety in the nearby state capital, al Fashir. A similar mass flight occurred following a militia attack on 21 March on the North Darfur town of Korma. An eyewitness told a reporter "The Janjaweed executed 49 people whom they accused of collaborating with the rebels....They burned two neighbourhoods which had mainly

<sup>86</sup> *Al-Adwa*, 27 December 2003.

<sup>87</sup> "Darfur and the proliferation of armed conflict in Africa", press release, Embassy of the Republic of the Sudan, Washington, D.C., at: [www.sudan.net](http://www.sudan.net).

<sup>88</sup> "The Minister of Defence meets the media...", in Arabic, *al-Adwa*, 29 December 2003.

<sup>89</sup> See "Governor of South Darfur: Only three provinces were affected by the rebellion; citizens are unanimous in condemning the outlaws", in Arabic, *al-Ray al-Aam*, 26 January 2004.

<sup>90</sup> See: "Darfur Crisis, Sudan: UN Darfur Task Force Situation Report 4 Mar 2004", Office of the UN Resident Coordinator, at <http://www.reliefweb.int/w/rwb.nsf/480fa8736b88bbc3c12564f6004c8ad5/632f6fcc7fbbcfe985256e4d00707eb0?OpenDocument>; also: "Sudan: More Violence Reported in Darfur", IRIN, March 5, 2004. Details of the rape incident from Federation of Darfur Students in Universities, "A statement to the Sudanese people on the seizure of Taweila area and its vicinity by the government forces and its Janjaweed militias", ICG electronic correspondence, 11 March 2004.

African tribes living in them. They also burned four surrounding villages".<sup>91</sup>

A recent visitor to the region explained to ICG a pattern of Janjaweed attacks on villages supported by government shelling, and often followed by regular government troops:

The foundations of houses in Fur villages are built from stone or cement, and the roofs are made from sorghum. The Janjaweed would come and burn the roofs, but the army would then shell the villages, destroying most of the stone foundations. These were attempts to drain the population base supporting the rebels, and clear the people from the areas. Every village I saw within 150 kilometres from the Chadian border was completely or partially burned.<sup>92</sup>

Reports by international agencies support the same conclusion. Interviews with survivors of Janjaweed attacks mentioned in a recent Amnesty International report were striking. A civilian said he was told by the Janjaweed, "you are opponents to the regime, we must crush you. As you are Black, you are like slaves. Then the entire Darfur region will be in our hands. The government is on our side. The government plane is on our side to give us ammunition and food".<sup>93</sup> Amnesty International recounted numerous interviews depicting joint operations between soldiers and Janjaweed and concluded: "these [testimonies]...point at a military strategy on the part of the Janj[a]weed, supported by the government army, to forcibly displace the settled population in Darfur".<sup>94</sup>

Consistent allegations of direct involvement, support for, and coordination of the Janjaweed have also been levelled at specific members of the government by both international and Sudanese observers in meetings with ICG, although little hard evidence exists linking these individuals to the group.<sup>95</sup>

Darfur advocates have repeatedly attempted to press the issue of the government's legal accountability for the actions of the Janjaweed. For example, a

Committee of Darfur Lawyers submitted a memorandum to the minister of justice on 17 August 2003 demanding a full investigation of crimes against humanity allegedly committed by the Janjaweed in the town of Kutum earlier that month. Following a brief SLA occupation, the Janjaweed held the town for three days during which they reportedly looted and burned to the ground the market place and residences of black African traditional leaders, executing those they found on the premises and subjecting their families to cruel and degrading treatment.<sup>96</sup> Describing the Janjaweed as "a force armed and trained by the government", the memorandum charged that some Darfurians in executive posts and other political officials were behind these actions by virtue of their control of the Janjaweed and demanded that they be subjected to criminal investigations.<sup>97</sup>

A London-based Darfur Lawyers Group on 20 January 2004 produced a "charge sheet" against senior members of the Khartoum administration for what it called their command role in the pattern of crimes against humanity committed in Darfur by government forces and forces fighting on its behalf, including the Janjaweed. Arguing that Sudan, in effect, does not have rule-of-law, the group asserted that the onus for prosecution was on the international community.<sup>98</sup>

### C. THE REBELS

The latest generation of Darfur rebels emerged in February 2003, in reaction to the failure of the government and the traditional leadership to address

<sup>91</sup> "Residents escape militia attack on west Sudan town", Reuters, 21 March 2004.

<sup>92</sup> ICG interview, Nairobi, 27 January 2004.

<sup>93</sup> Amnesty International, "Sudan: Darfur: Too Many People Killed for No Reason", 3 February 2004.

<sup>94</sup> Ibid.

<sup>95</sup> ICG interviews, October 2003 to January 2004.

<sup>96</sup> ICG electronic correspondence, August 2003.

<sup>97</sup> "Ruling party denies government arming of certain tribes in Darfur, lawyers' memorandum to the Minister of Justice", in Arabic, *al-Ayam*, 18 August 2003.

<sup>98</sup> The Lawyers Group promised to produce evidence that Khartoum is flouting Geneva Convention clauses on torture, genocide and incitement to genocide and said its goal was to bring about criminal proceedings either in the International Criminal Court or the national courts of certain EU countries. Those accused included: President al-Bashir and Vice President Taha, the presidential advisor for federal affairs and former security chief, Nafei Ali Nafei, the ministers for energy, defence and cabinet affairs, respectively Awad al-Jaz, Bakri Hassan Salih and Abdalla Safi al-Nour, and senior officials al-Haj Atta al-Manan and Ahmed Mohamed Haroun. See "Successful press conference of Darfur lawyers", in Arabic, news report posted at [www.sudaneseonline.com/anews/jan21-66584.html](http://www.sudaneseonline.com/anews/jan21-66584.html), 21 January 2004.

the problems of the region. As documented in previous ICG reports, the SLA presented a political platform strikingly similar to that of the SPLA, denouncing political and economic marginalisation and under-development, and demanding separation of religion and state. JEM followed shortly with a similar political message, but an ambiguous plank on religion compounded by rumours of links with Turabi and Islamist circles.

The SLA drew its first recruits from Fur self-defence militias that had arisen during the 1987-1989 conflict.<sup>99</sup> The emergence in 2001 of a group of largely Fur and Massaleit fighters in southern and western Darfur coincided with the decision of Zaghawa young men to rebel against the government. The Zaghawa insurgents were unhappy about the government's failure to enforce the terms of a tribal peace agreement requiring nomads of Arab background to pay blood money for killing dozens of Zaghawas, including prominent tribal chiefs.

The SLA grew out of this increased cooperation between the Fur, Massaleit and Zaghawa groups. This explains the geographic and ethnic configuration of its rebellion, with a southern group, predominantly Fur and Massaleit, concentrated in the Jebel Marra area in Southern and Western Darfur states, and the bulk of the force, predominantly Zaghawa and Meidoub fighters, in Northern Darfur. Fighters from a cross-section of Darfur's other tribes are also in the SLA, according to sources who travelled to its strongholds.

Predominant among the founders of the SLA and JEM were young graduates and school dropouts. New recruits from this constituency continue to migrate from the capital and other urban centres to the rebellion. Many of the cadres have worked in marginal jobs and petty trade in the local markets of Khartoum and other urban centres of central and western Sudan. Their political ideas are much influenced by Sudan's parties, including the two feuding factions of the National Islamic Front, and the Communists. The appeal of the rebellion is also known to have influenced a younger generation of

Darfur members of the traditional parties, Umma and the Democratic Unionists.

The generational dimension of the rebellion's core constituency has escaped the notice of analysts and government strategists alike. The government continues to manipulate traditional tribal leaders in its search for ways to weaken the rebellion but the young rebels do not appear to trust those leaders and at times have abducted, attacked or evicted them from areas under their control. They consider that successive governments have used them to perpetuate the hegemony of northern and central elites and to keep Darfur and other peripheral regions marginalised.

The SLA's initial strengths were its success in marrying the grievances and demands of the varied groups that joined it and gaining the trust of the civilian population. Yet, gaps soon emerged between the Zaghawa and the Fur/Massaleit branches of the young movement. The rebels established a pattern of attacking government security targets and personnel but recent reports of looting, abductions and attacks against civilians suggest a possible deterioration of discipline.<sup>100</sup>

The speed at which events have unfolded over the past year has left the rebels' political policies lagging behind their military evolution. They simply lack the resources, expertise, and time to explain their cause to the population. The SLA is criticised because its spokespeople do not reflect the movement's ethnic diversity. This in turn has helped the government drive wedges between the larger ethnic constituencies of the rebellion.

The surprising military victories the SLA achieved in its first months showed the world it was serious. Scrambling to keep up, exiled Darfur politicians soon emerged as the mouthpieces for the new rebels and sought to take some credit for their success. Sharif Harir of the Sudan Federal Democratic Alliance (SFDA) became a Europe-based representative. Soon after, Dr. Khalil Ibrahim, the veteran Islamist and former colleague of Turabi's, emerged as the chairman of JEM.

Dr. Khalil's claims of joint JEM/SLA participation in the al-Fashir attack in April 2003 were initially

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<sup>99</sup> The Fur militias were able to ambush the raiding parties and stage their own raids on the camps of the nomads. Under the terms of the 1989 tribal peace treaty, the Fur militias agreed to disarm. However, targeted attacks continued unabated, and the militias remerged, contributing to a low-intensity conflict between the groups until the outbreak of the current rebellion.

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<sup>100</sup> Amnesty International, "Sudan: International Community Must Act Now to Protect Civilians", Press Release, 17 February 2004.



ridiculed by SLA commanders, yet over time JEM has asserted itself as an independent movement with its own agenda. Primarily Zaghawa-based, it gained prominence after the government and the SLA signed a ceasefire in Abéché in September 2003. As JEM continued to fight both the Janjaweed and the government, an increasing number of SLA fighters unhappy with that agreement joined it, especially as the Janjaweed continued to attack civilians. JEM's rescue of international aid workers kidnapped by a rogue SLA commander further enhanced its status.<sup>101</sup>

JEM's political goals are murky, beyond a few statements by Dr. Khalil. In an early interview with ICG, he explained that JEM stood for a united, federal Sudan based on justice, equality and protection of human rights.<sup>102</sup> Later, he added that JEM seeks a fair distribution of resources, which requires a redistribution of power in Khartoum. On the prospect of reaching an agreement with this government, Dr. Khalil stated that "living together is possible" if local governance is introduced, and the population is given the chance to participate in politics and the economy.<sup>103</sup>

In the face of a common enemy, the SLA and JEM goals appear increasingly similar, and the two movements have improved their cooperation. Talks have even taken place about a possible merger. The SLA participates in, and JEM rejects Chad's mediation; the SLA claims to be secular while JEM has ties to Islamist circles and Turabi. These differences, however, have been overlooked for the time being as they pursue a common objective. Yet, as differences are bridged between JEM and the Zaghawa faction of the SLA, they seem to be growing within the SLA between its Zaghawa and Fur/Massaleit elements.<sup>104</sup>

#### **D. SPLA LINKS TO DARFUR**

Numerous sources link the SPLA to the beginning of the SLA rebellion by providing arms, training, and strategy.<sup>105</sup> It allegedly trained as many as 1,500 Darfurians near Raja, in western Bahr el-Ghazal, in March 2002.<sup>106</sup> This contingent, in whole or in part,

apparently joined the SLA shortly after its inception. Exiled Darfur activists and SPLA leaders reportedly helped edit an earlier version of the SLA's political declaration, released on 13 March 2003, a month after it was born as the Darfur Liberation Front.<sup>107</sup> Although the bulk of rebel supplies seems to come via Chad, rumours persist of flights, presumably SPLA, out of Nairobi and Uganda.<sup>108</sup>

Since the SPLA appears to bear some responsibility for the start of the rebellion, it may be able to help in its resolution. It has remained publicly supportive of the SLA cause and has made clear it will not fight against the rebels after it signs a peace agreement with the government. Some in the SPLA are suggesting that the models of government agreed for the Nuba Mountains and Southern Blue Nile could be applied to Darfur.<sup>109</sup> However, the government is manipulating the idea that Darfur can be resolved after an IGAD agreement, and SPLA offers of help for Darfur may fall on deaf ears.

Some in the SPLA want more urgent action in Darfur. "The international community must become more involved in Darfur", said one top leader. "The International Criminal Court should investigate allegations of war crimes. These people need justice, even if it threatens the IGAD process".<sup>110</sup>

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<sup>101</sup> ICG interview, 27 January, 2004.

<sup>102</sup> ICG interview, Germany, 3 May 2003.

<sup>103</sup> ICG interview, Brussels, 15 January 2004.

<sup>104</sup> ICG interview, 27 January, 2004.

<sup>105</sup> ICG interviews, 2003 and 2004.

<sup>106</sup> ICG interview, 27 May 2003. Other SPLA commanders have since denied this claim to ICG.

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<sup>107</sup> ICG interviews, 2003. The SLA political declaration of 13 March 2003 is available at <http://www.sudan.net/news/press/press.shtml>.

<sup>108</sup> ICG interviews, 2003 and 2004.

<sup>109</sup> ICG interview in Naivasha, 13 January 2004.

<sup>110</sup> ICG interview in Nairobi, 30 January 2004.

## IV. THE ABECHE PROCESS

### A. DARFUR/CHAD RELATIONS

The IGAD process only gained credibility and momentum after considerable investment of political will and funding by the IGAD countries and their international partners. By contrast, there has been mostly indifference to Chad's mediation, even as the Darfur conflict escalates.

The presence of several tribes on both sides of the border has traditionally enabled dissident Chad politicians and oppressed ethnic groups to find sanctuary in Darfur. Three successive presidents, including the incumbent, Idriss Déby, have launched their bids for power with ethnic militias partially based in Darfur. By the same token, Chad's Zaghawas have placed considerable pressure on Déby, a Zaghawa, not to act on pledges to assist Khartoum's counterinsurgency campaign, even though the Sudanese government helped put him in office and has considerable influence on his security apparatus.<sup>111</sup>

Several SLA and JEM commanders had fought in Chad with their ethnic kin and returned to Sudan to defend their people against what they saw as ethnically targeted attacks. While Déby's manoeuvring room is narrow due to competing calls on his favour from Khartoum and the insurgents, he has some standing with both sides. However, during the first rounds of the Abéché process, he appeared hobbled. He continues officially to give support to Khartoum, but the Zaghawa around him, including within the Presidential Guard, have been supplying the rebels through the Chad army.<sup>112</sup>

### B. THE CEASEFIRE AGREEMENT

Using his personal connections to Zaghawa leaders among the SLA, President Déby in late August 2003 convened a meeting between the Khartoum government and the rebel group in the Chadian border-town of Abéché. This spawned the ceasefire agreement of 3 September, which envisaged a 45-day cessation of hostilities. The JEM refused to join the talks because it considered Chad's mediation biased. The agreement committed the parties to a ceasefire

from 6 September; control of the irregular armed groups in operational theatres; release of POWs and detainees; cantonment of SLA forces and concurrent "withdrawal of irregular forces"; and establishment of a Tripartite Commission (Khartoum, Chad, SLA) to oversee the implementation.<sup>113</sup>

The agreement made one concession to rebel political demands, the vague stipulation in Article 5 of "the commitment of the two parties to lay down the foundations of lasting and comprehensive peace in the area in order to achieve economic and social development". The security arrangements trading cantonment and disarming of insurgents for "withdrawal of irregular armed groups", implicitly at the behest of the government, clearly favoured the government and caused a former official to characterise the deal as a "capitulation".<sup>114</sup>

The security clause, Article 7, is the most detailed in the agreement but also vague enough to be open to conflicting interpretations. The "control of irregular armed groups" -- meant to cover the Janjaweed -- is stipulated as a joint commitment although only the government has links to these groups. The agreement does not commit the government to disarm its proxies. It also failed to mention the disastrous humanitarian situation on the ground and to commit the parties to facilitate humanitarian access, an omission that appears indicative of mutual insensitivity to the suffering of the civilian victims.

Sources close to the SLA told ICG that the movement accepted the clearly unfavourable terms out of political inexperience. They said objections to Article 7 were dropped after the mediators promised to receive the insurgents' political agenda as appendices and persuade Khartoum to discuss it in subsequent rounds.<sup>115</sup> The flow of IDPs into areas controlled by the SLA and the movement's lack of

<sup>113</sup> For the text of the agreement in Arabic, see "Text of the ceasefire agreement between the Sudanese Government and the Sudan Liberation Army in Darfur", *Al-Sharq al-Awsat*, 5 September 2003. For an informal translation, see Appendix B below.

<sup>114</sup> ICG interview, 23 January 2003.

<sup>115</sup> ICG interview, Nairobi, 22 October 2003. The SLA anticipated tabling its political agenda when the Abéché talks were reconvened after the expiration of the truce in late October 2003. However, for reasons yet to be explained, it appears not to have prepared the appendix containing that political agenda in time for formal submission to the Chad mediator. In opening remarks, the SLA did bring up some of its demands, which it presented as preconditions for substantive talks with the government, as described below.

<sup>111</sup> Ibid.

<sup>112</sup> ICG interviews, February 2004.

resources to cope with the disaster unleashed by the Janjaweed attacks was another factor in the decision to seek a ceasefire.

By contrast, the government camp was exultant. The security arrangements satisfied its view of the crisis as an internal security matter, devoid of political content and allowing no room for international intervention beyond provision of relief supplies to civilian victims. Al-Tayeb Ibrahim Mohamed Khair, President al-Bashir's security advisor and former governor of Darfur, who is believed to be the top architect of the government's policy in the region, told a 7 September press conference that Abéché "was a peace agreement, not a ceasefire", that it "does not contain any political objectives or disputes", and "those carrying the arms have denied any links with exiled politicians but had merely used them".<sup>116</sup>

Aware of its weak position and the poor deal it had negotiated, the SLA invited sympathetic Darfur intellectuals at home and abroad to consult at its Kornoï stronghold. It hoped to draw lessons from the September negotiations and use diaspora expertise to refine its political agenda for the next rounds of the process.<sup>117</sup> The government vigorously obstructed the meeting. Chad, complying with a request, deported several exiled leaders who arrived in Ndjamena on their way to Kornoï.<sup>118</sup>

Nevertheless, the SLA's meeting convened from 11-14 October 2003 in Garselba (south of Kornoï). Several invitees from inside and outside Sudan braved the logistical and security hurdles.<sup>119</sup> Attendees included rebel cadres, tribal and "native administration" delegations, and visiting intellectuals. According to the final communiqué, its purpose was "to prepare the agenda for negotiations with the Khartoum regime at the end of the truce agreed through mediations from HE President Idriss Déby". The meeting endorsed dialogue for achieving "political solutions for issues of conflict in Sudan"

and condemned the "Khartoum regime for not being fully committed to the provisions of the truce...especially in the fields of relocation of forces, banning of delivery of humanitarian relief, continued attacks by the Janjaweed and aerial bombings against unarmed civilians and villages".<sup>120</sup>

The meeting agreed on a broad range of political issues. Notably, it "appealed to the people of all marginalised areas to join and support the SLM in its efforts to build [a] New Sudan based on justice, democracy, and equality". Addressing the growing ethnic nature of the conflict, it called on the people of Darfur, "Arab and Non-Arab, to live together in peace, work for their common interests and social modernisation". Interest was also expressed in a dialogue with Sudanese political forces in order to reach "a consensus on building a New Sudan based on justice, transparency, good governance, respect for human rights, pluralism and diversity in Sudan". Finally, the conference called for involvement of "the UN, the EU, and the African Union as observers of the negotiation process".<sup>121</sup>

The political concept that emerged reflects SPLA influence, specifically its New Sudan ideology. This is likely to make Khartoum even more resistant to engaging in political talks with the Darfur insurgency since it wishes to avoid extending to that region the compromises it has made at the IGAD negotiations, under pressure, to its main rival. General Abdel Karim Abdalla, a senior intelligence commander and head of the government delegation to the follow-up December 2003 meeting with the SLA under Chad's mediation (see below), told the press "the government foiled the first planned consultative meeting of the rebels, but they held it at another location", and compared the resulting document to a "manifesto to found a State".<sup>122</sup> Khartoum will try to continue to avoid these topics and keep talks with the SLA narrowly focused on implementation of the security arrangements in the September 2003 agreement, namely ceasefire, cantonment of the rebel forces and their disarmament.

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<sup>116</sup> "Presidential Peace Advisor: the agreement with the SLA is a peace agreement, not a ceasefire", in Arabic, accessed on 9 September at the web site of the government-controlled Sudan Media Centre, [www.smcsudan.net](http://www.smcsudan.net).

<sup>117</sup> ICG interviews with SLA, November/December 2003.

<sup>118</sup> "Chadian authorities prevented Dr Harir and 35 others from entering Chad during the negotiations", in Arabic, *Akhbar al-Youm*, 8 November 2003. Dr Harir, deputy chairman of the Federal Alliance and deputy secretary of the National Democratic Alliance, confirmed this to ICG in a Nairobi interview, 23 October 2004.

<sup>119</sup> ICG interview, December 2003.

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<sup>120</sup> "Final Communiqué of the Garselba Consultative Meeting for Preparing Agenda for Negotiations with the Khartoum Government", 11 October 2003, unofficial translation on file with ICG.

<sup>121</sup> Ibid.

<sup>122</sup> "Khartoum accuses Darfur fighters of aiming at capturing major cities in the west", in Arabic, *al-Sharq al-Awsat*, 19 December 2003.

## C. FOLLOW-ON NEGOTIATIONS

The government and the SLA met for further talks at Abéché from 26 October to 4 November 2003 in the presence of the Chad mediator but quickly deadlocked as the parties exchanged accusations of ceasefire violations. The rebels conditioned their substantive participation on adoption of internationally monitored protocols for civilian protection and unhindered access of relief supplies and workers to areas under their control; disarming of the Janjaweed; and the presence of international observers at the negotiations. With the SLA intent on recovering ground ceded in September and the government unwilling to internationalise the Abéché process, the most that could be done was to renew the ceasefire for another month and express further confidence in the Tripartite Commission.<sup>123</sup>

The slender results confirmed that the parties have different interpretations of the "appendices" that Article 7 of the September agreement stipulated were to be produced to govern implementation. The government expected the SLA to canton its forces at specific locations within fifteen days of the signing of that document and to disarm them before the end of the 45-day ceasefire. The SLA refused and insisted that the government first respond to its political demands and disarm the Janjaweed. Because the SLA had not tabled these demands formally, the parties agreed in the Joint Statement issued on 4 November that it was responsible for the delay but would have another month to produce the Article 7 appendices.

Apparently to get around the missing documents, the Chad mediator proposed a "Project of a Final Agreement on Appendices between the Government of Sudan and the Sudan Liberation Army" at the October/November talks. It offered what the SLA considered minor concessions -- a general amnesty for demobilised fighters and a government commitment to absorb them into the army or public service -- in exchange for its compliance with cantonment and disarmament of its fighters. The mediator's proposal would also have explicitly required the government to disarm "non-regular forces known as the Janjaweed and all other armed bands that are committing crimes against unarmed

civilians" and to re-establish security in the region. It acknowledged the SLA's political agenda but only in broad terms that called for the government to "prepare an urgent program for rehabilitation and economic and social development in Darfur". The mediator's proposal remained general in requiring the parties to ensure unimpeded access of national and international relief organisations.<sup>124</sup> The UN office in Khartoum, alarmed at the lack of a humanitarian access provision in the September agreement, also took an initiative, offering the parties draft language at the start of the October-November talks.

The parties did not accept the mediator's proposal and agreed merely to allow humanitarian access "under the guidance of the Sudanese Humanitarian Affairs Commission and with the knowledge of the Tripartite Commission".<sup>125</sup> Even this conditional access was subsequently rendered meaningless by a combination of government restrictions on travel permits and deterioration of security conditions on the ground. At this writing, humanitarian access inside Darfur to the hundreds of thousands displaced by the fighting remains almost nonexistent.

## D. COLLAPSE OF THE NDJAMENA TALKS

The third round of peace talks collapsed on 16 December less than a day after their start. Chad's interior minister told the press, "there has been a breakdown in negotiations because of unacceptable rebel demands. The talks have been suspended; it's a failure".<sup>126</sup>

In reality, the talks never began, and the parties never met. Mini Arko Minawi, secretary general of the SLA, told the press that the rebel delegation had met only with President Déby and his aides. After being informed of the rebels' positions, the president told them to return home because the negotiations were blocked. Minawi hinted that the mediator had leaked the SLA opening position, which included demands for direct talks with the government and international observation of the process and any agreements, and that the government had decided to collapse the talks before these could be tabled. "The

<sup>123</sup> See "Text of the Joint Statement between the Sudanese Government and SLA delegations", published in Arabic in the Khartoum daily *Akhbar al-Youm*, 6 November 2003. An informal English translation is at Appendix C below.

<sup>124</sup> For the original in Arabic, see "Text of the Chadian Mediator's Project for a Final Agreement", published by the Khartoum daily *Akhbar Al-Youm*, 8 November 2003. An unofficial English translation is at Appendix D below.

<sup>125</sup> Article 5.

<sup>126</sup> "Sudan Government, Rebels peace talks break down in Chad", Associated Press, 16 December 2003.

negotiations had not started -- we never met with any one from the other side. How could they hit a roadblock", he asked. His conclusion was that Chad's mediation was tilted towards Khartoum because of the two governments' close ties.<sup>127</sup>

The governments of Sudan and Chad had created great expectations for the meeting. President Déby travelled to Khartoum two days before the meeting for consultations with President al-Bashir on "approaches to overcome outstanding obstacles", according to press reports.<sup>128</sup> Déby moved the talks from Abéché to Ndjamena so he could be more directly involved. Hopes were thus high that the third round would formalise the ceasefire and lay the foundations for a final peace agreement. The outcome was anticlimactic to say the least.

By opting to accuse one side of responsibility for the breakdown, Chad seriously compromised its credibility. It played into the hands of Khartoum, which had only to quote the mediator to justify its return to combat, which is what the Sudanese foreign ministry did:

The Government holds the outlaws responsible for the collapse of the Ndjamena talks, despite the highly appreciated efforts exerted by H.E. President Idris Déby to facilitate a solution. The outlaws effectively subverted the talks by insisting on unrealistic conditions linking the talks to the ongoing peace negotiations between the Government and the SPLM in Kenya. The statement issued by the Chadian Government following the collapse of the talks is a clear cut proof of the responsibility of the outlaws for the failure of the talks.<sup>129</sup>

The government also used the unbalanced ethnic composition of the SLA's delegation to challenge its legitimacy. According to one source, the rebel delegation in Ndjamena was predominantly Zaghawa.

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<sup>127</sup> "Darfur fighters deny negotiating with the Sudanese government in Ndjamena", in Arabic, *al-Sharq al-Awsat*, 18 December 2003.

<sup>128</sup> See, for instance, "Resumption of Darfur peace talks in two days after success of Chadian president's efforts", in Arabic, *Al-Sharq al-Awsat*, 13 December 2003.

<sup>129</sup> "Statement by the Ministry of Foreign Affairs on the correct situation in Darfur", 31 December 2003, at <http://www.reliefweb.int/w/rwb.nsf/3a81e21068ec1871c1256633003c1c6f/3918470c59ee0316c1256e1400501d7d?OpenDocument>.

## V. THE INTERNATIONAL COMMUNITY

### A. EVOLVING RESPONSES

The international reaction to the crisis has been woefully inadequate. The IGAD peace talks have been prioritised at the cost of holding the government accountable for its actions in Darfur. This has allowed the government to escalate militarily in Darfur without fear of repercussions.

#### 1. The UN

As the government's offensive got underway in mid-December 2003, triggering a new wave of forced displacement of civilians, it became harder to look away. Jan Egeland, Under Secretary General for Humanitarian Affairs, said on 5 December that the humanitarian situation in Darfur was already one of the world's worst and called for improved access, respect for international humanitarian law, and donor support for the Greater Darfur Initiative, a U.S.\$22 million humanitarian appeal.<sup>130</sup>

On 7 and 8 December, Tom Eric Vraalsen, the Secretary General's Special Envoy for Humanitarian Affairs for Sudan, visited all three Darfur states. Expressing shock at worsening conditions, which by then affected one million people, he identified denials of access -- whether on security grounds or as a result of government restrictions -- as the main impediment. Vraalsen met with the Tripartite Commission and urged the parties to renew the ceasefire and extend it to include the Janjaweed.<sup>131</sup> His visit helped break the international silence, and he continues to work actively for a humanitarian ceasefire. He told officials it was the government's responsibility to protect citizens, promote inter-tribal dialogue and commit to long-term development as necessary for addressing the conflict's root causes.<sup>132</sup> The government-controlled media conveyed only half his message: official *al-Anba'a* quoted him as calling his mission "purely humanitarian, nothing to do with politics".<sup>133</sup>

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<sup>130</sup> ICG interview, New York, 18 February 2004. Egeland pledged to continue to make a response to Darfur a high international priority.

<sup>131</sup> "Humanitarian envoy shocked by worsening conditions in Darfur, Sudan", OCHA-New York, 8 December 2003.

<sup>132</sup> *Ibid.*

<sup>133</sup> *Al-Anba'a*, 9 December 2003.

In mid-January 2004 Vraalsen visited Chad, describing his objectives as being "to renew efforts to obtain a ceasefire under international supervision, and then to help support humanitarian aid to the refugees".<sup>134</sup> A humanitarian ceasefire became UN diplomacy's priority. The problem with this approach, however, is that it is not linked to a political process and so is unsustainable in the long run. It also counts on restoration of the Abéché process, which, as indicated above, is fundamentally flawed.

During his February 2004 visit to Khartoum, Vraalsen continued to urge a humanitarian ceasefire and pressed the government to make good on a recent statement by President al-Bashir promising unimpeded access.<sup>135</sup> The UN and the humanitarian community were able to use that presidential pledge to improve their operational presence on the ground and push for yet more access and better protection for civilians and the humanitarian workers trying to assist them.

UN political and human rights mechanisms also became vocal at the highest levels. The rapidly deteriorating humanitarian situation and reports of widespread violations of human rights prompted the Secretary General to appeal on 9 December 2003 to all parties to reduce the impact of the conflict on civilians. Signalling a growing international awareness of the Abéché process, he urged the parties to use the Ndjamena talks to reach an all-inclusive ceasefire.<sup>136</sup> A 29 January 2004 statement from the office of the acting High Commissioner for Human Rights repeated the appeal for a ceasefire, stressed accountability for abuses against civilians, and urged Khartoum to invite the commission's fact-finding and investigative mechanisms to visit.<sup>137</sup>

The use of rape as a weapon of war and the systematic nature of attacks on civilians on the basis of their ethnicity in mid-March 2004 prompted the departing UN Resident Coordinator in Sudan, Mukesh Kapila, to draw parallels between Darfur

events and the 1994 Rwandan genocide, attracting vehement government denials.<sup>138</sup>

## 2. The U.S.

The U.S. offered to help Khartoum arrange negotiations with the rebels aimed at facilitating the flow of humanitarian aid. When there was no response, Washington issued on 2 March 2004 its strongest public statement to date, expressing grave concern about the deepening crisis and condemning the Janjaweed and other government-supported militia, who "continue to attack and burn undefended villages, murdering and raping the inhabitants..."<sup>139</sup> The U.S. also appealed to the parties to negotiate a humanitarian ceasefire, guarantee humanitarian access and the safety of humanitarian workers; and disarm and bring under control all irregular forces, "particularly the Janjaweed".<sup>140</sup>

In mid-February Acting Assistant Secretary of State for African Affairs Charles Snyder and Roger Winter, Assistant Administrator of the U.S. Agency for International Development (USAID) -- the largest single funder of humanitarian efforts in Sudan -- discussed the IGAD negotiations and humanitarian interventions in Darfur with President Bashir, Vice President Taha and Foreign Minister Mustafa Osman Ismail.<sup>141</sup> During the earlier phases of the crisis, USAID had often denounced the targeting of civilians in Darfur and the widely reported violations of human rights. On 3 February 2004, for example, it appealed to the parties to facilitate humanitarian access and seek a peaceful resolution, demanded an independently-monitored

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<sup>134</sup> "UN envoy in Chad over Sudanese refugee plight", AFP, 8 January 2004.

<sup>135</sup> "United Nations Special Envoy arrives in Sudan" OCHA, 12 February 2004.

<sup>136</sup> "Secretary General alarmed by deteriorating humanitarian situation in Darfur region of Sudan", UN Document SG/SM/9067, AFR/790, 9 December 2003.

<sup>137</sup> See "Acting Rights Chief concerned over deteriorating situation in Darfur region in Sudan", United Nations High Commissioner for Human Rights, 29 January 2004.

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<sup>138</sup> "Sudan's Darfur war recalls Rwanda bloodshed – UN", Reuters, 19 March 2004 and the government's reaction in "Sudanese government calls U.N. remarks on violence in west 'heap of lies'" Reuters, 21 March 2004.

<sup>139</sup> U.S. Department of State, "Sudan: situation in Darfur", Press Statement, 2 March 2004.

<sup>140</sup> "U.S. deeply concerned about deepening humanitarian crisis in western Sudan", Voice of America, 3 March 2004.

<sup>141</sup> "U.S. Assistant Secretary of State discusses with Bashir the arrangements for the Sudan peace round and the humanitarian effort in Darfur", in Arabic, *al-Sharq al-Awsat*, 13 February 2004. They also met with humanitarian and government regulatory agencies to discuss impediments to humanitarian interventions in Darfur, and Winter toured the region.

humanitarian ceasefire, and said the U.S. would look to the UN to lead humanitarian efforts.<sup>142</sup>

Still, Darfur has come a distant second to the IGAD process in U.S. priorities. The Bush administration has aggressively pursued a government-SPLA peace agreement, while its approach to the Darfur conflict has generally lacked the same urgency. For example, the U.S. has yet to use its considerable leverage to promote an effective, independent civilian protection mechanism in Darfur. In mid-December 2003 it expressed willingness to bankroll extension of the coverage of the U.S.-led Civilian Protection and Monitoring Team (CPMT) to Darfur to verify attacks on civilians and other violations of international humanitarian law but quietly dropped the proposal when Khartoum resisted.<sup>143</sup>

By contrast, the U.S. kept constant pressure on the government and SPLA so as not to lose momentum at the IGAD talks. A senior official dangled before the parties the prospect of a U.S.\$700 million peace dividend over three years if they could finalise the deal by mid January 2004.<sup>144</sup> An effort was made to persuade them to sign a framework deal in time to travel to Washington and be recognised as honoured guests during President Bush's State of the Union address, a bit of showmanship that would have been helpful to the administration both in partisan political terms and as a boost for getting the necessary appropriation through the Congress.

At the same time, the U.S. used existing or threatened economic and diplomatic sanctions to exert considerable leverage. President Bush certified to Congress on 22 October 2003 that the government and the SPLA were negotiating in sufficient good faith to hold off sanctions mandated by the Sudan Peace Act for another three months, until 21 January 2004.<sup>145</sup> The new deadline halved the law's reporting

period, a calculated move by the administration to bring the IGAD process to conclusion. A further extension, to 21 April 2004, is now in place. On 29 October 2003, President Bush extended the U.S. economic embargo against Sudan, in effect since November 1997, for a year, "because the actions and policies of the government of Sudan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States".<sup>146</sup> Sudan remains on the list of states the U.S. considers as sponsors of international terrorism. Secretary of State Powell has said that an agreement ending the war in the south is the key to removing Sudan from that list.<sup>147</sup>

The State Department reacted to the collapse of the December talks in Ndjamena by expressing concern at the humanitarian toll of the conflict and calling on the parties to agree to an "observable humanitarian ceasefire".<sup>148</sup> During the crucial January session of the IGAD talks, a U.S. official told the media that a speedy agreement resolving the southern conflict could help resolve the conflict in western Sudan as well: "the truth is what's in the [north-south] deal easily is transferable onto this western problem in terms of regional authority...share of wealth [that is] proportionate to population".<sup>149</sup> This prompted a strong reaction from Sudan's foreign minister, who said the government was ready to share wealth with other marginalised regions but autonomy and self-determination for Darfur were unacceptable. He welcomed a comment by President Bush's special representative for Sudan, former Senator Danforth, that a peace agreement between the government and

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assistance package to the opposition National Democratic Alliance (NDA).

<sup>146</sup> "Bush extends sanctions against Sudan for another year", Agence France-Presse, 30 October 2003.

<sup>147</sup> "Sudan may be removed from the U.S. terrorism list", *Sudan Tribune*, 4 February 2004, citing an interview in *The Washington Post*. The U.S. embassy in Khartoum later said that in addition to a peace agreement, human rights performance would be crucial for normalising bilateral relations. This reflected a U.S. protest at the banning for questionable reasons of two leading newspapers, *Khartoum Monitor* and *al-Ayam*, despite repeated presidential pledges to uphold freedom of the press. "U.S. embassy criticises Sudanese government for suspension of two papers", Associated Press, 17 December 2003, and "U.S. embassy in Sudan says human rights not peace process is priority", DPA, 16 December 2003.

<sup>148</sup> "U.S. expresses concern over deteriorating situation in western Sudan", Associated Press, 16 December 2003.

<sup>149</sup> "Sudan peace could help solve conflict in west - U.S.", Reuters, 9 January 2004.

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<sup>142</sup> "Statement by Andrew S. Natsios, USAID Administrator and Special Humanitarian Coordinator for Sudan", Press Release, USAID, 3 February 2004.

<sup>143</sup> ICG interviews, 15-20 December 2003. ICG has called for the CPMT to investigate attacks against civilians in Darfur since June 2003.

<sup>144</sup> "U.S. pledges \$700 to rebuild Sudan once peace is reached", *Sunday Nation*, Nairobi, 7 December 2003.

<sup>145</sup> "Sudan Peace Act Presidential Determination", Fact Sheet, Office of the Spokesman, N°2003/1077, 22 October 2003. Passed by Congress in October 2002, the Sudan Peace Act would impose sanctions on the Sudan government should it fail to negotiate in good faith or be found responsible for collapsing the talks. It also provided a U.S.\$100 million

the SPLA would not solve the problems in Darfur. Such conflicting messages from Washington confused the parties and undercut its leverage.

There was similar confusion over the question of Abyei in the IGAD talks, with the State Department pushing the parties to accept a referendum for both the Ngok Dinka and the Misseriya, while USAID officials told the SPLA the U.S. backed a referendum only for the former. The U.S. finally put forward a unified position on Abyei, during Senator Danforth's visit to Naivasha on 19 March 2004. Its proposal calls for a referendum that offers Abyei the choice of joining the South or remaining in the north, simultaneous to the southern self-determination referendum. It includes a formula for sharing oil revenues from Abyei, calls for international monitoring there, and on the whole is a reasonable compromise that could bridge the gap between the parties.

### **3. The European Union**

The EU also has begun to pay more attention to Darfur's humanitarian crisis but it has yet to back up the strong language in its latest statements with meaningful pressure, particularly on the government.

The EU in 2001 resumed its "critical engagement" with the government of Sudan, conditioning the unfreezing of €27 million in development aid on performance in democratisation, human rights, the rule of law, and peace. With the reinvigoration the following year of the IGAD process, in which several member states play key roles, the EU tied resumption of its development assistance specifically to the peace process. The latest session of this political dialogue concluded on 19 December 2003 in Khartoum with reiteration of the EU position for normalisation of relations.<sup>150</sup>

Initially, the EU limited its response on Darfur to humanitarian assistance.<sup>151</sup> In early January 2004,

the EU presidency issued a strongly worded declaration that called on the government and the SLA to respect the September ceasefire and resume negotiations on a political settlement, while fully respecting human rights, protecting civilians and ensuring unimpeded humanitarian access.<sup>152</sup>

EU member states with influence in Sudan have also weighed in. During a late December visit to Khartoum, Alain Gouly, the UK Special Envoy for Peace in Sudan, conducted intensive talks with the government and opposition parties about Darfur as part of an effort to revive the Abéché process. The government reportedly agreed to the suggestion that the Tripartite Commission might be expanded to include an international presence but insisted that JEM be part of any talks. Ambassador Gouly has appealed to the PC chief, Hassan al-Turabi, to persuade JEM to join.

French Foreign Minister Dominique de Villepin expressed readiness to help with the efforts to end the Darfur conflict during his visit to Ndjamena and Khartoum in February 2004. Following a meeting with President Déby, he said an early peaceful settlement was needed because of the threat to regional stability, endorsed the Sudanese government's proposal for a comprehensive national conference, and said France and Chad were ready to contribute to that effort.<sup>153</sup> De Villepin indicated his intervention was coordinated with the U.S., the UK, and the EU, probably to pre-empt Khartoum efforts to play Paris (with which it has good relations) off against Washington. The French government followed up this visit by sending the former prime minister and chairman of the Foreign Affairs Committee in the National Assembly, Edouard Balladur, to Naivasha over the weekend of 6 March for meetings with the parties. Balladur talked to both Taha and Garang in an effort to re-engage France in the IGAD process and improve its relationship with the SPLA.

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<sup>150</sup> "Ministerial level meetings of the EU Troika to foster peace in Sudan (18-19 Dec.)", EU Press Release, 18 December 2003.

<sup>151</sup> Poul Nielson, Commissioner for Development Assistance and Humanitarian Aid, received Foreign Minister Ismail in December 2003. According to the press release, "the humanitarian crisis in Darfur was also discussed. Commissioner Nielson expressed concern at the difficult humanitarian situation but confirmed the continued engagement of the Commission in the delivery of humanitarian aid to Sudan...including a recent emergency

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decision for €4 million to alleviate the consequences of the Darfur crisis". "Commissioner Nielson today met Minister for Foreign Affairs of Sudan Dr. Mustafa Osman Ismail", Press Release, Brussels, IP/03/1684, 09/12/2003.

<sup>152</sup> "Declaration by the Presidency on behalf of the European Union on the situation in Darfur", Press Release, Brussels, P/04/5, 7 January 2004.

<sup>153</sup> "Tchad: arrivée du ministre français des Affaires Étrangères à Khartoum" Agence France-Presse, 20 February 2004.



## **B. TIME FOR ACTION**

### **1. On Darfur**

The complexity of the Darfur conflict, the government's resistance to internationalisation and the international community's fear of angering the government before it concludes a peace agreement with the SPLA have made for passivity that has allowed the government to pursue its military agenda. Suffering increases by the day, however, as does the spillover to the IGAD peace process and regional stability. As the humanitarian crisis becomes increasingly difficult to ignore, the time for quiet diplomacy is passed.

The conflict between government/Janjaweed and SLA/JEM forces must be negotiated. Despite government denials, it is undeniably political, fuelled by a history of poor governance and ethnic favouritism. The deep ethnic and tribal divisions that threaten to undo generations of relatively peaceful coexistence have been exacerbated and manipulated by the government but have taken on a life of their own. The fighting between the Janjaweed and the rebels is increasingly ethnic in nature. Mending the social fabric will take a long time and given Khartoum's manipulation of such processes in the past, can only succeed with international attention and support.

The observer countries involved in the IGAD process -- the U.S, UK, Norway and Italy -- with other interested countries such as France and Chad should take the first step by promoting and assisting negotiations that are political in their overall construct but have an initial humanitarian focus. Efforts are already underway to begin a such a process in the coming weeks but these countries must coordinate better among themselves if they are to get the parties to the table with a good chance to succeed. Thus far, the talks that are being planned in Chad are to deal exclusively with negotiation of an internationally monitored humanitarian ceasefire. This is insufficient. A clear, internationally facilitated political process must be tied to the humanitarian talks for the process to be sustainable.

Finding an appropriate monitoring mechanism for a humanitarian ceasefire in Darfur will be an early and time-consuming challenges for all participants. The Civilian Protection Monitoring Team (CPMT) is the optimum choice to fill this void in the short term since it is already operational in Sudan but it

would require a major overhaul of personnel, leadership and mandate in order to function effectively in Darfur.

The SLA has indicated its willingness to negotiate a humanitarian ceasefire first in order to facilitate relief.<sup>154</sup> JEM has consistently insisted upon a prior political process in order to avoid losing leverage. Since the government still objects to internationalising the process and refuses to acknowledge the political dimensions of the conflict, the bulk of the pressure required to kick-start serious diplomacy should be reserved for Khartoum.

The government must use a ceasefire to prove to Darfur residents and the international community that it is serious about ending the conflict. The priorities should be delivery of relief services to IDPs and other war-affected populations, accompanied by guarantees of humanitarian access from all parties.

A neutral and international resettlement and claims mechanism, with participation from government, insurgent groups, and civil society and chaired by a UN representative should be put in place to oversee efforts at resettlement, reconstruction and restoration of the rule of law. It would seek to ensure that those forcibly evicted from their villages could return and receive government help to rebuild their lives. It should record claims of losses such as livestock looted and criminal complaints brought against groups or individuals. It should also assist the government, which must be held responsible for restoring the rule of law in Darfur, to create mechanisms for restitution, compensation, and investigation of charges by victims, and it should cooperate with any responsible third party efforts to investigate violations of international humanitarian law, such as, for example, the CPMT might undertake.

The threat Darfur conflict poses to the rest of Sudan as well as Chad and the extended region justifies Security Council involvement, at least through condemnation of the ongoing human rights violations, support for political negotiations, and pressure on the government and the SPLA to conclude the IGAD negotiations rapidly.

Either concurrent with the political negotiations or after their completion, a comprehensive program of inter-tribal, inter-ethnic reconciliation must begin. International involvement in this is critical, as the

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<sup>154</sup> ICG interview, 10 February 2004.

government has routinely manipulated such efforts for its own benefit. Traditional mechanisms exist for inter-tribal reconciliation, but perhaps not on the necessary level. The longer term developmental focus should be on combating the desertification that is fuelling conflict.

International observers must make clear to the Khartoum government that the diplomatic and aid benefits it would otherwise gain from a peace agreement with the SPLA will be lost if it stays on its present course in Darfur. Donors and other supporters of the IGAD process should draw up a common list of benchmarks on implementation of an IGAD agreement and the government's responsibilities in Darfur. Support for Khartoum should be frozen if it does not fulfil those responsibilities in Darfur, though aid for southern Sudan need not be affected.

## 2. On the IGAD Process

Despite the process that has been made, the IGAD talks drag on. Garang and Taha now face their most difficult challenge on the three contested areas of Abyei, the Nuba Mountains and Southern Blue Nile.<sup>155</sup> For the SPLA, these areas test its "New Sudan" rhetoric and risk exposing its agenda as southern, not national. Any compromise the government makes on the Nuba Mountains and Southern Blue Nile risks setting a precedent for all northern states. Khartoum is described by some analysts as having "a visceral revulsion against ceding autonomous powers to regions within the North."<sup>156</sup>

Abyei, a historically Ngok Dinka inhabited area that has been part of the north since the British annexed it to Kordofan in 1905, presents the greatest difficulties of all. Much of the SPLA's leadership comes from there, and its return to the South, whether by presidential administrative order or referendum for the Ngok Dinka, is a core demand. Any discussion of this has been unacceptable for the government, which argues it would breach the Machakos Protocol the parties reached in 2002. Khartoum's concerns relate to the demands of the Misseriya, a nomadic Arab

tribe that has traditionally relied on Abyei for water and grazing rights, the danger of a referendum setting a precedent that might be picked up by other areas, and the discovery of large quantities of oil in Abyei. The recent U.S. proposal on Abyei occupies the fair middle ground, however, and should be backed by IGAD and other international observer countries as offering a way out of the deadlock.

Unresolved issues of power sharing are also proving to be quite difficult. Both parties must remain flexible if a lasting deal is to be reached. The international community must help them over these last hurdles. Pressure should be increased on whichever side shows intransigence, including identification of the costs it risks if it is responsible for a breakdown of the talks.<sup>157</sup>

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<sup>155</sup> For more on the status of Abyei, the Nuba Mountains and Southern Blue Nile, see ICG Report, *Towards an Incomplete Peace*, op. cit; ICG Africa Report N°65, *Sudan Endgame*, 7 July 2003; and ICG Africa Briefing, *Sudan's Other Wars*, 25 June 2003.

<sup>156</sup> Justice Africa, "Prospects for Peace in Sudan", February 2004.

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<sup>157</sup> ICG will look further at the dynamics of the IGAD talks in its next Sudan report.

## **VI. CONCLUSION**

The steadily worsening, ethnically polarised conflict in Darfur is now the biggest threat to both the IGAD peace process and the stability of the country as a whole. The Khartoum government has acted with impunity there, confident that the international community will not react decisively for fear of harming prospects at the IGAD talks. Following the breakdown of the December 2003 round of the Abéché process, the government launched a major offensive in Darfur in an effort to crush the rebels. President al-Bashir's exaggerated declaration of victory in February 2004 and his delegation's withdrawal from a Geneva meeting with the rebels on humanitarian access revealed the extent of Khartoum's desire to keep the international community out of the region. Humanitarian access remains limited by the security situation and systematic government obstruction.

It has taken more than a year of war for the international community to begin to realise that the Darfur crisis requires its full engagement. Having invested so much in Sudan peace, the U.S., the UK, and other interested countries have a responsibility to ensure that the Darfur conflict is dealt with, in order to give the IGAD process a real chance for success. The government must understand that it will no longer be treated as a peacemaker because of progress with the SPLA if Darfur continues to burn. While it was humanitarian devastation that first attracted concern, it has become apparent that a strong, separate internationally monitored political process between the government and the SLA and JEM insurgencies, tied to an internationally monitored ceasefire, is needed to stop the bloodshed, after which a long term process of inter-tribal reconciliation will be critical.

**Nairobi/Brussels, 25 March 2004**

## APPENDIX A MAP OF SUDAN



## APPENDIX B

### CEASEFIRE AGREEMENT BETWEEN THE GOVERNMENT OF SUDAN AND THE SUDAN LIBERATION ARMY

#### *Unofficial Translation*

*As Published by Al-Sharq al-Awsat, 5 September 2003.*

Being keen to cool down and stabilise the security situation in Darfur states; in order to avoid further destructive developments resulting from the war; based on the interest of the two parties in bridging differences in visions in order to achieve reconciliation, the Government delegation (First Party) held a meeting with the Sudan Liberation Army (SLA) Delegation which has presence in the following five areas:

- a) ar Zaghawa Area
- b) Jabal Si Area
- c) Jabal Maidob Area
- d) Jabal Mara Area
- e) Morni Area

referred to hereinafter as the Second Party.

The two parties (list of names attached) held a meeting under the supervision of the Chadian Government (Third Party), through the good offices of President Idriss Déby, and agreed on the following:

#### **Article 1:**

Cease fire and all hostile activities that are likely to lead to the deterioration of the situation.

#### **Article 2**

Control the irregular armed groups in operational theatres.

#### **Article 3**

Release all prisoners of war and detainees held by the parties in connection with this issue.

#### **Article 4**

The SLA forces shall be cantoned at locations to be agreed to by the parties.

#### **Article 5**

Commitment of the two parties to lay down the foundations of lasting and comprehensive peace in the area in order to achieve economic and social development.

#### **Article 6**

Form a tripartite commission from the Sudanese government, the Chadian government and the SLA to oversee the implementation of this agreement.

#### **Article 7**

A) Negotiations on the appendices shall begin after 45 (*sic* -- read 15) days from the signing of the agreement to reach comprehensive peace given that arms shall be collected after the final agreement on the appendices.

B) Appendices and joint memoranda shall be attached to this agreement to be implemented as follows:

Within the first 15 days the following shall be implemented:

- a) the ceasefire shall come into force at on 6 September at 18:00 hours Sudan time (14:00 hrs GMT);
- b) determination of cantonment sites;
- c) release of POWs and detainees;
- d) withdrawal of irregular armed groups concurrently with the cantonment of forces;
- e) establishment of the Tripartite Commission.

On the 15<sup>th</sup> day of the entry in force of the ceasefire agreement the timetable for the rest of the tasks to be carried out during the rest of the 45 days shall be agreed upon.

## **Article 8**

In the event of differences on the clauses of this agreement or the occurrence of an unanticipated problem the third party shall mediate between the two parties.

## **Article 9**

This agreement shall come into force immediately upon signature.

This agreement has been concluded in Abéchétown in Chad on 3 September 2003.

### **Signed:**

Major-General (PSc) Issmat Abdel Rahman Zain al Abdeen

Commander of the Western Military Area for the Government of the Sudan

Mr. Abdel Rahaman Mousa

Minister of Public Security and Immigration for the Government of Chad

Commander General Abdallah Abakar Basheer for the Sudan Liberation Army

## **The Sudanese Delegation:**

Major-General (PSc) Issmant Abdel Rahman Zain al Abdeen, Head of Delegation

Brig. (PSc) Ibrahim Mohamed al Hassan, member

Colonel Omer Abdel Mutalib Mohamed, member

Consul General Khalid Abas Ahmed al Naiem, member

Babikir Omer Abdel Gadir, member

## **Sudan Liberation Army Delegation:**

Abd Allah Abakar Basheer, Head of Delegation

Yahia Sin al Neel, member

Omer Suliman Dhahia, member

Adam Suliman Basheer, member

Abd Allah Hasab Allah al Doumi, member

Mustafa Mahmoud al Tayeb, member

Ustaz Osman Mohamed Basheer, member

## APPENDIX C

### TEXT OF THE JOINT STATEMENT, SUDANESE GOVERNMENT/SLA DELEGATIONS

#### *Unofficial Translation*

*As published in the Khartoum daily Akhbar al-Youm of 6 November 2003*

The second round of peace negotiations between the Government of Sudan and the delegation of the Sudan Liberation Army (SLA) convened at the Chadian town of Abéché from 26 October -- 4 November 2003, under the auspices of the Chadian government. The negotiations were an extension to the Abéché agreement signed by the parties on the 3 September 2003 and in implementation of Article 7 of the said Agreement. Based on the report of the Tripartite Commission covering the situation in the field; and because of the noncompliance of the SLA [with the requirement of] providing the Appendices within the stipulated period; considering also the good intentions and the sincere desire to attain peace [shared by] the two parties, the two parties agree to the following:

1. Continuation of the ceasefire between the two parties and the cessation of all hostile activities susceptible of escalating the situation, including media statements.
2. Granting the SLA a grace period of 30 days, starting from the signing of this agreements to provide the Appendices stipulated in the 3rd of September 2003 Agreement.
3. Renewal of confidence in the Tripartite Commission and its consolidation among the three parties and the supervision of the field implementation of the contents of this statement.
4. The two parties confirm [their commitment] to guarantee freedom of movement for individuals and possessions.
5. Permit national and international humanitarian organizations to enter the areas which had been affected by war, under the guidance of the Sudanese Humanitarian Affairs Commission and with the knowledge of the Tripartite Commission.
6. The legal framework for the next negotiations on the Appendices is the 3rd of September

2003 Agreement signed on to by the two parties, but the 'Project of a Final Agreement on Appendices between the Government of Sudan and the Sudan Liberation Army' that was proposed by the mediator and which is attached to this statement for the parties to amend shall provide a basis for the next negotiations.

7. In the event of disagreement or violation by one party of the clauses of this agreement the other party shall refer to the Chadian mediator.
8. The two parties are committed to strictly abide by this statement.
9. This agreement has been issued in French and Arabic and both versions have the same legal power.

Issued in Abéché Town on 4 November 2003.

**Signed by:**

On behalf of the Sudanese Government: Osman Mohamed Yousif Kubor, Wali of North Darfur State

On behalf of the Chadian mediator: Dr. Adam Diar Mougoudi, Minister of Animal Resources.

On behalf of the SLA: Abd Allah Hassab Allah Doumi, Head of the Sudan Liberation Army delegation.

## APPENDIX D

### TEXT OF THE CHAD MEDIATOR'S PROJECT FOR A FINAL AGREEMENT

#### *Unofficial Translation*

*As Published by the Khartoum daily Akhbar Al-Youm, 8 November 2003.*

Project of a Final Agreement on Appendices between the Government of Sudan and the Sudan Liberation Army.

#### **Proposal of the Mediator:**

- Considering the peace agreement signed at Abéché on 3 September 2003 between the Government of Sudan and the Sudan Liberation Army under the auspices of the Chadian government;
- Considering the report of the Tripartite Commission on the situation on the battle ground;
- Considering the good will demonstrated by the two parties and their desire to achieve peace;
- The Government of Sudan and the Sudan Liberation army undertake to respect the clauses of the following agreement:
  1. The promulgation of a general and comprehensive amnesty for the fighters and supporters of the Sudan Liberation Army. The said amnesty shall not cover crimes committed prior to the breakout of the rebellion.
  2. The laying of the foundations for comprehensive security and final peace in Darfur area:
    - a) the Sudan Liberation Army undertakes to cease its armed struggle and to canton its fighters at the agreed sites and to hand over its arms and other military equipment to the Sudanese Government within a period that shall not exceed 45 days;
    - b) the Sudanese Government undertakes to provide for the livelihood of the elements of the Sudan Liberation Army under the supervision of the Tripartite Commission with the aim of enumerating and identifying them;
    - c) The Government of Sudan undertakes to disarm within 45 days all irregular forces

known as the Janjaweed and all the other armed gangs that are committing crimes against unarmed civilians.

3. Integration of elements of the Sudan Liberation Army in public life:
  - a) Elements of the Sudan Liberation Army willing to continue in the military shall be incorporated in the Sudanese Army. Their ranks and benefits shall be determined in accordance with the responsibilities they occupied in the rebellion;
  - b) Political cadres of the Sudan Liberation Army shall be incorporated in the management of public affairs;
  - c) Civil servants who joined the rebellion shall be enabled to reintegrated their original posts and to enjoy the same benefits as their colleagues.
  - d) Civilian and military elements unwilling to join the military profession shall receive compensations so as to reintegrate public life.
4. Guarantee of the freedom of movement of people and possessions.
5. The authorisation, guaranteeing and facilitation [of the movement] of national and international relief agencies to reach affected areas.
6. The Government of Sudan undertakes to prepare an urgent program aimed at the reconstruction and social and economic development in Darfur with the participation of its development partners.
7. Renewal of confidence in the Tripartite Commission to oversee this agreement.
8. In the event of disagreement or violation by one party of the clauses of this agreement the other party shall refer to the mediator.
9. This agreement shall enter into force upon its signature.
10. This agreement is issued in French and Arabic and each version has the same legal power.