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The project to end genocide and crimes against humanity

# Neglecting Darfur

By Omer Ismail and Laura Jones

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## Executive summary

Although Darfur only rarely makes the headlines lately, the reality on the ground there continues to be defined by profound insecurity, limited humanitarian access, impunity for perpetrators of violence, and the absence of credible human rights reporting. In recent months, the failure of peace talks in Doha has led to increased fighting throughout the region. Meanwhile, the Sudanese government has proffered a plan for Darfur that, although couched in humanitarian terms such as “voluntary return” and “development,” in fact amounts to a continued use of its political and military power to manipulate the region’s resources and ensure that displaced Darfuris remain marginalized. The United Nations-African Union Mission in Darfur, or UNAMID, continues to be woefully inadequate as a provider of security, and access to basic services in many areas remains well below levels prior to the mass expulsion of 16 aid agencies from Darfur in March 2009.

Recent developments have done little to change the situation on the ground for the average Darfuri citizen and all signs point to a worsening situation in the near future. The Sudanese elections in April only empowered the ruling National Congress Party, or NCP, to pursue a military solution to the problem posed by the remaining rebel groups, and the Chad-Sudan rapprochement only briefly served to bring the main combatants to the table for a few months, after which the talks fell apart. The A.U.-U.N. Joint Mediation Support Team now seems primarily to be pursuing civil society engagement, which, while necessary, needs to be conducted in a more inclusive manner in order to be effective and should be viewed as complementary and responsive to a political solution, rather than as a replacement for one.

In the remaining months before South Sudan’s referendum on independence, there is little doubt that international attention will remain focused on the North-South dynamic at the cost of Darfur—in fact, this has already been evidenced by the approach that international partners have taken to the peace negotiations in Doha. For most international actors, Darfur is being treated as a distraction from addressing North-South tensions in the lead-up to the referendum, even while many such as U.S. Secretary of State Hillary Clinton acknowledge that the situation in Darfur is, “dangerous, difficult, not stable.”<sup>1</sup> International actors need to recognize that a policy of focusing on one area at the expense of another only encourages behavior on the part of the NCP that will

have negative consequences for all of Sudan. The United States and its partners should therefore refocus their attention on pursuing a political solution to the conflict in Darfur while concurrently engaging civil society at the grassroots level, and should take greater steps to both ensure the protection of civilians in the region and work towards justice and accountability. If the United States and its international partners don't start engaging in Darfur in a smarter, more productive manner, it is likely that the ones who will pay the highest price are the Darfuris themselves.

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## The situation on the ground

Despite the lack of media attention in recent months, the crisis in Darfur is far from over. Nearly 3 million civilians have been driven from their homes and warehoused in sprawling camps for refugees and internally displaced persons, in Chad and Darfur respectively. Despite the deployment of the world's most expensive peacekeeping force, insecurity remains rampant. While the Sudanese government controls major towns, other armed groups—government-armed tribal groups, government-backed Chadian rebels, and Darfur's fractured rebel groups—have loose control over large tracts of territory and harass and terrorize civilians and aid workers with impunity. None of the architects of the widespread crimes against humanity in Darfur have been brought to justice.

Today, Darfur bears a resemblance to southern Sudan during the early 1990s, during the period following the split in the southern rebel movement. Control over Darfur is now divided between garrison towns, where government forces hold sway, and rural areas, which are controlled by an array of armed groups. The organized murder and displacement of large portions of Darfur's population is largely over and up until recently, civilian casualties were on the decline as Darfur's rebel groups were increasingly isolated geographically and their relationships with local populations increasingly strained. Recent attacks by the government of Sudan in known rebel areas such as Jebel Marra and Jebel Moon, however, have again increased the number of both civilian casualties and displaced persons in the region. In the beginning months of 2010, for example, government attacks on Abdel Wahid El-Nour's forces around eastern Jebel Marra led to the displacement of 100,000 additional people while attacks on the Justice and Equality Movement, or JEM, positions in Jebel Moon caused the displacement of between 10,000 and 50,000, as well as an unknown number of casualties.<sup>2</sup> UNAMID reports also indicate rising death tolls in recent months, with around 600 deaths occurring in May, the deadliest month in two years, and 221 deaths occurring in June. The increase in fighting between the Sudanese Armed Forces, or SAF, and rebel groups—and particularly between SAF and JEM—has been the result of a combination of factors: Chad's withdrawal of support for JEM, the crumbling peace talks in Doha, and the emboldening of the NCP in the aftermath of the national election.<sup>3</sup> JEM's lack of logistical support and accompanying perceived vulnerability have led to continued attacks by SAF and have forced JEM to break into smaller groups and head for points south and east, abandoning its positions along the Chadian border.

In addition to the ongoing violence that is taking place between government and rebel forces in recent months, residents in the Zalingei area of West Darfur and the Kass area of South Darfur have also seen increased violence between the 'Arab' Misseriya and Nuwayba tribes. The clashes supposedly started in early March after the Nuwayba, a sub-tribe of the Rizeigat, refused to pay restitution for the death of a Misseriya army officer. Yet many observers have pointed to a much deeper cause for the conflict—limited resources and access to land. Some have speculated that the underlying tensions between the tribes were intentionally stoked by the government in Khartoum for the purpose of weakening potential sources of dissent, such as among the Nawayba who are both farmers and nomads, and demonstrating to the international community that the conflict in Darfur is an internal tribal struggle rather than a conflict between the state and its insurgents. In late June, the United Nations was finally able to broker a peace deal between the tribes, but in mid-August clashes started up again around Kass, causing 88 deaths among the Misseriya alone.<sup>4</sup> These incidents demonstrate that the ongoing struggle for resources in Darfur leaves many communities more susceptible to manipulation and serves as a potential trigger for continued conflict.

The most consistent threat to the majority of civilians, however, remains the armed groups that now occupy the land that the government systematically depopulated from 2003 to 2005. Former Janjaweed militia members and Chadian rebels, both reportedly backed by the Government of Sudan, now patrol and occupy large areas of Darfur and continue to commit atrocities such as rape.<sup>5</sup> This continuing source of insecurity is the principal reason why the majority of the displaced remain hesitant to return permanently to their places of origin. At the same time, the lack of economic opportunities in and around the major towns makes it necessary for many of the displaced to travel constantly, either back to their lands for planting and cultivation, or to areas where they are able to collect firewood to sell. This continued movement around the region and back to areas of origin has left the displaced vulnerable to further harassment. International actors, in their acceptance of Khartoum's most recent plans to focus on the returns, have failed to recognize that the large-scale voluntary return of refugees and other displaced will be impossible without taking concrete steps to improve the security situation and provide accountability.<sup>6</sup>

When internally displaced people, or IDPs, return to their land, they frequently either find it occupied by hostile nomadic tribes with whom they have to negotiate land access or, if they were able to plant earlier, they return to find their crops destroyed. Another emerging trend in many areas is a state-sponsored extortion racket, in which government-aligned militias are given free rein to collect "taxes" from civilian populations in exchange for the right of passage and some protection from attack. These militias, initially contracted to launch the counter-insurgency in Darfur and to wage a proxy war with Chad, later entered into what was, in effect, a land-for-war deal with the government of Sudan. Now many of Enough's sources in Khartoum claim that the government lacks the willingness to dismantle these militias, because they impose a greater potential threat to the government than the rebel groups, or the capacity to disarm them

en masse. Meanwhile the traditional mechanisms for dealing with conflict between communities have completely broken down. One reason is the ubiquity of small arms and light weapons which have empowered these government-aligned hostile tribes and created an imbalance of power not conducive to traditional forms of negotiation and conflict resolution.

The problem of unlawful land occupation and seizure goes far beyond local armed groups, however. In recent years, the Sudanese government has actually begun manipulating returns, presumably with the intention of proving to the international community that there is no longer war in Darfur. Interviews with returnees in West Darfur suggest that the NCP has on occasion provided short-lived “incentives” such as tractors or seeds to those willing to “return” to areas that may or may not be their areas of origin. Generally the benefits of these incentives have been fleeting and unsustainable—e.g. a tractor is provided without any fuel or means to obtain fuel—and the returns have amounted to little more than another form of land occupation.

Now the NCP has developed a committee, headed by Dr. Ghazi Salah Eddin Atabani, whose primary aim is to “domesticate” the peace process in Darfur.<sup>7</sup> The committee places “voluntary” returns and development at the center of its new strategy for Darfur, but sources on the ground suggest that it will amount to little more than camp closures, massive resettlement schemes, and the forced forfeiture of IDP land rights. Recent announcements regarding the government’s intention to close Kalma camp and relocate its residents appear to substantiate this claim. The “model villages” in the region, many of which were built with Arab League funding, also seem to be intimately tied to the government’s plan for resolving the crisis and addressing the land problem.<sup>8</sup> According to sources, the plan involves moving the IDPs to satellite villages that surround the model villages—the model villages themselves would be saved for the elites—and employing the IDPs as laborers while simultaneously ensuring that the move deprives them of any future claim to their homeland.<sup>9</sup>

The lack of security, paired with a lack of economic opportunity and the problem of land occupation, has made acceptable durable solutions to the displacement crisis in Darfur very difficult for the near future. Although many IDPs will ultimately choose to remain in the urban centers, plans currently underway to switch gears towards early recovery and focus resources on the urban areas are still cause for concern. The lack of livelihood opportunities in these urban centers and the failure of these plans to properly address the root causes of the conflict in Darfur leave people vulnerable to continued harassment and attacks, and without the choice to ultimately return to their places of origin voluntarily in safety and dignity.

The current situation is thus highly deceptive. While the attacks on civilians are far less frequent than during the height of the conflict, Sudanese government attacks in recent weeks on areas in Darfur that are thought to be rebel strongholds demonstrate that the danger to civilians remains acute. Furthermore, the continued manipulation of resources

in the area by both the government and former Janjaweed militia members ensures that displacement and its associated vulnerabilities will persist for the near future. The relative quietude that has followed hundreds of thousands being killed and millions being driven from their homes in Darfur should thus not be mistaken for either peace or stability.

## Running the gauntlet

### Checkpoints and extortion in Darfur

By Omer Ismail

During the first years of the conflict, the Sudanese government promised land and stolen goods to the Janjaweed and other allied militia. With few villages left to loot, the government has now empowered its proxies to control large areas in the beleaguered region and extort money from the population.

Those displaced Darfuris who have not sought shelter and basic services in internationally-run camps have, for the most part, fled to garrison towns controlled by the Sudanese government. Such is the case in the three major cities of Darfur—El Fasher, Nyala, and El Geneina—whose populations have grown by hundreds of thousands since the start of the conflict in 2003. These displaced persons can often travel to visit friends and family in the camps or to tend to the small plots of arable land that are not occupied, but they travel at a price. In addition to the exorbitant cost of transportation, Darfur's displaced must also pay "protection tax" at informal checkpoints manned by the very militias that forced them from their homes.

Along many key arteries in Darfur, the Sudanese government has allowed the Janjaweed to establish these checkpoints to collect taxes from the buses, trucks and vans that use these roads between the towns. One traveler described 44 separate checkpoints between Nyala and Zalingei between South and West Darfur. Another 21 checkpoints dot the road from Nyala to El Fasher—one of the most well travelled routes in Darfur. In most cases, Kalashnikov-wielding militiamen flag down passing vehicles to collect the "tax" and in many cases loot the travelers. This pattern of extortion has become so commonplace that drivers know exactly what to pay at each checkpoint.

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## Limited access: humanitarian and peacekeepers in Darfur

UNAMID continues to operate below its authorized capacity and under unacceptable restrictions imposed by Khartoum, which continues to violate the Status of Forces agreement that defines the parameters of the peacekeepers and that was most recently enhanced in December 2009. The gaps in UNAMID's current capabilities are well known, and include limited mobility, inadequate logistical capacity, and weak command-and-control. Simply put, the mission as designed and currently implemented

is inadequate to support a credible comprehensive peace agreement even if it were reached, and remains a model of how not to authorize, organize, and implement a U.N. peacekeeping force.

UNAMID, whose core mandate is to protect civilians, is often prevented from accessing at-risk or in-need populations by both the Sudanese government and rebel groups, which not only hinders its ability to provide security for aid providers, but also its capacity to independently report on what is happening on the ground in Darfur. For example, UNAMID forces have been forbidden from accessing the Jebel Marra area since February, leading Ibrahim Gambari, Joint AU-UN Special Representative for Darfur to state that, “The recent upsurge in fighting has created very serious hindrances to the effective implementation of UNAMID’s protection mandate.”<sup>10</sup> Access to Kalma camp in South Darfur was also restricted as well after violence broke out around the Doha peace talks one month ago, and has remained limited ever since.<sup>11</sup>

The operating environment for internationals in Darfur remains dire, with general lawlessness, compound break-ins, abductions, and car-jackings being commonplace. Thus far in 2010, at least 12 aid workers and peacekeepers have been kidnapped in Darfur, including from the town of Nyala, the state capital of South Darfur, which indicates an increasing boldness among the kidnappers.<sup>12</sup> In spite of the difficulties it faces in fulfilling its core mission, UNAMID continues to try and expand its activities into early recovery and peacebuilding, much to the chagrin of other agencies, including the U.N. Security Council, who would prefer that the mission focus on its primary mandate.<sup>13</sup>

Since the government’s expulsion of 13 international aid agencies and the dissolution of three Sudanese organizations in March 2009, and the subsequent introduction of three new agencies linked to those that were expelled, services on the ground have become more limited, both in terms of reach and diversity. Directly following the expulsion, aid agencies on the ground were able to successfully cover the most critical needs of the majority of the population, but “nonessential” services, such as those for survivors of gender-based violence, were effectively eliminated.<sup>14</sup> Even now, the availability of these services on the ground is very limited, due to a lack of capacity among the remaining agencies to provide these types of services and their limited presence in more remote locations, partially due to the aforementioned security threats.

In situations where the expelled international aid agencies have secured re-entry, they have generally secured it for members of their alliance, not all of whom have the same level of capacity or experience with large-scale humanitarian operations. Returning organizations often face challenges in recruiting quality international and national staff, particularly given the environment of insecurity and intimidation that has endured since the expulsion, as well as the general aura of ineffectiveness that hangs over peace-making and peacekeeping. Meanwhile, the national NGOs that, according to the NCP, were meant to take the place of these international bodies lack the capacity to manage large-scale programs and are generally distrusted by most of the population due to their

affiliation with the ruling party. While some progress has undoubtedly been made in filling the gaps in nonessential services, the availability of these services is still well below the level of pre-expulsion Darfur, a reality that has become more keenly felt in recent months with the uptick in violence. Further, the government of Sudan has paid no international cost for widely looting the assets of humanitarian groups as they were initially expelled—in fact, members of the government and militia leaders regularly flaunt this fact by driving through Darfur in their expensive, repainted aid vehicles.

Much of Darfur continues to largely experience a blackout in terms of honest reporting and analysis due to the NCP's restrictions on access and the ever-present threat of expulsion. U.N. officials and aid workers seeking to maintain their limited access to vulnerable populations are at pains not to upset Khartoum. The Sudanese government recently reaffirmed its willingness to expel humanitarians that speak out against the regime's continued crimes or are engaged in activities opposed by the regime, such as protection, when it expelled from Darfur two International Organization for Migration staff members, three U.N. High Commissioner for Refugees staff members, and two members of the International Committee for the Red Cross.<sup>15</sup>

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### The Sudanese elections in Darfur

The April 2010 Sudanese elections, while flawed in all areas of the country, were doomed from the outset in Darfur. For the almost 3 million displaced in the region, the elections only served to further disenfranchise them—first through the faulty census and flawed registration, then through the manipulation of electoral laws, electoral districts, and tribal allegiances.<sup>16</sup> On March 31, 2010, the SPLM announced that it was withdrawing its candidacy from the race due to the electoral environment which it determined not to be free and fair, and many other parties in Darfur followed suit.

In order to continue its dominance in northern Sudan, the NCP knew it had to secure a solid win in Darfur, whose population represents a sizeable portion of northern Sudan. It commenced an elaborate rigging process beginning with the census in 2008. Census takers were careful to count those who would likely favor the NCP, including recent arrivals from Chad and Niger, while purposefully undercounting most of the displaced and those from areas considered hostile to the ruling party. These results were then used to redraw district lines in favor of the NCP. During registration, most of the displaced either chose not to register out of fear or intimidation, or were unable to do so due to insufficient information. At the same time, the registration of the nomadic tribes was facilitated by NCP party organizers and tribal leaders were paid for their support. During the election, NCP party officials facilitated transport to the polls for its supporters while those of the opposition reportedly faced intimidation in some locations as well as logistical challenges and delays.



Just prior to polling, it was also revealed that two NCP councilmen in North Darfur were running a large-scale Ponzi scheme—paying investors with the money of subsequent investors and claiming it as profit. The scheme swindled the people of Darfur out of anywhere between \$120 million and \$175 million, and led to the temporary collapse of the economy of El Fasher.<sup>17</sup> When the scheme finally collapsed in April, the NCP governor reportedly told investors that they could get their money back if they voted for the NCP in the upcoming election.

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## Sudan and Chad's dangerous détente

The proxy war between Sudan and Chad has simmered since 2005, occasionally boiling over into rebel assaults on the respective capitals, such as in 2006 when Khartoum-backed Chadian rebels attacked the capital N'Djamena or in 2008 when Chadian-backed Darfuri rebels attacked Khartoum.<sup>18</sup> On the surface, the recent moves taken by both sides to resolve their differences bode well for security in the region and for the facilitation of peacemaking efforts in Darfur, but the verdict will ultimately only be delivered over the long term. Numerous agreements between Sudan and Chad have quickly deteriorated in recent years, but both capitals seem to have a vested interest in the current accommodations, particularly since the motives appear to be grounded more in a desire for self-preservation than peace.

Under heavy pressure from the United States, in early 2010 the Chadian government diminished its support for JEM, arguably Darfur's most powerful rebel group and one that shares ethnic ties to President Idriss Deby Itno. This was clearly a factor in JEM's initial decision to embrace peace negotiations in Doha, which began in February 2010. Deby had long relied on JEM as a proxy in his fight against domestic enemies, but with oil revenues having strengthened his hand militarily, he now seems to view JEM as more expendable. Following JEM's decision to abandon the Doha talks (see below), Deby even went so far as to confiscate JEM leader Khalil Ibrahim's passport when he returned to Chad en route to Darfur, and then expelled Khalil from Chad forcing him to seek refuge in Libya.<sup>19</sup> In exchange, the Sudanese government repositioned the Chadian rebels—to whom it supplies arms, munitions, and other machinery—away from the border and into North Darfur, triggering significant local clashes and displacement as the Chadian rebels established new positions between Mellitt and Kutum. Now it appears that the government of Sudan is trying to chase Khalil out of Libya. In June of this year, the Sudanese government requested that Libya expel Khalil, after which it promptly threatened on July 1 that it would close its border with its northern neighbor.<sup>20</sup> Most recently, President Bashir visited Chad despite the risk posed by traveling to a country that is party to the International Criminal Court. This trip not only demonstrated Deby's intention to prioritize Chad's relations with Sudan over the international community, but also Bashir's confidence in the current rapprochement. Bashir subsequently travelled to Libya, presumably with the intention of convincing Libya's Qaddafi to take a similar line as Deby and ostracizing Khalil.<sup>21</sup>



On a strategic level, both Deby and Bashir have a desire for Darfur, and more generally, for cross-border tensions to be quieter in the short term. At the time of the rapprochement, both leaders faced elections, and were eager to be seen as legitimate without actually subjecting themselves to a credible electoral process. Bashir and his fellow members of the NCP also know that the most important game at hand is the independence referendum for South Sudan, and they do not want to be in a position where they could potentially be waging war in both Darfur and along the North-South border. While Deby's decision to reduce support to JEM has hurt him with his ethnic Zaghawa supporters, the Chadian president clearly feels this is a manageable concern.<sup>22</sup>

For the Sudanese government, Deby's agreement to push JEM out of Chad and back into Darfur created an initial tactical advantage that Sudan moved swiftly to exploit before the JEM agreement was announced. The Sudanese government's decision to reposition Chadian rebels in North Darfur has had a negative impact on civilians and put greater pressure on an already fragile environmental situation. The best estimates are that somewhere from 3,000 to 5,000 heavily armed Chadian rebels are now operating in the area north of El Fasher, the capital of North Darfur. A report earlier this year from the African Center for Justice and Peace Studies described a series of attacks on civilians in these areas, including the destruction of four villages and increased displacement.<sup>23</sup>

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## The Doha peace process

In February 2010, moribund efforts to jumpstart a Darfur peace process in Doha, Qatar, took on new life, but quickly fell victim to the same patterns of rebel fragmentation, government manipulation, and attention-deficit international support that have plagued prior efforts.<sup>24</sup> Following the Chad-Sudan rapprochement and with the signing of goodwill agreements on February 17, the government of Sudan and JEM signed the Framework Agreement to Resolve the Conflict in Darfur on February 23, 2010. This agreement included a ceasefire, a commitment to release POWs, and a promise to undertake peace negotiations. By late March, however, the substantive negotiations between the two had moved to N'Djamena, where they ultimately broke down over disagreements related to power sharing and the elections. By late May, JEM had backed away from talks all together, claiming that the Sudanese government was violating the already agreed-upon ceasefire in Darfur. The situation led UNAMID to release a statement in which it said, "The parties to a much-applauded Framework (peace) Agreement (in February) could now be defined as 'belligerents' and it is not anticipated they will convene peacefully in the short term."<sup>25</sup> It should be noted that those applauding the agreement did not include the Enough Project, which identified the fault lines in the agreement as it was being signed.

While it remains unclear which side actually violated the ceasefire first, it is clear that the government continued to launch attacks on Abdel Wahid's forces in the Jebel Marra area of Darfur while talking peace in Doha. This, paired with the increase in attacks of

late, suggests that the NCP did not strike the ceasefire deal in earnest and is unlikely to go back to the negotiating table with JEM, preferring a military solution to the problem. Meanwhile, JEM is unlikely to return to the negotiating table as long as it views itself in a vulnerable position –without arms or international backing in the lead-up to the referendum.

Meanwhile, the Sudanese Liberation Army-Abdel Wahid, or SLA-AW, one of the core rebel groups in Darfur, has refused to join the process altogether. Following discussions with French Foreign Minister Bernard Kouchner, the group's leader, Abdel Wahid, who has lived in exile in Paris for the past six years, reportedly stated that he would be willing to discuss joining the peace talks, yet nothing has happened since this announcement, nor is it likely that Abdel Wahid will agree to engage in talks until the international community has turned its focus back to Darfur. Despite his refusal to engage in peace negotiations over the years, Abdel Wahid continues to enjoy some amount of support from the displaced on the ground, as was evidenced by the recent violence in Kalma camp.<sup>26</sup>

The conventional wisdom among many observers and diplomats is that greater rebel unity is a prerequisite for viable peace talks. Representatives of the United States and other international players, therefore, spent considerable resources trying to secure a degree of unity among the non-JEM rebel groups, which ultimately produced the Liberty and Justice Movement, or LJM, on February 23, 2010. The LJM is for the most part a group of individuals, led by civil society leader Tijani Seise, who split from their respective rebel factions and lack any serious firepower in Darfur.<sup>27</sup> Initially, the idea was that these individuals would help bring the main rebel groups into the LJM, but the impatience of the international community to unify the groups, JEM's objection to the LJM's inclusion in the peace process, and Khartoum's continued ability to fuel dissension among these groups doomed the creation of the LJM from the beginning. Mediators also hoped that negotiations with the LJM could be pursued in a parallel track to JEM and united at the end of the talks, an idea that JEM adamantly opposed. The LJM now consists of 11 rebel groups but unfortunately still excludes some key players such as the Sudan Liberation Army-Unity, who with others make up yet another unified rebel group known as the Roadmap group. The Roadmap group, which also voiced its dissatisfaction with the leadership of the LJM, attempted to secure for itself a third parallel track, but the negotiators in Doha have up to this point refused to comply.

On March 18, 2010, LJM and the Sudanese government signed a framework agreement similar to that of JEM, which put in place a three-month-long ceasefire. The talks were temporarily suspended in April to allow for the elections, but the groups returned to Doha in June to continue negotiations. Unfortunately, despite their continued presence at the talks, it is not likely that these negotiations will lead to a sustainable peace in Darfur, not least because the rebel groups with the most firepower, JEM and SLA-AW, are not participating. Many of the rebel groups have refused to join the LJM because of Tijani's leadership and his tendency to both hoard crucial information and sideline key players. Even those within the LJM have started to question his leadership role.

According to sources involved in the talks, the negotiations continue to move forward but with little hope for positive outcomes. This is most unfortunate given that President Bashir has said that, “The current Doha round will be the last for any armed group and there will be no legitimacy through the gun, only through the ballot box.”<sup>28</sup>

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### Civil society engagement?

With negotiations between armed groups stalled, the Sudanese government and international mediators have embraced a newly revamped mechanism with the stated aim of engaging Darfuri civil society. This is modeled on the Darfur-Darfur Dialogue and Consultation, or DDDC, a mechanism used in 2006 to garner support from civil society for the Darfur Peace Agreement, which had already been written with limited input from the affected communities themselves. The result of this was increased mistrust of the entire process and the politicization of many IDP camps, particularly those around Jebel Marra, Abdel Wahid’s stronghold, and Kalma camp in South Darfur. Instead of convening a fully inclusive, Darfur-wide forum, which aimed to mend the social fabric of Darfur from the ground up, the DDDC neglected to include key constituencies and was established in such a way as to offer numerous opportunities for manipulation by the parties to the agreement. The process was thus viewed by IDPs as nontransparent and untrustworthy, and led them to view these types of efforts with a large degree of skepticism.<sup>29</sup>

The civil society consultation process that is currently being conducted by the Joint-Mediation Support Team, or JMST, headed by Chief Mediator Djibril Bassolé, does not appear to be drastically different from the original, though admittedly is much more inclusive, involving displaced persons, refugees, and members of Darfur’s “Arab” communities. Until recently, the majority of civil society leaders were woefully excluded from the substantive parts of the peace process. This situation was somewhat remedied by the July meeting that took place in Doha, but many close to the process have expressed concern about the ways in which the engagement was orchestrated. First, there seem to be questions about how the participants were chosen to travel to Doha and whether those chosen are actually representative of all Darfuri communities. Many believe that the mediation team should have spent more time in the region, meeting with all levels of Darfuri society, and should have conducted the process within the region itself, so as to be fully inclusive. Sources have also expressed concern over the fact that this process seems to be a substitute for, rather than a complement to a political process, especially now that Doha has stalled. The mediators hope that the demands of civil society will feed back into the political process by providing input to the negotiating parties, perhaps even encouraging the parties to return to the table, an outcome that is far from certain with the current approach.

Although international attention to Sudan has shifted away from Darfur and toward the referendum, the international community has failed to approach Doha with the unity of purpose necessary to help change the outcome. While Mbeki and his team seem to

want to address the Darfur issue in earnest, there is some concern that the pre- and post-referendum arrangements for North and South are requiring most of their attention. The AUHIP called a meeting in May for international players engaged in Sudan, and supposedly agreed upon a “unified approach,” linking peace in Darfur to preparations for the referendum, yet the structure for further engagement remains vague. Furthermore, the United States and others still have not exhibited the full-time, region-based, senior-level engagement in Darfur that demonstrates to the parties a sustained commitment to peace. This has led the international community of late to accept the government’s most recent initiative for Darfur, which, although effectively using the lingo of the West, fails to mask the government’s true intentions which are fairly well known. It is therefore increasingly unlikely that any sort of political agreement on Darfur, with the support of civil society, will be reached prior to the referendum.

## Who’s Who in Darfur

**The Justice and Equality Movement (JEM):** The most potent military force in Darfur. Responsible for an attack on the Sudanese capital in 2008, which gained JEM some additional support among Darfuris, but the group’s Islamist past and previous links to the government still spark distrust among many Darfuris. Although once prevalent along the border areas, and particularly around Jebel Moon, the Sudan-Chad rapprochement and the crumbling of the Doha talks have led JEM to abandon these positions for points south and east. JEM’s increasingly vulnerable position was recently evidenced by the group’s call for self-determination, which many assume is an attempt by the group to attract new supporters.

**Liberation and Justice Movement (LJM):** A unified rebel group that is only mildly significant because it is comprised largely of individuals who left the more prominent movements, and particularly JEM. With the exception of the United Resistance Front, or URF, which has limited military strength on the ground, the members of this group lack both popular support and firepower.

**Roadmap Group:** A unified rebel group that includes the Sudanese Liberation Army-Unity, or SLA-Unity, the most significant remnant of the original SLA, which is made up of the G19 or the 19 former commanders who split from Abdel Wahid after Abuja. SLA-Unity continues to have a significant following in Darfur, particularly in the north, as well as the largest military contingent outside of JEM. The Sudanese Liberation Army-Abdel Wahid Commanders, or SLA-AWC, which is also composed of former Abdel Wahid commanders, is part of this group, as is SLA-Abdel Shafi.

**Sudanese Liberation Army-Abdel Wahid (SLA-AW):** A very significant force, with tribal links to and support from the largest number of displaced in Darfur. Wahid’s refusal to enter into unified negotiations with other rebels has been of immense frustration to international negotiators and may remain a key factor in the muted response from the international community to the Sudanese army’s bombing of Jebel Marra, an SLA-AW stronghold. Abdel Wahid’s recent discussions with French Foreign Minister Kouchner revealed a willingness to join in some form of negotiations, but Wahid has thus far remained outside of the Doha process.<sup>30</sup>

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## U.S. policy and the way forward

The United States and the rest of the international community need to remain focused on securing real change for the people of Darfur, even as the pendulum of international attention shifts to the pre- and post-referendum arrangements for South Sudan. A fully integrated approach to the whole of Sudan is necessary to ensure that one situation is not improved at the expense of another, to the ultimate detriment of all of Sudan.

Failure to engage in the ongoing peace processes for Darfur will undoubtedly have a negative effect on the people of the region, as has already been seen by the most recent developments. In regards to Darfur, the Obama administration needs to refocus on the following core areas:

### 1. A political solution

To pursue a political solution to conflict in Darfur, the Obama administration should focus on both using the leverage that it has more effectively and creating additional leverage.<sup>31</sup> The United States has bolstered its diplomatic presence in Sudan, but needs to demonstrate its commitment to peace in Darfur by better coordinating with the A.U.-U.N. teams and fully supporting the efforts that they already have underway. More specifically, the Obama administration should:

- Unify around a clear policy and diplomatic strategy, and coordinate said strategy with other international actors involved in Darfur so that the international community presents a united front to the parties to the conflict.
- Deploy experienced, full-time diplomatic staff to support the Darfur peace process—the two individuals deployed from the Civilian Response Corps will likely not be sufficient. Consideration should be given to seconding U.S. staff to the mediation team.
- Engage senior U.S. officials more frequently to signal U.S. dedication to a negotiated peace deal.

By demonstrating its commitment to seeing real change on the ground and working more effectively with other international actors, the Obama administration can increase its leverage and its chances for securing a political deal for Darfur.

The administration should also support the work of the A.U.-U.N. teams by leading the international community in establishing genuine consequences and credible incentives to not only nudge the parties toward a comprehensive deal but to help ensure that such a deal is actually implemented. Potential consequences could include the gradual expansion and tougher enforcement of the arms embargo, the denial of debt relief to Sudan, the building of a coalition that will target key officials for their assets and strictly deny their travel opportunities to all participating states, increased support for the U.N. Security Council in executing the ICC's arrest warrants, the extension of air coverage protection or anti-aircraft support to the south, and the undertaking of unilateral and multilateral efforts aimed at delegitimizing parties or individuals that take steps to undermine peace. Potential incentives should only come into play if the National Congress Party actually implements existing agreements in Darfur and with the South and helps put more comprehensive accords in place. Normalization of relations with the United States and multilateral debt relief are the most likely incentives to influence the calculations of senior

NCP regime officials, but the government of Sudan has done far too little at this juncture to even make such incentives worth considering.<sup>32</sup> Through the more effective use of existing points of leverage, the United States can make a real contribution to pushing both the Sudanese government and key armed groups, such as JEM and SLA-Abdel Wahid, to return to the negotiating table and engage in substantive dialogue.

If the international community manages to get the parties back to Doha—which admittedly might not happen until after the January referendum—then it is essential that the process is not hindered by timelines and deadline diplomacy, as this approach has doomed talks over Darfur numerous times in the past. Instead of pushing through a deal for the sake of political expediency, the international community should focus on catalyzing efforts to create a single negotiating text that properly reflects the concerns and needs of the people of Darfur. Continued consultations will be needed at the grassroots level to agree on all of the components, but key elements will likely include:<sup>33</sup>

- The dismantling and disarmament of the structures of state-sponsored violence: the Janjaweed and other proxy militias.
- A comprehensive security arrangement that allows for the safe and voluntary return of the nearly 3 million displaced Darfuris to their homes—this would require a much more effective peacekeeping mission and credible, practical plans for security arrangements that recognize the fact that many actors, including the Sudanese state security apparatus, have been involved in human rights violations over the course of the last seven years.
- Restitution that includes individual as well as community compensation, and addresses the safe and dignified return of internally displaced persons and refugees to their original homelands, should they choose to do so.
- Wealth-sharing and power-sharing proposals that take into account figures from the 1992 census that showed Darfur to be 20 percent of Sudan’s total population.
- The creation of a single region of Greater Darfur with a semiautonomous government but without the provision for a referendum on self-determination.
- Accountability.

## 2. Civil society involvement

In addition to pursuing a political solution to the crisis in Darfur, the international community should concurrently be engaging all Darfuris in a process that gives them an actual say in the direction of the peace deal, thereby also building popular support for peace. Instead of repeating the mistakes of Abuja by presenting hand-picked civil society



leaders with a text to which they contributed little, Darfuri involvement should include extensive consultations at the grassroots level and build upwards. Darfuri communities should also play a role in choosing their own representatives at all levels—e.g. community, state, region—ensuring that those who are ultimately chosen to sit at the negotiating table as observers are mandated by the people of Darfur to be there. This is the only way the international community can ensure that Darfuris feel some ownership of the peace process and know that it is legitimate, which is particularly important for the IDP communities who need to know that the process is not being manipulated by the government. While this strategy cannot completely replace a political agreement, given the persistent insecurity in the region, it can act as an important complement to the negotiating and peacebuilding processes. Here again, though, coordination among the international actors involved in Darfur is essential to the success of this kind of initiative.

Additionally, engaging communities at the grassroots level might provide the international community with an opportunity to pressure the rebel groups to engage, or re-engage, in the political process. If the people of Darfur begin demanding an end to the conflict, the rebel groups might feel inclined to respond. Focusing international attention on engaging communities as opposed to leaders living in exile might also lessen support for these leaders on the ground, since international attention seems the litmus for gauging their relevance. Finally, it would provide opportunities for international actors to support grassroots initiatives at peacebuilding. Communities that have showed a willingness to repair their relationships and re-engage in traditional forms of conflict resolution should be offered support, while ensuring that this support does not in turn make them more vulnerable to attack.

### 3. Civilian protection

The international community should continue to press UNAMID to remain focused on its core mandate: the protection of civilians, the provision of security, and the securing of humanitarian space. While Gambari's intentions to expand UNAMID's activities are no doubt noble, UNAMID's inability to fulfill its primary purpose has not only made the provision of humanitarian assistance that much more difficult, but has also had an extremely negative impact on vulnerable Darfuris. Before embarking on new areas of engagement, UNAMID should therefore ensure that it has properly fulfilled its mandate.

A stronger and better resourced UNAMID is necessary to provide greater protection for civilians now and will be critical to overseeing, in security terms, the implementation of whatever comes out of broader peace talks. Unless UNAMID is far more robust, neither civilians nor the respective military forces on the ground will take the force seriously. That means that without a major overhaul, the international community will be spending exorbitant sums of money on a force that cannot prevent violence, is unable to defend itself, lacks the ability to present credible analysis, and cannot even act against militias manning checkpoints through Darfur to extort money from innocent Darfuris.



None of these issues will likely be resolved until UNAMID is no longer in the untenable position of having to ask Khartoum's permission to carry out its most basic responsibilities. The United States should work through the U.N. Security Council to note Khartoum's repeated violations of the Status of Forces Agreement (the rules that govern UNAMID's operations) and work to immediately identify, train, and equip forces to realize UNAMID's full deployment and identify and transport military assets to Darfur to ensure that peacekeepers can not only protect themselves but do far more to protect the people of Darfur.

#### 4. Justice and accountability

The Obama administration must be stalwart on the issue of accountability. President Bashir and other individuals responsible for crimes against humanity and genocide should face justice.

In addition to supporting the arrest warrants for Bashir, the Obama administration should put its weight behind the recommendations of the A.U. panel headed by former South African President Thabo Mbeki. Although the government of Sudan has rejected many of the panel's proposals, they include important reforms to the Sudanese justice system (ones that would extend the rule of law and increase prospects for lasting peace throughout the country) and the introduction of joint Sudanese/international courts (so-called hybrid-courts) to try the non-ICC indicted perpetrators of crimes against humanity in Darfur.<sup>34</sup>

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### Conclusion

As the Doha process falls apart and the international community turns its limited focus to promoting civil society engagement, there is every indication that this, too, will go the way of Abuja. From the long view of history, if the international community does not learn from past experiences and respond with a much more comprehensive and better coordinated effort to not only make peace on paper but to secure real change with viable security arrangements on the ground that effectively protect civilians and promote accountability, the future of Darfur will be bleak. The months ahead in Sudan will see many rapid developments on the diplomatic front among a very diverse set of actors. Everyone who cares about Sudan desperately wants to see both the Sudanese and the international community work together to achieve a brighter future at a time when the devil will very much remain in the details.

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