

Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process

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Executive Summary

The violence in Darfur's decade-old war spiked in 2013, as the mostly Arab militias initially armed by the government to contain the rebellion increasingly escaped Khartoum's control and fought each other. Recent fighting has displaced nearly half a million additional civilians – in all 3.2 million Darfurians need humanitarian help. The Doha Document for Peace in Darfur (DDPD) signed in Qatar in 2011 is largely unimplemented, notably because it was endorsed by factions with limited political and military influence, blocked by the government and suffered fading international support. The main insurgent groups remain active, have formed an alliance that goes beyond the region and increasingly assert a national agenda. If Darfur is to have durable peace, all parties to the country's multiple conflicts, supported by the international community, need to develop a more coherent means of addressing, in parallel, both local conflicts and nationwide stresses, the latter through a comprehensive national dialogue; eschew piecemeal approaches; embrace inclusive talks; and recommit to Sudan's unity.

The roots of the conflict, especially unequal relations with the centre, are similar to those of civil wars that other Sudan peripheries have experienced, in particular now independent South Sudan but also South Kordofan and Blue Nile states. Successive peace talks and agreements between government and rebels try to address grievances in similar ways, promising greater representation, including for rebels, in government and security forces and better distribution of the national wealth, but implementation is flawed. While causes are recognised as national, solutions are not.

The government signed the DDPD with the Liberation and Justice Movement (LJM), an umbrella group of rebel splinter factions, but follow-through was only partial, mainly by giving government positions to LJM members and supporters. With the country in economic crisis since South Sudan's separation, Khartoum's ability and willingness to fulfil its financial pledges to Darfur have been limited. Security arrangements, particularly disarmament and integration, have stalled over LJM's highly inflated troop numbers, as well as government reluctance and incapacity to disarm militias that are increasingly beyond its authority and fighting among themselves.

Because the DDPD was rushed to conclusion, it was to be open to renegotiation so the main rebel groups could join, but this was repudiated by the government and joint African Union (AU)-UN mediation, which were not ready for further concessions and sought more support for the agreement by splintering the rebels. The main Darfur groups allied with the Sudan People's Liberation Movement-North (SPLM-N) fighting in South Kordofan and Blue Nile. The umbrella Sudan Revolutionary Front (SRF) now carries out joint military operations in Kordofan (closer to Khartoum than Darfur) and demands national transformation. Internationals have largely not taken account of the new reality. Instead of working cohesively on a national approach, many still support piecemeal solutions. The UN and AU threaten Darfur rebels with sanctions for not joining the DDPD, even as they ostensibly agree a comprehensive approach is needed. As its main institutional achievement, the Darfur Regional Authority (DRA), expires in less than two years, the DDPD is no longer attractive to the main rebels.

Even though the government is distracted by its economic crisis, and the international community is focused on the civil war in South Sudan, there is present need to resolve the contradiction between the piecemeal and comprehensive approaches to peace in Darfur, to look at what is local and what is national and should be transferred to a more comprehensive process. Since mid-2013, the new joint chief mediator and head of the UN African Mission in Darfur (UNAMID), Mohammed Ibn Chambas, has shown willingness to do so, but he lacks a clear mandate to reply to the rebels' increasingly national demands.

The AU High-Level Panel led by former South African President Thabo Mbeki described the conflict in 2009 as "Sudan's crisis in Darfur", but that approach was abandoned due to expediency and absence of Sudanese government support. The scope and agenda of the Doha process remained unclear. While trying to limit negotiations to local issues, the DDPD included provisions that only made sense if discussed and implemented nationally, such as governance reform, more equitable sharing of power and resources and affirmative action to reduce the socio-economic gap between the centre and peripheries.

Such issues are important to the Darfur rebels who joined the SRF, and they offer opportunity for a peaceful national dialogue, if the rebels are included in it and possibly in a transitional government as well. The ruling National Congress Party (NCP), of course, needs to be part of the process as well; President Omar al-Bashir is a key to how comprehensive and ultimately successful it might be. If they agree to radical reform, the international community can help by offering incentives, provided Bashir and the NCP meet specific, irreversible benchmarks, such as those Crisis Group set out as early as 2009, and verifiably continue the transition process. This might defer the legal process underway to determine whether Bashir is responsible for atrocity crimes, but would be necessary to end decades of chronic conflict – and perhaps save Sudan's unity. It would, therefore, be the exceptional situation for which Article 16 of the Rome Statute of the International Criminal Court was devised.

This report continues a series analysing Sudan's spreading conflicts. Many of the recommendations in its two 2013 predecessors, as well as an earlier 2012 report that likewise argued for broad national dialogue and reforms, are similarly relevant for solving Darfur's chronic conflict, the dynamics of which are more than local.

Recommendations

*To address the Darfur conflict's local dimensions,
including increasing communal violence*

To the government of Sudan:

1. Accelerate efforts and honour financial commitments to implement Doha Document (DDPD) provisions that have mostly local dimensions, including on reconstruction, development and building institutions.
2. Fulfil promises rapidly to integrate troops of the Liberation and Justice Movement (LJM) and other peace signatories into regular forces.
3. Control and disarm paramilitary forces and militias progressively, via a mix of incentives, such as participation in local peace and reconciliation processes, as well as national dialogue; and coercion, including arrest and prosecution of those responsible for crimes.
4. Initiate and support inter-tribal dialogue and establish durable local peace and reconciliation mechanisms involving traditional and militia leaders, while leaving mediation to respected, tribally and politically neutral Sudanese, including from outside Darfur, and limiting the government's role to facilitating, supporting and guaranteeing agreements.
5. Allow international humanitarian entities – UN agencies and non-governmental organisations (NGOs) – full access to both government- and rebel-controlled areas of Darfur.

To the government of Sudan, the Justice and Equality Movement (JEM) and Sudan Liberation Army (SLA) factions:

6. Negotiate a humanitarian cessation of hostilities in Darfur to facilitate humanitarian operations and negotiations, including at the national level.

To JEM and SLA factions:

7. Stop attacks against development projects and rebel groups that have signed the DDPD and promptly release JEM-Bashar prisoners.

To initiate a meaningful national dialogue and transition

To the government of Sudan:

8. Review the DDPD; transfer provisions with Sudan-wide dimensions to national-level negotiations and constitutional reform; and start these at once.

To the government of Sudan and the Sudan Revolutionary Front (SRF):

9. Engage promptly in parallel negotiations – on Darfur between the government and Darfur non-signatory rebels, with the Sudan People's Liberation Movement-North (SPLM-N) as observer; and on South Kordofan and Blue Nile between the

government and the SPLM-N, with Darfur movements as observers – with the aim of:

- a) reaching identical or similar humanitarian cessations of hostilities, including humanitarian access to rebel areas and joint monitoring mechanisms involving government, SRF and international representatives;
 - b) obtaining if possible identical or similar framework agreements paving the way to national dialogue; and
 - c) merging the two local processes into the national one.
10. Agree with unarmed opposition forces and civil society groups on an arrangement to govern Sudan for a limited period and flesh out a roadmap for a durable peace process, perhaps taking the DDPD and other internationally-backed Sudan peace deals as bases for discussion of a national transition that includes:
- a) debate and agreement on a system of governance that can end the centre-peripheries conflicts in Darfur, South Kordofan and Blue Nile, as well as address growing grievances in the East and North; and
 - b) drafting of a permanent constitution.

To the SRF:

11. Develop a detailed position on the DDPD that takes account of JEM's suggested revisions to the document.
12. Develop and articulate a detailed political platform and vision that can form the framework for a political transition.
13. Create a joint office to coordinate humanitarian activity in rebel-held areas.

To assist in ending conflict and building sustainable peace and reform and to strengthen the impartiality of UNAMID on the ground

To the UN Security Council:

14. Encourage UNAMID to focus on its core mandate of protecting civilians and guard against the perception of its mediation role leading to an appearance of bias between negotiating parties; and instruct it not to engage in separate negotiations on Darfur that would complicate other international efforts to obtain a national peace process.

To the UN Security Council, AU Peace and Security Council, Council of the League of Arab States, Intergovernmental Authority on Development, Qatar, Ethiopia, Chad and other international actors:

15. Demand and work for a comprehensive solution to Sudan's multiple crises.
16. Create an AU-led, permanent structure to coordinate international efforts for comprehensive peace in Sudan and South Sudan.
17. Offer President al-Bashir, as well as NCP elites, incentives to create a transitional government and firmly and irreversibly place Sudan on a transitional path, including:

- a) assistance to stabilise the economy, such as normalisation of relations, lifting of sanctions, expediting Highly Indebted Poor Country (HIPC) status and other debt relief measures, on condition that transition roadmap benchmarks are met and progress is made in negotiations with South Sudan on post-separation issues; and
- b) if concrete moves toward a credible transition process are undertaken, and should it emerge as a genuine obstacle to its peaceful conclusion, a Security Council request to the International Criminal Court (ICC) to defer prosecution of Bashir for one year under Article 16 of the Rome Statute, with no obligation to renew such deferrals if he reneges on his transition commitments.

Nairobi/Brussels, 27 January 2014

Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process

I. Introduction

The Darfur conflict erupted in early 2003, when local movements rebelled to end their region's marginalisation. The 2003-2004 period was the most violent: mainly Arab militias were armed by the government to contain the rebellion, but their scorched-earth attacks targeted non-Arab civilian communities en masse, displacing more than two million people by 2005. It took almost a year for the international community to become engaged, and it was only in early 2004 that a massive humanitarian operation was deployed and peacemaking and peacekeeping mechanisms activated, mostly under African Union (AU) responsibility.¹

The violence has constantly evolved. Attacks of increasingly uncontrolled Arab militias against non-Arab civilians have continued, including in recent years raids in the Kutum and Hashaba areas of North Darfur. Since 2010, fighting has broken out between non-Arab tribes, with new, government-backed non-Arab militias targeting Zaghawa communities, the tribe most represented within the rebel groups in eastern Darfur. Particularly deadly clashes have multiplied since 2006 between Arab tribes as well. In 2013, three separate conflicts between Arab tribes in three different Darfur states have been the main cause of violent deaths and additional displacement of more than 450,000 people.² Competition over newly discovered gold triggered very violent confrontation in Jebel Amir, North Darfur, but most current fighting is due to long-standing competition over land and power in the form of positions in the "native administration" (traditional authorities) and creation of modern administrative units. Now heavily-armed actors replay old conflicts.

The government is responsible for tribalising both modern and traditional administrations and multiplying tribal administrative units, but its Arab allies are increasingly dissatisfied. Due to the economic crisis, Khartoum's patronage system is unable to honour all financial promises. When its allies fight each other, the government does not want to appear to take sides, lest the other party joins the rebels, but its frequent refusal to intervene risks losing the support of both. For the same reason, it has largely stopped disarming proxy militias.

The international community has largely neglected its responsibility to protect. The UN-AU Mission in Darfur (UNAMID) has proved unable to safeguard civilians, humanitarian operations and its own troops. Many, including within the government, speak of "good" and "bad" components, but even UNAMID's reputedly best forces have not prevented militias from dragging civilians from their camps, sometimes to execute them in front of the peacekeepers.³

¹ Crisis Group Africa Report N°125, *Darfur: Revitalising the Peace Process*, 30 April 2007; Africa Briefing N°43, *Getting the UN into Darfur*, 12 October 2006.

² "1.9 million displaced in Sudan's Darfur: UN", Agence France-Presse, 16 December 2013.

³ "Sudan: No End to Violence in Darfur", Amnesty International, February 2012, p. 12.

This report is the third in a series analysing Sudan's spreading conflicts.⁴ It focuses on why successive peace processes, in particular the latest, "Doha", have not stopped the violence. Reflecting the views of government officials involved with Darfur, rebel factions and other Sudanese and international players, it offers solutions to the dilemma of whether to support more attainable piecemeal efforts or a more challenging, but more durable comprehensive peace. It draws on field research conducted in 2013 in Khartoum, Kampala, Addis Ababa and Nairobi, and earlier in Darfur, South Kordofan, South Sudan and Qatar.⁵

⁴ See Crisis Group Africa Reports N°198, *Sudan's Spreading Conflict (I): War in South Kordofan*, 14 February 2013, and N°204, *Sudan's Spreading Conflict (II): War in Blue Nile*, 18 June 2013; as well as N°194, *Sudan: Major Reform or More War*, 29 November 2012; and N°209, *Sudan: Preserving Peace in the East*, 26 November 2013.

⁵ Crisis Group could not access Darfur in 2013 but has reflected local views as much as possible, including by interviewing Darfurians of various ethnic and political backgrounds elsewhere.

II. Failed Peace Processes

Signed in July 2011, the Doha Document for Peace in Darfur (DDPD) was the product of a new settlement attempt that began in June 2008 under the auspices of the African Union (AU), the UN and Qatar. It was built on earlier unsuccessful peace processes and agreements, in particular the 2006 Darfur Peace Agreement (DPA) and 2007-2008 talks between the government and rebel factions in Libya.

A decade ago, the UN Security Council entrusted the newborn AU with resolving the Darfur conflict. Beginning in 2004, it mediated talks between Khartoum, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) in Abuja, Nigeria, leading to signature of the DPA on 5 May 2006. The deal was still-born, however, because it included only one major rebel faction, excluded civilians, created an artificial deadline that did not give rebel factions time to consult their constituencies and poorly addressed such important issues as inter-tribal reconciliation.

The DPA was not welcomed by the local population, particularly the two million displaced persons and Arab communities that felt the government was not representing them. The only one of the three rebel movements present in Abuja that signed was the SLA faction led by Minni Arku Minawi (SLA-MM), a movement rather limited in its ethnic representation. Fighting resumed almost immediately, particularly between SLA-MM and the groups that stayed out of the DPA.⁶ Minni Minawi was appointed senior presidential adviser but was largely excluded from government decisions and could not deliver on DPA promises.⁷

After Abuja, the non-signatories won victories against government and SLA-MM troops and grew stronger by attracting the latter's defectors. They also experienced increasing ethnic fragmentation; some splinters initially joined the DPA, but even more the new talks in Libya. AU mediation was transformed in 2006 into a more complicated framework: theoretically joint, but actually separate UN and AU chief mediators (respectively Sweden's Jan Eliasson and Tanzania's Salim Ahmed Salim), with fatally different perspectives. Their credibility suffered from continued international support for the DPA and a development agenda, while humanitarian access decreased, due to rebel infighting and government restrictions. The mediators tried to engage non-signatories in the Libyan talks. Unlike Abuja, which had ignored rebel fragmentation, these addressed it by welcoming all factions, but by attracting (even creating) irrelevant splinter groups, they repelled the main movements. That the DPA remained largely unimplemented also aggravated distrust, leading to the new talks' failure.⁸

A. *The Doha Document's Shortcomings*

The negotiations that resumed in Qatar in 2009 tried to solve the shortcomings but largely repeated the mistakes of both earlier processes. To resolve the problem of two

⁶ Victor Tanner, Jérôme Tubiana, "Divided They Fall: The Fragmentation of Darfur's Rebel Groups", Small Arms Survey Working Paper no. 6, 2007, pp. 40-47; Crisis Group Africa Briefing N°32, *Unifying Darfur's Rebels: A Prerequisite for Peace*, 6 October 2005.

⁷ He resisted attempts to disarm his troops so still commanded an important force when he decided to rebel again in late 2010. Claudio Gramizzi, Jérôme Tubiana, "Forgotten Darfur: Old Tactics, New Players", Small Arms Survey Working Paper no. 28, 2012, p. 14.

⁸ Julie Flint, "Rhetoric and Reality: The Failure to Resolve the Darfur Conflict", Small Arms Survey Working Paper no. 19, 2010, pp. 23-27.

mediators, a joint AU-UN mediation led by Djibril Yipènè Bassolé was created in June 2008.⁹ However just three weeks after appointing him, the AU created its High-Level Panel on Darfur (AUPD), led by the ex-South African president, Thabo Mbeki, and the processes proved competitive, not complementary.¹⁰ To discourage rebel fragmentation, it was decided to invite only the main groups that had been at Abuja, including JEM and the faction led by the SLA's founder and first chairman, Abdelwahid Mohammed Ahmed Nur (SLA-AW).¹¹ The mediation also encouraged formation of the umbrella Liberation and Justice Movement (LJM) to represent JEM and SLA splinter groups.¹² It was chaired by Tijani Sese Mohammed Atim, a governor of Darfur in the late 1980s (when it was one region) who had been in exile since the 1989 coup that brought the National Islamic Front to power in Khartoum.¹³

While JEM agreed to participate, Abdelwahid, still the most popular rebel leader among internally displaced persons (IDPs), especially from his Fur ethnic group, refused. A main aim of the LJM was to attract Fur (Darfur's most numerous tribe) dissidents from SLA-AW and to sell the agreement to the Fur IDPs; however, the LJM's main factions are Zaghawa and Arab, and the Fur largely refused to join.¹⁴ The group's most prominent Fur rebel leader, Ahmad Abdeshafi "Toba", left soon after he lost a power struggle with Tijani Sese, and the DDPD was signed in July 2011. Despite Sese's profile, LJM popularity with the Fur, and IDPs in general, has remained limited.

The LJM aimed at winning civil society support by including some of its representatives, not least Sese. The mediation also invited hundreds of civil society representatives to attend three conferences in Doha, to produce documents reflecting civilian views.¹⁵ However, there was no readiness to truly include civil society in the process or to give it a chance to modify substantially the document already drafted by international mediators. The DDPD largely failed to incorporate its views, and civil society participants felt increasingly manipulated. In particular, at the May 2011 "All Darfur Stakeholders Conference", the mediation claimed civil society had "unanimously endorsed" the DDPD, though the 600 representatives had not been shown the text, and there had been no proper process for endorsement, discussion or input.¹⁶

⁹ Bassolé had been Burkina Faso's security minister (2000-2007) and foreign affairs and regional cooperation minister (2007-2008). He resumed as foreign minister in 2011.

¹⁰ In October 2009, the AUPD became the AU High-Level Panel on Sudan, with its mandate expanded to North-South issues as well as the democratisation of Sudan.

¹¹ When the process started in 2009, SLA-MM was still in government and represented in its delegation. When it left the government, it was not invited to join the talks on the rebel side.

¹² Re-uniting the splinters in particular from the SLA and creating the LJM involved Darfurian elites from various political parties (including the NCP and opposition), as well as separate Libyan and U.S. initiatives that had gathered factions under different umbrellas.

¹³ Tijani Sese is also brother of the current *dimangawi*, the principal Fur traditional leader of south-western Darfur. Jérôme Tubiana, Victor Tanner, Musa Adam Abdul-Jalil, "Traditional Authorities' Peacemaking Role in Darfur", U.S. Institute of Peace (USIP), 2012, pp. 25-26.

¹⁴ Crisis Group interviews, LJM, government officials, Khartoum, August 2013; Jérôme Tubiana, "Darfur After Doha", in Gunnar Sørbo, Abdel Ghaffar Ahmed (eds.), *Sudan Divided: Continuing Conflict in a Contested State* (New York, 2013), pp. 161-183.

¹⁵ Theodore Murphy, Jérôme Tubiana, "Civil Society in Darfur: The Missing Peace", USIP, 2010.

¹⁶ Several UN officials reporting on the talks said they were pressured by the UN bureaucracy not to contradict the official mediation and Qatar version: that the DDPD was the product of talks involving Darfur civil society and unanimously endorsed by these legitimate representatives. The unpublished 24 January 2012 report of the UN Panel of Experts on Sudan, whose mandate included reporting on the Darfur peace process, described the DDPD as "the result of a process which has

The mediation initially sought to sign an agreement with at least two movements, and Bassolé spent considerable time to secure JEM and LJM support. The latter first aimed to replace SLA-AW but began to compete with JEM as it gradually gave up some common demands. Ultimately, only LJM signed.

Because Bassolé had been re-appointed Burkina Faso's foreign minister, there was a rush at the end, as there had been in Abuja. Also, the DDPD was signed on 14 July 2011, just five days after South Sudan's independence, when internationals and Darfur rebels alike were preoccupied with Sudan-South Sudan relations, how they would be impacted by the renewed war in South Kordofan between the government and the Sudan People's Liberation Movement-North (SPLM-N, once the northern branch of the movement now in power in Juba) and whether that war would spread to Blue Nile. These three interconnected developments pushed the rebels to explore new alliances in both parts of the now divided country, so as to continue the conflict, rather than rush into another peace agreement.

Those shortcomings were largely the international facilitators' responsibility, but the government also took initiatives during the Doha talks, particularly at the latter stages, that cast doubt on its commitment to the peace process. One of the most contentious issues was power sharing. The LJM and JEM initially shared demands, including restoration of a unified Darfur region and appointment from their ranks of a second vice president to Bashir.¹⁷ The government strongly rejected recreating a single Darfur, arguing it would encourage secession, as granting the South the right to self-determination had done, though it ultimately agreed to a referendum on regional unification that LJM but not JEM accepted.

In early 2011, however, Khartoum announced unilaterally that it would create two additional states in Darfur and would hold a referendum on Darfur's administrative status (one supra-state region, or several states), no matter that the issue was still under discussion in Doha.¹⁸ The new states (Central Darfur and East Darfur) were established before the DDPD was signed; the referendum was included in the DDPD but remains unimplemented. Finally, rather than an LJM member or at least a consensus figure, the government appointed as the Darfurian second vice president al-Haj Adam Yusuf, a Beni Halba Arab and former member of the Islamist Popular Congress

successfully involved civil society representatives". This was done not to irritate Qatar, the host and co-mediator, as well as at the time an important supporter of the effort to topple the Qadhafi regime in Libya. Crisis Group analyst's observations in another capacity, Doha, 2011; Alex de Waal, "My Fears, Alas, were Not Unfounded": Africa's Responses to the Libya Conflict", in Aidan Hehir, Robert Murray (eds.), *Libya: The Responsibility to Protect and the Future of Humanitarian Intervention* (New York, 2013), pp. 58-82.

¹⁷ Between 1994 and 2011, Darfur was divided into three states: North, South and West. The first vice president is Bakri Hassan Saleh (NCP), who replaced Ali Osman Mohammed Taha in December 2013. Per the 2005 Comprehensive Peace Agreement (CPA) and until South Sudan's separation, the SPLM's leader, John Garang, then Salva Kiir, was first vice president.

¹⁸ East Darfur is carved from South Darfur, with ed-Da'ein as capital, Central Darfur from West Darfur, with Zalingei as capital. Osman Mohammed Yusuf Kibir, the longest serving (appointed in 2003) and arguably strongest governor in Darfur resisted dividing the much bigger North Darfur. The difficulty of dividing that very mixed state along clear ethnic lines and the restiveness of the main ethnic groups, the Zaghawa and the *abbala* (camel-herding) Arabs, also reportedly contributed to the decision for the status quo. However rumours continue of plans to create a north-eastern Darfur state dominated by Governor Kibir's Berti tribe. There have also been demands for an Arab state encompassing Kutum and Kebkabiya in the west and a Zaghawa state from Kutum to Wadi Howar in the desert north west.

Party who had recently defected to the ruling National Congress Party (NCP). Both the government's choice and the LJM's lack of reaction raised further uncertainty over DDPD implementation.¹⁹

B. Partial Implementation of Power Sharing Arrangements

Power sharing has been one of the most contentious issues, though the best implemented (even if only partially) DDPD section. A transitional Darfur Regional Authority (DRA) has been created, and LJM leaders and allies from civil society and the diaspora have been named to it and other institutional posts. Tijani Sese was appointed DRA chairman, a position that, per the DDPD, "comes directly after the Vice Presidents of the Republic".²⁰ However, LJM officials say, this is in protocol, and, unlike the vice presidents, Sese is not a Council of Ministers or National Security Council member. In principle, Darfur governors are deputies of the DRA executive,²¹ but as Doha did not agree on a unified region, most do not accept the DRA as a supra-state institution. NCP barons, notably North Darfur Governor Osman Mohammed Yusif Kibir, remain largely independent.²² A DRA official said only West Darfur Governor Haydar Galukuma accepts DRA authority. One of the few coalition leaders from the Masalit, the main West Darfur tribe, he is from the LJM and Sudan's only non-NCP governor.²³

At the federal level, the LJM obtained one ministerial (its secretary general, Bahar Idris Abu Garda, is health minister) and two ministers of state positions and seventeen National Assembly seats. This is half the posts the DDPD granted to "movements". LJM officials explained there was to have been an equal division with JEM, so the rest were left vacant.²⁴ However, the NCP kept some of the positions supposedly reserved for JEM, such as a second Darfur governorship.

Implementation has focused on individual appointments rather than steps with broader impact, thus undermining already limited support for the DDPD and its signatories. According to an LJM leader, "Darfurians didn't see any real power sharing. Only appointments to high positions were implemented. This put us in direct conflict with our people – our members, our supporters, our troops – who didn't see any div-

¹⁹ Tijani Sese decided not to openly criticise the choice for fear of antagonising Darfur Arab communities. In December 2013, al-Haj Adam was replaced by Hassabo Abderahman, head of the Darfur caucus in the federal parliament and another prominent NCP Arab (Rizeigat tribe). Crisis Group analyst interview in another capacity, Tijani Sese, Addis Ababa, September 2011.

²⁰ DDPD, p. 21. This gives Tijani Sese the same rank (fourth-highest executive official) Minni Minawi had as senior presidential adviser. Minni similarly chaired the Transitional Darfur Regional Authority (TDRA). Some government officials regretted there was no TDRA to DRA continuity. Only two officials were re-appointed, and the archives were lost. "Nothing was left, even the chairs were sold". Crisis Group interviews, former TDRA officials, Khartoum, August 2013.

²¹ They also serve as deputies in Darfur's regional security committee, chaired by Tijani Sese. DDPD, p. 21; Crisis Group interviews, Maj. General Tajessir Abderahman, head of the security arrangements commission, Ashwag Yusif Abu Tawila, chairperson of the DRA legal administration and LJM legal adviser, Khartoum, August 2013; UNAMID official, June 2013.

²² Kibir publicly opposed the Doha talks. He was the only governor to keep his position after Darfur's division into five states, and after the subsequent reshuffle, the only elected governor.

²³ Crisis Group interviews, DRA official, Haydar Galukuma, Khartoum, August 2013.

²⁴ DDPD, p. 16. Crisis Group interviews, DRA Reconstruction and Development Minister Tajeddin Nyam, Ashwag Abu Tawila, Khartoum, August 2013.

idend for peace".²⁵ "Provisions with impact on the ground have not been implemented", regretted Tajeddin Bashir Nyam, the DRA reconstruction and development minister.²⁶

More substantial and potentially more popular provisions, in particular the vote on Darfur's administrative status, have not been implemented. The DRA is not keen to hold the referendum and justifies the delay on security grounds. DRA and LJM officials also admit that given their lack of popularity and inability to deliver on some substantial promises, it would likely turn into a referendum on the LJM itself. "Both the government and ourselves agree to postpone the referendum", said Nyam. "We're not in a hurry to ask people to vote for the region, because we didn't deliver on the ground. Only if we can deliver development, would we have some chance to win".²⁷

Another unimplemented provision involves integration of Darfurians into the civil service and regular government forces in numbers relative to their share of the national population. According to an LJM leader, "today, Darfurians represent maybe less than 1 per cent of the civil service, while they are supposed to have 20 per cent of these jobs". The government does not fully support this policy. For instance, Amin Hassan Omar, the presidency's state minister in charge of the Darfur file, said, "I'm not supporting the idea of regional representation in the civil service, but unfortunately we are obliged to implement the provision. It should be about merit; we have to start with education".²⁸

Only a few symbolic provisions of the other main DDPD chapters – on wealth sharing, compensation and return of IDPs, justice and reconciliation, security arrangements and organisation of a Darfur Internal Dialogue and Consultation (DIDC) – are in place.²⁹ These include:

- ❑ a special court for Darfur, whose prosecutor has tried to work on some recent cases of inter-ethnic violence but is unable to arrest some members of government forces; international observers have not been appointed;³⁰ and
- ❑ an amnesty provision (in principle excluding war crimes) that has allowed the LJM to obtain the release of 101 prisoners, not only ten of its members, but also 80 Darfur civilians and eleven members of another armed movement who were to have been executed.³¹ The government rejected demands to include imprisoned JEM members.³²

²⁵ Crisis Group interview, LJM leader, Khartoum, August 2013.

²⁶ Crisis Group interview, Khartoum, August 2013. Nyam is also acting agriculture and animal resources minister.

²⁷ The DDPD did not set a referendum date. Crisis Group interviews, DRA, LJM, NCP officials, including Ahmed Fadul, (LJM) state minister, Council of Ministers, Khartoum, August 2013.

²⁸ DDPD, pp. 14-15. Crisis Group interviews, Khartoum, August 2013. A government official said, "it could give Darfurians 67,000 civil servants' jobs". Tajeddin Nyam gave a much lower estimate of 2,000 to 3,000. The current "Darfurian" representation is yet to be quantified and the very definition of "Darfurian" to be agreed.

²⁹ Chapters III to VII.

³⁰ Crisis Group interviews, lawyers, LJM leaders, Khartoum, August 2013; DDPD, pp. 62-63.

³¹ The latter were members of SLA-Justice, led by Ali Abdallah "Kerubino", which briefly joined LJM then defected in April 2011. Among the civilians was Ishaq Yahya Hussein "Sajo", the *omda* (main leader) of Abu Shok IDP camp in El-Fasher, North Darfur, who was arrested in 2009 for allegedly murdering Omar "Sarukh", a UNAMID and government-supported rival. Crisis Group interviews, Abdallah Shattar (LJM), Ahmed Fadul, Khartoum, August 2013; SLA-AW leader, Kampala, June 2013; DDPD, p. 19; draft UNAMID-UNCT Collaborative Matrix (unpublished), p. 24;

C. *Funding Constraints*

Insufficient money is the main reason given for the lack of promised compensation, reconstruction and development. Most DDPD funding is supposed to come from the government, which has committed to \$2.65 billion over six years, including \$2 billion to the Darfur Reconstruction and Development Fund (DRDF).³³ The government was to pay a first instalment of \$200 million “immediately after the [DDPD] signing”, and a second \$300 million no more than a year later. However, by late 2013, only 600 million Sudanese pounds (some \$135 million) had been made available, but not, as planned, deposited in the DRDF bank account.³⁴ The Central Bank only issued a letter of credit to the Omdurman National Bank; to obtain funds, the DRA or subcontracting companies have to submit projects. The letter of credit was for 800 million Sudanese pounds (approximately \$180 million), but the Omdurman National Bank deducted, in advance, 25 per cent in interest and management fees.³⁵

The DRA accepted the argument that the increasing economic crisis Sudan has suffered since the South's independence, including a shortage in foreign currency, was

Gramizzi, Tubiana, “Forgotten Darfur”, op. cit., p. 88; “Traditional Authorities”, USIP, op. cit., p. 29.

³² This included Abdelaziz Usher, half-brother of JEM's successive chairmen Khalil and Jibril Ibrahim (arrested during its 2008 raid on Khartoum); also Yusef Mohammed Saleh Libbis, a prominent Zaghawa politician in Hassan al-Turabi's Popular Congress Party (PCP) suspected as close to JEM (arrested as an alleged participant in PCP's 2001 coup attempt). Libbis was released in September 2012, though it is unclear whether due to the DDPD or NCP courting of Turabi. Crisis Group interview, Abdallah Shattar, Khartoum, August 2013; “Sudan releases opposition member accused of participating in coup plot”, *Sudan Tribune*, 8 September 2013.

³³ DDPD, p. 33; Crisis Group interview, UNAMID official, Khartoum, August 2013. The other \$650 million includes \$225 million for social services in Darfur; \$200 million to compensate conflict victims; \$125 million for returnee families (in a package with food, seeds and tools); and \$100 million for micro-finance. As of late 2013, none of these funds were made available. DDPD, pp. 32, 52, 56; “Developing Darfur: A Recovery and Reconstruction Strategy”, 2013, pp. 115-117; Crisis Group interviews, Tajeddin Nyam, DRDF Secretary General Hashim Hammad Abderahman, Mokhtar Abdelkarim Adam (LJM), state environment minister, Khartoum, August 2013. The government also committed to spend some locally-collected taxes (*zakat*) in Darfur although, according to Ashwag Yusuf Abu Tawila, head of the DRA legal office, the law already specified this. According to the July 2012 “DDPD reviewed timetable” agreed by government and LJM in order to cope with implementation delays, legal steps to implement this should have been taken, but Abu Tawila said she did not know if it would happen. Crisis Group interviews, DRA officials, Khartoum, August 2013. The *zakat* tax, set up by the National Islamic Front and inspired by the Muslim *zakat* concept (alms), is a major tax in Sudan (unofficially estimated at \$75 million a year in Darfur). Long unpopular, Darfurians complain it is sent to the centre, not to the region's needy. “Pasteurs et agriculteurs, anciens pasteurs et nouveaux agriculteurs: modes de vie et conflits au centre du Darfour”, ACF (Action contre la faim), 2008 (unpublished).

³⁴ By mid-2012, \$500 million should have been disbursed, but the agreement differs from the annexed timetable that says the two instalments should be paid three months and fourteen months after signature. DDPD, pp. 33, 98. Crisis Group interview, Hashim Hammad, Khartoum, August 2013. The first instalment was announced in January 2013, eighteen months late. “Report of the Panel of Experts on the Sudan”, UN Security Council, 12 February 2013, p. 51.

³⁵ Crisis Group interviews, Hashim Hammad, LJM officials, Khartoum, August 2013; international observer, March 2013. As the Omdurman National Bank is 76 per cent owned by the Central Bank, the government was accused of diverting funds that were supposed to be used for reconstruction and development. “Shareholders and founders”, Omdurman National Bank; Crisis Group interviews, LJM leaders, Khartoum, August 2013.

the main justification for these multiple variations from DDPD provisions.³⁶ The resulting delay to development, however, is aggravating the economic crisis's impact in Darfur. That crisis was already anticipated during the Doha talks, so it is surprising the parties agreed in presumed good faith on the \$2.65 billion government commitment. However, the mediation and other supporters viewed that large figure as a main advantage over the DPA, which had set the government's contribution to reconstruction at \$750 million.³⁷

State Minister Amin Hassan Omar dismissed DRA and LJM complaints, saying "the money already given is beyond the absorption capacity of agencies in Darfur. Right now the DRA capacity is insufficient".³⁸ International observers and DRA officials acknowledge the authority's "limited capacity to absorb, disperse and manage funds" and present projects, but regional officials, starting with Sese, say they "have more than enough projects to spend the money" if made available by the Central Bank. Some officials say the DRA has projects ready for twice the funds in the Omdurman National Bank, including "foundational and short-term activities", such as rehabilitation of roads, water systems and health facilities; building and financing schools; and providing assistance and basic services to IDPs returning to their areas of origin.³⁹ The April 2013 Darfur "Recovery and Reconstruction Strategy", drafted by the DRA and international partners, estimated such activity at \$177 million. In August, the DRA launched public tenders for over 1,000 projects to cost about half of this.⁴⁰

The first government instalment was a condition for Qatar to host a donors conference the DDPD had initially scheduled for three months after signature.⁴¹ Due to the delays, it was held in April 2013, a year and a half late. Reactions to the conference were mixed. Government and LJM officials welcomed that it endorsed the recovery and reconstruction strategy, but limited pledges – donors committed to only half the

³⁶ Crisis Group interviews, Hashim Hammad, Tijani Sese, other DRA officials, Khartoum, August 2013. "Our commitment to the development of Darfur is intact, but, in the middle of a financial crisis, the timing is very bad for the government. The crisis is what made the implementation one year late", Crisis Group interview, Amin Hassan Omar, Khartoum, August 2013. On 18 July 2012, the government and LJM agreed to start implementation a year after DDPD signature while retaining the July 2015 termination date. This did not prevent further delays. Ibid; "DDPD reviewed timetable", op. cit.
³⁷ "Doha came at a time the government was facing a real economic crisis". Crisis Group interview, NCP's Ibrahim Ghandour, Khartoum, August 2013. "The Doha Document for Peace in Darfur", AU-UN JMST (Joint Mediation Support Team), 12 November 2011, unpublished.

³⁸ Crisis Group interview, Amin Hassan Omar, Khartoum, August 2013.

³⁹ "Developing Darfur", op. cit., pp. 105-114; "Framework for African Union and United Nations Facilitation of the Darfur Peace Process", 13 March 2013, AU-UN unpublished document, p. 7; Crisis Group interviews, UNAMID official, several locations, May, August 2013; Tijani Sese, DRA officials, Khartoum, August 2013. According to Amin, "the focus should be on education and health [not agriculture], as easier to implement" with some rural areas still insecure. Crisis Group interview, Khartoum, August 2013.

⁴⁰ "Developing Darfur", op. cit., p. xxvi. Financing is to be via the letter of credit. The DRA says it has "foundational" projects ready for the other half of the \$177 million, to be financed by Qatar, including top-priority ones for IDPs. Osman Mohammed al-Bushra, DRA health minister, says he has projects ready for \$250 million over eight years, including \$150 million for the first three years for primary health care. Crisis Group interviews, DRA officials, Khartoum, August 2013; "Report of the Secretary-General on [UNAMID]", UN, 24 October 2013, p. 2.

⁴¹ "The government had to issue the letter of credit [in January 2013], just for the conference to take place". Crisis Group interview, UN official, Khartoum, August 2013. Once again the agreement differs slightly from the annexed timetable, which set the date six months after the signature. DDPD, pp. 40, 98.

\$7.2 billion the strategy is estimated to require over six years – indicated lack of trust in the DDPD.⁴²

Moreover, 75 per cent of those pledges are from the Sudanese government, which simply recommitted to the \$2.65 billion promised in the DDPD.⁴³ The remaining \$1 billion pledged is largely from Qatar: \$500 million from the government, \$300 million from Qatari NGOs. According to Tijani Sese, Doha's pledge, like Khartoum's, is also a recommitment to a 2011 promise, specifically a \$560 million project to build "model villages" for returnees.⁴⁴ Other DRA officials doubt the pledge, as Qatar has been angry since long before the donor conference about DDPD delays, persistent insecurity and, more broadly, Khartoum's growing Iran ties.⁴⁵ According to a UN observer, "the conference was a failure: only Sudan and Qatar gave, and the Western pledges were purely symbolic".⁴⁶

D. *Security Dilemmas*

1. Integrating LJM troops

According to the LJM's Ahmed Fadul, state minister to the federal Council of Ministers, "power sharing arrangements have been implemented, but security arrangements are far behind, and those are the aspects related to the concerns of our people, our former combatants". LJM troops are kept in camps, their integration into government forces blocked notably by disagreement on numbers.⁴⁷

During the Doha talks, the government estimated the LJM had 1,000 to 2,000 troops. The LJM insisted it had vastly more but was ready to accept the integration of 5,000 to 7,000.⁴⁸ The parties left the issue to be settled later.⁴⁹ A verification exercise

⁴² Crisis Group interviews, government, DRA officials, international observers, Khartoum, August 2013. "Final Communiqué", International Donors Conference for Reconstruction and Development in Darfur, 8 April 2013, p. 2. "Report of the Secretary-General on [UNAMID]", UN, 12 July 2013, pp. 4, 21. A second conference is to be held in 2015. Crisis Group interview, Amin Hassan Omar, Khartoum, August 2013; "Developing Darfur", op. cit. p. xxvi.

⁴³ "Report of the Secretary-General", 12 July 2013, op. cit., p. 12; "Final Communiqué", op. cit., p. 3; "Developing Darfur", op. cit., pp. vii, xxvi.

⁴⁴ Crisis Group interviews, Tijani Sese, Ahmed Fadul, Khartoum, August 2013; UN officials, several locations, May, August 2013. The project is to build 75 "model villages", fifteen in each of the Darfur states. A five-village pilot, one in each state, has started but is slowed by insecurity. "Three of the five villages are ghost villages; the displaced refuse to go there". Crisis Group interviews, UNHCR official; also Ahmed Fadul, other LJM leader, Khartoum, August 2013. According to the DRA, Qatar also recommitted to a \$200 million first instalment to capitalise the Darfur Development Bank it proposed to create in 2011. Crisis Group interview, Tijani Sese, Khartoum, August 2013. The total capital is supposed to be \$10 billion, including \$2 billion from Qatar. "The Doha Document for Peace in Darfur", op. cit., p. 3.

⁴⁵ Tubiana, "Darfur After Doha", op. cit., p. 163.

⁴⁶ Crisis Group interviews, Khartoum, August 2013. "The international community is not up to its commitment". Crisis Group interview, Ibrahim Ghandour (NCP), Khartoum, August 2013.

⁴⁷ Crisis Group interview, Khartoum, August 2013. Tubiana, "Darfur After Doha", op. cit., p. 163.

⁴⁸ Crisis Group interviews, LJM leaders, several locations, July-August 2013; Crisis Group analyst observations in another capacity, Doha, 2011. Immediately after the signature, in August 2011, Amin estimated 3,000 to 4,000 LJM troops could be integrated. Crisis Group analyst interview in another capacity, Khartoum, August 2011.

⁴⁹ DDPD, p. 84. JEM-Bashar, a splinter faction that signed the DDPD in April 2013 repeated the mistake, in spite of LJM advising agreement on a number before signing. "They will face the same problems we're facing", Bahar Abu Garda predicted. JEM-Bashar is believed to have several hun-

under UNAMID auspices registered 47,000 combatants.⁵⁰ The government rejected the count, accusing LJM of registering civilians – as many as two thirds of the 47,000 and including women and schoolchildren – and members or former members of government militias.⁵¹ While some LJM officials argued the civilians were “reservists”, most acknowledge the 47,000 include civilians and militia members, as well as ex-rebels from groups that signed the Abuja agreement but had not been integrated. Reportedly only 15,000 of the “verified” combatants were armed, and most had been members of government militias.⁵²

Tijani Sese faulted “the very nature of LJM, which is a movement open to recruits from every armed group”.⁵³ Other LJM leaders and government officials blamed him for not creating a unified command. “The LJM is a nice name, but with no content”, Maj. General Tajessir said, “it is composed of disparate groups and has no chief of staff. Until early 2012, Sese didn’t seem to know the groups’ composition”.

Weak factions inflated their ranks by calling civilians to the verification, promising jobs or money.⁵⁴ Amin cited UNAMID for “failing to monitor the verification. As a result, there are now lots of fake recruits waiting to be integrated, and LJM can’t get rid of them – they admitted it”. He further attributed the deadlock to “differences within LJM themselves about who to integrate”.⁵⁵ Only one LJM component, the United Resistance Front (URF) of Bahar Abu Garda, had and still has substantial ranks (some several hundred), recruited from his Zaghawa tribe.⁵⁶ The United Revolutionary Forces Front (URFF), an Arab faction led by Yassin Yussif that attracted disgruntled Arab militiamen, was reportedly second largest, but with quite autonomous troops, making the count uncertain and explaining why only a few are still considered part of LJM. Ismail Rifa’a’s ethnic Meidob faction may have 150; and ostensible Fur and Masalit components are mostly political leaders without fighters. During verification, URF camps registered a probably realistic 800 soldiers and URFF camps an inflated

dred fighters, possibly more organised, certainly more cohesive than LJM’s. Crisis Group interview, Khartoum, August 2013; “Agreement between the government ... and the Justice and Equality Movement-Sudan on the basis of the Doha Document ...”, 6 April 2013.

⁵⁰ Crisis Group interviews, Maj. General Tajessir Abderahman, Bahar Abu Garda, other LJM leader, Khartoum, August 2013. The exercise ended with fifteen locations unverified, suggesting LJM may have reached the 60,000 troops it claimed to have. Crisis Group interview, LJM leader, July 2013.

⁵¹ Crisis Group interviews, Maj. General Tajessir Abderahman, LJM leader, Khartoum, August 2013; UNAMID officials, June 2013; “Report of the Panel of Experts”, 2013, op. cit., p. 50. Tajessir, head of the government’s security arrangements commission, said, “two thirds or more of those registered are civilians, and the ... combatants include members of militias or paramilitary forces. LJM campaigned to inflate its forces, and its combatants recruited civilians in villages neighbouring their camps”.

⁵² Crisis Group interviews, Bahar Abu Garda, Ahmed Fadul, LJM Vice President Yasin Yusif, other LJM leaders, several locations, July-August 2013.

⁵³ Crisis Group interview, Khartoum, August 2013. Some ex-government militia members joined LJM after the DDPD, notably in the hope of being integrated into regular forces.

⁵⁴ Crisis Group interviews, Maj. General Tajessir Abderahman, other government official, LJM leaders, Khartoum, August 2013; UNAMID official, June 2013.

⁵⁵ Crisis Group interview, Khartoum, August 2013.

⁵⁶ In August 2013, UNAMID officials estimated LJM had no more than 1,000 combatants and 30 vehicles, mostly the URF’s. Crisis Group interviews, UNAMID officials, June, August 2013.

4,500. Approximately 40,000 troops were registered in areas where leaders with no known forces have influence.⁵⁷

Rather than organise a new verification, government and LJM officials agreed to negotiate on numbers of soldiers and officers to integrate.⁵⁸ Most LJM leaders prefer to obtain many officer slots – around 200. Beyond the small number of actual troops, the reason is LJM fighters do not want to integrate into the army as simple soldiers.⁵⁹ However, Khartoum requires that to get officer slots, the LJM must also provide troops consistent with the standard officer-to-soldier ratio and prove they are not from post-DDPD recruitment. Maj. General Tajessir also insists that only armed combatants are eligible for integration.⁶⁰

LJM leaders present troop integration as a make or break issue. “I will not continue as minister if our forces are not integrated. If security arrangements are not implemented in one or two months, we will suspend our participation with the government, or at least I will decide to leave for myself”, Tajeddin Nyam threatened in August 2013. The government finally agreed, in November 2013, to incorporate between 2,500 and 3,000 LJM combatants into the army and police, which should give the movement close to 100 officers.⁶¹

Some are not keen to integrate into the Sudanese army, even as officers. An LJM (and former JEM) fighter said:

We've been at war ten years and didn't obtain anything. Nobody from our group wants to join the army, even as officer. The Jellaba [the Khartoum elite] don't trust us; even if they give us officer ranks, they won't give us any responsibility. They would use us to kill our comrades and innocent civilians in Darfur and other war zones. [It would be] even better for us to go back to JEM!⁶²

Some frustrated LJM combatants have joined non-signatory groups or returned to civilian life, including in Chadian refugee camps. A number have turned to gold-mining in North Darfur's disputed Jebel Amir site; others reportedly are trafficking drugs across the Chad and Central African Republic (CAR) borders.⁶³

The remaining troops have also been selling their arms and vehicles, in part because the government reneged, until mid-2013, on its DDPD obligation to provide food to

⁵⁷ The few Fur LJM leaders, including Tijani Sese, were accused of trying to register Fur civilians to counter the military influence of other tribes, in particular the Zaghawa. Crisis Group interviews, LJM leader, Khartoum, August 2013; UNAMID officials, June, August 2013.

⁵⁸ Crisis Group interviews, Amin Hassan Omar, Tijani Sese, Bahar Abu Garda, Tajeddin Nyam, Khartoum, August 2013.

⁵⁹ Crisis Group interviews, Bahar Abu Garda, Ahmed Fadul, other LJM leaders, Amin Hassan Omar, DRA officials, Khartoum, August 2013. There does not seem to be a unified LJM position on the issue.

⁶⁰ Crisis Group interviews, also Amin Hassan Omar, Tajeddin Nyam, other DRA official, LJM leaders, Khartoum, August 2013. For 200 officers, LJM would have to integrate 5,000 soldiers.

⁶¹ Crisis Group interview, Khartoum, August 2013; by telephone, LJM leader, November 2013; “Sudan, LJM agree to integrate some 3,000 former rebels”, *Sudan Tribune*, 20 November 2013.

⁶² Others would prefer joining SLA-MM. Crisis Group interviews, LJM soldiers, LJM leader, July 2013; Minni Minawi, June 2013.

⁶³ Crisis Group interviews, LJM leader, soldier, Khartoum, August 2013. “LJM's composition is a problem Their ranks include uneducated people and road bandits who prefer to live off civilians rather than to integrate the army”. Crisis Group interview, Maj. General Tajessir Abderahman, Khartoum, August 2013.

LJM forces.⁶⁴ “Some of our troops went back to their villages because we can’t feed them”, said Secretary General Bahar Abu Garda.⁶⁵

Relations are strained between troops and the LJM political leadership; Tijani Sese reportedly prefers to use government security services and train newly recruited Fur for his security detail.⁶⁶ The discord might explain incidents such as a DRA minister’s kidnapping by LJM fighters in August 2012. The situation was also aggravated when government soldiers attacked an LJM camp, killing two fighters, that December.⁶⁷ Khartoum’s lack of concern about these incidents and the fate of LJM troops generally is due in part to the movement’s military weakness – disgruntled LJM elements do not, unlike former militias, represent a major threat. However, some officials say they want to integrate real LJM soldiers, first to prevent more from returning to rebellion and secondly to set a good example for non-signatories.⁶⁸

2. Disarming government militias

The DDPD’s security arrangements also address disarmament of the many government militias in Darfur. According to an LJM leader, “we cannot have security if the government does not disarm the militias, and without security we can’t implement 10 per cent of the DDPD”.⁶⁹

To fight armed rebels in Darfur, as previously in South Sudan, South Kordofan and Blue Nile, the government has largely relied on paramilitary forces recruited among local tribes, notably Arabs but also other communities often considered as newcomers, such as the Fellata (Fulbe or Fulani originally from West Africa).⁷⁰ There are estimates of as many as 200,000 Arab militia members in Darfur.⁷¹ Government officials say it is impossible to disarm them. First, “the Janjawid are still doing good in some areas;

⁶⁴ Crisis Group interviews, LJM leaders, several locations, July-August 2013; UNAMID official, June 2013; DDPD, p. 79.

⁶⁵ Crisis Group interview, Bahar Abu Garda, Khartoum, August 2013.

⁶⁶ Crisis Group interviews, DRA officials, Maj. General Tajessir Abderahman, Khartoum, August 2013; UNAMID official, June 2013.

⁶⁷ Crisis Group interviews, LJM leaders, Khartoum, August 2013; UNAMID official, June 2013; “Report of the Panel of Experts”, 2013, op. cit., p. 50. Reportedly disgruntled government militia-men who joined LJM after the DDPD were responsible for the kidnapping.

⁶⁸ Tubiana, “Darfur After Doha”, op. cit., pp. 163-164. Crisis Group interviews, Maj. General Tajessir Abderahman, Amin Hassan Omar, Khartoum, August 2013.

⁶⁹ DDPD, op. cit., p. 76. Crisis Group interview, LJM leader, Khartoum, August 2013.

⁷⁰ Crisis Group Reports, *Sudan's Spreading Conflict (II)*, op. cit.; *Sudan's Spreading Conflict (I)*, op. cit.; N°134, *Darfur's New Security Reality*, 26 November 2007; and N°89, *Darfur: The Failure to Protect*, 8 March 2005. Militias have been largely recruited from *abbala* Arabs of North and West Darfur. They are often called “Janjawid”, a local Arabic term originally meaning “horsemen with a G3 rifle” and used for road-bandits, now meaning “the devil horsemen” and used for all Arab paramilitaries, including those in the Border Guard (Haras al-Hodud), Central Reserve Police (CRP) and Popular Defence Forces (PDF) in which the militias have been gradually integrated.

⁷¹ The count includes Border Guard, PDF, CRP members, other “official” paramilitary forces in principle under army or security officer control and tribal militias or armed nomads controlled by traditional chiefs or war leaders (*agid*). Crisis Group interviews and analyst interviews in another capacity, Arab traditional and political leaders, government officials, Khartoum, 2011, August 2013. Helen Young et al., “Livelihoods, Power and Choice: The Vulnerability of the Northern Rizaygat”, Feinstein International Center, 2009, p. 76; “SAF and Allied Forces”, Small Arms Survey, updated November 2010; “Traditional Authorities”, USIP, op. cit., pp. 32-34.

they're tough fighters". Secondly, the government lacks the capacity to use force against them:

The forces of the tribes are ten times those of the national army deployed in Darfur. We can't fight our own people just because they're holding arms. We know some tribes are aggressors ..., but we can't fight against them unless they fight against the state. We can't disarm certain groups while others are still armed, and we can't disarm them all at once either.⁷²

DRA Reconstruction and Development Minister Tajeddin Nyam warned: "The government has no strong will on fighting the militias; it looks weaker than armed tribes. If it is not able to challenge these people, the conflict will continue".⁷³ Officials also acknowledge they are increasingly losing control over paramilitaries, who have been the main source of insecurity in Darfur for two years, particularly since JEM has concentrated its military activities in South Kordofan.⁷⁴ The renewed violence in 2013 that displaced more than 450,000 has largely been fighting between Arab communities in which all sides have mostly relied on members or former members of paramilitary forces (and more rarely of the army).⁷⁵ These Arab communities formerly provided fighters for government militias, though not always on the same scale. All can

⁷² Crisis Group interviews, ex-South Darfur official, Amin Hassan Omar, Maj. General Tajessir Abderahman, Khartoum, August 2013. Some officials questioned the whole strategy, arguing militias seldom engage the rebels and focus on pillaging civilians. The estimate of some ten times more paramilitary than regular forces is roughly consistent with recent government claims to rely on no more than three army divisions (roughly 30,000 men) in Darfur. In 2010, the Small Arms Survey estimated troop strength at 40,000. Crisis Group analyst interviews in another capacity, Khartoum, 2011; "SAF and Allied Forces", op. cit.

⁷³ Crisis Group interview, Tajeddin Nyam, Khartoum, August 2013.

⁷⁴ Crisis Group interviews, Amin Hassan Omar, Maj. General Tajessir Abderahman, other government officials, Khartoum, August 2013. Crisis Group Report, *Sudan's Spreading Conflict (I)*, op. cit., pp. 21-22.

⁷⁵ This is "more than the combined total of displacement in Darfur within the last two years". "Humanitarian Bulletin Sudan", UN Office for the Coordination of Humanitarian Affairs (OCHA), no. 35, 26 August-1 September 2013; "Report of the Secretary-General", 12 July 2013, op. cit., pp. 6, 21; Crisis Group interview, OCHA official, Khartoum, August 2013. Intra-Arab conflicts include: the Salamat against the Misseriya and the Ta'aisha in Um Dukhun area, at Chad and Central African Republic (CAR) borders; the *abbala* Rizeigat and the Beni Husein over the Jebel Amir goldmine in North Darfur; and the *baggara* (cattle-herding) Rizeigat and the Ma'aliya in East Darfur. A similar conflict erupted between the Beni Halba Arabs and the non-Arab Gimir in Katila, South Darfur. Except for the clashes in Jebel Amir (over gold mines), all conflicts pre-existed the war – the Rizeigat-Ma'aliya feud dates to colonial times – and are about traditional land rights, chieftaincies and administrative units. They pit those with traditional land rights against those seen as newcomers, who are tributaries of landowners. Since the 1980s, the latter have been increasingly seeking their own land rights and chieftaincies. Communities with paramount chiefs and associated land rights often received their own ethnic administrative units from the government. Crisis Group interviews, traditional and political leaders from Arab tribes (*baggara* and *abbala* Rizeigat, Beni Husein, Ma'aliya, Salamat, Misseriya, Beni Halba), Khartoum, August 2013. Jérôme Tubiana, "Darfur: A Conflict for Land?", in Alex de Waal (ed.), *War in Darfur and the Search for Peace* (Cambridge, 2007), pp. 68-91; Julie Flint, "The Other War: Inter-Arab Conflict in Darfur", Small Arms Survey Working Paper no. 22, 2010; Youssif Takana, "Darfur conflict mapping analysis", November 2007 (unpublished); Tijani Sese, "The root causes of conflict in Sudan and the making of the Darfur tragedy", presentation, Wilton Park conference, November 2007. According to the latter, purely Arab affairs were roughly half the local Darfur conflicts in the 30 years before the current war, versus 30 per cent between Arabs and non-Arabs, and 20 per cent between non-Arabs.

count on armed men with vehicles and some heavy weapons, making the fighting particularly deadly.⁷⁶

This has triggered accusations from all sides that their enemies are backed either by government officials from those tribes or the government as a whole, but the latter allegation is unverified.⁷⁷ In the meantime, everyone seeks government support, accusing enemies of links to rebel movements. However, it appears those movements have largely stayed out of the inter-Arab conflicts, to avoid making enemies. Khartoum has similarly refrained from taking sides.⁷⁸ This failure to protect Arab civilians from the new violence, however, appears to have created unprecedented anti-government animosity among the Arabs.⁷⁹ For example, fighting erupted in July 2013 in downtown Nyala (South Darfur's capital) between the National Intelligence and Security Service (NISS) and Central Reserve Police (CRP) from the *abbala* Rizeigat Arab tribe, after CRP Rizeigat leader Ahmed Abdallah Sharara "Dakrom", was shot by an NISS officer.⁸⁰

Arab communities are reluctant to give up the arms they see as their only protection against other Arab tribes but also non-Arab communities and rebels who might seek revenge for older attacks.⁸¹ Moreover, they view the arms as their main bargaining chip with a government they fear could easily abandon them (including to the International Criminal Court), once disarmed.

While acknowledging its weakness, Khartoum says it plans to retake control of the militias, primarily by integrating them into regular forces, merging recruits from different communities and then deploying them far from their tribal homelands (even

⁷⁶ The Beni Husein said they had nearly 840 dead and 420 injured in the Jebel Amir conflict (the Rizeigat had fewer). In the Salamat-Misseriya conflict, the estimate was more than 300 dead from both sides by June 2013. Against the Ma'aliya, the Rizeigat say they had 126 dead and 156 wounded in the first days of August 2013. That the dead are nearly the same or more than the wounded is typical of Arab tribal conflicts and may indicate particular violence. Crisis Group interviews, traditional and political leaders, various Arab tribes (Beni Husein, *baggara* and *abbala* Rizeigat, Ma'aliya), Khartoum, August 2013; "Report on the conflicts of El-Sireif Beni Husein locality", April 2013 (the local government's confidential Arabic document, Crisis Group translation); "The *ajaweed* conference on reconciliation between Salamat and Miseria tribes", Central Darfur State, June 2013 (confidential Arabic document, UNAMID translation).

⁷⁷ Thus the Ta'aisha were said to be backed by Finance Minister Ali Mahmoud (Ta'aishi). Crisis Group interviews, traditional and political leaders from Arab tribes including Salamat, Khartoum, August 2013; "The Economics of Ethnic Cleansing in Darfur", Enough, August 2013.

⁷⁸ Crisis Group interviews, tribal leaders, government officials, Khartoum, August 2013.

⁷⁹ Signs of a rift between Darfur Arabs and Khartoum increased after Abuja (2006). In June 2013, some 1,000 Habbaniya Arabs (South Darfur) were said to join SLA-MM. Crisis Group interviews, Arab politicians, Khartoum, August 2013; Julie Flint, "Beyond 'Janjaweed': Understanding the Militias of Darfur", Small Arms Survey Working Paper no. 17, 2009, pp. 30-31.

⁸⁰ The nickname means "rough". Crisis Group interviews, Rizeigat politicians, Khartoum, August 2013; "Aid worker killed as Sudan violence escalates", Agence France-Presse, 5 July 2013; "Tensions high in Nyala, assassination attempt on ICC suspect", The Niles (online), 18 July 2013.

⁸¹ Also against possible attempts to arrest leaders seen as likely International Criminal Court (ICC) targets. Crisis Group interview, Maj. General Tajessir Abderahman, Khartoum, August 2013. The ICC indicted one Arab militia leader, Ali Mohammed Ali "Kosheib" (Ta'aishi), who was injured in an assassination attempt, reportedly by a member of the rival Salamat tribe. "Tensions high in Nyala", op. cit.; "Sudan war crimes suspect believed wounded in attack", Agence France-Presse, 8 July 2013; "Document on the assassination of the soldier who shot the leader of the Janjaweed", Alrakoba.net, 8 October 2013 (leaked medical report, Crisis Group translation).

from Darfur), before downsizing them.⁸² According to Amin, “most recruits fighting in Darfur are now from Darfur. The best [policy] would be to take most Darfurian fighters out of Darfur and to bring others to Darfur”.⁸³ Maj. General Tajessir says this has already started. In August 2013, shortly after the Nyala incident, some 5,000 *abbala* Rizeigat Border Guards were brought to Khartoum to be integrated into the army and then sent to South Kordofan.⁸⁴

While local armed actors are increasingly outside its control, more, not less, government intervention is needed. With care to maintain neutrality, Khartoum should use both carrot (facilitating reconciliation processes involving forgiveness and amnesty; providing much needed development and services for Arab communities, thus allowing them to cope with the loss of the salaries of their men in arms) and stick (arresting and disarming perpetrators).

E. *Mid-Term Blues*

The DDPD reached its mid-term in mid-2013 with implementation far below initial hopes. Even if acceleration of the most easily implementable key provisions is still possible, few believe this can have substantial effect on the ground before 2015, the year of the next scheduled general elections.

1. Lack of popular support

Lack of public support, which had undermined the DPA, quickly challenged the DDPD. Signature did not trigger the same wave of hostile protests in IDP camps as in 2006, but both international supporters and DRA officials admitted it was greeted with “mixed sentiments, some scepticism and even rejection”.⁸⁵ At a May 2013 London conference, Sese acknowledged “we don't have the support of our people”. LJM offi-

⁸² Crisis Group interviews, Maj. General Tajessir Abderahman, Tijani Sese, Tajeddin Nyam, ex-South Darfur Deputy Governor Abdelkarim Musa, Khartoum, August 2013. “Regular forces” means mostly army, but also paramilitaries such as the PDF, CRP and Border Guards.

⁸³ He also said the perspective of being deployed far from home could discourage civilians from registering as LJM fighters. A longer-term option some officials envisage would be to change the type of weapons distributed to government militias or to all its forces, thus stopping the flow of Soviet-calibre ammunition and “rendering the militias’ arms useless”. Crisis Group interview, Amin Hassan Omar, Khartoum, August 2013. Regular and irregular forces are equipped with Warsaw Pact-standard weapons. Supplying at least militias with NATO-standard weapons would allow the government to retake some control. (Most arms stockpiles in Africa, state-controlled and illicit, are Warsaw Pact-type.) Arms experts caution such a policy would be costly and time-consuming, and other officials called the idea impractical. The large stockpiles of Warsaw Pact-standard arms would allow militias to procure supplies even if Khartoum ceased direct support. Crisis Group interview, Sudan army officer, Khartoum, August 2013; emails with arms experts, October 2013. “Business as Usual: Arms Flows to Darfur 2009–12”, Small Arms Survey Issue Brief no. 20, 2012.

⁸⁴ Crisis Group interview, Khartoum, August 2013. Most were said to be under Mohammed Hamdan Dagolo “Hemmeti”, an *abbala* Rizeigat war chief who has remained loyal to the government since he was appointed security adviser to the South Darfur governor in 2008. Still in training in Khartoum when protests erupted over the end of oil subsidies in September 2013, some 500 were reportedly deployed against the demonstrators. Crisis Group interviews, December 2013. On Hemmeti, see Flint, “Beyond ‘Janjaweed’”, op. cit., pp. 35-39; Jérôme Tubiana, “‘Seule une tortue peut mordre une tortue’: accords entre groupes rebelles et communautés arabes au Darfour”, *Politique Africaine*, no. 118, June 2010, pp. 205-224.

⁸⁵ “Framework for Facilitation of the Darfur Peace Process”, op. cit., p. 3.

cials admit the DRA chairman is unwelcome in the Fur IDP camps, where SLA-AW's chairman, Abdelwahid Mohammed Nur, still seems popular.⁸⁶

2. Humanitarian paralysis

The humanitarian situation is the paramount preoccupation of Darfur's population, in particular IDPs, and the return issue is a "top priority" for DRA officials. By late 2013, 3.2 million Darfurians needed humanitarian assistance, including 1.9 million IDPs.⁸⁷ The UN, the government and the DRA have announced a significant number of returns over the last three years (above 270,000), but those are outnumbered by the newly displaced in 2013 alone.⁸⁸ Furthermore, the returns were spontaneous, so did not benefit from the money and food the DDPD says the government is supposed to provide returnees.⁸⁹

Humanitarian data from the scattered rebel-held areas, the most populated being the part of the Jebel Marra massif the SLA-AW controls, is increasingly scarce since the expulsion of thirteen international NGOs in 2009 (in reaction to the ICC arrest warrant for President Bashir). These organisations provided most of the relief, particularly to western and southern Jebel Marra.⁹⁰ Since then, humanitarian access has

⁸⁶ "Darfur double act", *Africa Confidential*, 12 May 2013. Sese reportedly could make only a short visit to the most restive camp, Kalma, South Darfur, where he was received thanks to ex-Governor Abdelhamid Musa Kasha (Rizeigat Arab). Similarly, he visited El-Fasher IDP camps with Governor Kibir. The DRA chairman was reportedly threatened with death if he tried to visit Hamadiya camp, near his Central Darfur home. Similarly, DRA Minister Tajeddin Nyam's visit to Chadian refugee camps in March 2013 was reportedly not welcomed. Crisis Group interviews, LJM leaders, January, July 2013; Tubiana, "Darfur After Doha", op. cit., p. 164. Crisis Group interview, UNHCR official, August 2013.

⁸⁷ Crisis Group interviews, DRA officials, Khartoum, August 2013. "1.9 million displaced", op. cit. Until late 2013, the UN gave a lower figure, 1.4 million, but, according to OCHA, "many of the IDPs living in smaller camps/settlements [were] not included in these figures and many IDPs in the bigger camps remain unregistered". Overall, figures have dropped significantly in spite of new displacements. This cannot be explained solely by returns but may imply the IDP population was over-estimated, while the current trend seems to undercount, notably because of tougher criteria and lack of access. This is one reason a July 2013 verification exercise reduced the camp population eligible to receive food assistance from 1.9 to 1.2 million and specified that "IDP beneficiaries living in urban areas (124,906) and those in small and remote camps (161,413) were not included" due to insecurity. "Darfur camps verification results", World Food Programme (WFP), July 2013; Crisis Group interviews, emails, UN, NGO sources, July-August, December 2013, January 2014; "Darfur Humanitarian Overview", OCHA, 8 May 2013; "Report of the Panel of Experts", 2013, op. cit., p. 28; "Briefing: The humanitarian situation in Darfur", IRIN, 15 August 2013.

⁸⁸ The 270,000 figure combines permanent and temporary returns, the latter reportedly some 40 per cent. Seasonal returns to cultivate during rainy season have occurred since the start of large displacements (even at the 2004 height of conflict), but in the past were distinguished from permanent returns. In 2012, UNAMID was accused of deliberately exaggerating the importance of returns and manipulating *New York Times* reporting. "Darfur Humanitarian Overview", op. cit.; Crisis Group interviews, UNHCR official, Haydar Galukuma, other LJM leader, Khartoum, August 2013. Eric Reeves, "Darfur and Kadugli (South Kordofan): Obduracy rewarded", *Sudanreeves.org*, 7 June 2012; "UN officials' claim 100,000 refugees returned to Darfur false", *Radio Dabanga*, 30 March 2012; "A taste of hope sends refugees back to Darfur", *The New York Times*, 26 February 2012; "Refugees from Chad return home to Darfur", *Voices of Darfur* (UNAMID magazine), February 2011, pp. 6-7.

⁸⁹ Crisis Group interviews, LJM leaders, Khartoum, August 2013.

⁹⁰ According to the World Health Organisation (WHO), the expulsion closed all primary health-care centres in Jebel Marra. Relief virtually stopped in western and southern Jebel Marra but con-

been shrinking.⁹¹ UNAMID tried to regain a presence in 2011, but the government allowed only very limited access. No humanitarian organisation has a permanent presence today in rebel-controlled Jebel Marra.⁹²

3. Internal divides

Inability to fulfil its promises is a major reason for the DDPD's lack of popularity. This is a core concern of DRA and LJM officials, and some admit they share the blame: "Most of the failures do not come from the government, but from our own inefficiency to press the government. We failed to be the partner of the government to make something happen on the ground. Neither the DRA nor the LJM are functioning". Many accuse Sese of excluding the LJM from decisions, concentrating power in his own hands and those of a few trusted Fur DRA officials whom he recruited not from the rebels but from civil society and the diaspora. While some acknowledge that bringing civilians, particularly Fur, into the DRA could be a good way to get more support for the DDPD, many believe disempowering signatory rebels only decreases non-signatories' appetite for peace talks. Recruiting Fur elite has also triggered accusations of tribalism.⁹³

tinued in the east until 2010. "Decrease in functioning primary health care centres (%) and resulting availability (*persons per health facility*) on 16th of March 2009 in Darfur", WHO map; "Somebody Help", Médecins Sans Frontières (MSF), February 2012, p. 2; Crisis Group interview, SLA-AW humanitarian officers, September 2013.

⁹¹ "Sudan Humanitarian Update – 4th Quarter 2012", OCHA, 17 February 2013, p. 4.

⁹² The last, MSF, was running a hospital in Kaguro at Jebel Marra's northern edge but virtually closed in 2012 for lack of government permits to bring in staff, logistics and drugs. UNICEF and the International Committee of the Red Cross (ICRC) can still give some irregular assistance (nutrition supplies, seeds, tools) to limited parts of Jebel Marra. Crisis Group interviews, UN, INGOs, July-September 2013; "Somebody Help", op. cit.; "Sudan Humanitarian Update – 2nd Quarter 2012", OCHA, 15 July 2012, p. 7; "Humanitarian Bulletin Sudan", OCHA, no. 41, 7-13 October 2013, p. 4; Report of the Panel of Experts, 2013, op. cit., p. 31; Jonathan Loeb, "Talking to the other side: Humanitarian engagement with armed non-state actors in Darfur, Sudan, 2003-2012", Overseas Development Institute, August 2013; Jérôme Tubiana, "Le Darfour", in Jean-Pierre Vettovaglia (ed.), *Déterminants des conflits et nouvelles formes de prévention* (Brussels, 2013), pp. 385-408.

⁹³ Crisis Group interviews, LJM leaders, Khartoum, August 2013.

III. What to Do with the Rebels?

The lack of results, local support and cooperation has led to increasing international scepticism about the DDPD, with some describing it as “dead”.⁹⁴ But while blind support for the DPA led to a lack of international engagement with non-signatory rebel groups, the current scepticism is leading – and should lead further – to renewed engagement with the armed opposition.

A. *Coalescing for War or for Peace?*

Between 2006 and 2011, mediators rightly identified Darfur rebel fragmentation as a main obstacle to peace. The time, money and energy with which this was tackled produced only limited achievements, as exemplified by the still divided LJM, JEM, SLA-AW and SLA-MM, however, have since reached unprecedented unity, thanks not to international efforts but largely to the SPLM-N, which in mid-2011 resumed fighting the government in the “two areas” of South Kordofan and Blue Nile.⁹⁵ In November 2011, the four rebel movements formed the Sudanese Revolutionary Front (SRF), an alliance largely dominated by the SPLM-N, due both to its strength, history, privileged links with South Sudan and the cementing role it plays between the still divided Darfur factions.

While the government has criticised its opportunistic nature, the SRF has developed some important common political positions, mainly involving the need to reshape centre-peripheries relations.⁹⁶ The Darfur rebels' contribution has been real, and parts of the SRF program specifically refer to local Darfur issues. This does not prevent officials, as well as the LJM, from accusing the rebels of instrumentalising the region's problems for the sake of a national agenda that, they say, does not genuinely address the local issues and delays their resolution.⁹⁷

Translating common national ambitions into a joint military strategy has proven more difficult for the SRF. Initially, SLA factions (and part of JEM) were reluctant to fight outside Darfur. At first, only JEM brought to and recruited forces in South Kordofan, where it fought beside the SPLM-N weeks after the war resumed and long before the SRF alliance was formalised. Differences in military tactics remain.⁹⁸ Links are strengthened, however, by the fact that the SRF's overall military commander, Abdelaziz al-Hilu, SPLM-N's leader in South Kordofan, was born in a Darfur Masalit family settled in South Kordofan.⁹⁹

⁹⁴ Crisis Group interviews, Western and AU officials, July-December 2013.

⁹⁵ Crisis Group Reports, *Sudan's Spreading Conflict (I)* and *(II)*, op. cit.

⁹⁶ Presented as “The Document of Restructuring the Sudanese State” (official translation), October 2012, SRF's program was largely reiterated as “Charter of the New Dawn” (Arabic, Crisis Group translation), January 2013, signed by unarmed opposition and civil society.

⁹⁷ Similar criticism of the SPLM-N has been made by some of its dissidents and government officials in charge of or from the “two areas”. Crisis Group Report, *Sudan's Spreading Conflict (II)*, op. cit., pp. 31-34, 42-44.

⁹⁸ Crisis Group Report, *Sudan's Spreading Conflict (I)*, op. cit., p. 21. Gramizzi, Tubiana, “New war, old enemies: Conflict dynamics in South Kordofan”, Small Arms Survey Working Paper no. 29, March 2013, pp. 29-30. Darfur rebels rely mostly on long-range, surprise raids, the SPLM-N on less mobile infantry despite increasingly fighting in more exposed lowlands beside its allies.

⁹⁹ Crisis Group interview, Haydar Galukuma, Khartoum, August 2013. Gramizzi, Tubiana, “Forgotten Darfur”, op. cit., pp. 76-80.

The four factions first fought together in May 2013, briefly capturing Um Rawaba in North Kordofan, some 300km south of Khartoum (signalling the centre remains the target) and holding Abu Karshola in South Kordofan for a week.¹⁰⁰ The troops that took part ostensibly are the basis for a permanent joint force under al-Hilu's command.¹⁰¹ According to Khartoum, JEM deployed some 400 troops with 55 vehicles, SLA-MM and SLA-AW each 200 fighters and 22 vehicles and SPLM-N a battalion (at least several hundred fighters) and 25 vehicles.¹⁰²

While those raids clearly reinforced the military alliance, political gains were less obvious, as the attacks put an end to peace talks (limited to the "two areas" and involving only the SPLM-N) that had just restarted in Addis Ababa.¹⁰³ They also triggered accusations from Khartoum that the SRF's sole interest was violent regime change, no matter that its program refers to a combination of armed and peaceful actions. Turning the SRF from a tool for war into a partner for peace is made difficult by the deep mistrust between government and rebels and the alliance's conviction that only military pressure can drag concessions from Khartoum.

LJM and government officials in charge of the Darfur file interpret SRF operations in Kordofan as more evidence the rebels lack genuine interest in Darfur. Many also insist that, since they now operate outside Darfur, they no longer are a threat to the region, so it should be possible to implement the DDPD.¹⁰⁴ "The government always say they can't disarm the Janjawid because they're still fighting the rebels. If the rebels stay out of Darfur, it will be easier for us to increase pressure for disarming the militias", an LJM leader explained.¹⁰⁵

At the same time, several LJM officials blamed the rebels, in particular SLA-MM, for attacks on development projects. Some were directly related to the DDPD, including an April 2013 raid on a Qatari-funded model village for returnees in Marla, South Darfur that caused construction to stop.¹⁰⁶ In May 2012, SLA-AW attacked two LJM

¹⁰⁰ "Report to the AU Peace and Security Council", AUHIP, 29 July 2013, p. 3; Crisis Group Report, *Sudan's Spreading Conflict (II)*, op. cit., p. 45.

¹⁰¹ By mid-2013, the joint force reportedly was a 2,000-man brigade (four to five battalions, including 700-800 from SPLM-N and several hundred from each Darfur movement). Crisis Group interviews, Minni Minawi, other SLA-MM, JEM, SLA-AW leaders, June 2013.

¹⁰² The rebels say JEM had 45 vehicles, SLA-MM twenty to 30, SLA-AW twelve or thirteen. "Document on GoSS supporting and harbouring for Sudanese rebel groups", Sudan government, 11 June 2013, Crisis Group interviews, SLA-AW, SLA-MM, JEM members and former members, several locations, June-July 2013. Overall, 2013 estimates suggest JEM has some 200 vehicles, SLA-MM 150-200, SLA-AW 30. JEM lost some by the Bashar faction's defection (see below); both SLA-MM and JEM acquired vehicles and weapons from the 2011 Libyan turmoil. After the 2010 Chad-Sudan rapprochement and especially Bashar's defection, JEM mostly shifted from traditional areas in north-western Darfur to the triangle between South Kordofan, South Sudan and East Darfur; SLA-MM largely stayed in eastern Darfur. SLA-AW can still mobilise many foot soldiers but rarely operates outside Jebel Marra, whose terrain requires fewer vehicles. Crisis Group interviews, rebel, government, LJM officials, June-August 2013; "Sudan launches military operations against rebels in multiple states", *Sudan Tribune*, 12 November 2013.

¹⁰³ "Report to the AU Peace and Security Council", 29 July 2013, op. cit., p. 7.

¹⁰⁴ Crisis Group interviews, Amin Hassan Omar, Tijani Sese, Tajeddin Nyam, other LJM leader, Khartoum, August 2013.

¹⁰⁵ Crisis Group interview, LJM leader, Khartoum, August 2013.

¹⁰⁶ They were also blamed for raids on the "Engaz" tarmac road project to link Khartoum and Darfur, the regime has promised since taking power in 1989 and Darfur rebels have demanded since

registration centres in North Darfur, apparently concerned they were recruiting its fighters.¹⁰⁷ However some LJM leaders say they secured an informal agreement with SLA-MM and JEM, that has been largely respected not to attack the LJM and impede DDPD implementation.¹⁰⁸ LJM officials assert that attacks attributed by the government and the DRA to SLA-MM were conducted by uncontrolled militias that recently joined the government, possibly former SLA-MM and/or SLA-Justice elements.¹⁰⁹

B. *Darfur Rebels and South Sudan*

Though the Chad-Sudan rapprochement and later Qadhafi's fall in Libya deprived the Darfur rebels of their main historic rear bases and supporters, they found a vital alternative in Juba, where in the months before the self-determination referendum and independence, South Sudan's political-military leadership (SPLM/A) saw them as possibly useful for countering mischief from Khartoum. In the meantime, the resumed war in South Kordofan and Blue Nile made the SPLM-N a natural ally for the rebels, as well as a conduit between them and Juba. South Sudan encouraged the Darfur rebels to join the SRF, smaller factions to join the bigger groups and Darfurian SPLA soldiers to join the SPLM-N.¹¹⁰

Links between the SRF and South Sudan have been a major cause for the persistent Juba-Khartoum tensions. Pressure has led Juba to gradually sever support, in particular after it signed cooperation agreements with Khartoum in September 2012.¹¹¹ However, in the wake of SRF raids on Um Rawaba and Abu Karshola, Khartoum reiterated accusations and threatened to shut down the oil flow from South Sudan to Port Sudan.¹¹² In response, after AU High-Level Implementation Panel (AUHIP) mediation, the AU Commission set up in June 2013 an Ad Hoc Investigative Mechanism (AIM) to investigate both sides' allegations of continued support to their neighbours' rebels.¹¹³

the war began. Crisis Group interviews, Tijani Sese, Tajeddin Nyam, other LJM leaders, Khartoum, August 2013. Tubiana, "Learning from Darfur", *Dispatches*, May 2009, pp. 195-218.

¹⁰⁷ Crisis Group interview, UNAMID official, June 2013.

¹⁰⁸ This happened, they say, at a U.S. government-organised meeting in November 2011. Crisis Group interviews, LJM leaders, Khartoum, August 2013. "The State and Direction of the Darfur Peace Process Workshop Summary", USIP, November 2011 (unpublished), p. 4.

¹⁰⁹ This may include Rizeigat militia leader Ali Rizegallah "Savannah", who took part in the recent conflict between his tribe and the Ma'aliya. Crisis Group interviews, LJM officials, Khartoum, August 2013; Saleh Abu Sura, Rizeigat rebel leader affiliated to SLA-AW, Kampala, June 2013.

¹¹⁰ Gramizzi, Tubiana, "Forgotten Darfur", op. cit., pp. 80-81.

¹¹¹ Crisis Group interviews, Western observers, Juba, December 2012; Khartoum, August 2013; Crisis Group Report, *Sudan's Spreading Conflict (II)*, op. cit., p. 35.

¹¹² "Report to the AU Peace and Security Council", 29 July 2013, op. cit., pp. 3, 7. Khartoum accused Juba, on the eve of the Um Rawaba and Abu Karshola raids, of giving the SRF six heavy guns, fuel and 27 food trucks. It also asserted that, between March and June 2013, Juba continued to host and facilitate movements of the three Darfur groups and gave JEM and SLA-MM equipment such as vehicles and vehicle spare parts, SLA-AW money and JEM and SLA-AW military training. Rebel leaders denied most allegations, saying in particular they did not need much food and had enough heavy weapons (captured from the government). But some acknowledged Juba hosted and transported them and gave SLA-AW and SPLM-N some training in 2011-2012 (before and after South Sudan's independence, but before the March 2013 date set as the start of the AU investigation). "Document on GoSS supporting", op. cit.; Crisis Group interviews, SLA-AW, JEM members and former members, several locations, June-July 2013.

¹¹³ "Report to the AU Peace and Security Council", 29 July 2013, op. cit., p. 4; "Decision to establish an Ad Hoc Investigative Mechanism ...", 22 July 2013.

Independent experts say SRF forces in South Kordofan captured enough weapons not to need military aid, but that links with Juba remained strong, so the rebels could move safely within South Sudan and receive some logistical and political help.¹¹⁴ The AIM, with limited time and ability to go to the field, did not find more solid evidence of direct support. The AU admittedly expected it to buy time for tensions to cool before Juba and Khartoum restarted talks.¹¹⁵

This indeed happened in August 2013, when President Bashir withdrew his threat to close the oil pipeline, and both parties recommitted not to assist the other's rebels. The rapprochement was facilitated by the July cabinet reshuffle in Juba that replaced some politicians from Abyei, as well as other SPLM leaders (often referred to as the "Garang Boys"), both known for their anti-Khartoum stance, with a number of politicians historically close to Khartoum. However, it appeared unlikely this would be sufficient to end relations between the SRF, Juba and armed groups in South Sudan.

The rapprochement's impact has been blurred by further SPLM divisions that led in December to fighting throughout the country between loyalists to President Kiir and disgruntled SPLM/A elements led by Riek Machar, whom Kiir had dismissed from his vice president position in July.¹¹⁶ Some in the new government are reputed to be close to Khartoum, and some in the anti-Kiir camp are strong SRF supporters and avowed opponents of the Sudan regime, which may explain why Khartoum seems tempted to side with Kiir.¹¹⁷ Sudan, nevertheless, has refrained from intervening. The participation of a Sudanese envoy alongside Ethiopian and Kenyan mediators in the Inter-Governmental Authority on Development (IGAD) mediation on South Sudan might also help to maintain Khartoum's neutrality.¹¹⁸

The SRF appears similarly cautious not to take sides; it has supporters and enemies in both camps, and the anti-Kiir partisans quickly took control of important South Sudan border areas, including in Unity state where the northern rebels have rear bases. There have, however, been reports of JEM intervening in South Sudan's conflict in January 2014. South Sudanese insurgents allege JEM helped Kiir's troops retake con-

¹¹⁴ Gramizzi, Tubiana, "New war, old enemies", op. cit., pp. 46-49. The UN Panel of Experts said it had "obtained clear and compelling evidence" of a JEM base (800 men, 60-80 vehicles), in an old chicken farm near Bentiu, South Sudan's Unity State. But this appears based on "eyewitness statements", not direct observations. Independent experts have asserted JEM's presence in Unity state but were more cautious on locations and numbers. "Report of the Panel of Experts", 2013, op. cit., pp. 3, 18; Gramizzi, Tubiana, "New war, old enemies", op. cit., pp. 46-49; Crisis Group observations and interviews in Unity State, May 2012.

¹¹⁵ An AU official said the AIM did not find "much militarily significant, only ad hoc support to the SRF from a few SPLA generals that had been exaggerated by Sudan". Crisis Group interview, Addis Ababa, December 2013.

¹¹⁶ See Crisis Group statement, "South Sudan Needs Respected Outside Mediation", 18 December 2013; and Crisis Group "Open Letter to the UN Secretary-General", 24 December 2013.

¹¹⁷ The confrontation originated out of increasing political competition between Kiir and Machar, as well as SPLM Secretary General (and chief negotiator with Sudan) Pagan Amum (under house arrest in Juba), as the party prepared for 2015 elections. While it is generally thought Sudan prefers Kiir, there is speculation it keeps contacts with and could support Machar, who received its help in his first war against the SPLA "mainstream" in the 1990s. Gérard Prunier, "Le problème du Soudan du Sud n'est pas ethnique mais politique!", *Le Monde*, 29 December 2013; Eric Reeves, "Riek Machar's End-Game: What is it?", www.sudanreeves.org, 28 December 2013.

¹¹⁸ The Sudanese envoy, General Mohammed Ahmed Mustafa al-Dhabi, was in charge of Darfur security arrangements before General Tajessir and still is a focal point for the UN Panel of Experts on Sudan. He is reputed to be close to President Bashir.

trol of Bentiu (Unity state's capital), after earlier warnings for the Darfur rebels to leave the state.¹¹⁹ Ugandan intervention in support of Kiir might push the SRF to fight for him and ultimately Khartoum to intervene and support Riek Machar, whose ability to control oilfields in Unity and Upper Nile states will affect Sudan's decisions.¹²⁰

Until now, pragmatists in Khartoum have increasingly realised that cutting South Sudan-SRF ties would not end Sudan's rebellions or justify the risk of a new war with Juba or intervention in South Sudan's internal conflict.¹²¹ "South Sudan cannot fully cut ties with the SRF and implement the September 2012 agreement, because they are not in full control. Any SPLA commander can do whatever he likes. Because we understand Salva [Kiir]'s position [and inability to prevent SPLA's links with SRF], we became a little bit more flexible on the oil issue", explained an NCP official.¹²² If it prevails in Khartoum, *realpolitik* could lead to a lasting rapprochement with South Sudan, as well as neutrality regarding its internal conflict, and eventually help restart talks with the Darfur rebels, if not the whole SRF.

C. *Engage or Splinter?*

1. Reopening Doha?

A main lesson from the failed DPA was that an agreement signed by only one of the fragmented Darfur rebel movements would be unlikely to stop the fighting or be well received on the ground. Aware of this, Djibril Bassolé worked hard to win JEM support for the DDPD but finally rushed signing by the government and LJM before he assumed his new position as Burkina Faso's foreign minister.¹²³ The joint chief mediator's tactic was to present the DDPD not as an "agreement" but as a "document" open to renegotiation by non-signatories.¹²⁴ In a confidential November 2011 memo defend-

¹¹⁹ JEM acknowledged its forces are in Unity but said it was only to block Sudanese armed forces from possibly going to support the South Sudanese rebels. Sudanese and international observers contend the SRF is too busy with intense fighting in South Kordofan to intervene significantly in South Sudan. Crisis Group interviews, South Sudanese politicians, AU and other international observers, Addis Ababa, January 2014, interviews, telephone interviews, emails, SRF leaders and Sudanese government officials, December 2013-January 2014; "Darfur rebels warned to stay out of South Sudan conflict", Voice of America, 30 December 2013; "Defected commander in Unity state confirms presence of Sudanese rebels", *Sudan Tribune*, 28 December 2013.

¹²⁰ Crisis Group interviews, Addis Ababa, January 2014.

¹²¹ Ghazi Salaheddin Attabani suggested the rapprochement with Chad of which he was the architect could be a model for relations with South Sudan. That rapprochement was possible because Khartoum accepted Darfur rebels would still have some support in N'Djaména, but it was worth closing its eyes to turn the Déby regime into an ally rather than a spoiler in Darfur. Crisis Group interview, Ghazi Salaheddin, Khartoum, August 2013. After increasingly calling for NCP reform, Dr Ghazi announced in October 2013 his intent to form a new party. It became official in December under the name "Reform Now".

¹²² Crisis Group interview, NCP official, Khartoum, August 2013.

¹²³ After Bassolé, the Joint Chief Mediator post went "ad interim" to UNAMID head Ibrahim Gambari. When he left in August 2012, his deputy, Aïchatou Mindaoudou Souleyman, became acting head of mission and acting joint chief mediator ad interim. In April 2013, Mohammed Ibn Chambas became Joint Special Representative and Joint Chief Mediator, with more status because no longer "acting" or "ad interim". "Report of the Secretary-General", 12 July 2013, op. cit., p. 22; Crisis Group interviews, UNAMID officials, several locations, June, August 2013.

¹²⁴ Suliman Baldo, "The Role of the African Union in Transitional Justice in Africa: Sudan Case Study", International Center for Transitional Justice (unpublished); Tubiana, "Darfur After Doha",

ing the DDPD, the Joint Mediation Support Team (JMST) asserted that “as opposed to the DPA, [it] is an open document, subject to other signatures, amendments and improvements. It is therefore a more flexible document that is capable of taking care of future concerns, though within a defined timeframe”.¹²⁵

This was not the government view. Shortly after the signing, Khartoum reinterpreted the document as an essentially non-negotiable “final agreement” and gave non-signatories three months to sign, during which “no crucial change should have been made”, according to the leading official then in charge of the Darfur file.¹²⁶ A month before the signing and fearing new talks might be difficult, JEM submitted a track-changed draft that the mediation and government ignored – the latter calling it “just a delaying tactic”.¹²⁷ In August 2011, Amin stated: “If the international community doesn't recognise the peace document as final, we'll do it without them”. He has remained hostile to substantial renegotiation: the rebels “first have to approve the agreement, and then we will discuss political positions and integration of their troops. We won't reopen everything”.¹²⁸ Other officials have milder views: “The agreement will not be complete as soon as some movements refuse to sign”, Maj. General Tajessir said. Sese goes further: “if they want, non-signatories should be able to add to the DDPD”.¹²⁹

After a second “All Darfur Stakeholders Conference” in El-Fasher in July 2012, a committee to contact non-signatories was set up, chaired by Siddiq Adam Abdallah “Wada'a”, a North Darfur businessman long involved in peace efforts. According to him:

The government did the same mistake twice: in Abuja they signed only with one rebel group, and they repeated the mistake in Doha. The DDPD can be a good base, but we have to reopen it. If we do, I'm sure the non-signatories will accept it as a base of new negotiations. What we need is an effort from both the government and the international community.¹³⁰

The March 2012 AU-UN framework that is supposed to guide the post-DDPD process stressed “the importance of involving the non-signatory movements”. While warning against “establishing a new mediation process that permits endless rounds of negotiations and delaying tactics”, it asked the government and LJM to “show flexibility and be open to the possibility of re-negotiating aspects of the document if

op. cit., p. 175. The acronym “DDPD” even initially stood for “Draft Document for Peace in Darfur”, rather than “Doha Document for Peace in Darfur”.

¹²⁵ The formulation is ambiguous because the government's deadline for non-signatories had already passed (see below). Also, the memo saw DDPD openness as a possible weakness if it meant “lack of finality in the process”. “The Doha Document for Peace in Darfur”, op. cit.

¹²⁶ Crisis Group interview, Ghazi Salaheddin, Khartoum, August 2013. Baldo, “The Role of the African Union”, op. cit.; Tubiana, “Darfur After Doha”, op. cit., p. 175.

¹²⁷ Crisis Group interview, Ghazi Salaheddin, Khartoum, August 2013; “Achieving Peace in Darfur, DDDPD JEM revised draft”, JEM, 8 June 2011.

¹²⁸ Crisis Group analyst interview in another capacity, Khartoum, August 2011; Crisis Group interview, Khartoum, August 2013. “Framework for Facilitation of the Darfur Peace Process”, op. cit., p. 4.

¹²⁹ Crisis Group interviews, Khartoum, August 2013. Some LJM officials believe Sese opposes non-signatories joining the DDPD, because militarily stronger groups would likely challenge LJM's (and Sese's) domination of the DRA. Crisis Group interview, Khartoum, August 2013.

¹³⁰ Crisis Group interview, Khartoum, August 2013. “Report of the Panel of Experts”, 2013, op. cit., p. 53 – where he is presented as a “Zaghawa businessman”, though he belongs to the small Mima tribe with uneasy Zaghawa ties.

so desired by the negotiating parties”.¹³¹ International players do not have a clear position on how to engage the non-signatories, however. Since the beginning of the war, mediators have oscillated between allowing only main rebel groups at the negotiation table, obliging small factions to join umbrella groups; and including all splinter groups, in effect encouraging fragmentation. The first approach governed the Abuja and Doha talks (until the DDPD was signed); the second was implemented in Libya post-DPA and in Doha post-DDPD.

According to rebel leaders based in Uganda, UNAMID sent a delegation to Kampala in December 2011 that suggested some JEM commanders split and return to Doha. A UNAMID official said this began to happen in early 2012, when Chadian President Idriss Déby, hostile to JEM since he expelled its leader, Khalil Ibrahim, in 2010, proposed sending to Doha JEM elements he was pushing to split from the main movement.¹³² Then acting joint chief mediator and UNAMID head Aïchatou Mindaoudou Souleyman spent much time negotiating with the splinter group. LJM, in particular Bahar Abu Garda, also facilitated.¹³³

Although it prefers to call itself JEM, a practice also of the government to give the impression it represents the core movement, the group led by Mohammed Bashar is generally known as JEM-Bashar.¹³⁴ He was released in May 2012 after several months in JEM custody and went to Chad to look for support. He was given three vehicles and money and on return established his own camp in North Darfur, where he was joined by disgruntled younger JEM leaders who had also attempted to rejoin talks in Doha; some of these had been imprisoned for six months in South Sudan at JEM's request.¹³⁵ Among them was Arku Tugod (or Suleiman) Dahiya, former SLA-MM

¹³¹ “Framework for Facilitation of the Darfur Peace Process”, op. cit., pp. 2, 4.

¹³² Crisis Group interviews, SLA-MM, JEM leaders, several locations, June 2013; UNAMID officials, several locations, June, August 2013; Zaghawa politician, Khartoum, August 2013; phone interview, Chad official, April 2012. At the May 2011 All Darfur Stakeholders Conference, Chad's hostility to JEM was shown in a speech by Foreign Minister Moussa Faki, followed by a similar address by Chad's ally France. Crisis Group analyst observations in another capacity.

¹³³ Crisis Group interviews, UNAMID officials, several locations, May-August 2013; Bahar Abu Garda, other LJM leaders, Khartoum, August 2013. LJM did not unanimously support talks with JEM-Bashar; some reportedly feared stronger military factions would undermine LJM, and more Zaghawa signatories would undermine the Fur. Khalil Ibrahim dismissed Abu Garda, JEM's ex-secretary general, in 2007. Hostility was aggravated by JEM's role in spreading information on his alleged involvement in the September 2007 attack on AU peacekeepers in Haskanita, North Darfur. Indicted by the ICC, Abu Garda cooperated with the court. Pre-Trial Chamber I refused the charges and rejected the prosecutor's appeal in February-April 2010. “The Prosecutor v. Bahar Idriss Abu Garda”, ICC (n.d.); Crisis Group interview, URF leader, July 2013.

¹³⁴ A JEM founder and Khalil Ibrahim relative, Bashar was held by his ex-comrades in 2011 after accusation of plotting to poison Khalil and trying to rejoin the Doha talks without consent. He was connected to Khalil's finance adviser, Izeddin Yusif Beji, then in Libya with Khalil. Beji disappeared after Khalil discovered him trying to leave with money JEM received from Qadhafi to recruit African migrants against the Libyan insurgency. He was reportedly killed by JEM or Libyan security. Another early splinter group that sought separate talks with the government was led by Mohammed Bahar Hamadein, JEM's latest delegation head in Doha; he was encouraged by UNAMID, though his Kordofan origins mean he cannot sign the DDPD. Crisis Group analyst interviews in another capacity, UNAMID officials, JEM leaders, Beji relatives, 2011; Crisis Group interviews, JEM leader, July 2013; Tom Suleiman Kosa, JEM-Bashar vice president and leader of advance delegation to Khartoum, Nahar Osman Nahar, presidential affairs secretary, Khartoum, August 2013.

¹³⁵ Crisis Group interviews, JEM dissident Ali al-Wafi, Juba, May 2012; JEM leader, Kampala, SLA-MM leader, June 2013; former JEM member, July 2013. Gramizzi, Tubiana, “Forgotten Darfur”,

chief of staff, from the same Zaghawa Geligerge clan as the then JEM chief of staff, Bakhit Abdelkarim Abdallah "Dabajo". In August 2012, JEM's chairman, Jibril Ibrahim, sacked "Dabajo" over personal differences. The chief of staff joined JEM-Bashar, taking some 500 fighters and 50 vehicles (25 per cent of JEM's estimated force) with him.¹³⁶

On 6 April 2013 in Doha, JEM-Bashar endorsed the DDPD and signed an additional protocol. The negotiations were largely limited to political appointments. Although it could claim more forces, JEM-Bashar obtained fewer positions than LJM: a minister and state minister at federal level, but no governor or national assembly seats.¹³⁷ It also repeated LJM's mistake of leaving troop integration for later. With JEM-Bashar claiming to have 30,000 fighters and the government not willing to integrate more than 1,300, another deadlock is likely.¹³⁸

2. Rebels fighting rebels

Less than two weeks later, JEM attacked JEM-Bashar forces in North Darfur, killing their commander, Saleh Mohammed Jerbo Jamous.¹³⁹ Then in May, near the border village of Bamina, it attacked the lightly-armed convoy of JEM-Bashar leaders returning from Doha, through Chad, to their North Darfur base, killing ten, including Bashar and Arku Tugod, and capturing 34.¹⁴⁰ "Dabajo" replaced Bashar, but the attack virtually decapitated the group. President Déby was furious about the killing of his protégés on his territory.¹⁴¹ Chadian and JEM-Bashar forces, cooperating with

op. cit., pp. 63-64. This was at a period when Juba's link with Darfur rebels went as far as to oppose negotiations between splinters and Khartoum.

¹³⁶ Crisis Group interviews, Tom Suleiman Kosa, Nahar Osman Nahar, Bahar Abu Garda, LJM delegate for JEM-Bashar negotiations Hasan Khamis, Khartoum, August 2013; SLA-MM, JEM and former JEM members, several locations, June-July 2013. "Justice and Equality Movement-Mohamed Bashar (JEM-Bashar) (also known as JEM-Sudan)", Small Arms Survey, updated July 2013. JEM-Bashar lost an uncertain number of vehicles in further battles with JEM. After sacking "Dabajo", Jibril Ibrahim, JEM's chairman since the death of his brother Khalil in December 2011, appointed himself acting commander in chief.

¹³⁷ Arguably the latter are supposed to be elected. Crisis Group interviews, Tom Suleiman Kosa, Nahar Osman Nahar, Khartoum, August 2013; LJM leader, July 2013; UNAMID official, June 2013; "Sudan and JEM-Bashar sign peace deal in Doha", *Sudan Tribune*, 6 April 2013.

¹³⁸ To give the impression the rebels negotiated for more than posts, the agreement included development commitments, eg, construction of the "Engaz" road within two years, connection of Darfur to the national electricity network within three years, and a government promise to "give priority to the establishment of heavy and manufacturing industries in Darfur" that in the economic crisis is improbable. Government and JEM-Sudan agreement, op. cit., p. 6.; Crisis Group interviews, UNAMID official, June 2013, LJM leader, July 2013.

¹³⁹ Like Abu Garda, the ICC indicted him for alleged involvement in the September 2007 Haskanita attack. He had surrendered to the court in June 2010 and was awaiting trial.

¹⁴⁰ Most sources say the JEM-Bashar leaders were killed in Chad. In late 2013, 21 remained in JEM custody, likely in South Kordofan, including Arab rebels Ali al-Wafi and Tijani Karshom. Crisis Group interviews, JEM leaders, Addis Ababa, December 2013, Kampala, June 2013; SLA-MM leaders, June 2013; Tom Suleiman Kosa, Nahar Osman Nahar, JEM-Bashar youth representatives, Amin Hassan Omar, Bahar Abu Garda, Hasan Khamis, Khartoum, August 2013; UNAMID officials, other international observers, June, August 2013; "Report of the Secretary-General", 12 July 2013, op. cit., p. 2; unpublished "Memorandum", higher committee of the issue of people kidnapped by [JEM] – group of Gibreal [Jibril] Ibrahim.

¹⁴¹ Since then, the group's leaders sometimes use the name JEM-Dabajo, though preferring JEM or JEM-Sudan (the original JEM uses Sudan-JEM). A Chad intelligence officer accompanying JEM-

Sudan's army, pursued JEM deep into Darfur.¹⁴² Reportedly the Chadian element, dominated by Zaghawa officers, was not keen to fight the largely Zaghawa JEM, however, and warned it of its coming.¹⁴³

There is growing recognition that fragmenting the rebels is not working. "It is difficult to resist the temptation to negotiate with splinters, although it is obviously not leading to peace on the ground", commented Ghazi Salaheddin. Siddiq "Wada'a" said, "this incident proves the policy of splintering groups and signing piecemeal deals with factions cannot work. We need to stop this". The joint chief mediator, Mohammed Ibn Chambas, agrees: "The last split of JEM resulted in intra-factional fighting, produced a signatory that is not significant militarily, pushed the major faction to be

Bashar was also killed. Crisis Group interviews, Tom Suleiman Kosa, Nahar Osman Nahar, Amin Hassan Omar, Khartoum, August 2013; Zaghawa politician, July 2013.

¹⁴² JEM-Bashar claims its troops went to the border between South Kordofan and South Sudan. There were unconfirmed reports Chadian forces reached Babanusa (West Kordofan). Some said that they only reached the El-Kuma area of North Darfur, near the North Kordofan border. Others believe they split up in El-Kuma, one group going to Chad, the other to Babanusa, where it remained until late 2013. The Chad-Sudan joint border force created in 2010 can operate up to 200km inside Sudan, but El-Fasher, where Chad forces were reportedly seen, is more than 350km. Crisis Group interviews, Tom Suleiman Kosa, Nahar Osman Nahar, Zaghawa politician, Khartoum, August 2013; Jibril Ibrahim, humanitarian coordinator Suleiman Jamous, Addis Ababa, December 2013; Sudanese government official and ex-official, June, December 2013; Chad official, June 2013; UNAMID official, Khartoum, August 2013; SPLM-N politician, November 2013; telephone interview, Union des Forces de la Résistance (UFR, Chad rebel group) leader, November 2013. Sudan government sources say another reason for Déby's reaction was Chadian rebels' collaboration with Darfur rebels. "We don't have the strength we had in 2009, when we still enjoyed Khartoum's support. So when Déby attacks us, we are obliged to seek refuge with the Sudanese rebels". Crisis Group telephone interview, UFR leader, November 2013; interviews, Amin Hassan Omar, Khartoum, August 2013; Zaghawa politician, July 2013; Jibril Ibrahim, Suleiman Jamous, Addis Ababa, December 2013. In the same period, Chad elements of the joint border force entered Darfur in the Um Dukhun area, near the CAR border, where Salamat and Misseriya Arab tribes were fighting. They intervened again in that conflict in November 2013, reportedly with up to 200 vehicles. Both occasions fed speculation the real agenda was to fight Chadian rebels. Crisis Group telephone interviews, Chadian rebel leader, Sudanese Zaghawa politician, SLA-MM leader, November 2013; "Tribal fight 'kills 100' in Sudan's Darfur; Chad troops dead", Agence France-Presse, 16 November 2013; "Chad starts military campaign against rebels in Darfur", Reuters, 16 November 2013; "Sudan Human Rights and Humanitarian Bulletin", Darfur Relief and Documentation Centre, no. 2, 1-15 November 2013, p. 6; Jérôme Tubiana, "Renouncing the Rebels: Local and Regional Dimensions of Chad-Sudan Rapprochement", Small Arms Survey Working Paper no. 25, 2011, pp. 44-45.

¹⁴³ "Déby's generals don't want to fight us; they're always on the phone with us". Crisis Group interviews, Jibril Ibrahim, Addis Ababa, December 2013; JEM and SLA-MM leaders, several locations, June-July 2013; former JEM members, Khartoum, August 2013. In October, Déby is said to have threatened to use the army again, during a meeting in his family stronghold of Am Djeris in north-eastern Chad with more than 200 Sudanese from his Zaghawa tribe whom he asked to intensify pressure to bring the non-signatory movements to new Doha talks. They issued a declaration recommending measures to solve Khartoum-Zaghawa differences (including reintegrating tribe members into regular forces). A support committee, led by Sudan Justice Minister Mohammed Bishara Daosa (NCP, Zaghawa from Tina), was formed. Déby reportedly worries about security on his northern border and hopes to secure eastern Chad. Crisis Group interviews, telephone interviews, meeting participants, Chad rebel leader, November-December 2013; Jibril Ibrahim, SLA-MM's Ali Trayo, Addis Ababa, December 2013; "Les Brèves de N'djaména: La réalité sur le sommet Bérid'Amdjaress", *Tchadactuel*, 30 October 2013; Musa Ya'qub Jarelnabi, "The crime of the Zaghawa of the NCP and the tragedy of their people trapped between Déby's hammer and al-Bashir's anvil", Alrakoba.net, 5 November 2013 (Crisis Group translation from Arabic).

more hardline and questioned the partiality of the mediation. My own approach is to deal with the major movements and try to bring their leaders on board".¹⁴⁴

3. Divisions on how to engage the rebels

Khartoum lacks a unified position on engaging the rebels. While some acknowledge the SRF might offer opportunity for a comprehensive negotiated settlement, others, like Amin, believe the movements remain too divided. Many seem to believe it is still possible to engage them separately, and that SLA-MM remains most open to talks, though it shows a particular commitment to the SRF. They also appear to believe SLA-AW reluctance to negotiate is due to Abdelwahid and hope to convince the main commanders to abandon him.¹⁴⁵ Chambas seems to be acting on his conviction, inviting only the three main rebel movements for consultations: in Arusha, Tanzania, in August 2013, and Addis Ababa in December. SLA-MM and JEM came; SLA-AW again declined. The rebels reiterated they were part of SRF and put forward its agenda of humanitarian cessations of hostilities in Darfur and the "two areas". Chambas made clear his mandate is only Darfur.¹⁴⁶

Despite growing consensus on the need for a comprehensive approach, the UN and AU have inconsistently repeated threats to punish rebels for not joining Doha or endorsing the DDPD. Thus, the UN Panel of Experts on Sudan recommended Security Council sanctions in early 2013 on the chairmen of the three movements for "impeding the peace process", though JEM negotiated at length in Doha, and SLA-MM was in government during the talks. Similarly, in October 2013, at the same time as it called for a national approach distinct from the Doha process, the AU Peace and Security Council expressed "its intention to take measures and recommend to the UN Security Council to do the same against those impeding the search for peace in Darfur".¹⁴⁷ Parties to the conflict, government or rebels, should not be sanctioned simply for not joining piecemeal peace processes. Pressure should be an option, but when the internationals lack unity and a coherent vision for achieving comprehensive peace, parties should have freedom to join or not and pose conditions to shape or reshape a process.

¹⁴⁴ Crisis Group interviews, Ghazi Salaheddin, Khartoum, August 2013; Siddiq "Wada'a", Khartoum, August 2013; Mohammed Ibn Chambas, Addis Ababa, December 2013.

¹⁴⁵ Crisis Group interviews, government officials including Amin Hassan Omar. Attempts to engage separately SLA-AW commanders by U.S. special envoy Scott Gration (2009-2010) and the AUPD (2009) were followed by deadly internal conflicts. Crisis Group interviews, SLA-AW members and former members, Kampala, Juba, May, December 2013.

¹⁴⁶ Crisis Group observation, Addis Ababa, December 2013; interviews, Chambas, Addis Ababa, December 2013; UNAMID official, other international observers, Khartoum, August 2013; SLA-AW members, September 2013; "Report of the Secretary-General", 24 October 2013, *op. cit.*

¹⁴⁷ Jérôme Tubiana, "The diary of a former sanctions buster", *Open Democracy*, 2 October 2012. Crisis Group interviews, international observer, March, June 2013; analyst's observations in another capacity, Doha, 2011. 400th meeting communiqué, 17 October 2013.

IV. Piecemeal Deal or National Approach?

Sudanese and international players (UN, AU, U.S., European Union, Qatar, etc.) alike are no more united on a crucial choice: keep negotiating on Darfur and other conflicts separately, or adopt a national approach to solve all at once. In Darfur, at least the rebel movements' main leaders have always claimed some national agenda, inspired by John Garang's vision of a united "New Sudan". This is reflected militarily by their increasing trend to direct the war toward the centre, a tactic particularly of JEM but also the SLA. "You can't treat Darfur or Nuba Mountains as Robinson Crusoe Island. Now our troops are fighting in Kordofan, not Darfur", Jibril Ibrahim says.¹⁴⁸

A. Government Positions

While rebels increasingly assert a national agenda, the government and LJM are divided between those who still believe in a military solution, proponents of a Darfur-specific process and others who see the failure of more than ten years of piecemeal deals.

Defence Minister Abderrahim Mohammed Husein announced on 12 November 2013 a post-rainy season offensive against SRF rebels in Darfur, South Kordofan and Blue Nile, to end "the rebellion once and for good".¹⁴⁹ Others acknowledge a military victory might not be possible but want to maintain armed pressure to strengthen Khartoum's position at future talks.¹⁵⁰

Officials whose roles are limited to Darfur generally oppose the national approach. "We don't feel we have a problem at the national level", said Amin. Many argue that national talks with the SRF would mean abandoning the DDPD. "We can't accept linking Darfur to the national issue. What's going on in Darfur now has nothing to do with the national issue", contended Tijani Sese.¹⁵¹ The LJM often asserted an agenda in Doha that was no less national than JEM's, but since signing the DDPD, it has narrowed its approach. According to Siddiq "Wada'a", "the rebels national stance is a bargaining chip: Darfur, South Kordofan and Blue Nile have their own distinct problems, which must be addressed separately from the national issue. We can't address all issues at the national level or Darfurians will have to wait for the next 50 years".¹⁵²

Others are more open and acknowledge the SRF "is a reality, militarily and politically". Ghazi Salaheddin, then still in the NCP, noted: "If the SRF can rally all oppo-

¹⁴⁸ Crisis Group interview, Jibril Ibrahim, Addis Ababa, December 2013.

¹⁴⁹ "Sudan launches military operations", *Sudan Tribune*, op. cit.; "JEM rebels attack North Kordofan town", *Sudan Tribune*, 17 November 2013. Some officials fear the SRF, like the SPLM/A in the past, has a secessionist agenda. However, in spite of its historical ties with the Southern rebels, the SPLM-N's approach seems fundamentally different, aimed at achieving more power for the peripheries in the centre and a better share of national resources.

¹⁵⁰ This includes diplomatic overtures to South Sudan to end its support for the SRF. Crisis Group interview, Ghazi Salaheddin, Khartoum, August 2013.

¹⁵¹ Crisis Group interviews, also including Ibrahim Ghandour, Khartoum, August 2013. As a sign of this stance, and though some LJM leaders said they asked to participate, the LJM has not been part of government delegations for South Sudan and "two areas" talks (as they have in talks with JEM-Bashar in Doha). Crisis Group interviews, Tajeddin Nyam, another LJM leader, Khartoum, August 2013. DDPD, p. 25.

¹⁵² "The State and Direction of the Darfur Peace Process Workshop Summary", op. cit., p. 1. Crisis Group interview, Khartoum, August 2013.

sition around them, the positive thing is we could make negotiations more productive. If the government decides to go full steam ahead, they can also pre-empt and incorporate all processes into a national process". Merging the local processes at some point has been discussed within the centre, with some arguing, an NCP figure said, that the regime "should feel safer to discuss with the rebels on the national level rather than on Darfur and the Nuba Mountains".¹⁵³

Ibrahim Ghandour, the government's chief negotiator for the "two areas", favours separate talks that rather than eventually merging should aim to reach agreement on the same "general framework with the same wording, titles, and subtitles (power sharing, economic reform), to make life easier later in the holistic approach". The national approach would come after local deals in which the rebels renounced military action as a condition for entering a national process, with "an international guarantee to the rebels that the holistic approach will be discussed later".¹⁵⁴

There are also divisions over the choice and role of mediators. Those in charge of the Darfur file oppose AUHIP re-engagement on it or expansion of its "two areas" mediation to all Sudan. According to Amin, "the only way AUHIP can re-engage on Darfur is to support the Darfur Internal Dialogue and Consultation, as stipulated in the DDPD". Tajeddin Nyam warned: "If Mbeki tries to get involved on all Sudan, we will say 'no' to him and 'no' to the AU!"¹⁵⁵ AU officials differ on whether Khartoum would engage in national dialogue with the AUHIP assisting. The decision may depend on President Bashir, but Sudanese generally prefer a separate mediation for domestic matters and keeping AUHIP to North-South issues.¹⁵⁶

B. *International Incoherence and Inconsistency*

International positions on the national approach are even more divided. At the beginning of the Darfur conflict, its national dimension was denied by most who saw the rebels as potential spoilers of the Comprehensive Peace Agreement (CPA) and rejected linking it to the "comprehensive" talks. A national solution to Sudan's conflicts now seems to have more support, including from the AU and U.S. Both tend to see the DDPD as an obstacle to international consensus, including within the Security Council, because it can be invoked by some members as an excuse not to fully support a holistic approach.¹⁵⁷

¹⁵³ Crisis Group interviews, government and NCP officials, Khartoum, August 2013.

¹⁵⁴ Separate talks on Darfur and the "two areas" should have "distinct mediators, equally supported by the AU and other internationals". Crisis Group interview, Ibrahim Ghandour, Khartoum, August 2013. In December 2013, Ghandour was appointed assistant to the president and NCP vice president, replacing Nafie Ali Nafie.

¹⁵⁵ Crisis Group interviews, Khartoum, August 2013.

¹⁵⁶ Crisis Group interviews, AU officials, Addis Ababa, December 2013; government officials, including Amin Hassan Omar, and civil society representatives, Khartoum, August 2013; Crisis Group Report, *Sudan's Spreading Conflict (II)*, op. cit., p. 48.

¹⁵⁷ Princeton Lyman, Jon Temin, "Pathway to National Dialogue in Sudan", USIP, August 2013, p. 1. Crisis Group interviews, U.S. officials, August-November 2013; Ghazi Salaheddin, Sudanese intellectual, Khartoum, August 2013. Some players, including main DDPD supporters like Qatar and Chad, and some main EU states seem to still favour region-based settlements.

The then-African Union Panel on Darfur (AUPD) produced a crucial report in 2009 that called the Darfur conflict “Sudan’s crisis in Darfur”.¹⁵⁸ This allowed the successor AUHIP to mediate government-SPLM talks, a role that continued after the South’s independence. But the AUHIP failed to integrate Darfur into broader talks, proposing instead separate talks there, including civil society and elected officials but not the rebels. This “Darfur Political Process” (DPP) never started, in large part because Western governments and donors argued that security and freedom of speech in Darfur remained insufficient for a free and fair process.¹⁵⁹

The AUHIP became increasingly busy with North-South negotiations and largely abandoned Darfur and national issues, except for failed talks on South Kordofan and Blue Nile in June 2011 and three April 2013 days.¹⁶⁰ “Mbeki left Darfur as he wanted, somehow by hook or by crook, to switch to North-South issues”, said Ibrahim Ghandour. A UNAMID official explained: “The AU leadership abandoned its responsibility on Darfur to AUHIP, but the Panel had not enough resources to work on more than Sudan-South Sudan relations. Mbeki was overwhelmed by the North-South issue; he had no time for Darfur”. Another reason was Khartoum’s reluctance on a national dialogue including rebels.¹⁶¹

The AU’s approach has had some ambiguity. In November 2011, the AUHIP, taking into account the DDPD signing, declared support for both it and the DPP. It stated that “the Darfur peace process will, of necessity, be linked to a national constitutional reform process ... [and] a durable resolution of the Sudanese conflict in Darfur requires that a holistic agreement among Darfurians be an integral part of a national process”.¹⁶² While continuously advocating a national approach, including for Darfur, however, it refused to enlarge the South Kordofan and Blue Nile talks to Darfur, thus not taking into account the SRF and that SPLM-N and Darfur rebels were now fighting together in South and North Kordofan.

For a decade, international players have spent considerable time, energy and money trying to unite the Darfur rebel movements under a single negotiating umbrella, while in effect dividing them further. The SRF could serve as that umbrella, but the same internationals are often the most reluctant to accept the new reality. AUHIP reports did not mention the SRF until its May 2013 raid on Um Ruwaba in North Kordofan. The July report then recommended that “possible solutions to the conflict

¹⁵⁸ “Report of the AUPD”, 29 October 2009, p. xiii. It also tried to tackle the deadlock created by ICC indictments, recommending the possible substitute of hybrid courts with Sudanese and international judges, but there was no strong follow-up.

¹⁵⁹ After the DDPD signing, Bassolé admitted he had invited civil society, elected officials and rebels to Doha, notably during the May 2011 All Darfur Stakeholders Conference, “precisely to pull the rug out from under the feet of this DPP”. Crisis Group analyst interview in another capacity, Khartoum, August 2011; Tubiana, “Darfur After Doha”, *op. cit.*, pp. 172-174.

¹⁶⁰ Crisis Group interviews, AU officials, several locations, May, August 2013; Crisis Group Report, *Sudan’s Spreading Conflict (II)*, *op. cit.*, pp. 44-45.

¹⁶¹ Crisis Group interviews, Ghandour, the government’s AU Panel point man since 2009, Khartoum, August 2013; UNAMID official, May 2013. In January 2013, the AUHIP chief of staff, Abdul Mohamed, stated: “The Panel’s commitment to its [Darfur] report is intact Unfortunately, the AUPD report was unattended to. It must be attended to, either by the current regime or the next one”. Statement at “Civil Society Forum on Sudan and South Sudan”, Addis Ababa, 21 January 2013. Crisis Group Report, *Sudan’s Spreading Conflict (I)*, *op. cit.*, p. 38. Crisis Group interviews, AU, UNAMID officials, Addis Ababa, Khartoum, January-August 2013.

¹⁶² “Report to the AU Peace and Security Council for 2010-2011”, 30 November 2011, p. 2.

in the 'Two Areas' should be explored in the context of national democratisation and constitutional reform in Sudan", but unlike previous ones it did not mention Darfur.¹⁶³ The following AU Peace and Security Council communiqué reintroduced Darfur to the AUHIP agenda but again did not take account of the SRF.¹⁶⁴ AU officials say the organisation avoids acknowledging the SRF's reality so as to stick with existing processes and preserve the June 2011 framework agreement with the SPLM-N until the government is ready to accept the SRF as a negotiating partner in national dialogue.¹⁶⁵

Similarly, no Security Council resolution mentions the SRF. Resolution 2113 (30 July 2013) renewing UNAMID only blames the Darfur rebels for links with "groups outside Darfur". It supports the piecemeal approach in Darfur while, at the same time, welcoming AUHIP efforts "to address in a comprehensive and inclusive manner the challenges of peace, justice and reconciliation in Darfur".¹⁶⁶ This in effect interprets the AU commitment to a "comprehensive and inclusive" approach not as national but as limited to Darfur.¹⁶⁷ In May 2012, after the new border fighting between Sudan and South Sudan, also involving Sudanese rebels, the Security Council adopted Resolution 2046, which set the still-born June 2011 "framework agreement" (also advocating a national solution for conflicts in Sudan's peripheries) as a basis for future talks.¹⁶⁸ However, members have subsequently been unable to maintain this consensus.¹⁶⁹

The very existence of a joint AU-UN mediation on Darfur has institutionalised international ambiguity on the national dimension. Chambas, the joint chief mediator, says:

The ultimate answer is not solving Sudan's problems in various Bantustans. The national approach is logical; that is what the government should be interested in When the government itself started to talk of national dialogue, there was a lot of enthusiasm, and many of us embraced it. However I don't have the mandate to do national talks.¹⁷⁰

¹⁶³ "Report to the AU Peace and Security Council", 29 July 2013, op. cit. p. 7.

¹⁶⁴ "Council also requests the AUHIP to consult the Government of Sudan on how best the Panel could reengage on the Darfur issue", 29 July 2013.

¹⁶⁵ Crisis Group interviews, AU officials, Addis Ababa, December 2013.

¹⁶⁶ "Security Council adopting resolution 2113 (2013), renews mandate of African Union-United Nations Hybrid Operation in Darfur until 31 August 2014", UN press release, 30 July 2013.

¹⁶⁷ The 2012 and 2013 Panel of Experts reports seemed to accept this restrictive view, finding that by refusing to join or re-join the Doha process rebels "refuse to respect the spirit of the relevant United Nations resolutions, which seek to build momentum for an inclusive, holistic and lasting peace settlement". Crisis Group interview, panel member, Khartoum, August 2013. As noted above, UN and AU sanction threats against Darfur rebels for rejecting the Doha process are equally inconsistent with their stated commitment to a national approach.

¹⁶⁸ "Security Council calls for immediate halt to fighting between Sudan, South Sudan, resumption of negotiations, unanimously adopting Resolution 2046 (2012)", UN press release, 2 May 2012; It also requested the governments to "immediately cease all hostilities", "withdraw all of their armed forces to their side of the border" and "activate, within no more than a week" a demilitarised border zone, and urged Khartoum "to permit humanitarian access to the affected population" of the rebel areas of South Kordofan and Blue Nile.

¹⁶⁹ Sudan has been repeatedly the subject of disagreement between China and Russia on one side and the U.S. on the other – the latter strongly supporting a national approach. The UK and France have often sided with the U.S. but are more sceptical about a national solution.

¹⁷⁰ Crisis Group interviews, Khartoum, August 2013, Addis Ababa, December 2013.

He advocates a step-by-step approach, in which he would begin by re-engaging non-signatory rebels on Darfur only, then, if the AUHIP can launch a national process, “support it and make sure Darfur is part of it”. UN officials and the U.S. have been unsuccessfully pushing the Security Council to give more “flexibility” to his mandate so he could deal with the whole SRF.¹⁷¹

In the past, the Darfur mediation and the AUHIP have competed, not complemented each other.¹⁷² Even if Chambas's relationship with Mbeki seems less strained than Bassolé's had been, the risk remains of at least miscommunication, without a clear division of mandates and responsibilities. Chambas himself notes that Sudan's problems “can't be addressed through separate mediations”.¹⁷³ Another risk is that the joint chief mediator also heads UNAMID, whose priority should be protecting Darfur's population, not mediating peace talks. While in principle the tasks should be complementary, mediators have often been perceived in earlier negotiations as favouring particular armed groups or tribes, which might put UNAMID at risk on the ground. Various forces have already used its perceived lack of neutrality to justify attacks on peacekeepers.¹⁷⁴

The need to clarify roles is made more pressing by AUHIP ambitions to broaden its mandate to the entire Horn of Africa. On 23 September 2013, the AU Peace and Security Council tasked it to organise, with IGAD, a regional conference “on peace, security, stability, cooperation and development”.¹⁷⁵ AU officials differed on whether this meant the panel's mandate had been so expanded. Some said the communiqué remained vague because Ethiopia, having not been consulted beforehand, was reluctant for the panel to be involved on issues such as Eritrea and Somalia. Various observers, including from the AU and Ethiopia, questioned the feasibility, given AUHIP's limited capacity and the challenges of the Sudan and South Sudan files. “We couldn't manage to do Sudan and South Sudan at the same time, why go for the Horn?”, asked an AU official.¹⁷⁶

C. *Local and National Processes*

The need for a comprehensive approach does not mean the DDPD should be discarded. Some of its elements address interconnected issues largely specific to Darfur that would be difficult to tackle in detail within a national process. These include provisions for reconstruction and development, IDP return, compensation for the war-affected population, local reconciliation, restoration of traditional land rights and the role of the “native administration” (traditional chiefs). Addressing such local root causes and consequences of the conflict will take time, as there are many obstacles,

¹⁷¹ Ibid; Crisis Group interviews, U.S. officials, June-December 2013. Resolution 2113 barely mentions cooperation between UNAMID and AUHIP. UN press release, 30 July 2013, *op. cit.*

¹⁷² “By the virtue of their mandates, the AUHIP could be considered as a parallel mechanism to the joint AU/UN mediation”. Baldo, “The Role of the African Union”, *op. cit.* Crisis Group interviews, UNAMID, AUHIP officials, Addis Ababa, Khartoum, May-September 2013.

¹⁷³ Crisis Group interview, Addis Ababa, December 2013.

¹⁷⁴ Crisis Group interviews, UN observers, Khartoum, August 2013. UNAMID is broadly perceived as having a pro-government bias due to its peace-process behaviour and because it provides transport to government officials and vehicles for government forces in Darfur.

¹⁷⁵ 397th meeting communiqué, 23 September 2013; “Report to the AU Peace and Security Council”, AUHIP, 23 September 2013. IGAD is currently chaired by Ethiopia.

¹⁷⁶ Crisis Group interviews, Addis Ababa, September, December 2013.

some linked to the current situation, others that will likely outlast even changes in Khartoum. Impediments include insecurity in Darfur, the economic crisis and perhaps the ICC, which may be both delaying a soft transition in the centre, since guarantees for President Bashir are not envisaged, and impeding local reconciliation in Darfur.¹⁷⁷

The DDPD is not a sufficient response to all local problems and will need to be complemented especially by local dialogue to deal with the persistent communal violence, including recently between Arab tribes. In August 2013, when the Rizeigat-Ma'aliya Arabs conflict re-erupted in East Darfur, the DRA for the first time led efforts to stop the violence. However, reconciliation cannot succeed without sustained involvement of the local parties to the conflicts, including traditional chiefs and tribal militia leaders.¹⁷⁸ Such a process needs not foreign mediators but politically and ethnically neutral Sudanese arbitrators, including from outside Darfur.

Some DDPD provisions also address issues that go far beyond Darfur, and are unlikely to be fully solved without a national process. Three issues exemplify this.

1. Darfur's administrative status

According to the DDPD, this is to be settled by a referendum giving a choice between restoring a single region and the status quo (currently five states). The DRA has postponed this, fearing insufficient support for a unified region.¹⁷⁹ If the single region option loses, it would be difficult to justify retaining a regional authority beyond the DDPD's four-year transitional period.¹⁸⁰ Some DRA officials, however, want a referendum before Sudan's new constitution is drafted, so the result can be enshrined in it. "Going to the constitution without this referendum would be a violation of the DDPD", says Tajeddin Nyam.¹⁸¹ But many DRA and federal officials now think it makes no sense to make Darfur a region if other peripheral areas, eg, Kordofan or the East, cannot benefit from the same right.¹⁸²

2. Affirmative action

A main DDPD concession is that "the representation of the people of Darfur at the national level shall reflect the proportion of the Darfur population to the total population of Sudan, after the separation of South Sudan". But who is a Darfurian is not defined. Probably several million people belonging to communities originally from Darfur have settled in other parts of Sudan, including Kordofan, the Nile Valley and the East, while people from those areas and eastern Chad have increasingly moved

¹⁷⁷ Crisis Group Report N°194, *Sudan: Major Reform or More War*, 29 November 2012, pp. 25-27; Gunnar Sørbo and Abdel Ghaffar Ahmed, "Justice by Default? Dealing with Accountability Issues in Sudan", *Nordic Journal of Human Rights*, 31:2 (2013), pp. 224-247; Lyman, Temin, "Pathway to National Dialogue in Sudan", *op. cit.*, p. 4; Crisis Group interview, Mohammed Ibn Chambas, Khartoum, August 2013.

¹⁷⁸ The two categories overlap. See "Traditional Authorities", USIP, *op. cit.*, pp. 32-34.

¹⁷⁹ See above, Section II.C.

¹⁸⁰ In addition, many officials fear the demand for a region cloaks a secessionist agenda. Crisis Group interviews, Siddiq "Wada'a", government officials, Khartoum, August 2013.

¹⁸¹ Crisis Group interviews, Tajeddin Nyam, other DRA official, Khartoum, August 2013.

¹⁸² "It is a dilemma that has to be addressed at the national level". Crisis Group interview, Tijani Sese, Khartoum, August 2013. Ibrahim Ghandour contends the constitution should give all states a right to form a region by referendum. Crisis Group interview, Khartoum, August 2013.

to Darfur. Adopting, as some DRA officials advise, a broad definition would make affirmative action provisions easier to implement, but less significant for those most affected by the conflict.¹⁸³

Existing positive discrimination in the DDPD and other local agreements, such as the East Sudan Peace Agreement (ESPA), needs to be harmonised. Affirmative action for communities historically marginalised and/or affected by the war and the underlying idea of proportional representation in national institutions should also be a core national dialogue topic. Likewise, civil service and armed forces representation is prominent in the SRF program. Anchoring this in the national dialogue would help secure the armed opposition's participation.¹⁸⁴ However, creating or allocating senior positions for a particular region, such as the vice president for Darfur agreed in Doha, is counter-productive if it merely allows the NCP to co-opt Darfur members. Power-sharing provisions could lead to a more inclusive national government if in future power-sharing arrangements the armed opposition is able to obtain genuine representatives and their selection is not necessarily dependent on individuals' specific regional background.

3. Wealth sharing

Darfur is by far the poorest part of Sudan. All three of its former states have more than twice as many residents living below the poverty line as Khartoum state.¹⁸⁵ Opposition leaders and some officials agree the principal means to preserve Sudan's unity is to allow the peripheries to benefit substantially from the exploitation of their resources, be it by financial autonomy or redistribution from the centre. The CPA created the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) of independent experts tasked to share the national income between the states fairly, but many say it has failed.¹⁸⁶ The DDPD tried to revive it, suggesting legal ways to strengthen its independence and Darfur representation. It also emphasised that allocations need to take better account of criteria likely to favour Darfur, such as population, distance from the centre, poverty indicators and war impact. However, various DRA and government officials say the provisions have not been implemented, and

¹⁸³ DDPD, p. 15. Crisis Group interviews, Ashwag Abu Tawila, Ahmed Fadul, Ibrahim Ghandour, Khartoum, August 2013. This lack of definition was already an important shortcoming of the DPA, for instance in the exemption of university fees for "students of Darfuri origin". The DDPD renewed this provision but narrowed eligibility to "offsprings of IDPs and refugees", which was the cause of 2012 protests on behalf of Darfur students killed by government forces. JEM-Bashar's agreement tried to enlarge eligibility to "needy students, in particular those from Darfur". DPA, 19; DDPD, p. 24; Government and JEM-Sudan agreement, *op. cit.*, p. 5; "Khartoum approves list of Darfuri students exempt from tuition fees", *Sudan Tribune*, 15 November 2013; Crisis Group interview, Ashwag Abu Tawila, Khartoum, August 2013.

¹⁸⁴ Crisis Group Report, *Sudan: Preserving Peace in the East*, *op. cit.*, p. 11. "The Document of Restructuring the Sudanese State", *op. cit.*

¹⁸⁵ North Darfur, 69 per cent and South Darfur, 61 per cent, are followed by South Kordofan, 60 per cent, and North Kordofan, 58 per cent; the Red Sea state in the East, 58 per cent, Blue Nile, 57 per cent, West Darfur and White Nile, 56 per cent. Khartoum state is 26 per cent. "A Poverty Profile for the Northern States of Sudan", World Bank, May 2011.

¹⁸⁶ "The FFAMC has become, instead of a mechanism to distribute resources, one to keep them in the centre". Crisis Group interview, Tijani Sese, Khartoum, August 2013.

the FFAMC is still not functioning. Many believe it “should be revived as part of the holistic approach”.¹⁸⁷

The DDPD and other local agreements have addressed national issues through provisions that are difficult to implement if not within a national process. A national dialogue, therefore, should involve, or be preceded by, a review of documents such as the DDPD and ESPA to determine what issues would benefit from being addressed nationally.¹⁸⁸ “Transferring some provisions from the DDPD to a national agreement would be also giving some credit to Doha”, Ghazi Salaheddin said. “I don’t see any damage that could happen to us [the NCP] using agreements such as the DDPD and the CPA as terms of reference for the national approach”.¹⁸⁹

D. *Looming Deadlines*

The DRA formally ends on 14 July 2015, four years from the DDPD signing.¹⁹⁰ Most positions in federal or state assemblies given to the signatories will be contested in the next elections, also that year.¹⁹¹ There is no reason to believe the NCP will want to accommodate the DDPD signatories further by prolonging the DRA and individual posts or reserving elected seats for the LJM. “We can’t guarantee the representation of any movement after elections; they will have to run”, says Amin. This leaves less than two years for the LJM to become a political party. Even if this occurs, it is highly unlikely it could threaten the NCP, even locally, unless it delivers major security and development gains. This programmed end-state makes joining the DDPD unattractive for non-signatory groups; time needed to include the rebels in a national process leading to elections might require the 2015 vote’s postponement.¹⁹²

E. *Including Darfur in a National Process*

For Darfur and national peace processes to include such rebels, it is necessary to re-open the DDPD substantially as a basis for negotiations between the government and the SRF. To make this acceptable to the government, as well as the AUHIP and the AU-UN Darfur mediation, it has been suggested that only the Darfur rebels would actively negotiate on Darfur, with the SPLM-N allowed to observe. Similarly, Darfur rebels could be allowed in at least as observers to the talks on the two areas between

¹⁸⁷ DDPD, pp. 13, 35-36; Crisis Group interviews, DRA officials, Ibrahim Ghandour, Khartoum, August 2013.

¹⁸⁸ Other arguably more local issues, such as the land issue, would also require some national discussion, as taking into account the Darfur pre-colonial land tenure system would require some form of legal recognition at the national level, possibly through the constitution.

¹⁸⁹ Crisis Group interview, Khartoum, August 2013.

¹⁹⁰ DDPD, p. 23. The revised timetable postponed deadlines for implementing specific provisions by a year, but the final deadline remains the same. The DRDF is supposed to last an additional year. Crisis Group interviews, Hashim Hammad, DRA official, Khartoum, August 2013.

¹⁹¹ DDPD, p. 16.

¹⁹² Lyman, Temin, “Pathway to National Dialogue in Sudan”, op. cit., p. 1. The NCP reportedly has approached the opposition in Khartoum to discuss postponing the polls, as well as amendments to election law and changing the national elections commission. However, President Bashir publicly stated the vote would not be delayed even for “one hour”, and the opposition rejected any negotiations unless an all-inclusive transitional arrangement is in place. “Sudanese president pledges to hold 2015 elections on time”, *Sudan Tribune*, 26 December 2013.

the government and SPLM-N.¹⁹³ Those parallel processes would first aim at similar humanitarian cessations of hostilities in Darfur, South Kordofan and Blue Nile that would de facto cover all war zones and thus have a national dimension. They could then merge into a national process, including government, armed and unarmed opposition and civil society.¹⁹⁴ The national dialogue should, however, not be delayed by government-rebel talks focused on the war zones; the processes should start as early as possible and run concurrently, with the goal of ultimately merging.¹⁹⁵

¹⁹³ The idea seems to have been suggested originally by the U.S. government. The AUHIP and Chambas suggested another, less formal option: rather than recognise the SRF, allow the SPLM-N to “smuggle” Darfur movements representatives within their delegation and vice-versa. “I can’t send an invite to SRF, but if the Darfurians want to bring SPLM-N within their delegation, it’s their problem”, said Chambas. It is, however, difficult to imagine the government would accept this. At the “two areas” talks in Addis Ababa in April, a few Darfurians were in the SPLM-N delegation; Ghandour indicated this was not a problem. They were not, however, leading figures, and government officials criticised that the delegation head, Yasir Arman, is not from the “two areas”. Crisis Group interviews, Chambas, Ghandour, Khartoum, August 2013; AUHIP, U.S., European Union officials, Addis Ababa, Khartoum, June-December 2013. Crisis Group Report, *Sudan's Spreading Conflict (II)*, op. cit., p. 44.

¹⁹⁴ Jon Temin, Theodore Murphy, “Toward a New Republic of Sudan”, U.S. Institute of Peace (USIP), June 2011, p. 1.

¹⁹⁵ Some in government seem keen to reach a “two areas” agreement before including the rebels in a national process. Crisis Group interview, Ibrahim Ghandour, Khartoum, August 2013.

V. Conclusion

Darfur has alternated for a decade between forgotten and headline conflict. Horrific violence and displacement continue, largely due to protracted tribal conflicts, exacerbated by uncontrolled government militias. Insecurity and national economic crisis cripple the DDPD and much needed reconstruction and development. Elections and DDPD deadlines in 2015 bode ill for implementation. Meanwhile, the main Darfur rebels have expanded operations to Kordofan, closer to Khartoum, in a move to assert their national agenda.

International players disagree on solutions to Sudan's conflicts. Many increasingly support a holistic approach, but some still interpret this as mere "inclusion" of the rebels in the Doha process. Existing piecemeal processes and agreements such as the DDPD should not impede a national dialogue. Contradictions between the increasingly urgent comprehensive approach and the DDPD and other sub-national fixes need to be resolved. One way would be to bury all local deals, but there are better and more consensual options. In short, the parties should review the DDPD, separating local provisions from those that cannot be implemented because they are truly national. The DDPD could thus be made more efficient for rebuilding Darfur, including its social fabric, and national provisions transferred to a broader process.

This would allow the SRF to become the more unified negotiating partner that international players have long sought. Government officials often express fear that its national stance, like the SPLA's old one, hides a secessionist agenda, but the rebels would support unity if the peripheries gain a greater share of national resources and more say in how they are governed. To achieve "change", the rebels call for both armed action and negotiations. The latter, and the SRF's unity commitment, should be encouraged as a basis for consensus with those in the NCP and central elite also committed to keeping what remains of Sudan together.

Nairobi/Brussels, 27 January 2014

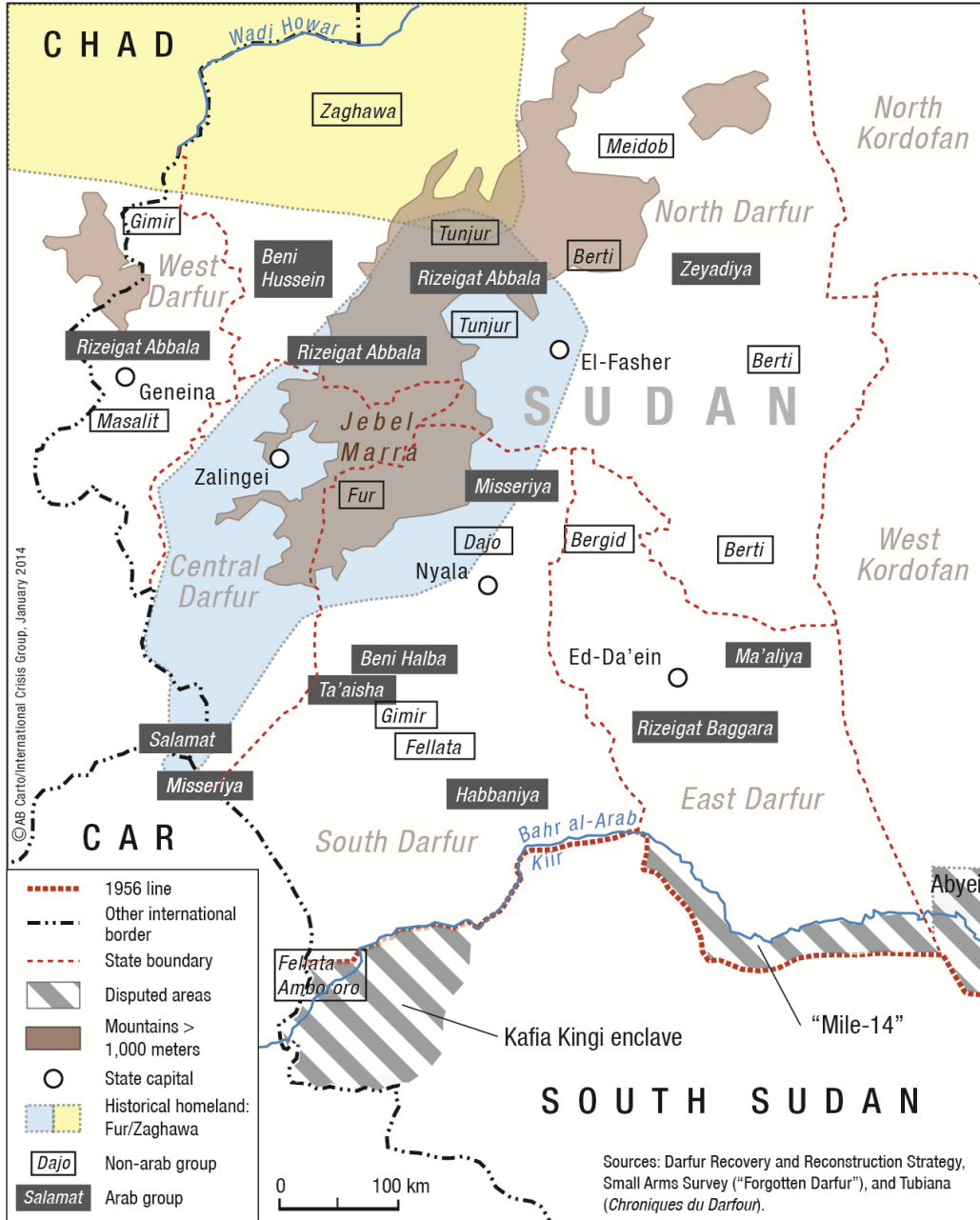
Appendix A: Map of Sudan



Map No. 4458 Rev.2 UNITED NATIONS
 March 2012

Department of Field Support
 Cartographic Section

Appendix B: Map of Darfur



Appendix C: Glossary of Main Parties, Organisations, Armed Movements and Militias, and Agreements

AUHIP (African Union High-Level Implementation Panel)

What is now the African Union High-Level Implementation Panel for Sudan and South Sudan, led by former South Africa President Thabo Mbeki, was created in 2008 as the AUPD (African Union High-Level Panel on Darfur). Its 2009 final report acknowledged the national dimension of the crisis, leading to the creation of the AUHIP. It focused on post-CPA talks between Sudan and South Sudan, as well as, more marginally, between Khartoum and the SPLM-N. The Panel also has a mandate on democratisation of Sudan and South Sudan. In 2013, it asked the AU to further enlarge its remit to the Horn of Africa.

CPA (Comprehensive Peace Agreement)

The CPA is a collection of agreements signed in January 2005 to end the second civil war. It also sought Sudan's democratic transformation, and its guarantee that Southern Sudanese could exercise a right to self-determination at the end of a six-year interim period led to South Sudan's independence on 9 July 2011.

CRP (Central Reserve Police)

The Central Reserve Police (Ihtihati al-Merkazi), known locally by their nickname "Abu Tera" (those of the bird, due to their insignia), is a paramilitary force that has been particularly active in Darfur and, since 2011, in South Kordofan.

DDPD (Doha Document for Peace in Darfur)

It was signed on 14 July 2011 in Qatar between the government and the Liberation and Justice Movement (LJM), under the auspices of an African Union-UN mediation.

DPA (Darfur Peace Agreement)

The failed peace agreement was signed on 5 May 2006 in Abuja, Nigeria, between the government and the Minni Minawi faction of the Sudan Liberation Army (SLA-MM). Two other parties to the negotiations – the SLA faction of Abdelwahid Mohammed Ahmed Nur (SLA-AW) and JEM – refused to sign.

DRA (Darfur Regional Authority)

It was established as an interim governing body for Darfur in 2011 after the signature of the DDPD, chaired by LJM president Tijani Sese.

ESPA (East Sudan Peace Agreement)

It was signed in 2006 between the Eastern Front rebellion and the government and mediated and guaranteed by Eritrea.

FFAMC (Fiscal and Financial Allocation and Monitoring Commission)

A commission of independent experts, it was created by the CPA to oversee the sharing of national revenue more equitably between the states.

IGAD (Intergovernmental Authority on Development)

An East African regional organisation that facilitated the CPA negotiations, it is currently involved in mediating South Sudan's crisis. Its present chair is Ethiopian Prime Minister Hailemariam Desalegn.

JEM (Justice and Equality Movement)

A Darfur rebel group founded by Dr Khalil Ibrahim Mohammed, the JEM is a key SRF component. Since Khalil Ibrahim's death in a government bombing raid in December 2011, his brother, Dr Jibril Ibrahim, chairs the movement.

JEM-Bashar (Justice and Equality Movement-Bashar)

It is a JEM splinter faction led by Mohammed Bashar and mostly from the Zaghawa Wogi subgroup. Chad President Idriss Déby supported its formation and facilitated its participation at talks in Doha. It joined the DDPD in April 2013. The next month, Bashar and other leaders were killed by JEM on Chadian soil. Bashar was replaced by the former JEM chief of staff Bakhit Abdelkarim Abdallah "Dabajo".

JMST (Joint Mediation Support Team)

A joint AU-UN team established in 2008 to mediate and support the peace process in Darfur, it was led until 2011 by Joint Chief Mediator Djibril Bassolé and after his departure was taken over by UNAMID.

LJM (Liberation and Justice Movement)

An umbrella group of Darfur rebel factions formed in 2010 and led by Dr Tijani Sese, it signed the DDPD with the government in July 2011.

NCP (National Congress Party)

It is the ruling party in Sudan, headed by President Omar al-Bashir and the successor to the National Islamic Front (NIF) that seized power in the 1989 coup.

SLA (Sudan Liberation Army)

Originally the main Darfur rebel group, it splintered into a number of factions; the main ones are SLA-MM, led by Minni Minawi, and SLA-AW, led by Abdelwahid Mohammed Nur.

SPLM-N (Sudan People's Liberation Movement-North)

Formerly the northern branch of the SPLM/A, it is currently active against Sudanese armed forces in South Kordofan and Blue Nile. In 2011, the SPLM-N, JEM and other rebel groups created the SRF. The current SPLM-N chairman is Malik Agar.

SRF (Sudan Revolutionary Front)

The alliance was created in November 2011 by the SPLM-N, JEM, SLA-MM and SLA-AW to press for regime change in Sudan, through both armed insurrection and political action.

The "two areas"

These are Blue Nile and South Kordofan states, two of the "three areas" (the third being the Abyei enclave) given special status in the CPA and the location of most of the fighting between the SPLM-N and the government.

UNAMID (UN African Mission in Darfur)

A joint UN-African Union peacekeeping force established in 2008 to replace the African Mission in Darfur (AMIS). It is the first joint UN-AU force.

Appendix D: Glossary of Personalities

Abdelaziz al-Hilu

SPLM-N and SRF deputy chairman and paramount SPLM-N leader in South Kordofan, he worked with NCP Governor Ahmed Haroun as deputy governor between 2009 and 2011, then lost the 2011 elections to him.

Abdelwahid Mohammed Ahmed Nur

Founder and first chairman of the SLA, he now heads a faction (SLA-AW) and is deputy chairman of the SRF. He has been in self-imposed exile since 2006, after the Abuja peace talks produced the DPA. A Fur (the biggest tribe in Darfur), he is particularly popular among the internally displaced.

Al-Haj Adam Yusuf

Appointed second vice president in 2011 – a position the rebels demanded be reserved for a Darfuri – he is a Beni Halba Arab from South Darfur and a former member of the Islamist Popular Congress Party (PCP), from which he defected to the NCP. In late 2013, he was replaced by Hassabo Abderhaman, another NCP Darfuri Arab, from the Rizeigat tribe.

Amin Hassan Omar

State minister at the presidency and a key government negotiator, he is responsible for overseeing DDPD implementation.

Bahar Idris Abu Garda

He is LJM secretary and was appointed health minister in 2011 as part of the DDPD's power-sharing arrangements.

Ghazi Salaheddin Attabani

Once a key presidential adviser, NCP caucus leader in the National Assembly and a member of the party's Leadership Bureau, Dr Ghazi led the party's "reformists" until he was dismissed in October 2013 for criticising the crackdown on nationwide protests. He then announced formation of a new political party. He led the government delegation that negotiated the Machakos Agreement with the SPLM in 2002, an important step toward the CPA, and was appointed presidential adviser after the signing of the CPA in 2005. He was the government's chief negotiator in the 2007 Darfur peace talks and continued to hold the Darfur portfolio until 2011.

Haydar Galukuma

He is one of the few LJM leaders from the Masalit (the dominant tribe in West Darfur) and, thanks to the DDPD, the only non NCP-governor in Sudan.

Idriss Déby

Chad's president since 1990, he belongs to the Bideyat branch of the Beri ethnic group (Zaghawa and Bideyat) living in both Chad and Darfur.

Jibril Ibrahim

JEM chairman and a deputy SRF leader. He became JEM chairman after his brother, Khalil Ibrahim, was killed in December 2011.

Khalil Ibrahim

Founder and former chairman of the JEM, he was killed by the government in 2011. In 1989 he supported the NIF's seizure of power and was education minister in North Darfur from 1991 to 1994. He gradually distanced himself from the regime and formed the JEM in 2001.

Minni Arku Minawi

Chair of the SLA faction (SLA-MM) that signed the DPA in 2006, he was made as a reward a senior assistant to President Bashir and chairman of the Transitional Darfur Regional Authority (TDRA). He returned to rebellion in 2010 and became SRF deputy chairman.

Omar al-Bashir

The president of Sudan and head of the NCP, who as a military officer seized power in 1989, he has been indicted by the International Criminal Court (ICC) on charges of responsibility for crimes against humanity, war crimes and genocide in Darfur.

Osman Mohammed Yusuf Kibir

The North Darfur governor since 2003, he, like other NCP barons in Darfur, was hostile to the DDPD and remains largely independent of the DRA. He has been accused of favouring his Berti tribe, including arming them, and is disliked by the two most powerful North Darfur tribes: the Arabs and Zaghawa.

Tijani Sese Mohammed Atim

Chairman of the LJM and of the DRA, he is from the Fur tribe and the family of the *dimangawi*, the main traditional leader in Central Darfur. He was governor of Darfur in the 1980s when it was a single state.

Appendix E: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 150 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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Appendix F: Reports and Briefings on Africa since 2011

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Burundi: From Electoral Boycott to Political Impasse, Africa Report N°169, 7 February 2011 (also available in French).

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