

Enforcing a Turning Point and Imposing a Deal: An Analysis of the Darfur Abuja Negotiations of 2006

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Abstract

Low expectations and international impatience forced the African Union to shift from a classical integrative approach to negotiations to “deadline diplomacy” during the final months of the Abuja talks between the Sudanese government and the Darfur rebel movements. As a result, the AU mediators – who had served as communicators and formulators – assumed the responsibility of manipulators. This transition scuttled plans for gradually arriving at the implementing details for a formula. Instead, acquiescence to power served as the chief reason for the signature of one of the movements, while the mediators showed disinterest and inflexibility in reigning in the other two movements that required a package of additional threats and inducements. Important lessons regarding the credibility of deadlines, the appropriateness of the formula, the necessity of ownership, inclusivity/exclusivity of the talks, and sufficient support for the movements in the prenegotiation and diagnosis phases can be drawn from the Abuja process.

Keywords

Darfur, Sudan, turning point, negotiating formula, ripeness, deadlines, African Union, mediation

“Have no doubt where I stand. I am a good friend and I am a fearsome enemy.”

– US Deputy Secretary of State Ambassador Robert Zoellick to Minni
Arkoi Minawi, faction leader of the Sudan Liberation Movement/Army

“I clarified compensation and I answered each one of your concerns . . . I conclude that you are not serious about an agreement. Going forward, we are parting ways for good. If you think there is an alternative, you are dead wrong. And I mean dead wrong.”

– Ambassador Zoellick to Abdel Wahid Mohamed Nour, faction leader
of the Sudan Liberation Movement/Army (De Waal 2007: 273, 277)

It is no easy task to withstand a coordinated verbal onslaught from the United States Deputy Secretary of State and the President of Nigeria. So the fact that

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Minni Arkoi Minawi – one of three Darfuri rebel leaders under intense pressure from Ambassador Robert Zoellick and President Olusegun Obasanjo, among many others – signed the Darfur Peace Agreement on May 5, 2006 should not be surprising. What analysts of Sudan and the ongoing conflict in Darfur have been asking since that fateful day is how Abdel Wahid Mohamed Nour – the most popular Darfuri rebel leader in the Internally Displaced Camps and perhaps throughout Darfur – resisted these pressures and why he chose to walk away from the Darfur Peace Agreement (DPA).¹ The DPA exists now as a completely non-implementable agreement for war-ravaged Darfur and the accord itself precipitated – or at least catalyzed – the bloody fragmentation of the rebel movements. Nonetheless, the Sudanese government and much of the international community continue to respect the legitimacy of the DPA.²

Given the rudderless current peace process between the non-signatory Darfuri rebel movements and Khartoum and the violently chaotic realities on the ground today in Darfur, reasons for such dogged commitment to the DPA on the part of the international community are perhaps hard to explain. Yet, one must remember that the DPA is the agreement that the international community (and chiefly the United States) desired when it directly intervened in the Abuja negotiations in April 2006. Furthermore, their strategy during the last two months of the negotiations – and even more critically during the last dramatic week in Abuja – aimed at securing the signature of Minawi, who it was claimed possessed the most effective fighting force and, therefore, was essential to any agreement. With hope and confidence, they also believed that if one movement signed, then the other two would eventually follow due to bitter rivalries between the movements and the threat of international condemnation if they did not sign. This objective firmly underpinned the negotiating strategy of “deadline diplomacy” adopted by the international community.³

Cooperative with this strategy, to a point, the AU mediators heretofore had followed a classic integrative approach in the negotiations that began in March 2004. Serving chiefly as communicators and formulators, the mediators during

¹ Many still consider Abdel Wahid to be the linchpin to a successful peace process in Darfur. For two years since the signing of the DPA, AU and UN mediators, Sudanese analysts, and Darfur activists have attempted to understand Abdel Wahid's motivations and persuade him to – at first sign the DPA – and now return to the negotiating table.

² Thirteen months after the signing, the DPA was referenced in United Nations Security Council Resolution 1769 authorizing the African Union/United Nations Hybrid operation in Darfur (UNAMID). On the two year anniversary, the US State Department issued a press release stating, “We remain committed to the full implementation of the DPA and the pursuit of a prosperous, peaceful, and democratic Sudan” (McCormack 2008).

³ This paper does not extensively evaluate the merits of this strategy in creating conditions – through the DPA or otherwise – for the settlement of the political and military conflict between the Darfuri rebels and the government of Sudan (although current conditions strongly suggest a failure to accomplish these broader goals).

the final year worked with the Sudanese government and Darfuri rebel representatives towards a “resolving formula” based on political parameters laid out in the Comprehensive Peace Agreement signed between the North and South in January 2005 and the Declaration of Principles signed by the Sudanese government and Darfuri movements in July 2005. During the final five months, which resembled the “detail phase” of the integrative school of negotiations, some mediators sensed ripeness from the parties perhaps due to the emerging resemblance of a mutually hurting stalemate on the ground and the growing clamor by the international community for decisive actions in the negotiations process and the deployment of a UN peacekeeping force. Other observers, however, viewed the negotiations as muddled and at an impasse resulting from the hard-line approach of the Sudanese government and the internal disunity among the rebel movements. With more time, international pressure on the Sudanese government, and a clearer delineation of the movements’ unified demands, a common recognition of a mutually hurting stalemate may have transformed the situation into one where the parties would have engaged in the process and contributed to the formation of the final deal.

Instead, external pressures demanded the imposition of an agreement on all sides – which can be viewed as an enforced “turning point.” International powers subsequently swept down on the negotiations before the final days of a self-imposed deadline to replace the mediators as communicators, formulators, and – most importantly – manipulators (Zartman and Touval 2007). Sticking to the already established formula of the CPA and the Declaration of Principles (DoP), the international mediators combined enhancements to the draft agreement with enough brutish persuasion to override the “crests” of the government delegation and Minawi-led faction of the Sudan Liberation Movement (SLM). Therefore, the international community achieved its overall objective, but displayed unfortunate inflexibility and disinterest in securing the agreements of Abdel Wahid’s faction of the SLM and the Justice and Equality Movement (JEM), which required greater inducements and guarantees from the Americans and more concessions from the government to commit to a deal.

The “deadline diplomacy” approach enabled the international community to finalize successfully the details of an “agreeing formula” which could have served as the basis for a “resolving formula” between all sides with greater follow through on the part of the mediators during the following months. With that said, the international community regarded the DPA as a political vehicle – in its own negotiations with the Sudanese government – to hasten the deployment of a more effective peacekeeping force. Indeed, the Abuja negotiations were never to be the focal point for bringing peace and security. As such, flaws in the peace process and the substance of the peace agreement were of less concern to Ambassador Zoellick and the other international interveners. Arguably, the international community deployed the only viable strategy for finding an interim agreement between at

least one of the movements and the government in the time period they themselves imposed on the process.

History shows, however, that their gamble on Minawi and against Abdel Wahid and Khalil Ibrahim (leader of JEM) proved deadly wrong. Not only did the international community subsequently fail to support sufficiently the implementation of the agreement and maintain adequate international pressure on the Sudanese government to deploy the UN peacekeepers – the ultimate reason for its resignation to a flawed peace process – but this strategy also catalyzed fragmentation of the rebel movements. Nonetheless, if the Darfuri rebels and the government ever return to the negotiating table with the purpose of reaching a “resolving agreement,” important lessons from Abuja for peacemaking can be salvaged from this tragically incoherent international response. These lessons touch upon the credibility of deadlines, the appropriateness of the formula, the necessity of ownership, inclusivity/exclusivity of the talks, and sufficient support for the movements in the prenegotiations and diagnosis phases.

Background: Before Negotiations

The conflict in Darfur began in the spring of 2003 when two Darfuri rebel movements – the Sudan Liberation Movement (SLM) and Justice and Equality Movement (JEM) – launched attacks against government military installations as part of a campaign to fight against the historic political and economic marginalization of Darfur. The Sudanese government, at the time engaged in tense talks with the Sudan People’s Liberation Movement/Army (SPLM/A) to end a three decades old civil war between the North and the South, responded swiftly and viciously to extinguish the nascent insurgency in Darfur through coordinated military raids with government-armed militia (collectively known as the *Janjaweed*) against the civilian support base of the two movements.⁴ Throughout the remainder of 2003, the violence and casualties escalated despite the signing of two immediately violated and unobserved ceasefire agreements. The parties met for a third attempt at a ceasefire in the capital of neighboring Chad in late March 2004. Brokered by Chadian and African Union mediators, the N’Djamena Agreement resulted primarily from the personal intervention of African Union Chairman Alpha Konare, who urged President al-Bashir in Khartoum to sign (Toga 2007: 216).

While more honored in the breach than in the observance, the N’Djamena Agreement formally commenced the Inter-Sudanese Talks on Darfur. Thereafter, the AU initialized a process to explore a comprehensive agreement between the parties. In July 2004, the AU mediators hosted uneventful talks between the gov-

⁴ For a history of the conflict, see: Prunier (2007); De Waal and Flint (2006); and De Waal and Flint (2008).

ernment and the movements in Addis Ababa. These sessions followed two successively noteworthy events in the negotiations between the National Congress Party (NCP) and the SPLM/A facilitated by the Inter-Governmental Authority on Development (IGAD): the signing of the Naivasha Protocols in May and the joint NCP/SPLM Nairobi Declaration. With the attention of the country and international community focused on these breakthroughs, most suspected that the rebels were “avoid[ing] engaging in serious negotiations with the government until the IGAD peace process conclude[d]... in the hope that SPLA influence would then make Khartoum a more accommodating negotiating partner” (ICG 2004a: 11). Khartoum too sought impunity for its activities in Darfur by steering attention to the IGAD process and heralding its commitment to ending the longest-running civil war in Africa.

By the end of the summer though, the magnitude of the deaths and displacement in Darfur became impossible to ignore. The emergence of a vocal advocacy movement in the United States demanded that President Bush and other world leaders take concrete steps to halt the slaughter in Darfur.⁵ In a span of two months, the US Congress declared the military campaign in Darfur as “genocide;” the UN Security Council imposed an arms embargo in Darfur; and President Obasanjo travelled to Khartoum and Tripoli to press for a new round of peace talks. As a result, government and movement delegations attended the third round of negotiations in Abuja in August. Described as “excruciatingly slow and detailed,” the talks aimed at reaching small confidence-building agreements with the mediators focused “on getting to a deal, any deal that will prove a step forward” (Justice Africa 2004b). The mediators reconvened the delegations in November where through tough negotiations the parties signed protocols concerning security and humanitarian issues. Trying to capitalize on these minor successes, the mediators pushed both sides to submit inputs for a Declaration of Principles. This effort quickly bogged down due to two main challenges that would persist throughout the remainder of the talks: the movements’ lacked a coherent and crystallized political strategy and the government’s satisfaction with accepting “any agreement in order to relieve international pressure” (Justice Africa 2004b; ICG 2005a: 14).

Violence spiked again in December 2004 as the mediators hosted the next and “least productive” round of negotiations (Toga 2007: 229). Away from the talks, more important developments took place in Sudan and Libya in January 2005. On January 9, the NCP and SPLM signed the Comprehensive Peace Agreement (CPA) – utterly revamping political calculations and opportunities for all Sudanese actors. Meanwhile, Colonel Muammar Qaddafi held the second of two large conferences of Darfurians in Libya in as many months aimed at generating dialogue among the movements and civil society about a “way forward.” By no

⁵ For a history of the American advocacy movement, see: Hamilton and Hazlett (2007).

means did these gatherings produce common positions for the movements; however, they were “the most intensive discussion by Darfurians of their region’s problems” to date (Justice Africa 2005). Also of note, consultations a few months later by movement leaders with the Roman Catholic Sant’Egidio Community in Rome, which specializes in facilitating peace-building dialogues, served perhaps as the closest exercise in discerning the movements’ interests and positions undertaken by the leadership during the two years of negotiations (ST 2005d).

Formula Phase – Declaration of Principles

During the first half of 2005, both the Sudanese government and the movements faced stepped-up demands to negotiate a resolution to the conflict. No longer constrained by the IGAD-led process, the international community also turned its attention directly to the situation in Darfur. As the rebels vacillated on returning to the negotiating table, they for the first time linked their own conditions to the demands of certain international actors (ST 2005b). Relying on the global concern for the suffering in Darfur to increase its negotiating strength would become an oft-used tactic for the movements throughout the process. The combination of international and regional pressure eventually forced both sides to return to Abuja in June 2005, where the mediators re-launched talks on setting forth a Declaration of Principles (DoP).⁶ In less than a month, the mediators helped the parties produce a 17-point document to serve as a base for future negotiations. Given the rhetoric and hostilities before the talks and the long suspension between rounds, why did the government and rebels agree to the document? And to what degree did both sides view the DoP as an accomplishment and something off of which to build?

As mentioned, the government felt increasingly compelled to negotiate with the rebels due to sustained international criticism of their handling of Darfur which delayed receipt of their rewards from the international community for the signing of the CPA. For example, the US had promised to end sanctions and normalize relations with Sudan, but it now tied such carrots to the situation in Darfur. Before agreeing to comprehensive negotiations, it was necessary for the NCP leadership to maneuver past two internal obstacles. First, to negotiate with the rebels would invalidate the government’s narrative that the chaos in Darfur was a result of tribal clashes over limited resources for which it has no responsibility. This portrayal of the crisis served as the backdrop to the government’s repeated assertion that it could not negotiate with the movements “because the JEM and

⁶ On January 27, 2005, the International Commission of Inquiry reported to the UN Security Council on the crimes against humanity and violations of international law committed in Darfur and on April 1, 2005, the UN Security Council referred Darfur to the International Criminal Court. Preceding this referral, UN Secretary General Kofi Anan accused both sides of inaction in mid-March (ST 2005c). Later in the spring, key African countries including Libya and Nigeria pressured the movements to return to the negotiating table (ST 2005e; ST 2005f).

SLA were not sufficiently representative of the entire Darfur region” (ICG 2005a: 7). Second, the government’s Darfur policy during the early days of the conflict was “in the hands of a small coterie of security officers, with the remainder of the government in the dark, and largely in denial” (Justice Africa 2004c). Analysts saw the appointment in 2004 of Magzoub al-Khalifa, a NCP hardliner, as the lead negotiator and the growing involvement of First Vice President Ali Osman Taha as signs that the government possessed “a new unity of purpose to resolving the conflict” (ICG 2005a: 9).

Helped by a comfort in negotiating principles as opposed to details, the SLM/A and JEM delegations managed to cooperate for the most part in Abuja on the DoP. A few internal crises in both rebel movements flared up during the four weeks, but – with the help of the AU mediators who refused to recognize internal splits – these were extinguished for the time being (ST 2005g). The two movements participated fully in the consultations to combine the inputs of both the governments and rebels into a package declaration. In addition, President Obasanjo and others’ personal interventions helped overcome the movements’ final reservations. At the end, “[t]he SLM/A continued to object to the DoP until the last moment, but after JEM indicated its readiness to sign, SLM/A too came forward” (Toga 2007: 231). Fittingly enough, the movements and government signed the DoP on July 6, 2005 – three days before the formal reform of the Sudanese constitution and swearing in of SPLM/A leader John Garang as First Vice President.

All parties praised the successful completion of the DoP as a tremendous step forward in the negotiations. Facilitated by the work of the AU mediators, the DoP emerged as a formula for negotiations during those four weeks through a deductive process whereby “general principles” were established “governing the issues susceptible of solution” (Zartman and Berman 1982: 89). The content, spirit and underlying principles of this formula flowed ostensibly from the CPA – in which all parties saw their ambitions (the movements), their begrudged commitments (the Sudanese government), or a suitable map for a comprehensive national solution (the AU mediators). As outlined by Zartman and Berman (1982: 89), the next step would then be “to work out the implementing details.” The AU Chief Negotiator Salim Ahmed Salim confirmed this classic integrative approach stating, “Because we have done that [the DoP], my belief is that it will help facilitate when we start discussion of the nitty gritty” (Shirbon 2005). Abdel Wahid also remarked, “Now that we’ve adopted the declaration of principles, I call on the government to be as serious as we are. Then very soon we will sign a comprehensive agreement for peace” (ST 2005i).

The relationship between the DoP and the CPA was more intertwined than merely the three days that separated the signing of the former and the first significant implementing event of the latter. From the beginning of the year, the AU mediators sought to establish a “framework for an envisaged deal [that] will be

based upon the Naivasha CPA” (Justice Africa 2005). The rebels themselves proposed “how the Darfur conflict could be resolved in the framework of the Naivasha Agreement” even earlier (Justice Africa 2004a). As one of the two signers of the CPA, the government could not reasonably reject the movements’ appeals that the DoP affirms the principles of equity, justice, and good governance delineated in the CPA. In this way, the CPA provided a “referent structure” for the DoP – an actual national goal repeatedly declared by Garang. Indeed, the DoP and CPA established a process for “substantive justice” for the remainder of the talks in that the parties would “choose the particular criterion that supports its own side” from the principles and details delineated in both documents (Zartman and Berman 1982: 103). As will be seen, however, some of the details of the CPA proved problematic as they placed concrete barriers on what the movements could secure for themselves in the DPA.

Details Phase – Abuja VII

“Hopefully the (rebel) movements will be in a better position in terms of closing their own ranks . . . The discussion towards the comprehensive agreement is much more complex than the discussion on the declaration of principles,” warned Salim in discussing how the negotiations would proceed (Shirbon 2005). As the parties entered the details phase, the movements confronted two significant challenges to their negotiating strength. On July 30, 2005, First Vice President Garang died in a plane crash. His sudden death threw the SPLM into chaos and left all of Sudan’s political parties and movements speculating about the consequences to the implementation of the CPA and the formation of a unity government. In addition to these unknowns, the SLM suffered through a torturous process of fragmentation that arose “mainly from personal animosity” (ICG 2005b: 2). This internal fracturing resulted in two SLA factions. With Khartoum signaling its intent to finalize a deal, the rebels began the seventh and final round in a precarious bargaining position. Nevertheless, the talks resumed and by the spring of 2006 mediators and analysts debated whether the negotiations were ripe for settlement or doomed to deadlock.

The shock and confusion among the SPLM leadership following Garang’s death naturally distracted the party from the affairs of Darfur for the rest of 2005, but it also resulted in a more ambiguous relationship between the SPLM and the movements. Garang envisioned the SPLM assisting them in the negotiations, especially once the SPLM joined the government’s negotiating team after forming the unity government.⁷ In his mind, the SPLM could help equalize the power

⁷ In March 2005, he stated: “When the SPLM becomes part of the government . . . I believe there is every reason to be optimistic that there will be a solution to Darfur.” (ST 2005a); and some also claim that Garang encouraged the Darfuri movements in 2003 “to pressure the government by demanding a power-sharing agreement like the one he was negotiating for the south” (Natsios 2008).

imbalance. Yet, as ICG predicted, the new SPLM leader Salva Kiir proved less willing to become “involved with Darfur... largely because of the other challenges he faces as he attempts to fill his predecessor’s shoes in implementing the CPA” (ICG 2005b: 12). Others regard Kiir’s withdrawal from the Darfur peace process as stemming from a greater focus on the South’s interests due to his perceived preference for southern independence in 2011, a position – unlike Garang’s – that is more in step with southern Sudanese public opinion and other Southern political leaders (Young 2005: 106). In any event, SPLM’s ties with the Darfur movements slowly unraveled. In time, serious misunderstandings also arose regarding “the SPLM’s strong commitment to the CPA as being indifferent to the rights of Darfurians” and, conversely, the Darfuri leaders “underestimate[ion of] the extent to which Southern Sudanese had suffered in their struggles” (De Waal 2006h: 3). In addition to the de facto loss of a key ally, these tensions caused the Darfuri movements to question the balance and relevance of the CPA as a formula for meeting their demands.

Despite the national turmoil, the fragmentation of the movements served as a main cause for the postponement of the Abuja talks. Rather than preparing common positions and conducting necessary diagnosis and analysis for the details phase, Minawi and Abdel Wahid vied for control over the movement.⁸ While the mediators attempted to begin work on three implementing protocols in talks that finally resumed in September 2005, they spent an inordinate amount of time trying “to minimize the differences between Abdel Wahid and Minawi” that revolved generally around leadership of the movement and specifically around the formation of structures and mechanisms to legitimize leadership in the movement (Toga 2007: 233). The historical rivalry between the Fur (Abdel Wahid) and Zaghawa (Minawi) tribes also deepened the exposed internal rifts (Ismail 2008). Without making much progress, the talks adjourned on October 20 and the mediators and international community blamed the rebels as the chief “stumbling block” (ST 2005k).

When the seventh round of talks resumed in November, the fractionalization of the SLM into two groups – which occurred finally at the end of October – had altered the negotiating dynamics significantly. The AU mediators recognized Minawi’s delegation of the SLM in the talks. Abdel Wahid had no choice but to consent as “the commanders on the ground sided with Minawi and his army faction” which was much larger than the faction loyal to Abdel Wahid who had lost some allegiances by “leaving the field” to seek out international support (Ismail 2008). Nonetheless, the AU mediation team also put “strict accreditation mechanisms in place for the negotiators representing the three parties in the various committees” (Toga 2007: 232). To allay their critics and ease pressure from the international community, both faction leaders announced days before the

⁸ For a detailed account, see International Crisis Group (2005b).

talks that they would negotiate from common platforms (ST 2005l). It was soon clear to the mediators that this feigned *détente* would not be implemented (Toga 2007: 234). On the other side, the government took full benefit of the disunity of the rebels by quickly announcing that it would recognize both factions. Such a statement fit perfectly with its communication strategy to the movements. Since early August, the government had signaled publicly that its delegation was authorized to conclude a deal thereby relieving some pressure from the international community and placing the burden for progress on the side of the divided movements (ST 2005j).

With no significant breakthroughs in the negotiations by the end of the year though, international frustration grew in early 2006; yet, some within the negotiating team spoke throughout the spring about the conditions being ripe for a settlement, meanwhile others in the mediation team believed that the negotiations in their current form had reached an unbreakable deadlock. Without substantial evidence from the negotiations to support their claims, AU negotiators Salim Ahmed Salim and Sam Ibok both expressed guarded optimism in January about a forthcoming deal. Ibok went as far as to say in January, “Unless something very dramatic happens in Darfur, we shall have a peace agreement in the next couple of weeks” (ST 2006a). In his briefing to the Security Council that same month, Salim outlined significant challenges facing the mediators, but also estimated a settlement in terms of “weeks” rather than months (Salim 2006).

Salim and Ibok perhaps based these views on the structural elements of the situation in Sudan and Darfur. Of most concern, the security situation on the ground was deteriorating which resulted in louder calls from the international community for action (ICG 2006: 2). Indeed, the Bush Administration pushed by a rapidly expanding and more vociferous domestic advocacy movement began calling for immediate action at the UN on authorizing a peacekeeping force to Darfur. In March, Western diplomats successfully obtained promises from the Sudanese government that if a peace deal was concluded the government would consider a handover of peacekeeping responsibilities from the AU to the UN in Darfur (ST 2006c). At the time, UN Envoy Pronk predicted that the change in “the mood in the Security Council... may give a boost to the negotiations” (2006a). One could argue that the Sudanese government’s increased interest thereafter in finalizing a deal at Abuja resulted from a tactical decision to use the negotiations with the movements as a means to co-opt escalating Western pressure demanding a resolution to the conflict.

Internal Sudanese affairs and regional dynamics theoretically could have shaped the perception of the AU mediators that the parties were beginning to ascertain the existence of a mutually hurting stalemate and, therefore, were ready to make a commitment to negotiate. The International Crisis Group observed a shift in focus within the NCP from immediate security concerns in Darfur to the upcoming electoral calendar which set nationwide elections for 2009 (2006: 9). As Dar-

fur would be fought over by all the national parties, De Waal and Flint claim that “Khartoum wanted an alliance with Abdel Wahid to forge a winning electoral base for itself in 2009” (2008: 225). In addition to this calculus, relations between the Sudanese and Chadians governments – once close allies – deteriorated significantly in the spring, with each accusing the other of supporting rebel movements. Concluding a deal with one or all of the movements could allow the Sudanese government to aim its sights on Chad – who it feared endangered its “national security” by aligning with JEM (Marchal 2006: 479). Finally, rumors of secret direct talks in February and March conducted separately by a SLM/AW representative and Khalil Ibrahim of JEM with the government might have also raised the expectations of the AU officials (De Waal and Flint 2008: 201).

While from a structural standpoint the deterioration of conditions and the changing international and regional dynamics could have precipitated a turning point, the actual substance of the negotiations suggested otherwise. Laurie Nathan, a member of the AU mediation team, outlined “four major reasons for the non-negotiating posture of the parties” to refute the assessment of other members of the team in retrospect:

First, as in all deadly conflicts, the parties viewed each other with hatred, suspicion, and contempt. One of the primary functions of the mediator is thus to build the parties’ confidence in each other and in the process of negotiations. This did not happen in Abuja... Second, the divisions among the rebels contributed greatly to their non-negotiating posture... Third, the balance of power was such that it reinforced intransigence on all sides. The rebel bodies lacked military and intellectual weight and were confronted by a relatively strong and sophisticated adversary... Fourth, most of the parties in Abuja appeared to view the battlefield as the strategic arena of conflict and the negotiations as simply a tactical arena (Nathan 2007: 254–257).

This type of environment suggested against a quick resolution, even if some of the mediators saw sufficient structural reasons present for the government and the rebels to end the conflict. Indeed, the parties appeared to be at a point of no progress – an impasse, as defined by Druckman (1986: 333). On a series of visits, Western diplomats pleaded with the parties to be “serious about reaching... an agreement.” In a trip to Abuja, British Foreign Secretary Jack Straw combined this request with threats of sanctions against any parties not fully committed to “doing all they can to reach an agreement” (ST 2006b). To no avail, the movements often looked to these visits as opportunities to leverage international pressure against the government. Such tactics do not represent negotiations over the details of an agreement, but instead mere posturing. Finally, to provide another interpretation of the secret talks being conducting, there is good reason to believe that they were a result of rebel gamesmanship with one another and not a sign of readiness to negotiate.

The fact that the parties found difficulty in communicating in “terms of trade” derived from the DoP/CPA formula established in the summer of 2005 serves as another indicator of deadlock as opposed to ripeness (Hopmann 1998: 80).

While the signing of the DoP may have represented a “turning point in seriousness of the negotiations,” some analysts hold that this point “may have to be renewed several times” in protracted negotiations (Zartman and Berman 1982: 88). Given new political and military developments and evolving conceptions of interests and positions of the parties in the spring of 2006, the mediators needed to obtain renewed commitments from the parties on the formula of principles espoused in the DoP and the political possibilities outlined in the CPA. With regard to the CPA, the political rubric around which all potential compromises in the negotiations turned, the movements discovered in the details phase that the agreement restricted a number of their positions – mostly those related to power-sharing provisions. The AU mediators respected not only the spirit but the letter of the CPA when, in January 2006, “the SPLM/A made it clear that it would countenance no revision” to the document (Hottinger 2006). At the same time, the movements were well aware of “the lack of implementation of key provisions of the CPA” which dampened their enthusiasm for the formula” (Mohamed 2007: 207). Meanwhile, the government negotiators regularly ignored commitments made in the DoP adopting a hard-line approach on each and every issue (Toga 2007: 244).

Having finally reached a similar conclusion that the parties were not yet ready for a comprehensive settlement and that the conditions were not ripe for an immediate comprehensive solution, the AU mediation team adopted a “ceasefire first” plan in March 2006. This approach required a shift in focus from the Abdel Wahid delegation – which stressed in all of its demands the political and economic roots causes of the conflict – to the Minawi faction. At that time, Minawi possessed the most effective fighters in the field and, therefore, the mediators felt he “was the only figure capable of delivering a genuine deal on security.” Likewise, they thought that he “was prepared to be more flexible on power sharing than others of his inner circle” who “had stuck rigidly to their positions” while he was away from the talks (ICG 2006: 3).⁹ The mediators aimed to achieve a breakthrough – or turning point – on security to create sufficient momentum to move “to all the other issues necessary to achieve a peace agreement” (De Waal 2006f: 1). Jeremy Brickhill, an African security expert and advisor at Abuja, has written *ex post facto* on the merits of such a strategy, which was scuttled due to international impatience (2007).

Had this process borne itself out, true negotiations may have unfolded down the line. For instance, the movements may have developed clearer common positions with related “security points” and “redlines” through continuing diagnosis and dialogue with each other; whereas, the government facing sustained pressure from the international community may have taken steps to negotiate from the

⁹ The report states: “The key was to establish an environment where [Minni] felt as though he can make a deal.”

CPA/DoP formula – by establishing definitions for a “terms of trade” – rather than practicing pure hard-line tactics. At the same time, there is equal likelihood or more that the negotiations may have remained at an impasse with neither side communicating or taking dramatic steps towards compromise due to a complete lack of trust between the movements and the government, as well as the lack of trust and cooperation among the movements.

Deadline Declared – An Enforced “Turning Point”

From afar, the international community gradually lost patience with the Abuja talks. The AU mediators’ objectives of an enhanced ceasefire in the spring seemed insufficient for “the AU and its international partners, desperate for a quick accord” (Nathan 2007: 247–248). In early April, President Obasanjo and President Denis Sassou-Nguesso of the Republic of Congo convinced the AU to set a deadline of April 30 for the parties. Three days later, the UN Security Council demanded the same deadline (ST 2006d). Forced to shelve the “ceasefire first” strategy, the AU mediators immediately adopted a “big bang” approach that they would force upon the delegations. The mediators were still in search of agreement on the implementing details of the CPA/DoP formula¹⁰ – but “[t]he best of the AU’s experts in Abuja believed April was unrealistic, off by a couple of months at least” (Flint 2006a). With that said, this type of “deadline diplomacy” would put to the test the structural assessments that the negotiations were possibly ripe for at least an “agreeing formula” settlement, which, if secured, the international community hoped would pave the way for international peacekeepers.¹¹

To meet the imposed deadline, the mediators labored for two weeks to craft a document that reflected compromises on the three major issues of wealth-sharing, power-sharing, and security arrangements. In this period, the role of the mediators shifted entirely to that of formulators. While the team continued to communicate with the parties individually, they no longer facilitated direct negotiations between them – sensing that “the parties had aired their views on all the key questions but there was no move toward compromise” (Toga 2007: 235). On April 25, the mediation team submitted to the parties an eighty-seven page draft agreement covering the three chief issues, implementation mechanisms

¹⁰ Many of the mediators were quite upset with the shift. Nathan writes, “Unlike the parties, the AU mediators were obliged to heed the deadlines set by their political masters and donors. This inhibited the development of a meaningful mediation strategy. With the talks always due to end in a few weeks, there was no point in preparing a 6-month plan of action. The external pressure thus stifled a programmatic effort to build momentum over time, leading to an *ad hoc* approach and a haste incompatible with effective peacemaking” (2007: 246).

¹¹ By April, Salim and Pronk both declared that the negotiations were ripe. Pronk: “Time is ripe for decisions, to cut the knot and strike a bargain” (2006b); and Salim: “The conflict in Darfur, which has witnessed so much suffering and bloodshed, seems at last to be ripe for resolution” (Wadhams 2006).

and modalities, and the Darfur-Darfur Dialogue and Consultation (DDDC) – a mechanism for post-conflict reconciliation. Upon delivery of the document, the team announced that the parties would have five days “to read, comprehend, debate within their ranks, and then endorse” the agreement. For the non-English speakers, this deadline was reduced to three days, as the Arabic version of the agreement was not completed until April 28 (Nathan 2007: 249–250).

In no uncertain terms, the mediators at the behest of the international community had imposed a “turning point” on the parties. Their actions could constitute a desire to create the conditions for a ripe moment (Bendahmane and McDonald 1986: 205) – or a “window of opportunity” that is formed “out of a general context, with no other justification than the impending catastrophe on the distant horizon” (Zartman 2005: 11). UN Envoy Pronk later described the document as a “take it, but not leave it” paper because the parties theoretically had the capacity to improve the document (2006c). While technically true, the five-day timeframe argued otherwise.¹² Furthermore, AU Chief Negotiator Salim strongly implied a “take it, or leave it approach” in his speech on April 25:

I am submitting to you an agreement that doesn't fully give you what you had wanted but an agreement that you can all live with... Now is the time to make a great historic leap and reach out to your counterparts by accommodating their demands and concerns... Make no mistakes about it, for the Abuja Peace Talks, the end is at hand and the question to ask you the Parties is where are you going to stand on the political spectrum? Will it be the same old tactic of there is nothing new in these proposals and therefore we call on the international community to come and protect our people in Darfur? Or will it be a constructive engagement, bearing in mind the fact that at the end of the day, only we can best protect our people. We can do so by agreeing to a peaceful and negotiated solution, or we can go back to fight as you have been doing these past years, even up to yesterday – shooting, killing, maiming and displacing innocent people... Ladies and Gentlemen, this is Decision Time. No more procrastination, no more antics, no more delaying tactics. The eyes of the world are on you (ST 2006e).

Largely unstirred by Salim's pronouncements due to past unenforced threats and deadlines, the movements at first sluggishly engaged with the document. It was not until April 28 that “it became clear to the parties and the members of the mediation team that the April 30 deadline was qualitatively different to all previous deadlines” (De Waal 2007: 269). Their anxiety increased considerably when the government's chief negotiator accepted the document the very same day it was delivered thereby removing the possibility of “a final round of bargaining” – upon which Salim supposedly was depending (De Waal and Flint 2008: 218). Once they read the document, the movement delegations expressed shock with a number of the provisions. Requesting three weeks to review and comment, all three of the movements rejected the document on April 30.

¹² Nathan discusses the impracticality of the deadline for the movement delegations, who “had no opportunity to inform and consult their members and constituents in Darfur... and many of them had great difficulty understanding complex documents” (2007: 250).

Despite their unwillingness to sign, the movements signaled at the deadline that on the core issues a compromise was possible. In that sense, each side began to estimate “the range of concessions needed to reach agreement,” but – because the turning point was imposed – they still lacked a “commitment to see the negotiations through to a final document” (Druckman 1986: 333). This acknowledgment of possible compromise resulted from the two-week drafting period in which the mediators formulated a number of creative areas of agreement. One of the key mediators, De Waal, writes that on security issues, disagreement centered mainly on the single issue of the integration of rebel fighters into the Sudanese army and that on wealth-sharing issues the parties were also close to an agreement (2006f: 2; 2006b: 4). However, on the issues of power-sharing, the movements demanded a number of changes. De Waal admits that the mediators freelanced these provisions more than the others basing them on “the principle of democratic transition” (2006c: 3).

Mediators as Manipulators

With deadlock looming, the AU mediators assumed their third main role in the negotiations – that of manipulators. Throughout the process, the mediators exerted pressure on both sides when necessary to secure crucial agreements for progress. Now though, these efforts became their paramount responsibility. The mediators’ formulation of the draft text – the imposed “turning point” – could not overcome the last barriers to an agreement. The conditions remained unripe – at least three weeks away according to Abdel Wahid’s delegation – as the movements saw the draft as falling considerably short of their demands and “red-lines” (Elgak 2006). Thanks to the deadline and the draft agreement, movement had begun on both sides and for the first time one could argue that a “zone of possible agreement” was emerging (Lax and Sebenius 2006: 89). On the other hand, no consideration had yet been given (or would be given) to the construction of a “way out” for the movements. Nevertheless, the international community held to its presumption that a deal was in reach without further delay or serious revision. As a result, Western diplomats and African elders descended onto the talks to replace the AU mediators as formulators. To complement their impressive abilities to find additional compromises with packages of inducements, they wielded blunt instruments of power.

The AU team set up the situation and then exhausted its leverage against the parties on April 25 and the five subsequent days. In addition to Salim’s speech to the government and movements, the mediation team arranged direct talks between the parties. Some optimism accrued with the presence of Second Vice President Taha and other senior officials of the NCP and SPLM. The mediators thought that perhaps face-to-face talks could result in a major breakthrough. Yet, to no avail, Taha left the talks on May 1 finally convinced that a deal was impossible with the movements even though Salim announced the day before that the

US had requested a 48 hour extension and, therefore, “We shall stop the clock for the next 48 hours so that the opportunity is used... by the parties to engage amongst themselves” (ST 2006f).

Subsequently, an international quartet of diplomats arrived and with President Obasanjo they would take over the operations from the AU mediators. In addition to US Deputy Secretary of State Robert Zoellick, UK Secretary of State for International Development Hilary Benn, Canadian Ambassador to the UN Allan Rock, and EU Special Envoy for Sudan Pekka Haavisto joined the talks. To begin, they attempted to narrow the gap between the parties on the key issues related to security and power-sharing. In back-and-forth consultations with the movements and the government, the new team proposed compromises on regional government in Darfur and the integration of the rebel fighters into the security forces. Benn personally retyped sections related to rebels’ representation late “into the night in the hotel’s cramped office” (De Waal 2006i). Likewise, after meetings with the movements to seek their most important demands, Zoellick on May 2 met with the chief government negotiator al-Khalifa to obtain key concessions on the integration of the rebel fighters (De Waal 2007: 270). While the AU mediators continued to attend the meetings and served as experts on the issues, the command of the negotiations had been clearly passed to Zoellick and company.

Still without firm commitments, the international quartet and Obasanjo next unveiled packages of inducements and threats for the delegations. Like the AU mediators, Zoellick and Obasanjo – who represented the two countries present with the most leverage over the movements – focused the majority of their efforts on Minawi. It was claimed that his participation would be essential to any security agreement, while some also within the international community saw him as a “strongman of Darfur, the man who can deliver peace” (Flint 2006b). Furthermore, both Taha and Obasanjo had informed the mediation team that Abdel Wahid had personally assured them that he would inevitably sign a deal, since Taha had “earmarked” the top Darfuri position in the government for him (De Waal and Flint 2008: 217). These assurances resounded with the international “manipulators” as they believed that the rivalry between the SLM leaders would eventually compel Abdel Wahid to sign for fear that Minawi would take the post (Ismail 2008).

Eventually, the team secured from the government a concession on the reintegration of rebel fighters – an issue especially important to Minawi. Having extended the deadline by another forty-eight hours, Zoellick and Obasanjo led a late night session on May 4 in which they unleashed furious verbal assaults on the three respective rebel leaders whom they invited into a room one by one. For example, Zoellick is quoted as directly outlining Minawi’s options for him: “If you want to choose whoever, like JEM, you can do it – or you can choose the United States” (De Waal 2007: 273). On the other hand, Zoellick also guaranteed that if Minawi or Abdel Wahid signed the DPA, the US would guarantee its

implementation. To that end, he is alleged to have carried with him personal letters from President George W. Bush promising as much (De Waal 2006e: 4).

As a result of these pressure tactics and despite a healthy degree of dissent within his own ranks, Minawi signed the agreement with al-Khalifa on the afternoon of May 5, whereas a few hours earlier Abdel Wahid walked out of another two-hour boiler-room session with Obasanjo declaring the impossibility of his signing the DPA in its present form and under such conditions. Minawi later recalled how the power dynamics exposed during those last days necessitated his agreement: “I calculated the balance of forces and I knew I had to sign” (Toga 2007: 244). Unlike Abdel Wahid, his own pre-eminence among the rebels and Darfuri people was based on power and not the development of political vision, specific demands or popularity (De Waal 2006i). And unlike Khalil Ibrahim, Minawi had not signed a deal with the Chadian government – but instead was closer to the Americans, who were now threatening him with possible UN sanctions or an ICC indictment if he did not sign (De Waal and Flint 2008: 208). Had he failed to sign the agreement, it was reported that a “massive attack” by Sudanese forces and allied militia was imminent against his fighters in South Darfur (ST 2006g). In the aggregate, such forces would have seemed immense to Minawi.

To Sign or Not to Sign?

As the manipulators pushed hard for a final deal, they ignored the changing regional dynamics and the possible need by the movements for a “way out.” The mistakes in part were due to the desire for a “quick fix.” No one took the time to probe the potential rise of JEM and the factors that lay behind Abdel Wahid’s obstinacy. From the signing of the DPA until today, Abdel Wahid has received much of the blame for its failure and, consequently, the continuing violence and suffering in Darfur. Some have accused him of irrationally walking away from negotiations to bring peace and security to his people, while others charge that Abdel Wahid was never interested in a negotiated settlement – but only in an international intervention in Darfur *à la* Bosnia or Kosovo (De Waal 2006e: 4). Exploring briefly Khalil Ibrahim and Abdel Wahid’s reasons for not signing the DPA will shed further light on the mediators and international community’s decision to abandon the slow, frustrating process of using an agreed upon formula to discover agreeable implementing details for a quick imposition of a deal on all sides.

In the case of JEM, few of those involved in the process realized the impact of Khalil Ibrahim’s new accord with the Chadian government – which promised the movement significant financial and military support in the coming months (De Waal and Flint 2008: 207). Instead of assessing how this development might increase JEM’s bargaining chips in the present and future, some observers regarded

JEM's reluctance to negotiate as resulting from their desire for regime change in Khartoum (Pronk 2006f) – which, some claim, is a product of Ibrahim and others' ties to Sudanese leader Hassan al-Turabi (ICG 2006: 7).¹³ In fact, the JEM leadership itself believes that Zoellick and the international team excluded it from the final round of negotiating and inducements due to these rumors and what they call the "JEMophobia" of the US government (El-Tom 2007). Others argue, however, that the quartet avoided JEM because it was politically strong, but military weak – again, not taking into consideration the changing winds (Ismail 2008). They also may have believed that Minawi would be enough to reign in the Zaghawa after the signing of the DPA. Whatever the true reason, this strategy guaranteed JEM's refusal to sign since it – like the other movements – saw the weaknesses of the agreement and, therefore, would need a package of threats and incentives to accept an enforced compromise.

In the case of SLM/AW, the chaotic final days proved an insufficient period of time to engender from Abdel Wahid and his faction a "way out" – what Zartman calls a "mental about-face required to come up with an agreeable formula and convey a sense of requital" (1991: 307). Many observers found his actions and decision-making difficult to understand, since during the final month it was Abdel Wahid who seemed to be the movement leader most committed to the talks and open to compromise (Pronk 2006c). Instead, Abdel Wahid's dramatic refusals to succumb to the heavy-handed tactics of the mediators – despite reported promises that he would sign – and Minawi's equivocation until the last minute represent natural responses, predicted by Zartman, of "attitudinal schizophrenia, policy disputes, and conflicting actions and signals" by parties close to a deal but lacking an appropriate psychological path to an agreement (Zartman 1991: 307–308). As De Waal wrote, each of the leaders needed to find a means "to come to terms with its former enemy" (2006a). Yet, given the level of enmity among the rebels, Abdel Wahid may have also required time and mental agility to overcome his reluctance to sign a deal with his once ally, now rival, Minawi.

Furthermore, the same types of tactics used against Minawi proved unsuccessful against Abdel Wahid because of the latter's broad popularity in Darfuri society and his personal conceptions of his own importance to their suffering and struggle. At the time of the DPA, UN Envoy Pronk described Abdel Wahid as "clearly a 'symbol' for his people" – a claim supported by the many protests to the deal that sprung up across Darfur in the weeks after the signing of the DPA (2006d). Likewise, the international advocacy on ending the "genocide" in Darfur and even the sympathetic international and regional support for the movements affected the movement leaders. Regardless of whether – as some derogatively claim – Abdel Wahid suffered from "delusions of grandeur," he more than any of

¹³ This report includes this type of accusation against JEM from a member of Abdel Wahid's faction; however, it has been repeated by many other observers and analysts, though without sufficient substantiation.

the other movement leaders had this structural asset at his disposal in Abuja (Flint 2006a). Therefore, a greater package of threats and inducements – part of the manufacturing of a “way out” – for him was necessary to finalize a deal that would allow him “to confront his constituency” whose expectations he had built up over the years (Pronk 2006c). Nevertheless, the final five days did seem to soften Abdel Wahid’s negotiating posture.

In fact, Abdel Wahid showed a strong interest in continuing negotiations. When the international quartet and most of the AU mediators left on May 6, he stayed in Abuja with his delegation and proposed his three chief demands as an amendment to the DPA via the assistance of De Waal, who had also stayed (De Waal 2007: 280). Sudanese negotiator al-Khalifa actually agreed upon two of the demands in a response letter but the disagreement on the third item – related to political representation – required either a unilateral compromise or further mediation. With the international community unwilling to reopen the talks, this final point killed this last round of communications between the government and Abdel Wahid. As the Abuja process showed, the intransigence of all of the delegations required an external formulator or manipulator for development to occur at the pace demanded by the international community. Having imposed a “turning point” and set hard deadlines, the international community terminated its obligations to carry out such roles and responsibilities. As a result, the last opportunity for compromise failed.

It also must be stated that such an outcome may not have upset the Sudanese government, who used the “deadline diplomacy” of the international community to its advantage by immediately accepting the draft agreement on April 25. Having employed a “divide-and-rule” strategy from the beginning of the Darfur crisis, they worked throughout the Abuja negotiations to stir dissension among the movements (ICG 2006: 2; De Waal and Flint 2008: 201). While some have claimed that the government aimed for an alliance through a peace deal with Abdel Wahid (De Waal and Flint 2008: 225), walking away with Minawi’s signature, deep divisions among the movements, and the considerable abatement of international pressure were all definite gains for the government. Those who doubt that the government ever intended to implement the DPA adopt such an interpretation of the government’s willingness to sign (Ismail 2008). Given that by mid-May the government could see the quickened pace of rebel fragmentation, al-Khalifa’s rejection of Abdel Wahid’s last offer – which could have led to a comprehensive solution – gives credence to this analysis.

Despite securing the signatures of only one of the three movements, the US, the AU, and the majority of the international community hailed the DPA immediately as a success. The continued engagement of Abdel Wahid and the international community’s collective pressure applied on SLM/AW and JEM to sign over the following weeks did not detract from the common perception that the priority objectives had been achieved at Abuja. These actors cared little for the quality of the agreement, as AU Chief Negotiator Salim revealed, “the only page

that really matters is the last page, which has the space for the signatures of the Parties” (Nathan 2007: 251). Such a reaction is characteristic of a deal birthed at the last minute from an acquiescence to power than to one that arises from an integrative process of negotiations. Zoellick and Obasanjo successfully overrode the “crests” of the government and Minawi through sheer brute persuasion – and not through engendering more profound ascertainties on either side that a workable agreement was legitimately in hand. For this reason, the International Crisis Group concluded that “there is a very real danger that the international community, in its eagerness to get a deal, has brokered one that is structurally weak. Without the good faith of the parties, particularly of the government, and without effective fulfillment by AMIS of its verification and patrolling roles, the DPA is destined to fail” (2006: 4).

Lessons Learned from Abuja

Considering that the Abuja talks were comprised of two distinct approaches to negotiations, two types of lessons – those related to the integrative school of negotiations and those related to the structural school – can be learned from the process. It is necessary to point out that by adopting a “deadline diplomacy” approach the international community committed itself to finding, at a minimum, an “agreeing formula” at the possible expense of the “resolving formula” – which before their takeover of the process had been the focus of the AU mediators. As expressed by Salim, the most important element of the DPA was the signature page and not the solutions within the agreement that could set the foundation for long term peace and security. The agreement, in Pronk’s words was “a necessary, but not a sufficient condition for peace” (2006f).

With that said, the final international package of threats and inducements were useful in narrowing the gap on key substantive issues. De Waal even suggests with more time the quartet and mediators could “have found a formula to satisfy the SLM... and pushed... [al-Khalifa] to yield” on power-sharing – the last issue requiring substantial mediation (2006i). Nonetheless, the international quartet did not have time or the will to coordinate effectively a dual approach of negotiated compromise and an imposed deal. Instead, the grand theatre during the final days was axiomatic of a process never fully staffed and supported by the international community, whose deadline of April 30 some thought, resulted primarily from an unwillingness to continue funding the effort further (Nathan 2006: 4).

1. Credibility of Deadlines

The chief lesson to learn from the “deadline-diplomacy” approach concerns the credibility of the imposed deadlines. After two long years, all the parties ignored

the AU and UN deadline of April 30 when it was first announced (Nathan 2006: 4). Based on the blatant disregard shown to earlier deadlines, Pronk argued at the time that setting a deadline “would not make much sense... in particular if the parties and the mediators would not aim at complete, unambiguous texts” (2006b). His counsel dismissed, the non-urgent response by the movements to the deadline meant that the real negotiations and dialogue – the objectives of the imposed “turning point” – did not begin until April 28, when the movements finally realized the full dynamics of the situation. Even then, De Waal argues that Zoellick’s style – which he had perfected as the US Trade Representative – of “[d]eadlines, pressure and inflexible insistence on the letter of the agreement simply don’t work in Sudan” (2006i).

Ironically, once Abdel Wahid and the JEM leadership fully realized the seriousness of the deadline with the departure of the Western diplomats and AU mediation from the Abuja, the international community showed an even stronger commitment to maintaining the credibility of its deadlines over the possibility of improving the final agreement and securing the signature of at least Abdel Wahid. Having failed to construct a “way out” for Abdel Wahid during the final days, the international community subsequently erected procedural barriers that blocked Abdel Wahid’s “way in” to the DPA. Instead of continuing a dialogue with him in the aftermath of Abuja, the international community ignored his signaling that he was finally amenable to compromise (Baldo 2006). Threats of deadlines, on the other hand, had little effect on JEM, given its long-view of the conflict ultimately “aimed at defeating the ruling NCP” and its recent securing of support from the Chadian government (ICG 2006: 12). Of the three movements, it alone could not be browbeaten into an “agreeing formula” as it correctly assessed its new military potential and the capacity to fight for a better agreement.

2. *Ownership of an Agreement*

An integrative analysis identifies significant problems in the manner by which the final deal was struck and perhaps another reason why the movements were reluctant to sign. Of most significance, the imposition of the deadline on the parties and later the delivered text of the DPA prevented either side from claiming authorial credit for the document itself (Nathan 2007: 261). For example, on the most challenging issue of power-sharing, the AU mediators constructed the compromise – which the movements saw as being too close to the original government positions. A member of the SLM/AW posed the question in his “critical review” of the agreement: “on what basis [should] the Movement... sign an agreement which it did not participate in discussing?” (Elgak 2006). Rather than trust among the parties arising from a process of drafting the document together, which actually occurred in the development of the Declaration of Principles, the CPA set up the “unique” situation for African peace agreements that “confidence-building

between the parties has to take place after the agreement is signed, not beforehand” (De Waal 2006e: 1).

Abdel Wahid’s adamant insistence on “guarantees” during the final days may also emanate from a feeling of personal disconnect from the CPA document itself. Perhaps the AU mediators were right to ask him in an official letter days after the signing of the agreement, “What more guarantees could one have? One cannot go higher than the UN Security Council and the President of the United States. These are stronger guarantees than were provided to the CPA, stronger than any other peace process in Africa today” (AU Mediation 2006). These questions though may mistake the rebel leader’s discomfort with the method of the mediation and the use of deadline diplomacy with the agreement’s actual substance. With that said, many independent analysts have sided with Abdel Wahid and criticized the agreement for a lack of firm timelines and guarantees – also a product of a rushed and imposed agreement (ICG 2006: 1).

3. *An Appropriate Formula?*

In reviewing the entire Abuja process, rather than merely the last month, one could question whether the CPA/DoP combination served as the most appropriate formula for an agreement. Instead, some have argued that the intransigent refusal of the SPLM to allow for any modifications of the CPA served as the chief stumbling block in the details phase of the negotiations and, therefore, asked why the IGAD-led Naivasha talks and AU-led Abuja talks were not more closely connected (ICG 2004a: 18). Analysts immediately predicted after the signing of the CPA that its power-sharing arrangements would upset the Darfuri movements and create problems for an ultimate settlement (ICG 2005a: 4). The political leadership of the SPLM’s John Garang assuaged some of these concerns, as the international community viewed him as possessing the diplomatic skills and commitment to a unified Sudan “to pull the proverbial rabbit out of the hat and successfully resolve these conflicts” (Young 2005: 548). This negotiating intangible, however, died tragically with Garang in the summer of 2005.

Unable to turn back the clock or persuade the SPLM and NCP to modify the CPA, the mediators attempted to convince the movements that any power-sharing agreement would only be temporary as a result of scheduled national and regional elections in 2009. Yet, this tactic required that the movements believe in the fulfillment of long-term promises. With a lack of trust in the NCP and later the AU mediators and even the international community, Abdel Wahid and JEM refused to give up “assurances today instead of uncertain promises of future gains” (De Waal 2006h: 2). Noted above, by the spring of 2006, the parties no longer regularly communicated in “terms of trade” derived from the CPA/DoP formula. The rebel movement delegations questioned its flexibility and balance – two essential characteristics for a good formula (Zartman and Berman 1982: 118).

4. *Inclusivity/Exclusivity of the Process*

During the Abuja process, the AU mediators showed a strong regard for the need to keep the rebel movements unified. Indeed, Chief Mediator Salim believed that recognizing the new rebel movements “would be tantamount to encouraging splinter factions” (De Waal and Flint 2008: 209). While they did not fully succeed, their decisions and understanding of the potential consequences of whom to recognize and whom not to recognize stands in stark contrast to the decisions made by the post-DPA UN and AU mediators. While the DPA has been blamed for fragmenting the movements, the AU mediators attempted until the last moment – June 6, 2006 – to recognize only the three leaders of the rebel movements. On that date, they finally allowed for individuals – who were either “accredited delegates to the peace talks, or military commanders or political leaders known to AMIS” – to sign a “Declaration of Commitments” (De Waal 2006d: 3).

Both an integrative and structural approach would view such efforts as important in securing an agreement. On the other hand, the exclusion from the Abuja talks by the mediators and the parties themselves of Darfuri civil society – “including social and political forces, including Arab groups” – most likely served as another reason for the stalemate in the spring of 2006 as seen from the integrative perspective (Elgak 2006). Civil society leaders not tied to movements could have potentially offered new ideas or signaled new areas of compromise – as has been recommended for any future negotiations (Prenderast, Ismail and Fowler 2008). Indeed, Pronk and others accused the movements of focusing in the talks on “issues which are not so relevant for the well-being of the Darfurians” (2006a). The inclusion of civil society representatives and other voices might have counteracted the hardening of the movements’ positions due to internal power struggles and fragmentation, but – paradoxically – it may have also made it more difficult for the manipulators during the final days to conclude an “agreeing formula.” That is, from the structural perspective, the exclusion of other participants made it easier for the international “manipulators” to apply direct targeted pressures on the movement leaders, who were in fact not only isolated in Abuja from their constituents but also their rebel commanders on the ground.

5. *Support for Movements in Pre negotiations and Diagnosis Phase*

With the exception of the Libya conferences in early 2005 and a brief period of support from the Roman Catholic Sant’Egidio Community, the movements never focused their energies on diagnosing their interests and positions (or those of the government) and building common platforms, but instead constantly engaged in their own internecine power struggles. Consequently, the movements for the most part neglected this most important step of negotiations at the beginning and never pursued it once the negotiations began. While the mediators

recognized that the “rebels’ intransigence was due partly to a lack of expertise with and confidence in negotiations,” they failed in providing adequate mediation support to the movements to build up their abilities for diagnosis (Nathan 2007: 260). The final month of Abuja revealed the extent of the imbalance in negotiating experience, as the Sudanese government took advantage of the “deadline diplomacy,” while the movements displayed – perhaps due to intimidation – a complete inability to respond and employ counter-initiatives. Furthermore, the movements lost one of their only structural negotiating levers – support from Western governments – when their representatives arrived in Abuja and demanded an agreement.

It has also been argued that a lack of expertise regarding security arrangements for all parties contributed to the failure of the talks as well (Brickhill 2007: 4). Under UN/AU-led peace process in the future, the UN Joint Mediation Support Team and non-governmental organizations should strive to fill these deficiencies in the process.

Conclusion

“Remember these words: all of you, the international community, will create big chaos in Darfur, endless fighting, endless suffering, endless chaos,” declared a defiant Abdel Wahid before the signing ceremony for the DPA (De Waal 2006i). Perhaps prophetic, some key actors knew at the time that Abdel Wahid possessed the ability to turn prophecy into reality. UN Envoy Pronk wrote, “We need the support of Abdul Wahid and his followers, who together represent at least two thirds of the displaced people in the camps” (2006e). The US and international community clearly gambled that Minawi’s signature would be sufficient in the short-term to lessen the violence, lessen the international outrage, and ultimately lessen the popularity of Abdel Wahid and the national influence of JEM. Today, history reveals that they were incredibly wrong. Minawi could not deliver peace – though he tried violently in the subsequent months – and lost credibility in the eyes of the Darfuri people; the movements fractured to an unpredictable extent; and Abdel Wahid increased his popularity in the IDPs camps and retained a considerable amount of his domestic following (despite having resided in Paris for the last two years). JEM, moreover, emerged as the strongest military force in Darfur with national and international reach, and the DPA has yet to clear the path and end the government’s obduracy to the deployment of a UN peace-keeping force. In short, chaos reigned in Darfur and the situation currently appears on the verge of sliding into a deeper morass.

The UN now jointly leads the peace process with the AU – but, confused by the disunity of the movements and stunted by their prenegotiation demands, the mediation team remains firmly at square one in reviving direct talks between the

government and the movements – a prospect perhaps even dimmer with the recent request from the ICC prosecutor for an arrest warrant for President al-Bashir. Advocacy groups and think tanks have issued recommendations for the mediators and some of these touch upon the five lessons from the Abuja process highlighted in this article.¹⁴ Nevertheless, the chief decision that the international community must make is whether it has the patience and wherewithal to invest in a process that gradually facilitates dialogue among the movements and finally between the movements and the government – even if such a process must go back through the prenegotiation, formula, and detail phases. If not, it then must decide if it can conjure up another set of threats and inducements – combined with hopefully a more flexible base package agreement – to impose an “agreeing formula” on the parties off of which to build trust and a “resolving formula” in the future. The Abuja talks reveal that these two strategies are also not mutually exclusive and that if coordinated well (not the case at Abuja) a turning point can be imposed that forcefully ripens the negotiations and opens up a window of opportunity. In such a scenario, the mediators must work with those applying the external pressure in order to engender real exchanges between the parties to discover means to narrow the existing gaps and create new avenues for compromise.

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