



General Assembly

Distr.
GENERAL

A/HRC/S-4/NGO/1
12 December 2006

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Fourth special session
12 December 2006

**Written statement* submitted by North South XXI, a non-governmental organization
in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[5 December 2006]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

The Darfur Peace Agreement: A Raw and Irrelevant Deal¹

The African Union (AU) brokered Darfur Peace Agreement (DPA) was signed on Friday 5th May 2006 in Abuja (Nigeria) between the government of Sudan (GoS) and a faction of the Sudan Liberation Movement and Army (SLM/A) led by Mr. Minni Minnawi. The other SLM/A faction led by Mr. Abdul Wahid Nur and the Justice and Equality Movement (JEM) so far refused to sign the agreement unless their concerns are met. These concerns are about the right of the victims of the conflict to satisfactory compensation, quality participation of the people of Darfur in the political decision-making process, proportionate share for Darfur in national economic wealth, restoring the status of Darfur as one region with its border lines as defined in 1956, and a greater role for the movements in disarming the Janjaweed and protecting civilians in Darfur.

The DPA was reached under unhealthy conditions with dramatic increase in violence and insecurity in Darfur. It was negotiated and signed in the absence of a real ceasefire arrangement respected by all the parties. Efforts of the AU mediation team to persuade the parties to reach a negotiated political settlement based on informed opinion were obstructed by the unwillingness of GoS negotiators to accommodate the basic demands put forward by the Darfur insurgent movements. GoS embraced the DPA as presented by the AU mediation while Mr. Minnawi signed it under pressure from African and western political leaders. He did so only when western European observers introduced important changes to the text and promised to scrupulously follow-up implementation.

The AU and the international community at large hailed the signing of the DPA as the first step in a series of measures needed to end the armed conflict in Darfur and arrest the threats the conflict poses to peace and security in the African sub-region. Because of the unusual conditions under which the Inter-Sudanese Peace Talks on Darfur that led to the DPA were held, it was natural that the AU considered the signing of any text of an agreement as a successful conclusion of this process with little regard to the contents of the agreement or the chances that it brings peace to the region. It seems that for the AU mediation as well as for GoS coercion of the Darfur insurgents to sign the DPA was the objective rather than a genuine deal that yields a lasting solution of the reasons underneath the conflict in Darfur.

The international community on its part is concerned about the acute humanitarian situation on the ground and the protection of defenceless civilians in Darfur rather than an exercise for a comprehensive solution that addresses the root causes of the armed conflict. It was concerned about preserving the gains of the Comprehensive Peace Agreement (CPA), which ended Sudan's 20 years of war in the South and the adjacent areas. It therefore considered the DPA as a measure upon which it reckons for launching a robust UN-sponsored operation to protect the civilian population in Darfur. The objective is to stabilize the overall political situation in the country and maintain the *status quo* under the CPA. The DPA does not provide for the deployment of international peacekeeping force to protect civilians in Darfur. This point is being used by GoS as additional argument in its rejection of the deployment of UN peacekeeping force to protect defenceless civilians in Darfur.

¹ Darfur Relief and Documentation Centre (DRDC) also shares the views expressed in this statement.

At home the DPA was met with discontentment from the major stakeholders in Darfur particularly the internally displaced persons (IDPs) and war-affected communities. Civil society groups from Darfur as well as some major national political parties have rejected the DPA. Most of them were under the impression that the DPA was an incomplete project proposal imposed upon the Darfur insurgent groups by GoS with the complicity of the AU and the international community. Frustration and anger about the contents of the agreement provoked violent demonstrations and clashes throughout the three Darfur States and the national capital Khartoum. On Saturday 13th May 2006 at least six persons were killed and two others injured in Abou Shouk IDP camp in North Darfur when police used firearms to disperse an anti-DPA demonstration.

Anti-DPA violence also cut short a visit of Mr. Jan Egeland, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to the region. During Mr. Egeland's presence in Darfur on 8th May 2006 some frustrated IDPs in Kalma camp, (South Darfur State) attacked an aid worker and then ransacked the AU Civilian Police Station, lynching to death Mr. Ahmed Defala a Sudanese national serving the AU as interpreter. The IDPs have expressed anger about the lack of protection of civilian population provided for by the DPA. On 16th May 2006 angry demonstrators in Abou Shouk IDP camp and other areas in Darfur expelled the AU force and demanded the immediate deployment of international troops to protect them. On Friday 26th May 2006 militiamen attacked an AMIS patrol team in the Masteri area in West Darfur State near Sudan's border with Chad. One soldier was killed and two others were wounded during this attack. Reports also indicated that on Saturday 27th May 2006 between 50 and 60 militiamen attacked AMIS base in Masteri and wounded five soldiers. The growing insecurity provoked continuous pull out of relief agencies and workers from the region.

In short the DPA made little change on the security and humanitarian situation. Since the DPA signing on 5th May 2006, Janjaweed attacks on villagers inside Darfur and across Sudan international border have been regularly reported. On Sunday, 3rd December 2006 and for the second time in less than a month the Janjaweed attacked civilians inside El Fashir. They looted the market place, killed at least seven persons and wounded dozens others. It was observed that the signing of the DPA by only one rebel faction is increasingly polarizing the inter-tribal relationships in Darfur especially among the war-affected communities. Members of the Fur and Masalait tribes who represent the majority victims of the armed conflict violently oppose the agreement.

The DPA requires that GoS disarm and demobilize the Janjaweed by mid-October 2006. It should also restrict movements of other militia groups i.e. the Popular Defense Forces but without commitment to disarm them.

The agreement stipulates that 4,000 former rebel combatants be integrated into the Sudanese Armed Forces and 1,000 be integrated into the police force while 3,000 are to be supported, through education and training programs, and eventually employed in civilian positions to help in the reconstruction and rehabilitation of Darfur.

Rebel signatories of the agreement are to occupy the 4th highest position in GoS i.e. Senior Assistant to the President and Chairperson of the Transitional Darfur Regional Authority (TDRA), which is responsible for implementation of the DPA.

In July 2010, a popular referendum will be held to decide whether to establish Darfur as a one region with a single government.

For the three-year period prior to elections, the agreement grant the rebel groups 12 seats in the National Assembly, 21 seats in each of the Darfur State legislatures, one State Governor and two Deputy State Governors in Darfur. It also provides for unidentified number of senior positions in State Ministries, and key posts in local governments.

On the wealth sharing GoS agreed to contribute US\$ 300 million as an initial payment and then US\$ 200 million per year for the next two years for the rebuilding and reconstruction of the Darfur region. The DPA requires the international community hold a donors' conference and pledge additional funds for Darfur. It invites the TDRA Chairperson to present to that conference a summary of needs and priorities. A Joint Assessment Mission (JAM) similar to the JAM done for reconstruction of South Sudan after the Comprehensive Peace Agreement will be established to determine the specific reconstruction and development needs of Darfur.

The agreement provides that GoS is to make a onetime payment of US\$ 30 million in compensation to the more than two million victims of the armed conflict in Darfur.

These DPA provisions were rejected by the Darfur holdout insurgent groups on the ground that they fall far short of meeting their minimum political demands. They were concerned that the DPA has overlooked some basic criteria agreed upon in the Declaration of Principles on the Resolution of the Sudanese Conflict in Darfur of July 2005 (DoP). The insurgents claimed that the DPA ignored the work conducted by the negotiators and experts since the 7th Round of the Inter-Sudanese Peace Talks on Darfur were convened in November 2005. They also claimed that certain provisions that were proposed by the AU mediation in an earlier draft agreement, which were accepted by the parties, have disappeared from the final text. These provisions addressed issues such as power-sharing; wealth-sharing and security arrangements together with issues of general principles, guarantees for implementation, mechanisms and timeframe for implementation.

The DPA placed special emphasis on the security arrangements on the ground and for that reason disarmament of the Janjaweed was considered as a central issue. This represent a substantial break through in the history of the conflict that should be consolidated. However, the Darfur insurgent movements expressed fears that the haste with which this issue was addressed indicates that the whole process was in reality a security deal to disarm them rather than a political agreement that addresses the root causes of the conflict. It is to be noted that the SLM/A faction that signed the DPA would have not done so if western European observers had not introduced some critical amendments on the security arrangement section. However, serious concerns remain as to the practical modalities for implementation of this part of the agreement especially with regard to the Janjaweed disarmament.

The DPA provides that disarming and dismantling the Janjaweed is the responsibility of GoS. It provided that this process is to be completed by October 2006 and that the AU. Sudan's acceptance to disarm the Janjaweed is one of the positive points of the DPA because it has put an end to the government denial of any links with these murderous groups. Asking GoS to disarm the militia groups it has created seems to be logical, but the government's intransigent disregard of AU and UN demands to rein in the Janjaweed leaves serious doubt about its undertaking to do so under the DPA. Experience with the conflict during the last two years shows that disarming the Janjaweed is beyond the government intention and that it has been absorbing them in the regular forces. Hence

entrusting GoS to disarm the Janjaweed and protect the civilian populations in Darfur amounts to the equivalent of imploring the hyena to guard the sheep.

On the other hand disarmament of the Janjaweed is a complicated exercise and cannot be effectively undertaken without a clear strategy based on careful study of all possible options. Sudan lacks expertise in this area and it is, therefore, practically impossible that it will be able to carry out this task alone. The agreement does not provide for any sound independent mechanism to supervise the government work in this regard or check its compliance with the DPA on this crucial issue. In light of its practical experience in Darfur during the last two years, AMIS clearly lacks the necessary political backing and ability to verify disarmament of the Janjaweed and to that extent certify the completion of such a complicated technical issue. Indeed, to certify completion of the Janjaweed disarmament, AMIS should unambiguously be empowered to directly control and supervise this delicate process. This requirement was not provided for under the DPA.

Recommendations

Continuous military operations and Janjaweed attacks in Darfur with its cross-border implications requires immediate intervention to protect the civilian population and avert a possible humanitarian crisis in the African sub-region.

The adoption of UNSC's resolution 1679 (2006) and 1706 (2006) on 16th May and 31st August 2006 was a step in the right direction. It should be followed by the deployment of a robust UN-sponsored peacekeeping force in Darfur.

Forcing the remaining insurgent groups to sign the DPA without sincere efforts to accommodate their concerns would further jeopardize the peace process. It would generate unpredictable reaction from the war-affected communities and could put the lives of AMIS and UN personnel in the region in danger.

Slapping sanctions on the holdout insurgent groups or the threat thereof is an unadvisable measure. It would probably incite more people to support the movements, strengthen their position on the ground and eventually lead to the collapse of the DPA altogether.

- - - - -