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**NO OWNERSHIP, NO PEACE:
THE DARFUR PEACE AGREEMENT**

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Crisis States Research Centre

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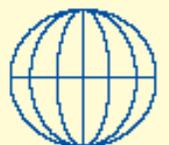
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Introduction

In 2003 fighting broke out in the Darfur region of Sudan as rebel movements mobilised against the Government's political and economic marginalisation of their communities. Media reports tended to portray the conflict as a struggle between African farmers and Arab herdsmen over scarce resources but the root causes lay more deeply in Khartoum's oppressive and exploitative relations with the peripheries of Sudan since pre-colonial times.¹ The Government and its proxy force, the Arab militia known as the Janjaweed, responded to the rebellion with such systematic and large-scale destruction of people and villages that they were accused by the US administration and others of committing genocide.² By 2006 an estimated 350,000 people had been killed and almost two million people had been displaced.³

In late 2005 the seventh round of the Inter-Sudanese Peace Talks on the Conflict in Darfur commenced in Abuja, Nigeria, under the auspices of an African Union (AU) mediation team. The mediation was led by Salim Ahmed Salim, the former Secretary-General of the Organisation of African Unity, and supported by the UN, the UK, the US and other international partners. The purpose of the talks was to broker a comprehensive peace agreement between the Government of Sudan and the main rebel movements in Darfur, the Sudan Liberation Movement/Army (SLM) and the Justice and Equality Movement (JEM). On 5 May 2006 the Darfur Peace Agreement (DPA) was signed by the Government and by Minni Minawi, the leader of one of the two SLM factions, but was rejected by JEM and Abdel Wahid al Nur, the leader of the other SLM faction.⁴

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¹ On the origins and causes of the conflict, see Julie Flint and Alex de Waal, *Darfur: A Short History of a Long War*. Zed: London and New York, 2006; and International Crisis Group, "Unifying Darfur's Rebels: A Prerequisite for Peace", *Africa Briefing*, no. 32, October 2005.

² See, for example, Milton Leitenberg, "Deaths in Wars and Conflicts in the 20th Century", *Occasional Paper*, no. 29 (3rd ed.), Peace Studies Program, Cornell University, 2006, pp. 34-60; and Nicholas D. Kristof, "Genocide in Slow Motion", *New York Review of Books*, vol. 53, no. 2, February 2006.

³ United Nations High Commissioner for Refugees, *The State of the World's Refugees 2006*, April 2006, retrieved from www.unhcr.org on 6 September 2006.

⁴ The SLM was established in 2003 and soon split into two factions. The Minawi faction was stronger militarily and its fighters were drawn chiefly from the Zaghawa people who comprise roughly 8 per cent of the Darfur population. Abdel Wahid's support was located mainly in the Fur tribe, which constitutes between a quarter and a third of the population. JEM is a small, Islamist organisation that, unlike the SLM, has a national political agenda. See Flint and de Waal, *Darfur: A Short History*; and International Crisis Group, "Unifying Darfur's Rebels".

The Agreement did not achieve peace and in certain respects it heightened conflict. Following the signing ceremony there were violent protests against the DPA in Darfur. More ominously, the Government and Minawi formed an offensive military alliance and attacked communities that support Abdel Wahid, while the Janjaweed's rampages continued unabated.⁵ There was widespread opposition to the deal within the Minawi group, with some commanders announcing a suspension of the DPA.⁶ Conversely, four senior officials from JEM and the Abdel Wahid faction signed a declaration of support for the Agreement and several leaders in Abdel Wahid's grouping broke away because of his stance. As the International Crisis Group (ICG) put it, the DPA "accelerated the break-up of the insurgency into smaller blocs along loose ethnic lines".⁷ In order to counter this tendency, JEM and rebel leaders from different factions founded the National Redemption Front.

At the end of June 2006 Jan Pronk, the UN Secretary-General's Special Representative in Sudan, warned that there was a significant risk that the DPA would collapse. He argued that it was a good text and an honest compromise between the extreme positions taken by the parties in Abuja, but it did not resonate with the people of Darfur and was meeting growing resistance from internally displaced persons (IDPs) in particular. They believed that the Agreement "has been forced upon them and, rather than meeting the interests of all parties somewhere halfway, only strengthens the position of the government and [Minawi's] minority tribe, the Zaghawa".⁸ Pronk concluded that the DPA, though not yet dead, was severely paralysed. At the time of writing (mid-September 2006), the Government had mounted a major offensive aimed at crushing the rebellion and there seemed to be no prospect of ever resuscitating the DPA.⁹

Intended to address the causes of the conflict, the DPA contains provisions on power-sharing and political representation; wealth-sharing and compensation for the victims of the conflict; ceasefire arrangements and long-term security issues; and a Darfur-Darfur Dialogue and Consultation designed to facilitate local dialogue and reconciliation.¹⁰ The content of the DPA has been criticised by a number of analysts,¹¹ including the ICG whose commentary sparked a heated exchange with the AU.¹² The current paper does not cover this ground. It focuses instead on the process of negotiations and mediation in Abuja between November 2005 and May 2006, and

⁵ Julie Flint, "Where Is the African Union in Darfur?", *The Daily Star* (Lebanon), 12 July 2006; "Sudan Military Reported To Be Aiding Rebel Attacks", *Sudan Tribune*, 12 July 2006; and International Crisis Group, "Darfur's Fragile Peace Agreement", *Africa Briefing*, no. 39, June 2006, pg. 5.

⁶ "After 5 May Deal, SLM Minawi Faces Divisions and Defections", *Sudan Tribune*, 19 June 2006; and "Tension Mounts within the Darfur SLM-Minawi Streams", *Sudan Tribune*, 1 July 2006.

⁷ International Crisis Group, "Darfur's Fragile Peace Agreement", pg. 1.

⁸ Jan Pronk, "Darfur Agreement is Severely Paralysed", *Sudan Tribune*, 1 July 2006.

⁹ See "Army Unleashes Military Offensive in Darfur", news report, UN Integrated Regional Information Network, 1 September 2006; and "Sudan's Darfur Military Action Illegal – Annan", *Sudan Tribune*, 12 September 2006.

¹⁰ For a comprehensive discussion of the DPA by a member of the AU mediation team, see Alex de Waal, "Explaining the Darfur Peace Agreement", 7 June 2006, retrieved from the website of the Friends Committee on National Legislation, www.fcni.org, on 1 September 2006.

¹¹ See, for example, "Sudan: It's the Government, Stupid", *Africa Confidential*, vol. 47, no. 10, 12 May 2006; and Julie Flint, "Pursuing an Illusion of Peace in Darfur", *The Daily Star* (Lebanon), 23 May 2006.

¹² See International Crisis Group, "Darfur's Fragile Peace Agreement"; "AU Reacts to ICG Report on Darfur Peace Deal", *Sudan Tribune*, 25 June 2006; and Gareth Evans, "Letter to Ambassador Said Djinnit, African Union Commissioner for Peace and Security", 28 June 2006, retrieved from the ICG website, www.crisisgroup.org, on 11 July 2006.

seeks to show that the manner in which peace agreements are prepared and concluded is as important as their content.

In summary, the Abuja talks had three primary dynamics: the negotiating parties were unwilling to engage in negotiations and failed to forge agreements; the AU and its international partners, desperate for a quick accord, pursued a counter-productive strategy of deadline diplomacy that inhibited progress; and the mediators were consequently unable to undertake effective mediation. As a result of these dynamics, the DPA was not a negotiated settlement and its fulfilment was bound to experience severe difficulties.

The Abuja process reinforced two general lessons regarding mediation in civil wars. First, these wars are not conducive to a viable quick accord. They have multiple historical, structural, political, social and economic causes that are complex, deep-rooted and intractable. The difficulty of resolution is compounded greatly by the protagonists' mutual hatred and suspicion. However grave the situation, mediators have no option but to be patient. Second, an enduring peace agreement cannot be forced on the parties. It has to be shaped and owned by them since it cannot be implemented without their consent and co-operation and its sustainability requires their adherence to its provisions in the long term. These lessons are frequently ignored by states and multinational organisations that seek to end civil wars through power-based diplomacy rather than confidence-building mediation.¹³

This paper is based on my participation in the Darfur mediation process although I have tried as much as possible to substantiate my personal observations and claims with reference to published material.¹⁴ The paper is organised as follows: section 1 examines the deadline diplomacy and the failure of the AU and its international partners to distinguish between getting the parties to sign a peace agreement and obtaining their genuine consent to its terms and execution; section 2 considers the psycho-political dynamics, balance of power and other factors that gave rise to the parties' reluctance to enter into real negotiations; and section 3 explores the ways in which the deadline diplomacy prevented the mediators from doing a proper job.

A diplomacy of deadlines

The seventh round of the Darfur peace talks began at the end of November 2005, the previous rounds having produced nothing more than a Declaration of Principles and a series of ceasefire accords that were violated regularly by the parties.¹⁵ Nevertheless, on a visit to Abuja in early 2006 Jack Straw, the British Foreign Secretary, admonished the parties for having failed to meet the 31 December 2005 deadline set by the UN Security Council for a comprehensive peace agreement.¹⁶ In January 2006 Pronk proposed a new cut-off date of February.¹⁷ In early February

¹³ See Laurie Nathan, "When Push Comes to Shove: The Failure of International Mediation in African Civil Wars", *Track Two*, Occasional Paper, vol. 11, no. 3, 1999.

¹⁴ I joined the AU mediation team in December 2005 and was a member of the Security Arrangements Commission and the Co-ordinators' Forum until mid-March 2006.

¹⁵ On the ceasefire violations see, for example, "Press Statement by Ambassador Baba Gana Kingibe, Special Representative of the Chairperson of the African Union Commission, on the Deteriorating Security Situation in Darfur, Khartoum, 1 October 2005", African Union, Khartoum, 1 October 2005.

¹⁶ Jack Straw, "Darfur at the Crossroads: Foreign Secretary's Speech to the Peace Talks on Darfur, Abuja, 14 February 2006", retrieved from the website of the Government News Network, www.gnn.gov.uk, on 16 March 2006.

the AU Commissioner for Peace and Security, Said Djinnit, told the mediators and the parties to wrap up by the end of the month. In March the AU Peace and Security Council called for the conclusion of a comprehensive agreement by the end of April.¹⁸ The UN Security Council endorsed this date as the final deadline.¹⁹

As they slipped from one monthly deadline to the next, senior officials from the UN, the AU, the EU and donor governments complained that the negotiations were proceeding too slowly. Their constant refrain was that the ‘patience of the international community is running out’.²⁰ They threatened the parties with sanctions and warned that funding for the mediation could dry up in the absence of a quick accord. For example, Jack Straw, whose government was one of the major funders of the Abuja process, told the parties in January that “the international community has poured a lot of money, time and effort into the talks” but “our patience is not unlimited. If the parties do not reach an agreement here soon, we, with the AU, will need to start looking at the alternatives”.²¹ On an earlier visit to Abuja the Dutch Prime Minister had issued a similar warning.²²

The posturing over deadlines was ignored by the Sudanese parties because it was not backed up by action. It was meant to constitute pressure on the parties and convey the international community’s seriousness about ending the conflict, but the deadlines came and went without any negative repercussions. They were consequently not an effective form of pressure and indicated a lack of seriousness on the part of the international community, which talked loudly on Darfur but carried a small stick. In July 2006 a senior Sudanese government official was quoted as saying that “the United Nations Security Council has threatened us so many times, we no longer take it seriously”.²³

Moreover, the monthly deadlines for a comprehensive peace agreement would have been fantastically unrealistic even if the Sudanese parties had been negotiating in earnest, which they assuredly were not. By comparison, in the early 1990s negotiations aimed at reaching a settlement took over two years in the case of the Mozambican civil war and over three years in South Africa.²⁴ Whereas these processes experienced steady progress punctuated by blockages and breakthroughs, the Abuja talks and preceding rounds were characterised by deadlock and an absence of negotiations. This did not deter the political leaders who were driving the deadlines. For example, in mid-April the Chairperson of the AU, President Sassou-Nguesso of the Republic

¹⁷ “UN Envoy Slams Darfur Rebels Position in Abuja Talks”, *Sudan Tribune*, 24 January 2006.

¹⁸ African Union, “Communiqué”, PSC/MIN/Comm.(XLVI), Peace and Security Council, 46th Meeting, 10 March 2006, Addis Ababa.

¹⁹ “Security Council Calls for Smooth Transition to UN Operation in Darfur”, UN News Centre, 11 April 2006.

²⁰ See, for example, the comments by Said Djinnit in “The AU Commissioner for Peace and Security Meets the Sudanese Parties and the International Partners”, press release no. 29, African Union, Abuja, 10 February 2006; and the comments by Hilary Benn, the UK’s Secretary for International Development, in “Sudan: It’s the Government, Stupid”, pg. 4.

²¹ Straw, “Darfur at the Crossroads”.

²² “Sudan Patience Wearing Thin”, AFP news report, 4 October 2005, retrieved from www.news24.com on 14 July 2006.

²³ John Prendergast, “A Dying Deal in Darfur”, *Boston Globe*, 13 July 2006.

²⁴ See Cameron Hume, *Ending Mozambique’s War*. Washington DC: US Institute for Peace, 1994; and Alistair Sparks, *Tomorrow is Another Country: The Inside Story of South Africa’s Negotiated Revolution*. London: Heinemann, 1995.

of Congo, failed to make headway in high-level discussions with the parties and promptly asked the mediators to quicken their preparation of a comprehensive agreement.²⁵

An informed commentator has noted that “the best of the AU’s experts in Abuja believed [that the target of] April was unrealistic, off by a couple of months at least”.²⁶ Nevertheless, five days before the 30 April deadline the mediation team presented the DPA to the parties on a take-it-or-leave-it basis, giving them less than a week to read, comprehend, debate within their ranks and then endorse an 86-page English-language document aimed at achieving a ceasefire and addressing the causes of a civil war through a set of complicated security, political, economic and administrative arrangements.

The five-day timeframe for the approval of the Agreement would have been wholly unreasonable and impractical in any negotiations to end a civil war. It was especially so in the context of Abuja: the parties disagreed profoundly on virtually every one of the critical issues covered by the DPA; they were confronted in the document by mechanisms and arrangements they had not considered previously; they loathed each other and doubted that their opponents would implement their undertakings in good faith, if at all; the rebels had no opportunity to inform and consult their members and constituents in Darfur; and many of them had great difficulty understanding complex documents. Exacerbating this difficulty, the version of the DPA in Arabic, the language of choice for most of the rebel negotiators, was only completed on 28 April and contained some significant mistranslations and ambiguities.

The rebels asked the mediators to give them three weeks to study and comment on the document.²⁷ When they were turned down, they rejected the DPA. They complained that it watered down proposals made earlier by the mediation team, favoured the Government and did not address adequately the political, economic and security rights and demands of Darfurians.²⁸ They also objected to the imposition of a deadline and to the AU having “fixed a time that was never realistic or reasonable for studying the Project, given that the translated (Arabic) version was made available only one day before the deadline stipulated by the Mediation”.²⁹ The Government, on the other hand, stated that it was prepared to endorse the Agreement despite its reservations.

At the request of the international partners and President Olusegun Obasanjo of Nigeria, Salim extended the deadline by 48 hours and then a further 48 hours.³⁰ In this brief period the lethargic pace of the talks changed dramatically. There was a frenzy of behind-the-scenes deals, counter-deals, offers and threats as various leaders and officials – including Obasanjo; Robert Zoellick, the US Deputy Secretary for State; and Hilary Benn, the British Secretary for International Development – endeavoured to stave off collapse. They offered the rebel movements guarantees

²⁵ “Sudanese Parties Resume Direct Negotiations over Darfur Conflict”, *Sudan Tribune*, 11 April 2006.

²⁶ Julie Flint, “Without Foreign Chancelleries and Hollywood’s Finest, Can Darfur Peace Deal Succeed?”, *Pambazuka News*, no. 254, 11 May 2006.

²⁷ Abaker Mohamed Abuelbasha (one of Abdel Wahid’s negotiators in Abuja), “On the Failure of Darfur Peace Talks in Abuja”, *Sudan Tribune*, 25 August 2006.

²⁸ “Darfur Rebel SLM Rejects Integration of Its Forces in the Army”, *Sudan Tribune*, 30 April 2006; and “Darfur SLA/JEM Joint Press Statement on Proposed Peace Deal”, *Sudan Tribune*, 1 May 2006.

²⁹ “Darfur SLA/JEM Joint Press Statement”.

³⁰ “AU’s Salim Reveals Abuja Handicaps, Last-Minute Compromise”, *Sudan Tribune*, 22 May 2006.

regarding the implementation of the DPA, tabled a list of non-negotiable amendments aimed at meeting the rebels' concerns, and threatened them with collective and individual sanctions.³¹

Minawi, who was regarded by the African and foreign dignitaries as the most important of the rebel leaders because he had the largest fighting force in Darfur, came under particularly strong pressure.³² He was warned that his failure to sign the Agreement might lead to his name being added to the list of Sudanese individuals on whom the UN Security Council had imposed sanctions.³³ At literally the last minute he relented. He appealed for more time to bring the other rebel movements on board but the 'patience of the international community' had finally run out and there would be no waiting for Abdel Wahid and JEM. On 5 May Minawi and the Government's chief negotiator signed the Agreement at a ceremony hosted by Obasanjo. A group of Abdel Wahid's colleagues, believing his stance to be unreasonable, joined the ceremony to declare their support.

After the ceremony the AU set a deadline of 15 May for Abdel Wahid and the JEM leaders to add their signatures. Abdel Wahid beseeched the mediators to help him resolve his outstanding concerns.³⁴ Two members of the mediation team remained in Abuja to do this and the AU extended the cut-off date to the end of May and then to the beginning of July. The decisive deadline had passed, however, since the DPA could not be amended after it had been approved by the Government and Minawi. Even the relatively modest demands of Abdel Wahid were rejected by the international partners on the grounds that the DPA could not be renegotiated.³⁵ The process ended in the first week of June when Abdel Wahid reneged on a commitment to attend a meeting with Minawi and the First Vice-President of Sudan, Salva Kiir.³⁶ He thereafter called in vain for the UN to take over the mediation.³⁷

Salim had previously told the parties that "the only page [of the DPA] that really matters is the last page, which has the space for the signatures of the Parties".³⁸ His point was that the document was worthless without those signatures, but the more important point was surely that the DPA was worthless without the parties' genuine endorsement. At the climatic showdown in Abuja, as with the preceding deadline diplomacy, the AU and its partners appeared to have lost sight of the distinction between getting the parties to sign an agreement and obtaining their real commitment to its terms and implementation. The import of this distinction was already starkly evident: previous rounds of talks had produced several ceasefire accords that the parties had signed and then breached systematically and brazenly. So it was with the DPA. In the months

³¹ See "Darfur Peace Accord a Battle of Its Own", *Washington Post*, 9 May 2006.

³² International Crisis Group, "Darfur's Fragile Peace Agreement", pg. 3.

³³ "Sudan: It's the Government, Stupid", pg. 3.

³⁴ These concerns related to compensation for victims of the violence in Darfur; the involvement of the SLM in monitoring the disarmament of the Janjaweed and the protection of IDPs and refugees as they returned to their homes; and stronger provisions on political representation. See "SLM's Nur Urges UN's Annan to Intervene in Darfur Peace Process", *Sudan Tribune*, 24 May 2006.

³⁵ Information provided by Alex de Waal, 7 September 2006.

³⁶ For an account of the mediators' efforts after the signing ceremony, see "AU Reacts to ICG Report".

³⁷ "Text – Darfur SLM Says AU Deal 'Incomplete', Demands UN Mediation", *Sudan Tribune*, 4 June 2006.

³⁸ "Statement by Dr Salim Ahmed Salim, AU Special Envoy and Chief Mediator, 30 April 2006", African Union, 30 April 2006.

following their formal approval of the Agreement, the Government and Minawi repeatedly contravened its security provisions.³⁹

In the assessment of one of the members of the mediation team, the manipulation and threats of the international partners in the final days of the Abuja process undermined the AU's authority in the eyes of the parties, compromised Minawi and created general suspicion of the DPA in Darfur.⁴⁰ In addition to these problems, a peace agreement that did not include Abdel Wahid, whose faction represented the largest ethnic group in Darfur and the majority of the IDPs, was never likely to achieve its goals. At the end of the Abuja showdown, Abdelbagi Jibril, Executive Director of the Darfur Relief and Documentation Centre, argued that more time should have been taken to achieve an inclusive deal:

Signing a document for just the sake of signing is not helpful at all because at the end of the day, our objective is to have some kind of sustainable peace in Darfur and that cannot be really reached unless all the parties, all the parties, I mean all of them, come to terms with the kind of agreement that would be helpful.⁴¹

As far as Abdel Wahid and JEM were concerned, the AU's insistence on the 30 April deadline and the take-it-or-leave-it status of the DPA were as much the cause of their rejecting the document as was their unhappiness with its content.⁴² According to Tadjadine Bechir Niame, one of JEM's delegates at the talks, the essence of the problem was that the Agreement "does not address the root causes of the conflict and was not the result of a negotiation between the parties"; on receiving the DPA, he notes, JEM and the SLM proposed amendments to tackle the causes, but "the AU insisted that this is a take it or leave it document. They said they are not going to add even a comma".⁴³ Abaker Mohamed Abuelbasha, one of Abdel Wahid's negotiators, puts the case as follows:

Above all the [rebel] Movements have been given an ultimatum of five days to sign the document or leave it and this is clearly against the prevail[ing] understanding of negotiation norms world-wide which allow the parties to negotiate every issue and reach a compromise position, where everybody is a winner.⁴⁴

This comment sums up the procedural and commensurate political weakness of the DPA, which was a product of externally imposed deadlines, international pressure and the mediators' drafting efforts rather than a product of negotiated compromises and agreements reached by the parties themselves. Yet the comment is also disingenuous in that it ignores the context in which all of

³⁹ See "Peace Implementation Panel Condemns Ceasefire Violations in Darfur", *Sudan Tribune*, 6 August 2006; and "Secretary-General Voices Concern about Worsening Situation in Sudan", UN News Service, 11 August 2006.

⁴⁰ Author's interview with Dawit Toga, Political Analyst in the Conflict Management Division of the African Union, 30 July 2006. See also Watts Nyirigwa, "Darfur Peace: Does It Meet Legitimate Aspiration of the People?", *Sudan Tribune*, 12 June 2006.

⁴¹ Quoted in "Civil Rights Activist Dubious of Darfur Deal", VOANews.com, 5 May 2006, retrieved from www.voanews.com on 2 August 2006.

⁴² See "Darfur SLA/JEM Joint Press Statement".

⁴³ "A Rebel Walks Out for Peace: The *Satya* Interview with Tadjadine Bechir Niame", *Satya*, June/July 2006, retrieved from www.satyamag.com/jun06/niame.html on 11 August 2006.

⁴⁴ Abuelbasha, "On the Failure of Darfur Peace Talks".

this occurred. As discussed in the following section, the parties were not only unable to forge collectively acceptable compromise positions but scarcely made any attempt to engage in negotiations.

The posture of the parties

Prior to the end of April the parties in Abuja paid no attention to the deadlines emanating from the AU and its partners. For weeks on end they attended meetings without entering into negotiations. They made no attempt to accommodate each other's concerns and showed no interest in trying to find common ground. None of them was willing to make concessions to its opponents. There was no bargaining, let alone collaborative problem-solving. Instead, the parties merely reiterated their demands *ad nauseum*, rejected the claims of their adversaries, traded accusations, recriminations and insults, indulged in grandstanding for the benefit of the international observers, and endeavoured to win support for their positions from the mediators.⁴⁵

In January 2006 Salim told the UN Security Council that the negotiations had thus far been wracked by frustratingly slow progress, deep distrust and an unacceptable level of inflexibility.⁴⁶ In March the head of the AU mediation team, Sam Ibok, captured the key features of the conflict with the following lament:

While we have been attempting to negotiate a peace agreement, the Parties have continued to fight it out on the ground in Darfur [and] have violated the 2004 Ceasefire Agreement repeatedly and with impunity. ...Our experience over the past sixteen months has led us to conclude that there is neither good faith nor commitment on the part of any of the Parties.⁴⁷

In the second week of April President Obasanjo and President Sassou-Nguesso failed to budge the parties in high-level talks and the latter urged them to move away from their "fixed and maximalist positions".⁴⁸ Shortly thereafter the Government and rebels began talking directly to each other for the first time since January, having spent the previous months meeting separately with the mediators.⁴⁹ In light of the direct talks, Salim told the UN Security Council that the conflict "seems at last to be ripe for resolution" although "further frustrating hesitation" was expected from the parties.⁵⁰ Little progress ensued. On 15 April the rebels denounced the Government's "rigid political position that does not allow for any compromise",⁵¹ and on 23 April Minawi threatened to suspend negotiations if the Government did not abandon its hard-line

⁴⁵ These problems were greatest in the Power-Sharing Commission and the Security Arrangements Commission; in the Wealth-Sharing Commission, the parties' negotiators were able to reach a number of agreements. See "Briefing by Dr. Salim Ahmed Salim, AU Special Envoy and Chief Mediator for the Darfur Conflict, to the U.N. Security Council on 13 January 2006", African Union.

⁴⁶ "Briefing by Dr. Salim Ahmed Salim", pp. 3 and 5.

⁴⁷ "African Union Presents Ceasefire Proposal to Sudan Government and Darfur Movements: AU Tells the Sudanese Parties in Abuja – Time is Up", press statement, African Union, Abuja, 12 March 2006.

⁴⁸ "AU's Nguesso Urges Sudanese Parties to Conclude Darfur Peace Deal", *Sudan Tribune*, 10 April 2006.

⁴⁹ "Sudanese Parties Resume Direct Negotiations over Darfur Conflict", *Sudan Tribune*, 11 April 2006.

⁵⁰ "AU Warns Aid Needed for Darfur Peace Pact to Hold", Reuters, 18 April 2006, retrieved from www.alertnet.org on 21 April 2006; and "UN Becoming Anxious Over Darfur", Mail&Guardian Online, 20 April 2006, retrieved from www.mg.co.za on 21 April 2006.

⁵¹ "SLM/JEM Say Sudan's Taha Adopts a Rigid Position in Darfur Peace Talks", *Sudan Tribune*, 15 April 2006.

stance.⁵² On 24 April, the day before the DPA was tabled, Ibok again expressed doubts about the parties' interest in peace;⁵³ nor was he optimistic a fortnight later when interviewed the day before the DPA was signed by the Government and Minawi.⁵⁴

William Zartman's concept of 'ripe for resolution', invoked by Salim, provides a useful analytical lens for understanding these dynamics.⁵⁵ Zartman's premise is that conflicts are resolvable at certain moments but not others. Ripe moments arise when the disputant parties believe both that there is a mutually hurting stalemate, being a situation in which victory is out of reach and the deadlock is painful to all sides, and that negotiations have the potential to resolve the conflict. These are subjective considerations, reflecting the parties' assessment of objective conditions, the balance of power and the likely trajectory of the struggle. It is therefore quite possible that different conclusions are reached by independent observers and the parties' leaders, and also by different factions within a party.

Zartman notes that the identification of a ripe moment in a given conflict requires research and intelligence to identify the objective and subjective elements.⁵⁶ While the conflict is still underway, however, the subjective component is elusive. The parties are likely to downplay the extent to which they are hurting for fear of exposing their vulnerabilities and appearing weak; they may also be inclined to play up their professed commitment to negotiations lest they be perceived as opposed to peace. Because the stakes are so high, the protagonists' strategic calculations are intensely private affairs. In Abuja the parties' delegates frequently took the mediators and foreign diplomats into their confidence and shared 'sensitive' information, but this was invariably a form of public relations and manipulation. Throughout the process the mediators struggled to discern the parties' real calculations, uncertain how much of their intransigence was due to an unwillingness to negotiate and how much was due to an inability to negotiate.

There appeared to be four major reasons for the non-negotiating posture of the parties. First, as in all deadly conflicts, the parties viewed each other with hatred, suspicion and contempt. These psycho-political dynamics are an intrinsic feature of deep-rooted violent conflict. They are a powerful barrier to dialogue and negotiations, which require at least some trust between the adversaries and a willingness to co-operate with the enemy. One of the primary functions of the mediator is thus to build the parties' confidence in each other and in the process of negotiations.⁵⁷ This did not happen in Abuja, where there was no thawing of suspicion and enmity. The mediators were later to identify the mistrust between the parties as one of the foremost constraints on the talks.⁵⁸

⁵² "SLM's Menawi Threatens to Suspend Darfur Peace Talks", *Sudan Tribune*, 24 April 2006.

⁵³ "AU to End Darfur Peace Talks If No Agreement by End of April", *Sudan Tribune*, 24 April 2006.

⁵⁴ "International Envoys Push Rebels to Back Darfur Peace Deal", AFP news report, 4 May 2006, retrieved from www.sudan.net on 10 July 2006.

⁵⁵ See I. William Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments", *The Global Review of Ethnopolitics*, vol. 1, no. 1, 2001, pp. 8-18; and I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa*. New York: Oxford University Press, 1989.

⁵⁶ Zartman, "The Timing of Peace Initiatives", pp. 9-10.

⁵⁷ See Nathan, "When Push Comes to Shove".

⁵⁸ "AU Reacts to ICG Report".

More specifically, the Government regarded the rebels as unworthy military, political and negotiating opponents: it believed that they did not pose a serious military threat, were not representative of the people of Darfur, were too divided to ever achieve a unified negotiating stance and did not have legitimate grievances. Dismissing the SLM and JEM as ‘rebels without a cause’, the Government saw no need to make substantial concessions to them. It was also concerned that meeting the rebels’ political and economic demands might intensify similar demands from marginalised communities elsewhere in Sudan. Most galling to the Government negotiators was their conviction that the Abuja talks did not reflect, and were not a consequence of, the balance of power; the talks were underway only because international intervention had prevented Khartoum from redeploying its military forces from southern Sudan to crush the Darfurian insurgency when it broke out in 2003.

The rebels regarded the Government as an evil regime that reneged on peace agreements. It had come to power through a coup; it had a notorious human rights record; it had repeatedly undertaken to disarm the Janjaweed militia and failed to honour that commitment; and it was not implementing faithfully the Comprehensive Peace Agreement concluded in 2005, which had ended the civil war between the Government and the Sudan People’s Liberation Army/Movement in southern Sudan.⁵⁹ In addition, the Government had enormous wealth and power, the rebels had neither wealth nor power, and the extreme marginalisation of Darfur was one of the fundamental causes of the rebellion. Therefore, according to the rebels, the Government could, and should, make extensive concessions whereas the rebel movements had nothing to give up.

Second, the divisions among the rebels contributed greatly to their non-negotiating posture. There was significant disagreement and mistrust between the SLM and JEM, the former being wary of the latter’s Islamist agenda; the SLM was split into two factions that were attacking each other in the battlefields of Darfur while the talks were underway; the two factions were themselves loose and tenuous alliances of local leaders; and there were constant quarrels within the Abdel Wahid faction, some of whose members attempted to oust him as their leader during the Abuja process.⁶⁰ Salim identified the splits and fragmentation of the movements as another of the major constraints on the talks.⁶¹

The divisions inhibited progress in several ways. They were an unwelcome distraction as the rebels focused on internal disputes and intrigue at the expense of the official talks. They also heightened the climate of suspicion, making the rebels afraid that the Government or the mediators might use divide-and-rule tactics against them. Most importantly, the divisions made it virtually impossible for the movements to adopt a flexible negotiating stance. In light of the difficulty the rebels experienced in formulating common positions and their fear of divide-and-rule, the most viable and prudent course of action was to hold fast to maximalist bottom lines. In the middle of February the Abdel Wahid faction refused to meet in the same room as the Minawi faction and the mediators were thereafter unable to convene plenary negotiating sessions. While

⁵⁹ On the Government’s poor performance in relation to the Comprehensive Peace Agreement, see International Crisis Group, “Sudan’s Comprehensive Peace Agreement: The Long Road Ahead”, *Africa Report*, no. 106, 31 March 2006.

⁶⁰ For accounts of the rebel divisions and their negative impact on the negotiations, see “Briefing by Dr. Salim Ahmed Salim”, pp. 2-3; and International Crisis Group, “Unifying Darfur’s Rebels”.

⁶¹ “AU’s Salim Reveals Abuja Handicaps”.

this condition prevailed there was little hope of building trust and common ground with the Government.

Third, the balance of power was such that it reinforced intransigence on all sides. The rebel movements had little military leverage; many of their representatives at the talks were inexperienced and unconfident negotiators; they were confronted in the field and in Abuja by a strong and sophisticated adversary; and they were unfamiliar with the concepts and practicalities of ceasefire arrangements. They were consequently frightened of being outwitted in the negotiations and especially scared of agreeing to anything that might weaken them militarily or expose them to Government attack. Intransigence can be the natural refuge of weak parties in negotiations. Perversely, as in this case, it is also sometimes a negotiating option chosen by strong parties that are not threatened and see no necessity to make concessions.

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. Given the international outcry over the humanitarian crisis in Darfur, the parties had to be seen to be engaged in peace talks but this was not the principal means of defending and advancing their interests. As Zartman points out, participation in negotiations does not in itself indicate the existence of a ripe moment; it may be merely a tactical interlude or a sop to external pressure, without any serious intent by the parties to look for a joint solution.⁶²

Minawi seemed to believe that his interests were best served through a war of manoeuvre against the militarily weaker grouping of Abdel Wahid. In the midst of the negotiations his forces in Darfur seized strategic locations from Abdel Wahid with little public protest other than from Abdel Wahid. The Government, on the other hand, seemed to believe that its interests would be served through a war of attrition. It was not overly troubled by the weak international pressure on it; it did not have a strong sense of responsibility to protect civilians in Darfur; it was not under any great military threat from the rebels; it was not incurring onerous military costs since it relied on the Janjaweed as a proxy force; and the rebels were busy fighting each other. For its part, JEM had a national political agenda that would not be met by a peace agreement for Darfur and, although the organisation lacked a sizable fighting force, its military activities in western (and eastern) Sudan helped to maintain its profile and status as a liberation movement.

Abdel Wahid, whose community and forces were being hammered by the Janjaweed, the Government and Minawi, was the only leader who keenly wanted a settlement. He was therefore well-placed to seize the initiative in the talks and occupy the high ground internationally as a leader desirous of peace. He did not exploit this potential and ended up being seen by the AU and its partners as the main spoiler. In his discussions with the mediators he was erratic and indecisive, projecting confusion and backtracking on promises,⁶³ in January and February 2006 he entered into secret talks with the Government and then pulled out just as an agreement looked imminent.⁶⁴ His formal demands, on the other hand, remained the same from the start to the end of the Abuja process. This was not a tenable negotiating posture; the demands reflected legitimate grievances but the rigidity amounted to a 'win-lose' approach in relation to the Government and

⁶² Zartman, "The Timing of Peace Initiatives", pg. 9.

⁶³ See "AU's Salim Reveals Abuja Handicaps".

⁶⁴ International Crisis Group, "Darfur's Fragile Peace Agreement", pg. 2.

had no prospect of success. For all his weaknesses, though, Abdel Wahid was not an opportunist. He sought an agreement that satisfied the needs of his constituency and he was convinced that the DPA did not do this.⁶⁵

As a result of the four sets of factors outlined above, the parties were not ready for a negotiated settlement. None of them was willing to meet the essential requirements for successful negotiations in a civil war, namely co-operation with the enemy, reciprocal concessions, and mutual accommodation of each other's needs and interests.

The pressure on the mediators

For all the fuss made by the international partners about the violence in Darfur, they did not provide guaranteed funding for the peace talks. Instead, a small number of donors provided grants retrospectively to cover expenses already incurred and warned repeatedly that funding could dry up in the absence of a quick accord. Aside from the anxiety this caused the mediators, the reliance on uncertain deficit funding was not sustainable. In January 2006 Salim complained to the UN Security Council that the funding situation was extremely precarious;⁶⁶ when Djinnit told the mediators to wrap up by the end of February, he cited the lack of funds as the main reason; and when the Peace and Security Council announced in March that the DPA had to be concluded by the end of April, the mediators were informed that the talks would not be funded thereafter.⁶⁷

Whereas the deadline diplomacy was ignored by the parties until the climax of the Abuja process in April, it was taken very seriously by the mediators who were obliged to adhere to the targets set by their donors and political masters. Reinforced by the acute funding pressure, the deadline diplomacy had several negative consequences for the mediation.

First, the ever looming deadlines made it pointless to develop a comprehensive mediation strategy and plan. If the talks were always due to shut down in a matter of weeks, then there was no need to prepare a plan of action for the following six months. The deadlines inhibited a programmatic effort to build momentum gradually over time and led instead to an ad hoc approach that proceeded in fits and starts. The deadline diplomacy *was* the strategy and the plan, and it was way too simplistic, vacuous and rigid for this purpose. Given the nature of the conflict in Darfur, what was required was a multi-faceted plan with objectives, strategies, taskings and resource allocations not only in relation to the parties in Abuja but also in relation to Sudan's neighbouring states, the people of Darfur, AU and UN headquarters, key AU member states, and the power blocs that comprise the Sudanese state.

Second, the deadlines and the imperative of producing the DPA by a certain date severely reduced the mediators' control of the process and constrained their flexibility, options and ability

⁶⁵ In July 2006 a group of Abdel Wahid's commanders announced that they had overthrown him because of his failure to maintain the unity of the SLM and consult its leadership; the commanders expressed opposition to the DPA and support for a negotiated settlement. See "Newly Appointed Darfur Rebel Leader Ready for Negotiated Solution", *Sudan Tribune*, 19 August 2006.

⁶⁶ "Briefing by Dr. Salim Ahmed Salim", pg. 9.

⁶⁷ The shortage of funds also led periodically to the non-payment of per diems to the rebel delegates, generating much tension with the mediators, whom the rebels expected to solve the problem.

to make strategic decisions on the basis of their best judgement. For example, in late February and early March, confronted by the deadlock in Abuja and the fierce fighting in Darfur, the mediation team debated at length whether it was more likely to make progress by putting forward a comprehensive peace agreement aimed at addressing the root causes of the conflict or by tabling an enhanced humanitarian ceasefire agreement aimed at reducing the level of violence and improving the climate for negotiations. The debate was rendered moot by the Peace and Security Council's decree that the comprehensive agreement had to be concluded by the end of April.

By way of further example, the mediators believed that the rebels' intransigence was due partly to a lack of expertise and confidence in negotiations and in the modalities of a permanent ceasefire and other issues. The mediators consequently provided training to the rebels, at their request, but were unable to do this properly; in light of the deadlines, the requisite training was considered a waste of time. Nor were the mediators able to explore procedural alternatives to the ineffective plenary sessions with large delegations in Abuja, such as relocating to Darfur and making the dialogue more inclusive or moving to the AU's headquarters in Addis Ababa and limiting the talks to party leaders. In short, the external pressure fixed in place a process and trajectory in which neither the mediators nor the parties had any confidence, but from which little deviation was possible.

Third, the deadline diplomacy contributed indirectly to the absence of negotiations between the parties. In order to comply with the calls to speed up and meet unrealistic deadlines, the mediation team prepared position papers that moved far ahead of the parties as it attempted to bridge the yawning gaps between them. This reinforced the parties' misconception that the mediators were arbitrators rather than facilitators of dialogue and negotiations. In response to the mediators' papers, the parties applauded what they liked, rejected the rest and devoted much time and energy to lobbying the mediators. To the great frustration of the mediation team, the parties' most strenuous negotiating efforts were directed at the mediators and not at each other.

Fourth, the tight deadlines made it impossible for the mediators to communicate in a meaningful way with the people of Darfur and with important groups that were not represented at the talks. Similarly, the rebel negotiators were unable to brief and consult properly their constituencies. Darfurian civil society had no opportunity to shape or even view the content of the draft DPA and could not conceivably have acquired a sense of ownership of it. As Pronk observed, the perception of many Darfurians was that the Agreement had been forced on them.⁶⁸ So great was the geographical and political distance between Abuja and Darfur that when violent protests against the DPA broke out after the signing ceremony, the mediators were convinced that much of the opposition was based on an incomplete and inaccurate reading of the document.

The AU believed that the envisaged Darfur-Darfur Dialogue and Consultation (DDDC) would ensure popular ownership of the Agreement and secure the support of stakeholders who were not present at the negotiations.⁶⁹ This perspective was badly flawed. The DDDC was only due to start

⁶⁸ Pronk, "Darfur Agreement is Severely Paralysed".

⁶⁹ See "The Current Chairman of the African Union Holds High Level Consultations with the Sudanese Parties and Other Stakeholders in Abuja", press release no. 44, 7th Round of the Inter-Sudanese Peace Talks on the Conflict in

after the Agreement's entry into force, at which point the document would have been set in stone. Groups that felt aggrieved by their exclusion from Abuja were unlikely to have been assuaged by consultations at that stage. Indeed, the Agreement states explicitly that the DDDC cannot "reopen [the DPA] for further negotiation".⁷⁰ This limitation reduces considerably the scope, utility and credibility of the DDDC process. It creates the risk that the process will fail to meet popular expectations, generating resentment and conflict. At the time of writing, the DDDC was not yet properly underway.

Fifth, the haste induced by the deadline diplomacy precluded effective mediation and the parties' ownership of the DPA. Barring a decisive military victory, the only sustainable solution to a civil war is a settlement shaped and embraced by the protagonists. A settlement cannot be forced down their throats since their consent and co-operation are required to implement the agreement and adhere to its terms thereafter. Consequently, the mediator's job is to help the parties overcome their enmity and mistrust, build their confidence in negotiations, and facilitate dialogue, bargaining and collaborative problem-solving.⁷¹ This always requires protracted efforts and immense patience. It cannot be done in fits and starts between externally imposed short-term deadlines.

In lieu of mediation, the deadline diplomacy led to the production by the mediators of a peace agreement covering cardinal issues on which the parties disagreed bitterly; to an unreasonably brief period for the parties' consideration and approval of the document; and to a burst of intense pressure on the parties in the dying moments of the process. Each of these elements was antithetical to the parties' ownership of the Agreement.

Politically and psychologically, the question of ownership is most sensitive and important in relation to the compromises contained in a peace settlement. Compromises entail concessions to a hated adversary and give rise to perceptions of weakness and defeat. They have to be sold to militants in each party and make negotiators and leaders vulnerable to accusations of betraying the struggle. Responding to criticism from the rebels and analysts that the DPA favoured the Government, the AU was at pains to insist that the compromises in the text were unavoidable because of the balance of power:

Throughout the entire process of negotiations at Abuja, the African Union Mediation was constrained by several important factors. An elementary reality, that sometimes appears to be lost on some commentators, is that the Movements did not win a military victory and were therefore not in a position to impose their terms on the Government of Sudan. Any deal reached involved the SLM/A and JEM making compromises on dearly-held political objectives.⁷²

This argument reflects the broader truth that compromise is an intrinsic feature of negotiated settlements in civil wars, but it misses the equally fundamental point that the DPA and its

Darfur, African Union, Abuja, 9 April 2006; "AU Reacts to ICG Report"; and Chapter Four of the Darfur Peace Agreement.

⁷⁰ Paragraph 461(a) of the Darfur Peace Agreement.

⁷¹ See Nathan, "When Push Comes to Shove".

⁷² "AU Reacts to ICG Report".

compromises were crafted by the mediators and not the parties, enabling the mediators, but not the parties, to claim ownership of the Agreement. Salim was thus able to refer to provisions in the DPA as the “mediators’ proposals”, “our proposals” and the “Mediation’s compromise”.⁷³ Abdel Wahid’s faction, on the other hand, was able to insist that “the legitimate question is on what basis the Movement have to sign an agreement, which it did not participate in its discussion?”.⁷⁴ According to a JEM official, “we have rejected the proposed peace accord because we do not think that the document is a product of a negotiated settlement. In fact, we think that this document is a product of intimidation, bullying and diplomatic terrorism”.⁷⁵

On 7 May 2006 six members of the mediation team, including its head, Sam Ibok, issued a 3,000 word “Open Letter to Those Members of the Movements Who Are Still Reluctant To Sign”. They sought to ease the rebels’ objections and fears by explaining aspects of the DPA and suggested that “many of the suspicions about this Agreement are based on misunderstanding and the fact that many of you have not had time to study the text in detail, and understand what it provides”.⁷⁶ This statement, made after the DPA had been signed by the Government and Minawi, is a telling indictment of the inappropriate deadlines and haste. The AU concluded the formal talks and closed the Agreement to negotiation and amendment before many of the rebel negotiators were able to comprehend the document, never mind embrace it.

Conclusion

The deadline diplomacy for Darfur, which aimed to produce a quick accord, was motivated chiefly by the appalling level of death and destruction in western Sudan. It was also driven by a range of geo-political factors. The other major strategies for tackling the crisis – tough sanctions and the deployment of a UN force with a robust mandate – were not attractive or even feasible in the short- to medium-term. These strategies are always difficult to implement, their impact is not predictable, their efficacy is uncertain, they are no substitute for a genuine peace agreement and, in the case of Darfur, they were opposed in the UN Security Council by Russia and China. In addition to the humanitarian benefits, a quick accord would end the political struggles around these issues. It would also meet the US desire for reduced tension with Khartoum, regarded by Washington as an ally in the ‘war on terror’,⁷⁷ and enable the US to concentrate its attention on the Comprehensive Peace Agreement of 2005, which had led to a new Interim National Constitution for Sudan and encompassed an arena of conflict deemed more important than Darfur.

Underlying the deadline diplomacy, moreover, was a growing frustration among the funders of the negotiations, who were covering not only the expenses of the mediation but also the accommodation and subsistence costs of the sizable rebel delegations in Abuja. These costs

⁷³ “Statement by Dr Salim Ahmed Salim”.

⁷⁴ Abuelbasha, “On the Failure of Darfur Peace Talks”, pg. 5.

⁷⁵ Interview with Abdullahi Eltom in “Darfur: Inside the Crisis”, 15 May 2006, retrieved from the website of Democracy Now!, www.democracynow.org, on 5 September 2006.

⁷⁶ The letter was published in the *Sudan Tribune* on 9 May 2006 under the heading “AU Mediators Address Open Letter to Reluctant Darfur Rebels”.

⁷⁷ See, for example, Ken Silverstein, “Official Pariah Sudan Valuable to America’s War on Terrorism”, *Los Angeles Times*, 29 April 2005, retrieved from the website of the Global Policy Forum, www.globalpolicy.org on 13 September 2006.

might have been bearable had the parties been making steady progress, but no material advancement had been recorded between the first and the seventh rounds of talks. The donor governments had nothing positive to report to their parliaments and the future looked bleak. They were not willing to continue funding unproductive talks whose successful conclusion seemed improbable. On the other hand, jettisoning the talks without a peace accord would have been hugely unpopular with the Western constituencies agitating for strong action on Darfur. From the donors' perspective, the talks had to be brought to a close with an agreement on the table and, if at all possible, with the parties' signatures on that agreement.

Notwithstanding these various rational motivations, the deadline diplomacy reflected a deeply flawed understanding of peacemaking in civil wars. There are numerous failed mediation initiatives in Africa that similarly, and as mistakenly, sought a quick settlement and relied on strong-arm tactics, underestimating the complexity of the conflict and neglecting the imperative of ownership.⁷⁸ A comparative study of some of these cases, published in 2004, led to the following general observation that describes almost perfectly what happened in Abuja in 2006:

Mediators deployed by states and multinational organisations frequently focus more on the solutions to a conflict than on the process of peacemaking. They formulate solutions, endeavour to win the parties' consent thereto, and press for rapid results through a combination of persuasion and leverage. They might adopt this approach because they regard the solution as fairly obvious and consider the demands of one or more of the parties to be completely unreasonable. They might also be concerned about the high level of fatalities and the financial cost of a drawn-out engagement. Whatever their motivation, however, a mediator's confidence that he or she can quickly bring the parties to their senses is both naïve and arrogant.⁷⁹

In the case of Darfur, the deadline diplomacy inhibited effective mediation, resulted in a peace agreement that did not achieve peace, and sowed divisions that exacerbated the conflict. As with all civil wars, the humanitarian need for a quick accord was indisputable. But there is never a quick fix. These wars are social phenomena whose causes, dynamics and contested issues are multiple, complex and intractable, and the difficulty of resolution is heightened immeasurably by the protagonists' mutual hatred and suspicion. In these circumstances, short-cuts and quick fixes are invariably cul-de-sacs.

For a combination of political, psychological and pragmatic reasons, a peace agreement has to be owned by the disputant parties. They have to sell the agreement to their constituents; they have to come to terms, in particular, with its compromises; they have to implement it; and they have to adhere to its provisions in the long run. The Abuja experience demonstrates that there is no benefit to be gained from pressurising the parties to sign an accord to which they are not committed; and that the process by which an accord is prepared and concluded determines its acceptability and legitimacy and is therefore no less critical than the content.

⁷⁸ Nathan, "When Push Comes to Shove".

⁷⁹ Laurie Nathan, "Mediation and the African Union's Panel of the Wise", in Shannon Field (ed.), *Peace in Africa: Towards a Collaborative Security Regime*. Johannesburg, Institute for Global Dialogue, 2004, pg. 71.

Finally, it is necessary to comment briefly on certain inferences that might be implied by the preceding discussion but would not in fact be justified. The claim that the deadline diplomacy had many negative consequences does not imply that a more patient and supportive approach by international actors would definitely have yielded a positive outcome. Given the parties' intransigence, the talks might simply have dragged on interminably and inconclusively. For this reason too, it cannot be claimed that a different mediation strategy or style would necessarily have borne fruit. Mediators can stimulate and exploit opportunities for progress, but there is little they can do if the disputant parties refuse to engage in negotiations.

The suggestion that the Sudanese parties were not ready for a negotiated settlement does not imply that international actors should have stood by idly in the face of the mass killing and displacement of people in Darfur. If a conflict is not ripe for resolution, then the challenge is precisely to determine how best to alter the strategic calculations of the belligerents and generate a ripe moment through a mixture of incentives and pressure.⁸⁰ Although the impact of punitive action in high intensity conflict is unpredictable, it seems clear that the approach adopted in relation to Darfur, where the international community issued threats and then failed consistently to act on them, emboldened the belligerents.⁸¹

There is sufficient evidence to argue that the DPA heightened the conflict and made its resolution more difficult. Yet it is overstating the case to maintain that "much of the violence [in Darfur] is a direct result of the shortcomings in the Abuja agreement, particularly the failure to provide meaningful international guarantees and guarantors".⁸² The international community's failure to provide adequate support to the AU peacekeeping force in Darfur, which cried in vain for resources to oversee a tenuous ceasefire and protect civilians, has been especially shameful but the responsibility for the violence lies squarely with the perpetrators of the violence. The heaviest burden falls on Khartoum, whose marginalisation of Darfur provoked the rebellion and whose wanton destruction of communities thereafter invoked the charge of genocide.

Similarly, the deadline diplomacy was counter-productive but the failure to produce a viable peace agreement in Abuja is attributable to the parties. In a major address on 30 April, Salim stated that the mediators had agonised over every detail in the DPA before presenting it to the delegations, had considered the pros and cons of every article and paragraph, and had always been guided by concern for the people of Darfur and responsibility for ending their suffering.⁸³ None of the parties could have made any of these claims. This was greatly to their discredit and to the detriment of the Agreement.

⁸⁰ Zartman, "The Timing of Peace Initiatives", pp. 14-15.

⁸¹ On the international community's failure to respond adequately to the Darfur killings and humanitarian catastrophe see, for example, Gérard Prunier, *Darfur: The Ambiguous Genocide*. London: Hurst & Co., 2005. See also www.sudanreeves.org, the website of Eric Reeves, who writes prolifically on this topic.

⁸² Eric Reeves, "Darfur's Downward Spiral", 11 August 2006, retrieved from *The Guardian* website, <http://commentisfree.guardian.co.uk>, on 31 August 2006.

⁸³ "Statement by Dr Salim Ahmed Salim".

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