

Reflections on the Darfur Peace Process: The Role of the Mediator in Achieving an Effective Peace Agreement

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Introduction

I thank the organisers for inviting me to speak on the role of the mediator in achieving effective and sustainable peace agreements. Permit me to state categorically from the onset that I have neither been a mediator myself for any peace agreement, nor is my presentation today intended to judge the mediators or the mediation process. Rather, given my comparative extensive engagement and involvement in the search for peace in Darfur in the past five years, my objective is to share some reflective insights and thoughts on the important role of the mediator/s, particularly a Joint Chief Mediator appointed by two different bodies, in achieving a peace agreement, using Darfur as a case study.

The presentation will cover the rationale for choosing Darfur as case study, brief remarks on the evolution and chronology of the Darfur Peace Process (DPP), and focus on the qualities and challenges of a Joint Mediation. I'll conclude my presentation with a brief outlook on the required skills/competencies of a good mediator – whether jointly appointed or otherwise.

Why Darfur

The choice of Darfur is premised on several factors. The conflict in Darfur has been on the front page of all major international news reporting as well as INGO involvement for almost a decade. Indeed, such is the level of global news focus that some have compared it to a “smaller version” of the Israeli-Palestinian conflict. Furthermore, the Darfur conflict has generated no less than 19-20 Special Envoys for Sudan/Darfur by all the major countries in the world including all the P-5 members.

The conflict is also an appendage to one of Africa's longest running civil wars between the Sudan and South Sudan. To a large extent, the Darfur rebels derived inspiration and initially some tutelage from the SPLA/M. Little wonder the similarities in their

nomenclature: SLA/AW, SLA/MM. In the same vein the Darfur Peace Agreement (DPA) draws some significant lessons from the Comprehensive Peace Agreement.

The Darfur crisis has attracted the attention and involvement of the regional countries – the nine neighbors of the Sudan – pursuing their perceptions of their national interests through support to the various belligerents, in an intermittent and inconsistent manner. More significantly, however, is the involvement of Chad, Libya and Eritrea in the crisis.

The conflict is the first to be referred by the UNSC to the ICC for investigation and adjudication on war crimes, genocide and other human rights abuses, with consequence repercussions on the search for peace in the region.

Darfur crisis has unfortunately created some 2.5 million IDPs scattered in more than 100 camps across Darfur, and some 350,000 as refugees in Chad, and 15,000 in the Central African Republic.

However, it has also created very strong improvements in bilateral relations between Sudan and its neighbours, particularly Chad.

Naturally, I also chose to focus on the Darfur conflict because I've served as Director of Political Affairs in UNMIS where about 60 percent of my assignment was devoted to UN support to the search for peace in Darfur. I represented and led the UN team on the Joint Mediation Support Team (JMST) and also served as the head of the UN team when the Tripartite Mechanism between the AU, the Government of Sudan (GoS) and the UN was established to resolve challenges between the three bodies when UN support to the AU/AMIS was being upgraded following the November 2006 High Level Meeting in Addis Ababa, Ethiopia. I've been Director of PAD since August 2009 to date.

Evolution and Chronology of Darfur Peace Process

Abeche -2003

- Under the mediation of the Chadian government, first cease fire agreement between GoS and SLA/M was signed in September 2003, but was not implemented.

N'Djamena - 2004

- In early 2004, the Chadian government joined by the AU and a range of other facilitators brought back the parties to N'Djamena.
- On 8 April 2008 SLM/A, JEM and GoS signed the Humanitarian Ceasefire Agreement.

Abuja -2006

- Abuja negotiations started as a follow up to the N'Djamena agreement where the AU acted as co-mediator.

- May, 2005: Salim Ahmed Salim is appointed AU Special Envoy for the Inter-Sudanese Talks on Darfur. AU mediated peace talks commenced in Abuja: focus shifted from ceasefire to comprehensive peace agreement.
- Parties signed Declaration of Principles (DoP).
- 5 May, 2006: The DPA is signed in Abuja by the GoS and SLA-Minni Minawi. The agreement is not supported by two major movements, JEM and SLA-Abdul Wahid, and several other smaller movements.

Other major developments in 2006-2007

- November, 2006: Salim Ahmed Salim and Jan Eliasson, representing the AU and UN respectively, were appointed as Joint Mediators.
- Efforts to unify rebel ranks and have a single mediation track were intensified – meetings held in Arusha and twice in Tripoli on these issues.
- In October 2007, UN and AU Envoys organized the Sirte Conference of some armed movements, GoS and Darfur Civil Society Groups.
- The conference was boycotted by SLA/ AW and JEM Khalil, but attended by SLA-Unity, SLA-Khamis Abbaker, and JEM- Collective Leadership. The conference did not achieve any results.
- June, 2008: In the absence of progress in the negotiations, Salim Ahmed Salim and Jan Eliasson resigned as mediators, contending that the parties to the conflict are not ‘ready to sit down and make the necessary compromises’.
- 21 July, 2008: The AU appoints a Panel for Darfur – AUPD which later became the AUHIP (AU High Level Panel) – headed by Presidents Mbeki, Abubakar and Buyoya ‘to undertake an in-depth study into the situation in Darfur and recommend measures to promote peace, justice and reconciliation.’
- August, 2008: Djibrill Bassolé is appointed African Union and United Nations Joint Chief Mediator.
- 9 September, 2008: A League of Arab States (LAS) resolution proposes that Qatar host the negotiations.
- Negotiations began intermittently.
- November, 2009: As the negotiations stall, civil society representatives are invited to Doha for the first time to participate in the peace process. Two further conferences are held in July 2010 and May 2011.
- February 2010: The Liberation and Justice Movement (LJM), a coalition of small armed movements is formed by combining the Tripoli and Addis Ababa groups. JEM suspends its participation in talks with GoS
- June, 2010: Negotiations between the Government of Sudan and LJM commence in Doha.
- 14 July, 2011: The negotiations conclude in the signing by the GoS and LJM of an Agreement for the Adoption of the Doha Document for Peace in Darfur (DDPD).

DDPD is currently being implemented on the ground in Darfur

What are the political qualities of a good *Joint Mediator*?

I'd now like to focus on what could perhaps be described as the political qualities of a good mediator, particularly in a joint mediation context, rather than the personal qualities, which are already well covered in the literature on mediation and peace processes.

A good joint mediator must be politically acceptable to *both* authorizing bodies.

While an international mediator must of course be acceptable to the members of the body that authorizes him or her – such as the UNSC or LAS – a *joint* mediator must be acceptable to both authorizing bodies. Factors such as nationality, experience, competency and political considerations are likely to feature in the selection process. To date, this has meant, in the case of the African Union, that their appointees to the Darfur mediation process have been African, had prior experience in mediation and held senior positions in government.

As with all such appointments, bilateral relations between the major powers on the authorizing body or bodies and the appointee's country are also likely to feature in the consideration.

A good joint mediator must be able to deal effectively with the inevitable

divergence in views between the authorizing bodies. There will almost always be a degree of divergence among Member States in multilateral organs about how the mediation process should proceed. However, procedures, means of sharing information and techniques for reaching consensus within the body are usually in place. Such procedures, mechanisms and practices are not normally as well developed or robust between the partner Councils though. Thus, a joint mediator is often in the position of needing to reconcile different instructions from the two Councils.

A good joint mediator, like all mediators, must be acceptable to the parties to the conflict. Naturally, to be effective there is a need for the mediator to be accepted by the negotiating parties. In the case of the Darfur mediation, the Government of Sudan has reserved the right to decide whether to consent to the appointment in much the same way as it does for the appointment of heads of missions or special envoys. The involvement of the AU in the mediation process is therefore critical, as the Government is more susceptible to pressure from the AU and has subscribed to the principle of 'African solutions to African problems'. In this regard, a good mediator for the Darfur process must be able to obtain and maintain the support of the AU to enhance his/her acceptability to the parties and therefore his/her effectiveness. Knowledge of the key personalities and issues are also critical here.

A good joint mediator must be able to effectively coordinate the engagement of the international community in the peace process. This requirement is also not unique to joint mediators, but has presented particular challenges in the Darfur

mediation process. It has involved, inter alia, incorporating initiatives into the mediation process by the Government of Libya and United States to unite movements into coalition negotiating parties – the so-called Tripoli and Addis Ababa groups, which subsequently merged to become LJM. In addition, regional governments have hosted movement leaders, allowing them to remain outside the mediation process without penalty. With a view toward maximizing pressure on the parties to negotiate, the mediator has endeavoured to focus and coordinate international pressure.

Similarly, there has been a need to **coordinate the activities** of the mediation with those of the AU and UN hybrid peacekeeping operation in Darfur, which has the logistical resources, information and relationships with civil society in Darfur that the mediator has needed.

In addition, the Joint Mediator has had to deal with the **challenge of competing peace process initiatives**. The AU Peace and Security Council (PSC) authorized both the JCM, in conjunction with the UNSC, and the AUHIP to work on the Darfur peace process. A clear delineation of roles and responsibilities was, however, not articulated, and the JCM and Chairperson of the AUHIP developed different and competing strategies about how the peace process should proceed. The JCM favoured conventional third-party mediation between the parties to the conflict whereas the Chairperson of the AUHIP favoured Darfur-based internal dialogue and consultations. A good mediator, particularly one that is involved in a protracted process that gives rise to impatience and allows the emergence of other actors' initiatives, must therefore possess the political and management skills required to maintain focus among the international community on the primacy of his mediation process.

Conclusion

The joint Darfur mediation process, which has not yet concluded, offers several lessons for future mediation processes. This presentation has sought to touch on just a few, namely the desirable political qualities of a good *joint* mediator.

I've tried to demonstrate that a joint mediator must display a degree of political acumen far greater than that normally required of an average mediator.

And while the authorization of two bodies offers political advantages, it also introduces new challenges related to coordination and consensus building. If the international community's response to the crisis in Syria is any indication, however, joint mediation processes seem set to feature even more frequently in the international conflict resolution landscape.

It is my view that greater attention than hitherto ought to be given to establishing a greater balance between political status and competence in the choice of a Mediator. While political status and support by key players are undoubtedly important as demonstrated in this presentation, they need to be buttressed by mediation skills,

adequate country/issue knowledge and experience, as well as the capacity to manage competing demands and approaches of competing authorizing bodies. Put differently, mediation training and skills remain an important missing link in efforts to resolve long standing and intractable conflicts, such as Darfur, in which there is a combination of intense mistrust, hostility, volatility and violence.

The jury is still out whether Joint Mediation authorized by two major and different institutions is more effective/better, in comparative terms regarding outcomes, than those mandated by a single authorizing body. The reality thus far is that no mediator/s has been able to establish sufficient levels of trust and with adequate leverage on the parties to permit a comprehensive and sustainable settlement of the Darfur conflict.

Finally, the need for ensuring national ownership rather than externally-induced solutions and prognosis remain ever essential in formulating effective and durable peace agreements.

I thank you for your attention.