Protecting civilians through peace agreements

Challenges and lessons of the Darfur Peace Agreement

Jeremy Brickhill

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Introduction

Why do some peace processes succeed and others don't? More particularly, why do some peace processes create conditions for the effective protection of civilians while others don't? It is argued in this paper that one important aspect of the answer to this question is inadequate attention to the security aspects of peace processes and peace agreements, and in particular the development of a differentiated strategic approach to both short-term cessation of hostilities and stabilisation aspects and longer-term and sustainable approaches to the wider security sector arrangements in peace agreements.

In the first part the author outlines the key security sector challenges which must be addressed in peace negotiations, setting the scene for a critical review of the manner in which these issues were addressed during the AU mediation talks on Darfur. The argument is that the failure to develop a strategy for negotiation of security arrangements lies at the heart of the failure of the Abuja peace talks on Darfur, and that this approach, and its subsequent failure, is common to African peace processes. The author further suggests that while ceasefire negotiations may indeed provide a central strategic option to create conditions for political negotiations, it is the failure in many peace processes to address security arrangements as strategic terrain that in the end undermines those peace agreements.

A detailed account is provided of the security arrangement negotiations in Abuja and the conclusion is that a ceasefire was both possible and achievable for Darfur, but that it was lost to short-term political expediency, in that key political players in Africa and the West insisted on imposing a premature 'comprehensive' political agreement on the parties.

In the second part, the author turns his attention to generic aspects of security sector negotiations and the need for a longer-term transformation agenda that could provide the basis for sustainable peace agreements in Africa. The specific content of security arrangement negotiations and the critical need for transitional strategies, which link short-term stabilisation with longer-term security sector transformation, are addressed as essential requirements for peace-building in Africa.

The lessons learned

Peace negotiations and the security sector

> The failure to develop a strategy for negotiation of security arrangements lies at the heart of the failure of the Abuja peace talks

The past decade has witnessed a major escalation in the number of third-party interventions supporting negotiation processes, peace support operations, and conflict and post-conflict recovery assistance in Africa. On the one hand, this development reflects increasing intra-state conflict on the continent; on the other, it reflects intensifying attention by African and international governments and multilateral organisations to addressing such conflict, and in particular to providing effective protection to civilians during conflict. The results of these interventions are mixed but on the whole poor, and currently Africa remains stirred up by emerging, continuing or recurring clashes in which civilian populations continue to be the major victims.

A range of questions are being posed regarding the efficacy of these interventions in a quest to identify what works and what does not. This paper forms part of this process of critical review.

In the recent period, peace support and related operations in Africa have grown in complexity and scope, and currently involves a wide range of organisations, from the UN and AU to regional organisations and their member states, international and national non-government organisations, and private contractors in *ad hoc* verification and monitoring/evaluation capacities, all participating in various aspects of negotiation and

mediation, peace support operations and post-conflict recovery.

Directly reflecting this growing complexity – and because it is indeed at times a causal factor – practitioners and organisations working on the security issues of peace-building are attempting to introduce major innovations, including new techniques, tools and methodologies, to address the challenges presented by the security sector in Africa. These include major developments in conflict analysis, significant critique and development of conventional disarmament, demobilisation and reintegration (DDR) and recovery/rehabilitation programmes, and the emergence of substantial new thinking through the application of 'security sector reform or transformation' perspectives and methodologies. (It should be noted that at this stage, these essential reforms are still mostly in a formative and theoretical phase and have not been translated into field practice by major international organisations yet.[1])

While recognising that some conceptual development has taken place in many areas of operational capacity related to peace support operations, key areas of weakness remain. These include the development by the UN and the AU of improved deployment capabilities for peacekeeping forces, enhanced formulation, and implementation of DDR programming and integrated approaches to recovery. Notable among these are the issues associated with the design and implementation of effective security arrangements to underpin sustainable peace agreements and processes.

The lack of coherent, focused and effective provisions related to the security aspects of peace processes is a major weakness of many African peace agreements. Frequently the politicians who mediate peace agreements underestimate the significance of the security arrangements and relegate the security aspects to technical 'add-on' status with regard to a peace deal.[2] Security agreements are frequently addressed as part of the overall 'quick-fix' approach which characterises many peace processes. Experience suggests that there is an urgent need to educate special envoys and mediators about the fact that security arrangements are central to a successful peace agreement and that the 'deal-making' approach they often follow to political aspects simply can not, and does not, create sustainable security agreements!

Before addressing the specifics of this problem, it is necessary to identify and analyse some key principles which apply to a basic framework for effective negotiation and mediation of conflict. Fink Haysom, an experienced South African mediator, provides a

> Security agreements are often addressed as 'quick-fix' approaches; experience suggests that security arrangements are central to any successful peace agreement

salutary starting point in the following observation: '(T)he fundamental question that third party facilitators (negotiators, mediators, advisors and the donor states which sponsor them, etc) should ask themselves at the outset is whether their intervention is indicated *at all* (my emphasis)' (Haysom 2005:1).

It is simply common sense to undertake an in-depth analysis of the nature, character and specifics of that particular conflict prior to engagement in a peace process. This means it is necessary to identify what can realistically be achieved through a peace process and what are the realistic prospects for success and in what specific areas. Remarkably, this is not always done.[3]

In an incisive after-the-event analysis, commenting on the AU Abuja negotiations on Darfur, the advisor to the AU mediation team, Laurie Nathan, concluded that the parties were not ready for a negotiated settlement (Nathan 2006). The head of the AU Darfur mediation team, Ambassador Sam Ibok, released a press statement in Abuja on behalf of the AU on 12 March 2006, midway through the seventh-round negotiation process in which he said the same thing: '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.' Advisors to the AU and many commentators (not to mention the parties themselves) had made the very same observations prior to, during and after the Abuja peace talks. Nevertheless, the negotiation process not only proceeded, but was forced to a disastrous conclusion. Why then did the international community, including the AU, press ahead against all odds to force a comprehensive negotiation process on unwilling parties?

Noting that 'this phenomenon is common in a world where there is increasing international and regional pressure on parties in armed conflict to engage in negotiations' Haysom (2005:1) identifies a range of factors, including economic inducements, punitive consequences and strategies, that all the parties use to gain respite or advantage. With regard to the international political context, it could be noted that a number of problems are being added by the need for political leaders to be seen to do something about a grave or chronic conflict, while failing to take the time to actually identify what precisely needs to be done and can be done.

In this regard Nathan, in agreement with most Darfur commentators, notes: 'The [Darfur Peace] Agreement did not achieve peace and in certain respects it heightened conflict' (Nathan 2006:2). He proceeds to systematically expose the disastrous international and AU strategy for the Abuja peace talks – a strategy

based on 'deadline diplomacy' and the imposition of an externally constructed agreement – and concludes that 'an enduring peace agreement cannot be forced on the parties. It has to be shaped by them since it cannot be implemented without their consent' (Nathan 2006:3).

One may conclude that this strategy was flawed precisely because it simply aimed to achieve the objective (at various levels) of being seen to do something, and never posed the question of what could actually be achieved in the relevant circumstances.[4] The point is phrased in this way not to gratuitously offend the architects of the Abuja strategy – though they certainly deserve to be asked some pointed questions – but because the Darfur Peace Agreement so clearly illustrates how the failure to address strategic objectives and options in peace processes (which is the point Nathan made) is frequently brought about by the failure of mediators and special envoys to understand both the centrality and functionality of security arrangements and their strategic role within these processes.

In the case of the Abuja peace talks, the military/security advisors (including this author), as well as many civilian commentators, advised the AU that an effective ceasefire was essential and achievable in Abuja and would in fact create conditions which could lead to meaningful peace talks. With regard to effectively protecting civilians, the achievement of an effective ceasefire agreement – particularly by means of the security provisions – is a core objective. This strategic objective was lost through politically driven efforts to force a long-term comprehensive agreement on unwilling and unrepresentative parties.

Concerning this argument Nathan (2006:3) notes that

> 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.

The specific aims of this paper are to address and bring focus to the manner in which the security aspects of peace negotiations can deal with these problems.

'Ripe moments' and security issues

Before focusing on security issues as such, one other aspect of the broad framework of peace processes (itself another central thesis of Nathan's analysis of the Abuja

process) should be addressed. This concerns a concept articulated by many mediators and commentators on mediation generally, but seldom applied to the security issues specifically. Nathan (2006) has taken this concept from Zartman (2001), although analysts as far back as Marx and Lenin have used it too. This is the identification of the 'ripe moment', which may be summarised as the moment at which both parties conclude that the costs of further conflict are unbearable and unlikely to lead to resolution or further advantage, and that concessions and cooperation are both necessary and likely to be more fruitful than further conflict.[5]

Nathan notes that, during the actual conflict, neither party can risk admitting its pain and that the activation of this subjective moment requires a negotiation process. What this useful concept requires with regard to the military aspects and security applications is further exploration of the 'elusive' subjective elements inherent in the various phases and options available in the process of negotiating security arrangements (from cessation of hostilities and ceasefire to the final status of forces) that will activate the 'ripe moment' within the overall, and comprehensive, negotiation process.

> In every conflict the 'ripe moment' needs to be reached - where conflicting parties conclude that the cost of conflict is unbearable

In actual fact there are a series of ripe moments (often perceived at different times by different actors and by one or other faction or segment of each party, according to Zartman 2001). For example, in peace negotiations mediators may note that the parties may not wish to engage in full negotiations but may be reluctant to continue the actual conflict and/or appear to be opposed to peace and then search for those ripe moments that apply to ceasefire negotiations and for others that apply to political, social and economic negotiations. These then create possibilities for specific provisions. Some would, for example, address civilian protection and create 'safe zones' and protected humanitarian access. These would effectively form a sequence of steps which can and should be pursued in the approach to ceasefire negotiations. Zartman adds that specific engagement during a humanitarian or general ceasefire's (only) moment of 'ripeness' may be the key to subsequent political negotiations and can create the very conditions that direct conflict is preventing from emerging. This was, in this author's view, the fundamental mistake of the failed Abuja peace talks.

Following his devastating critique of the Abuja mediation strategy, Nathan (2006:17) adds a cautionary caveat: '[My] claim that the deadline diplomacy [strategy] had many negative consequences does not imply … that a different mediation strategy would necessarily have borne fruit.'

The present author offers the same disclaimer, recognising that counter-arguments are always purely speculative, regardless of the historical parallels that are used to pose the question of "what if?" However, the realities and obstacles of the specifics of the Abuja security arrangement negotiations, to which this author was a party, have to be accounted for.

The fundamental difficulty with the security arrangements at the Abuja process was the unwillingness of the AU mediation team to come up with a strategy for security arrangements. Indeed, there was no strategy save obtaining whatever agreement the parties could be cajoled into within the overall 'deadline diplomacy' framework in which the AU mediation team operated. Discussion of strategic options with regard to security arrangements, including the specific application of humanitarian ceasefire principles, simply never originated from the AU mediation team, and efforts to encourage such discussion by the advisors were rejected. In this regard the AU mediation team was in accord with most international partners, including the UN.[6]

In part, this reflected the not uncommon problem that most politicians charged with mediation have very little insight into the realities and details of security arrangements in peace processes, and certainly do not conceive them as being strategically significant. (Still less, from this point of view, could the strategy for security arrangements provide the core strategy for moving a peace process forward, as this author and his colleagues argued at Abuja.) The security arrangement aspects, in this limited view of peace processes, are merely instruments through which the political strategy for a peace process is secured.

This approach fails to take into account the reality that in an armed conflict and the efforts to bring such conflict to an end, security arrangements are fundamental to the prospects of the peace process and indeed to the survival of affected populations and the success of the parties themselves. In this sense the Abuja talks indeed followed a pattern set by many – if not most – African peace processes.

The question is how the AU mediation team handled these issues.

The bitter and unripe fruits of Abuja

The first and obvious starting point, pure and simple, is the absence of serious attention to the security arrangements by the AU throughout most of the Abuja peace talks. The organisation of the security commission responsible for security arrangement negotiations at

Abuja is illustrative of this fact. The commission comprised, prior to the arrival of advisors, one general with limited experience and understanding of ceasefire negotiations and a liaison officer from the African Union Mission in Sudan (AMIS) whose link with AMIS was promptly severed (instead he was reassigned as secretary to the general) and who was therefore unable to provide crucial liaison functions with AMIS in the field. A young local lawyer with no previous experience or training in negotiations or ceasefire legal drafting was on call. The 'strategy' of this team was to convene plenary sessions of the parties and request them to table whatever they wished under the notional title 'security arrangements'. No agenda existed, no procedures had been agreed to and, not surprisingly, no progress was being made.

The first two advisors to arrive suggested that additional and experienced capacity might be required, that it was essential to obtain direct and regular information from AMIS regarding lessons learned in the field and current developments, and that an agreed agenda and procedures and rules for negotiation should be drafted. Without these, they argued, plenary sessions were likely to invite retrogressive and extended mutual denunciation by the parties. It was thus crucial that a strategy be devised for the security arrangement negotiations. However, al these suggestions were turned down by both the general and his seniors in the AU mediation team. The essence of their rebuttal: why complicate things!

This reality is cited partly because it is barely believable, but mostly because the senior members of the AU mediation team knew and understood these conditions, but chose to do nothing until massive pressure was brought to bear on them. Even then the basic problems were allowed to remain unresolved, despite the obvious dysfunction of this situation. This attitude could only be excused if members truly believed that the security arrangements were not really a significant part of the negotiations, but could simply be patched together once the overall agreement had been secured. It illustrates the 'Cinderella' status of security arrangement negotiations in many peace negotiations.

Over a period of time – and one must add bitter struggle – it became possible to assemble intermittently a number of experienced security sector practitioners to support the security arrangement negotiations in Abuja. (These experts were brought in with the support of some international observers and often simply as personal favours between colleagues.) With one exception they were all African.[7] Their efforts resulted in the development of an agenda and negotiating procedures, technical training in security issues for

> It was crucial that a strategy be devised for the security arrangements

the parties and a negotiating strategy for the security arrangements. Their collective discussions and analysis of the circumstances in Darfur and their interaction with the parties and the resulting security arrangement strategy are represented in the outline of issues which follows.

The Darfur dilemma

The starting point in developing a strategy for peacemaking in Darfur, from the point of view of the military advisors at Abuja, was to base it on an overall analysis of the conflict in Darfur. The key issues identified and train of argument were as follows:

1. *None of the parties were seriously committed to a negotiation process*
   The government viewed the rebels as militarily weak, fragmented, and incapable of generating serious political or military offensive capability. The government felt it had been forced into negotiating by international pressure, but had no real incentive to make concessions. The rebels were indeed fragmented (and became more so as the talks proceeded), did lack serious military and political capabilities and indeed a coherent political programme, and were primarily focused on their own limited war of manoeuvre against each other in Darfur. All the parties considered the battlefield in Darfur to be the strategic terrain and the talks in Abuja to be a tactical matter.

2. *Taken as a whole, the parties were unrepresentative of the Darfur communities*
   The government stated that its role was to 'defend' communities in Darfur but never claimed that it represented these communities. The rebels, on the other hand, constantly claimed that they represented the Darfur communities, but their very abundance suggested otherwise. Women were clearly unrepresented in Abuja, as were traditional and religious leaders, smaller and marginalised tribes, and of course (significantly) the 'Arab' tribes from which the *Janjaweed* problem had arisen. The only constituency that the delegations in Abuja could truthfully claim to represent – at least partially – were the military belligerents.

3. *The parties were unable to demonstrate the capability or credibility (or legitimacy) to implement a comprehensive peace agreement*
   Not only were the parties at Abuja not representative of the Darfur people, but their inability to make concessions or cooperate in negotiating a comprehensive agreement clearly demonstrated that they would not succeed in jointly managing any peace agreement. Whatever legitimacy the parties gained from making an agreement in Abuja would inevitably be used by them to suppress

their opponents and sustain conflict, rather than to build peace.

4. *The repression, conflict and resulting population displacement in Darfur had closed off political space and debate, preventing representative voices from emerging*
   If this statement was accepted, it meant that meaningful negotiations could only begin if Darfur communities could be protected from the rampaging military forces in their midst, and specifically if they were able to express their opinions safely. The keys to enabling a political process and negotiations in Darfur were an effective ceasefire and a civilian protection process.

Given the above issues, the military advisors concluded that the only viable strategy for peace-building in Darfur would be one based on the foundations of an effective and enforced ceasefire and civilian protection process. Apart from these four aspects, the advisors took into account a further three factors.

- The complexity of the roots of conflict in Darfur, as well as the intensity of hatred between the parties and communities, strongly suggested that a negotiated process would require far more extensive deliberation, time, reconciliation and confidence building than could be achieved by the time span of the Abuja process. Above all, an end to hostilities was a prerequisite for success
- The scale and tragedy of the human suffering in Darfur was unacceptable to the international community and constituted the major focus and motivation for peace-building efforts in Darfur. The primary international demand was for an end to the armed conflict and the human suffering it produced
- The parties were all vulnerable to international pressure with regard to cessation of hostilities, and indeed had demonstrated this by signing a series of ceasefire agreements in which they had already made clear commitments to halting the conflict

The logic of this analysis was that an effective ceasefire was the essential next step and that this was possible politically. The question which needed to be answered was why the previous ceasefire agreements signed by the parties in N'Djamena had failed so dismally.

A review of the agreements reveals the scale of the problem. The N'Djamena agreements[8] are highly ambitious and attempt to address a wide range of security-related problems in Darfur. They contain sweeping and broad generalisations drafted in vague and imprecise language. Terminology is used interchangeably and lacks definition, and is therefore open to different interpretations. The agreements lack detail on any implementation mechanisms or specific obligations and responsibilities of the parties. There

are no timelines or verifiable benchmarks, although verification is specifically required. The agreements were developed and drafted without any accompanying and agreed map of the boundaries, locations and place names of Darfur, still less mapping of force locations, despite the fact that they contain specific obligations by the parties regarding disengagement of their forces. Some of the clauses far exceed any obligation a responsible party could have been expected to accede to in the midst of a conflict. The contents of the agreements taken together are contradictory, almost incomprehensible in places and therefore obviously unworkable.[9]

When asked why they had signed such agreements the rebel movements replied that they had not understood the concepts or contents; they had not expected them to be implemented; and they had been forced to sign them. In the circumstances, it is not difficult to understand why the government signed!

The simplistic and generalised statements of intent in which the N'Djamena ceasefire agreements are framed are clearly reflected in the problems that AMIS has had to deal with regard to its mandate. Therefore it indeed comes as little surprise that, as Seth Appiah-Mensah (2006:10) puts it, 'after almost two years in Darfur, AMIS is still in a dilemma with its mandate'. With regard to the ongoing problems regarding agreement and clarity on the mandate, he further notes that 'the current mandate of AMIS established by the PSC on 20 October 2004 … was highly diluted to accommodate the concerns of the parties.' Clearly, it is not only the obstinacy of the parties but the absence of acknowledgement of the core problems, namely the ambiguities and lack of focus within the N'Djamena ceasefires, which has prevented AMIS from clearly defining its mandate.

Much of the debate regarding AMIS's effectiveness has centred on the criticism that the AMIS mandate is not robust enough, or as is argued in the second report of the Joint Assessment Mission (JAM), that the current mandate is adequate but it must be 'interpreted' more robustly. But the author agrees with Appiah-Mensah, who notes in this respect that 'in multi-dimensional operations, the mandate alone will not automatically make for an effective force if the authority and capacity are lacking' (Appiah-Mensah 2006:11).

Concerning the issue of capacity, which has dominated the debate, AMIS is certainly facing a range of formidable problems, including the hostile terrain, the un-cooperative belligerents, the logistical problems, the lack of force enablers, and inadequate resources and equipment. The international community and most concerned observers and commentators have focused entirely on these problems and the related issue of a robust interpretation of the mandate, which explains the central argument of most international observers that a better resourced UN force is required. What is missed if this point of view is taken is the centrality of the question of the source of the authority for AMIS in Darfur, namely the agreements made by the parties to the conflict.

AMIS is empowered by the parties to monitor and observe compliance with the specific agreements they have signed. The starting point of the problems facing AMIS is the agreement that establishes the AMIS authority in Darfur. Its overambitious scope and ambiguous wording, combined with a lack of focus and absence of specific implementation mechanisms and obligations, created circumstances in which it was impossible for AMIS to develop effective mission tasking, irrespective of the problems posed by the lack of commitment or capacity of the parties, the shortage of resources and the nature of the terrain in Darfur.

One cannot but sympathise with the AMIS force commanders who have to come to grips with the mission mandate and develop mission tasking and a deployment plan on the basis of the N'Djamena ceasefire agreements. The confusion is illustrated by a review of the map of AMIS force deployment which shows that the AMIS forces are scattered in 32 company-size locations around the length and breadth of Darfur. They have obviously not been deployed according to focused mission tasking, because none was possible. So, in the absence of a coherent ceasefire strategy they simply follow a ground coverage – the so-called 'protection by presence' – strategy.

> After almost two years AMIS is still in a dilemma with its mandate

The core problem of the N'Djamena ceasefire agreements is the absence of a coherent ceasefire concept which would make the clear identification of mission tasks and therefore the focus, sequencing and concentration of forces to achieve these tasks possible. Such a ceasefire concept needs to be based on a framework which enables and builds an effective implementation strategy. It must be unambiguous and achievable. Because it was lacking, AMIS was deployed without clarity on what needed to be done, when, where and how. It is thus not surprising that AMIS adopted a ground coverage approach, but in doing so it became hostage to both the inhospitable terrain of Darfur and the unyielding hostility of the belligerents.

The dispersal of forces served to dissipate and weaken the impact of AMIS on the ground and

fuelled international arguments for a better resourced force with a more robust mandate. Indisputably the geography, scale of human tragedy and complexities of the conflict back up these arguments, but the question remains whether such a better resourced force with a more robust mandate would have had a greater impact if it still had to operate without an agreed and coherent ceasefire strategy.

A ceasefire strategy for Darfur

The AU military/security advisors assessed the contents of the N'Djamena ceasefire agreements and undertook extensive consultations with all the parties. They then attempted to develop a ceasefire concept which incorporated the substantive issues previously agreed to by the parties but which was actually possible to implement. Based on these commitments on cessation of hostilities, disengagement of forces and protection of civilian communities (including displaced persons), the advisors developed a conceptual framework derived from a physical separation, and in some areas exclusion, of all military forces based on the concept of zoning.

Five basic principles were developed to underpin the concept:

1. Cessation of all hostilities, disengagement of forces, and protection of civilian communities would be established and undertaken on the basis of an agreed mapping of areas and lines of control
2. The parties would undertake the following preliminary steps (prior to disengagement): effectively freeze forces and halt hostilities; address the issue of compliance by 'associated' or 'influenced' third party forces within their areas of control; provide information and allow access to enable verification of compliance within their areas of control; and undertake and enable consultation and provide information on the ceasefire processes between and with all leaders, communities and armed groups within their areas of control
3. Implementation of all ceasefire steps would be undertaken by the parties in a parallel process based on complementarity and reciprocity
4. Each implementation measure by the parties would be accompanied by agreed security guarantees
5. The parties would agree to detailed ceasefire measures so as to make completion of the enhanced humanitarian ceasefire possible. However, the details of the final status of forces would be negotiated at a later stage, but within the terms of agreed basic principles[10]

Having presented the five principles to the parties and obtained informal agreement that the principles could provide a basis for negotiations, the advisors developed an eight-point plan of ceasefire steps. This would be the framework for the actual negotiation

of an enhanced humanitarian ceasefire agreement for Darfur.

During detailed proxy negotiations between the parties and the mediators/advisors based on the five principles and the eight-point plan, the main objectives, 'red lines' and potential concessions and trade-offs by each party were identified. These would in turn determine the specific framework and contents of a new agreement.

While it is not possible to explore these issues in detail in this article, the author will next highlight a few of the major negotiation issues and how they were addressed within the zoning concept. This will provide some idea of the scope of the discussions and the possibilities for agreement on apparently irreconcilable differences.

Initially the rebels stated that disarmament of the *Janjaweed* was a precondition for any further progress in negotiations. However, in informal discussions they conceded that such a demand was neither realistic nor possible to implement. The advisors suggested that a more realistic position would be containment and neutralisation of the threat posed by the *Janjaweed* as a precursor to their eventual disarmament. The advisors further suggested that this could be achieved by means of zoning (containment).

The government, on the other hand, was at first reluctant to accept the notion of areas of control, as that would in effect amount to recognition of rebel control. It also argued that it could not take action against the *Janjaweed* while rebel movements were able to threaten communities which relied on *Janjaweed* 'defence'. Nevertheless, the government was anxious to contain rebel expansion and 'violation' of previously agreed (but unmarked and therefore unverifiable) positions or 'sites'.

The concept of areas of control (areas of responsibility) and a sequential and complementary process of implementation made it possible for the government and rebel movements to gain by the agreement. Containment of their own forces and those they influenced (thus the *Janjaweed* as well as the wide range of community and militia forces) would be reciprocated by containment of their opponents, which would effectively neutralise the threats the various forces posed to each other. This would enable ceasefire implementation without advantage or disadvantage to either side.

On this basis, the government could s agree to the notion of areas of control, if in return the rebel movements were contained within defined areas. By the same token the containment of the *Janjaweed* became the responsibility of the government. Containment was much easier to deal with than the demand for their immediate and unconditional disarmament. To the rebels, the government agreement to areas of control represented

a considerable political and *de facto* advantage, while the containment of the *Janjaweed* would effectively neutralise the threat to their forces and communities.

The next step was that these reciprocal concessions should be underwritten by a series of specific security guarantees (withdrawal of strategic air weapons and artillery systems by the government and restriction on movement of mobile weapons platforms and artillery by the rebels). This in turn opened up further avenues for negotiations towards an effective ceasefire.

The concept of zoning was applied in much the same way to the issue of civilian protection with the introduction of the notion of establishing demilitarised zones around vulnerable populations and transport or supply routes. In such zones AMIS would be the principal security guarantor. With the addition of buffer zones between the parties and zones of limitation from which the parties had to withdraw (in both cases with AMIS present to verify compliance) a sequential process of demilitarisation and withdrawal by all armed parties became conceivable.

As a result of this negotiation concept the major ceasefire objectives of effective disengagement and cessation of hostilities between the belligerents and enhanced civilian protection became realistic possibilities.

This conceptual framework had the additional advantage of clarifying the specific mission tasks of AMIS – the necessary focus and concentration of forces. The demarcation of very specific responsibilities, obligations and terms of compliance by the parties would enable AMIS to develop an effective monitoring and verification regime.

This brief summary of the negotiation of the security arrangements in Abuja highlights two major issues of concern in the overall process of ceasefire negotiations: First, that a basic concept is enormously helpful in creating a framework for progress in negotiations, and second, that the specific aspects and issues are highly complicated and require detailed procedures and processes it they are to be addressed effectively.

How 'deadline diplomacy' defeated the ceasefire strategy at Darfur

A common problem in many ceasefire negotiations is the lack of appropriate technical capacity, notably in irregular (rebel) military groups, but also in conventional armed forces. The range of skills and experience required to address ceasefire issues is substantially different from those required for war making. It is also problematic that envoys and mediators, and indeed their conventional military advisors, often fail to recognise this. The assumption is that basic military knowledge and skills are sufficient and that a good wartime general is a good peacemaking general. This is not necessarily the case.

In order to help the parties negotiating in Abuja to address the detailed and complex problems arising from the need to design, develop and negotiate a meaningful ceasefire, the security arrangement advisors at Abuja proposed a ceasefire training workshop. Such a proposal was initially put forward in November 2005, but the AU mediation team maintained that there was no time to undertake such a project. The proposal was rejected again in January and in February 2006, once again because of time constraints.

However, it was obvious that the parties, and especially the rebel movements, lacked sufficient knowledge and skills of ceasefire planning and implementation to negotiate the issues effectively. Throughout January and February 2006 the advisors therefore ran night classes for the parties during which the concepts and terminology of ceasefires and a range of models and comparative examples of ceasefire processes drawn from global experience were introduced.[11] During the day the advisors continued to support the development of basic negotiating options based on the five principles, and later on the eight-point ceasefire plan.

> Most ceasefire agreements lack appropriate skills and experiences needed to implementing them

By late February, and with the support of its part-time advisors, the parties had developed detailed proposals in four working groups (verification and monitoring; protection of displaced persons, refugees and humanitarian relief routes; disengagement, redeployment and disarmament; and ground rules on delivery of aid, logistics and supplies) culminating in a working model for a comprehensive ceasefire for Darfur. Their proposals were presented and negotiated in regular direct bilateral sessions throughout February, with unresolved issues bracketed and referred to the mediators and advisors for proxy negotiations with the parties. By the end of the month 25 contested issues had been resolved and only a handful of issues still had to be resolved.

This progress represented an outstanding achievement by the parties, the advisors and the security commission mediator. It appeared that an effective ceasefire was within reach.

However, the work that remained represented a huge undertaking. It included the drafting of all technical annexes (definition of terms, implementation modalities, timelines, rules and regulations covering restrictions and

redeployment of weapons systems, troop movements, rotations and supplies, etc), agreement on basic maps and mapping of disposition of all forces, harmonisation and novation of all previous agreements with the new text, final legal drafting of the agreement, and translation of the final text. These tasks required specialist personnel, including legal draftspersons, military planning officers and military mapping experts. They would have to train technicians from the parties on how to present their force dispositions (mapping of force locations) and set out their disengagement and redeployment plans. In the best conditions these tasks would take several weeks.

At precisely this time the AU mediation team demanded that the security commission advisors complete the entire ceasefire agreement within 72 hours. Requests for additional technical experts were turned down and the AU mediation team pressured the advisors to force through a truncated ceasefire agreement. All the advisors rejected this demand.

Although the original deadline was extended by several days and the talks in the end did continue for another two months, the demand for immediate completion marked the commencement of a continuous and farcical series of deadlines that were imposed and 'deadline diplomacy' replaced the step-by-step negotiation process. The Abuja talks entered a crisis mode in which it became impossible to plan and therefore complete the remaining work effectively.

As Nathan (2006:12) notes: '(T)he ever looming deadlines made it pointless to develop a comprehensive mediation strategy and plan … and led instead to an ad hoc approach that proceeded in fits and starts.' If the deadline was only days away, it was pointless to provide technical support to the parties for military and mapping planning. The AU's rejection of requests for technical assistance and training also made it impossible to undertake the final detailed planning which would have brought the outline agreement on the ceasefire to fruition.

Some of the security commission team member continued to focus on completing the work in tandem with the parties (despite a lack of technical personnel) but other members were persuaded to work on an imposed ceasefire – the so-called position papers, which as Nathan (2006:13) comments, 'moved far ahead of the parties … and reinforced the parties' misconception that the mediators were arbitrators rather than facilitators of dialogue and negotiations'. The division in the security commission team exacerbated differences with the AU mediation team and between the AU and UN members. It obviously also created increased confusion and suspicion among the negotiating parties regarding the mediation process.

The presentation of draft proposals (in which the parties had played no part and which departed from previous discussions and processes) by the AU mediation team strengthened resistance by the parties to negotiation and compromise, and hardliners on all sides exploited the differences within the AU team to backtrack from previously informally agreed proposals. As the atmosphere soured and suspicions on all sides grew, the parties retreated from any form of serious dialogue and negotiation. The hard-earned strategy and proposals for an enhanced humanitarian ceasefire evaporated in mutual recriminations and denunciations between March and May 2006.

Pressured by their political masters and the donors, the AU mediation team crafted their own peace agreement based on what AU special envoy Salim Ahmed Salim called 'mediation's compromise' in a statement made to the AU in Abuja. Two of the three rebel groups refused to endorse the agreement, one of them memorably describing the document as 'a product of intimidation, bullying and diplomatic terrorism' (cited by Nathan 2006:15). Nathan aptly observes: '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.'[12]

Senior African and Western politicians presented a 96-page-long 'mediation's compromise' agreement with a five-day deadline to the parties. The Sudan government accepted the draft, presumably with a broad understanding that like the previous N'Djamena agreements it could never be implemented. Under enormous pressure one faction of the Sudan Liberation Movement/Army (SLM/A) reluctantly signed the Darfur Peace Agreement (DPA), though not without fragmenting in the process and setting in motion a continuous process of fragmentation which has characterised Darfur rebel politics ever since. According to a spokesperson for the Justice and Equality Movement, one of the rebel movements which refused to sign the DPA, their twofold problem with the agreement was that it did not 'address the root causes of the conflict and was not the result of negotiation between the parties'.[13]

Before there can be any progress in peacemaking, some form of cooperation is required between the parties to a conflict and to be sustainable, peacemaking requires meaningful ownership by those parties. Conflict

> The Abuja talks have followed 'deadline diplomacy'

reflects the extreme absence of cooperation between adversaries and peacemaking becomes possible when some cooperation is established. Negotiating and implementing a ceasefire may provide the parties with just such a bridge of cooperation, and enable them to build the confidence and momentum to address the actual 'root causes' of the conflict.

Mediation which replaces negotiations between the parties with negotiation between mediators and the parties effectively prevents parties from owning the process. Thus the role of mediators should not be to negotiate on behalf of the parties, but rather to facilitate negotiations between the parties themselves. As Haysom (2005:1) notes, 'a mediator should build the parties' understanding that their enemy is also their negotiating partner'.

A strategic approach to security arrangements

Strategic options for negotiations on security arrangements

The 515 paragraphs of the DPA cover immense ground, and indeed the DPA is a highly comprehensive and ambitious document. Chapter 1 sets out the framework for power-sharing between the Khartoum government and the rebels and provisions for a referendum in 2010; chapter 2 sets out the functions and financing of three state governments, compensation, rehabilitation, resettlement and land claims; chapter 3 contains the basis for both a comprehensive ceasefire, including the demilitarisation of humanitarian supply routes and camps, and the final status of forces including their demobilisation and integration; and chapter 4 lays out plans for a Darfur consultation process. In theory, at least, most contentious issues are dealt with and settled. The problem arises precisely from the attempt to package the entire range of issues of the Darfur conflict into a comprehensive agreement.

The provisions in the DPA that deal with the political, social and economic issues fall outside the scope of this article, although proposals concerning final status of forces are closely related to the new political and constitutional dispensation. The author shall return to this aspect later. Insofar as the security arrangement provisions are concerned, the DPA attempts to weld together a truncated and incomplete version of the original negotiating version of the enhanced humanitarian ceasefire with a tentative but nevertheless far-reaching agreement on the final status of the forces. In trying to straddle the divide between these two complex processes, it actually fails them both. In most cases, the purpose of the provisions of such a ceasefire would be

to create the conditions for the subsequent negotiation on the status of the forces. Regardless of whether the parties could at that time have agreed to the power and wealth sharing provisions of the DPA, it should be noted that the contents of chapter 3 on security arrangements represent a leap of truly Olympian proportions: it side-steps far too many necessary processes for the resolution of a highly complex conflict made up of a Pandora's box of security problems.

In this regard it is important to note that ceasefire agreements and processes must of necessity address both the actual cessation of hostilities and the management and treatment of the wide range of security problems which chronic and complex conflict create, such as command and control of irregular forces and disarmament and arms control amongst the civilian population. These already difficult problems are in effect initially transitional. The manner in which, and indeed success with which, these problems are addressed lay the basis and determine the direction for dealing with the essentially political problems on the final status of the forces. This is one of the reasons why transitional security arrangements aimed at halting hostilities and establishing interim security management usually precedes negotiations on the final status of forces. Short of outright defeat or surrender, few belligerents will easily make the move from intense military conflict directly to a final comprehensive agreement on a new military/political dispensation. However, it was precisely such an agreement that the parties in Darfur were compelled to accept when they signed the DPA.

> A strategic approach entails ceasefire agreements that address actual cessation of hostilities

Alex de Waal noted that 'the crisis in Darfur is political. It's a civil war and like all wars it needs a political settlement' (2006:1), and also that political will and a political settlement are essential preconditions for a sustainable resolution of conflict. However, it does not automatically follow that if you fix the politics first, the peacekeeping will follow. Certainly a commitment by the parties to keep the peace is vital to the success of peacekeeping, but halting, managing and fixing complex military conflict does not only require political will. It requires a strategy and the means to implement that strategy.

It is in this regard that the sentiment that no strategy is needed for security arrangements for implementation of a peace deal has shown itself to be seriously flawed. Indeed, the fact that the conflict in Darfur has escalated since the signing of the DPA, with increasing attacks on AMIS and humanitarian agencies, growing cross-border conflict, and divisions and increasingly ineffective command and control in rebel ranks, the problems of management of the ambitious security dimensions

of the DPA have revealed themselves to be at least as intractable as the direct conflict itself. In effect, all the parties are losing control and Darfur is well on the way towards greater turmoil than before the DPA.

The 'all or nothing' strategy revealed itself as essentially a 'nothing' strategy when the AU attempted to convene the Darfur ceasefire commission after the signing of the DPA. In an attempt to address the problem of managing a ceasefire in which two of the four belligerents were non-signatories (not including the ongoing splits in rebel ranks); the AU found itself floundering in the contradictions of the DPA. It eventually proposed that a two-tier commission be established in which non-signatories would have partial participation in a ceasefire they had not signed. The SLM/A faction who had signed the agreement promptly withdrew. The ceasefire commission collapsed. What purpose then could a 'comprehensive' agreement serve if even the basic ceasefire on which it depended could not be managed or supervised? Finally the 'all or nothing' strategy is one of political overextension. The attempt to do everything at once resulted in an inability to do anything.

The irony is of course that there had been a workable alternative strategy: an incremental approach with an effective and enforceable ceasefire as the first step, aimed at building confidence, capacity and political space for representative negotiations, during which the underlying causes of the conflict could be addressed.

The developments in Darfur over the past 12 months illustrate the importance of strategy in security arrangement negotiations. It has shown that if these aspects of peacemaking are taken for granted, or regarded as add-on elements of a peace deal, the consequences could be disastrous.

The specifics of security arrangement negotiations

Although the argument advanced thus far has been based on the Darfur negotiations, is not intended to suggest that an alternative strategy at the Abuja talks would have guaranteed a better result. Rather the purpose has been to highlight that more serious attention should be paid to the way in which security arrangements are addressed and that they may have an important role to play in improving the prospects for successful outcomes in African peace processes. Indeed, it is argued that a strategic approach to security aspects of negotiations is essential and in addition that more attention should be paid to the details and functionality of the various phases of security and stabilisation in peacemaking. The ad hoc approach simply does not work. Adding on some final status of forces provisions to a ceasefire does not provide a meaningful approach for the construction of a workable peace agreement that will lead to sustainable peace.

Before dealing with its functionality, some basics of the security arrangements in peace agreements.

In broad terms, the security arrangement process can be likened to two ladders. The first ladder consists of a series of commitments and the second of the steps leading to re-organisation and reconstruction of the political/military dispensation.

While not all the rungs of the first ladder are necessarily required in any particular peace process, it starts with a stand-down and battlefield truce, unverified and temporary breaks in battlefield hostilities without commitment to any peace process. During World War I such informal battlefield truces lead to a cessation of hostilities on, for example, Christmas day. The next rung is the different forms of cessation of hostilities, which extends to the informal truce. While it is still unverified and temporary, it often marks the first acknowledged step in a peace process.

The next rung is a ceasefire, which can again take a variety of forms and usually indicates a significant commitment to a peace process. Though still temporary, a ceasefire requires verification and usually the parties sign an agreement aimed at creating conditions for negotiation. A ceasefire usually requires fairly complex military action, including both cessation of hostilities and disengagement of forces, a range of agreed prohibitions and some form of disclosure of military disposition by the belligerents. Specific provisions are required to enact an effective ceasefire including designation of territory covered, duration and supervision. A ceasefire agreement should not create military or other disadvantage for either party and should not prejudice the options for the final resolution of the conflict. In many cases ceasefire agreements contain specific objectives and tasks related to humanitarian aspects of the conflict, such as protection of civilians.

All these steps are interim or transitional arrangements leading, hopefully, towards the final rung on the ladder, which is a comprehensive peace agreement. This agreement entails the permanent resolution of conflict and a return to peaceful, constitutional and democratic governance.

The security arrangements of the comprehensive peace agreement are such a large and important

Darfur illustrates the importance of security arrangements in peace agreements

undertaking that it can be likened to the second ladder of the process. It deals with the reorganisation and reconstruction of the political/military dispensation, whose rungs represent a series of steps, which lead towards final and permanent resolution.

During these negotiations on the final status of forces (which should be part of the comprehensive peace agreement), the aim is to address and reinforce all aspects of a post-conflict (military and security) dispensation. This might include a reorganisation of the military, security and related judicial institutions, including integration of rebel forces, redrafting of security related legislation and strengthening of parliamentary oversight, demobilisation of surplus fighting forces including paramilitaries and militia forces, disarmament, and arms control measures. It usually also includes a range of related constitutional and political reforms and possibly also economic policy reforms. The objective of all these arrangements is to remove the root causes of the conflict.

The details of the second phase relate to the disengagement and relocation of forces (often including a range of prohibitions), the establishment of a verification and monitoring mechanism and/or peacekeeping force to supervise the ceasefire, the establishment of a joint security and/or military commission to supervise and manage interim security, the establishment of one or more commissions to set up the new military and security institutions, an integration process, and DDR.

These two complementary sets of steps or 'ladders' illustrate the significance of sequencing and specifically the relationship between short-term stabilisation measures and longer-term strategic restructuring and reorganisation of the security sector.

During the actual process outlined above, it is essential that short-, medium- and long-term priorities are identified and that strategies are developed to achieve them on a sequential and planned basis. Frequently, peace processes and the agreements designed to implement security arrangement processes only deal with short-term objectives in any detail. Longer-term processes are dealt with in the abstract, based on what the parties and mediators would like to see, rather that being a product of systematic strategic planning.

The measures required to address final status issues are clearly differentiated from the interim security arrangement measures precisely because they are not transitional. They are meant to be permanent and thus have far-reaching and long-term consequences. They should be sustainable and need to be attended to in this light.

The above explanation should make it clear why time and a great deal of effort, including extensive consultation and specialised planning, should be devoted to the security aspects of the comprehensive peace agreement. The parties to a conflict should not be pressured into a 'quick fix' resolution of these crucial issues, as they were in Abuja. Neither should they be encouraged to skip key steps, as happened in the Somali Eldoret ceasefire agreement. These are sure recipes for failure, as is evidenced by numerous unsuccessful peace agreements in Africa. If sustainable peace processes are to be brought about in Africa, they will have to be underpinned by coherent and strategic peace agreements that spelt out in precise and unambiguous terms aspects relating to the vital matter of security arrangements.

The key is the relationship, and the link, between short-term stabilisation and longer-term security sector transformation.

The critical functionality of interim security provisions

Security arrangements in a peace process can be divided into three main phases: agreement on a ceasefire and interim security arrangements; managing the ceasefire, transitional security and preparations for the final status; and agreement on final status (comprehensive) security arrangements. It is the frequently neglected middle phase which forms the link between the ceasefire and the final status, which is the fulcrum between short-term stabilisation and longer-term security sector transformation.

The interim phase of a peace process is, of course, a critical testing period. Can the ceasefire be implemented? Will it hold? How will the parties react to violations? Can stabilisation succeed? While these are the obvious and immediate questions, the more important questions with a view to a sustainable peace are how effectively the parties, including third parties, make use of the interim phase to develop capacity for a cooperative approach to joint management of security and to preparations for a comprehensive and permanent peace. Without this essential bridge, negotiations grind to a halt as parties faced with loss of their military capacities, and therefore their ability to influence future developments, back away from the peace process. Thus the interim phase must enable the parties to make realistic plans for the future, to find ways to jointly and successfully manage the final status processes, and to develop sustainable security sector strategies.

If security arrangements are simply regarded as a technical 'add-on' to a peace agreement, it is highly

The interim phase of a peace process is a critical testing period

unlikely that real security issues will be tackled. In such cases the more likely scenario – and the most common outcome in Africa – is that a shaky ceasefire will lead to elections in which the first party to be elected inherits the state and its monopoly of force. Parties who come second and their supporters are bought off with a demobilisation programme and some other temporary forms of inducement and patronage. The substantive security transformation issues which should have been addressed during the interim phase are glossed over, sowing the seeds for second generation conflicts at some time in the future.

It should by now be obvious that the tools and methodologies of 'security sector transformation' are of the utmost importance to peace processes in Africa, and that mediators, envoys and advisors need to learn about and incorporate these techniques and insist that peace processes and the parties to them, address their real security problems and develop longer-term sustainable strategies.

Conclusion

The argument was made that effective protection of civilians in conflict situations where peace agreements are being negotiated is dependent in large part on effective ceasefire arrangements. The latter is a prerequisite for negotiations, as continued fighting makes it impossible to safeguard civilians and renders the achievement of political settlements impossible. A key factor to achieving this is the adoption of strategic security arrangements which acknowledge that imposed agreements seldom succeed and that it is therefore important to cultivate ownership of the process. In addition, negotiators should wait for and seize the 'ripe moment', for a series of impossible deadlines will invariably result in a rushed and unsuccessful agreement. Furthermore, although it is common practice to use persons familiar with the military to hammer out such agreements because of their technical nature, there is merit in involving civilians who are able to articulate non-military imperatives that should be factored into the agreements.

In this conclusion it is appropriate to draw on the wisdom from one African mediator who has put into practice many of the arguments put forward in this article – Major-General Lazaro Kipkurui Sumbeiywo, former Kenyan army commander and IGAD special envoy to the Sudan peace talks.[14] Sumbeiywo was appointed in 2000 to oversee the Sudan peace talks by the then Kenyan president, Daniel arap Moi, and spent the next five years presiding over and eventually brokering the comprehensive peace agreement between the Sudan People's Liberation Movement/Army (SPLM/A) and the government of Sudan.

Sumbeiywo's dictum on peacemaking (Waihenya 2006) perfectly sums up the key points for successful security arrangement negotiations:

- Develop a clear and coherent strategy for both the peacemaking and the negotiations themselves
- Keep the negotiation process professional by insisting that mediators mediate, facilitators facilitate, advisors advise and observers observe, all as members of a team operating under strict discipline whose purpose is to support and not supplant, the role of the parties
- Support the development of capacity by the negotiating teams of the parties by providing resource persons and training workshops when required, thus enabling the parties to master the topics and terrain and assume real ownership of their negotiations
- Allow the parties to express themselves and 'thrash out the issues' before insisting that they focus on specific aspects of a clearly defined and agreed upon framework and agenda
- Facilitate a step-by-step development of the contents of an agreement, consolidating small gains as building blocks for a final and comprehensive settlement
- Place security issues at the centre of negotiations, recognising that they are essential and specific and that successful peacemaking requires effective solutions to such issues
- Insist that the parties negotiate specific implementation modalities, avoiding short cuts and ensuring that they understand precisely what they have agreed to do, as well as when, where and how

Notwithstanding mistakes and the need for continuous critical reflection on his peacemaking strategy, Sumbeiywo displayed enormous courage in approaching peacemaking in Sudan, with a determination to ensure that the parties ultimately had to take responsibility for their own peace agreement. Memorably, on one occasion he faced down the US envoy, threatening to shoot him on the spot if he continued to undermine the parties' ownership of their own peace process. 'You may be a super-power,' he declared, 'but you do not understand this very well. It is the Sudanese to decide on how to progress and how they want the peace deal clinched, not the Americans' (Waihenya 2006:126).

Successful peacemaking in Africa requires such courage, but it must also be filtered with humility as it certainly was in Sumbeiywo's case. While there are no blueprints, many lessons can be learnt from the past. What stands out is that the need for a creative exploration of ways in which the dynamics of conflict and their resolution can open the doors to more successful processes of negotiation and political agreement on the African continent.

Notes

1 In a significant effort to foster reform of disarmament, demobilisation and reintegration (DDR) programmes

for example, UN agencies led by the Department of Peacekeeping Operations have recently developed and adopted the International DDR Standards (IDDRS) for implementation in conventional UN peace support operations. Haiti and Sudan were the first two countries in which the UN attempted to implement some of the concepts set out in the IDDRS and in both cases their efforts are reflected more in the breach than the application. This serves to illustrate the problems of reform in the security sector. The UN (including the World Bank) family remains notoriously impervious to serious application of reform in the security sector, while international and national non-governmental organisations, often contractors of a UN security sector programme, are clearly better able to understand and implement the new frameworks. Many of the concepts contained in the IDDRS were in fact pioneered not by UN organisations, but by smaller and more innovative international and national non-governmental organisations and African practitioners in the security sector more than a decade ago.

2 The IGAD Somalia peace talks provide an example of this failure to take security arrangements seriously. After more than two years of intractable negotiations the parties had spent only a few days discussing security arrangements and finally produced a barely coherent and totally ineffective 'ceasefire' agreement, despite having achieved agreement on an interim charter and the establishment of both a transitional parliament and government.

3 In this regard it is also essential to assess the character of the conflicting parties and their likely approach to the peace process, especially with regard to the following aspects:

- Are the parties committed to a peaceful resolution or do they believe they can achieve more effective results on the battlefield?
- Are the parties able to identify and accommodate each others' (real rather than simply perceived) interests and make the reciprocal concessions required to reach agreements?
- Do the parties have legitimacy and to what extent are they representative of the conflict and the communities concerned?

4 In this regard one may note Fink Haysom's advice that a third party to negotiations 'should be prepared to walk away from a process that has become dishonest or counter-productive [but that] it is difficult for officials to walk away for fear of damaging their careers' (2005:1).

5 For Lenin this 'ripe' moment (when the ruling classes can no longer rule in the old way and the oppressed can no longer be ruled in the old way) was of course the opportunity for revolutionaries to reject reformist concessions and storm the barricades!

6 As Nathan's account makes clear, the principal Western players – the UK and the USA – were directly responsible for creating the conditions in which the AU adopted the 'deadline diplomacy' strategy, with the result that there was no real possibility of addressing security issues in a strategic manner. Smaller Western

donor countries, particularly Norway, attempted to engage more realistically on security issues. The UN, represented for the most part by the over-stretched UN Mission in Sudan (UNMIS) and at relatively low levels, engaged primarily in tactical positional battles aimed at establishing its supremacy over the AU, and had little to say about the strategic issues. In a memo called *Guidance from the SRSG* to the UNMIS delegation in Abuja (dated 13 February 2006) the SRSG's office baldly states: 'The discussions [in Abuja] are key and we have to be in the driving seat … Make this happen.'

7 The advisors included former rebel commanders and negotiators, DDR programme managers and high ranking military officers from African countries with experience in post-conflict processes. The non-African was General Jan Eric Wilhelmsen, the Norwegian architect and commander of the successful Nuba Mountains ceasefire mission, the Joint Military Commission.

8 The agreements are: *Agreement on humanitarian ceasefire of the conflict in Darfur* and the *Protocol on the establishment of humanitarian assistance in Darfur,* both signed on 8 April 2004 in N'Djamena; *Modalities for the establishment of the ceasefire commission and the deployment of observers in Darfur,* signed on 28 May 2004 in Addis Ababa; *Abuja protocol on the enhancement of the security situation in Darfur* and the *Protocol on the humanitarian situation in Darfur,* both signed on 9 November 2004 in Abuja.

9 Some illustrations of the problems:
(a) With regard to the N'Djamena agreement of 8 April 2004:
- Article 2 commits the parties to a range of measures to halt hostile military activities and specifically to 'disengage and refrain from any deployment, movement or action which could extend the territory under its control or which could lead to a resumption of hostilities', without clarifying the means and mechanisms of disengagement or verifiable mapping to enable such disengagement to take place
- Article 2 also commits the parties to refrain 'from supplying or acquiring arms and ammunition', without any qualification (a clearly impossible obligation) and without identifying verification mechanisms to ensure compliance
- Article 6 commits the parties to 'ensure that all armed groups under their control comply' with the provisions of the agreement, without any definition of the terms used or verification mechanism identified
(b) With regard to the Abuja protocol on enhancement of security of 9 November:
- Article 2 commits the parties to submit information and co-operate with the ceasefire commission/AMIS 'to enable it to develop a plan ensuring that no exchange of fire takes place' without specifying how or when this information should be provided
- Article 5 commits the government of Sudan, in accordance with UN Security Council Resolution

1556 and 1564, to 'expeditiously implement its stated commitment to neutralize and disarm the *Janjaweed*/armed militias [and further in this regard to] provide all relevant information to CFC/AMIS [and further in this regard to] identify and declare those militias over whom it has influence', without definition of the terms or identified and verifiable screening mechanisms

10   *Proposals on basic principles for disengagement, re-deployment, disarmament and arms control. Abuja peace talks on Darfur*, Security Commission Working Group Three, February 2006.

11   The training had a marked impact on the rebel groups: as their knowledge of the issues and negotiation process increased their confidence grew and they moved away from defensive hard-line positions and began to creatively assess realistic options and interests.

12   See also Nathan (1999) for an account of other failed African peacemaking processes.

13   Interview with Tadjedine Bechir Niame, Satya at <www.satyamag.com/jun06/niame.html>.

14   An illuminating account of his life and work as special envoy has recently been published under the appropriate title of *The mediator*. The bibliography contains the publication details of the book.

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About this paper

In this paper, the author discusses the Darfur peace processes and examines whether they sufficiently provide, if at all, for protection of civilians. Through a general discussion of peace processes in Africa, but with particular focus on Darfur, the author responds to the question why some peace processes succeed and others don¹t and more particularly, why some peace processes create conditions for the effective protection of civilians whilst others do not. In part, the author suggests that how peace talks are managed, and in particular their foundation on effective security arrangements is key in this regard.

About the author

JEREMY BRICKHILL served in Zimbabwe's liberation war as an officer in Joshua Nkomo's Zimbabwe African People's Union/Army (ZAPU/A) and has a broad range of experience in conflict and post-conflict processes in Africa. He led the Zimbabwean advisory team which supported Somaliland's successful disarmament and militia integration (1992-1994) and has worked for the UN as a programme manager and an advisor. From 2003 to 2006 he served as an advisor to the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) and as the Intergovernmental Authority on Development (IGAD) special envoy for Sudan during the negotiation of the comprehensive peace agreement in Sudan. In 2006 he was posted as an advisor to the AU mediation team at the Darfur peace talks in Abuja. Currently he is the senior advisor for security sector planning for the European Commission in Somalia. He is an active participant in the Global Facilitation Network for Security Sector Reform and the African Security Sector Network.

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