

The Darfur Peace Agreement: Part 7 Community Peace and Reconciliation

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This is the seventh in a series of articles concerning the Darfur Peace Agreement (DPA), explaining how different parts were negotiated—including which negotiators insisted on which articles—what the paragraphs mean, and how they should be implemented. This article deals with the question of what is next: how the DPA can serve as the foundation for a process of peace and reconciliation among Darfur’s fractured and divided communities. It is important that the letter and spirit of the DPA are properly understood by all Darfurians and other Sudanese, so that the Agreement can be implemented and peace can return to Darfur.

As the Darfur peace talks entered their fifth round a year ago, it was clear to all involved that any peace agreement signed between the GoS and the two Movements represented there—the SLM/A and the JEM—could only be the first step in a longer process of community peacebuilding and reconciliation. Many groups were not represented in Abuja, and many issues could not be adequately discussed. For example, all the complicated issues of land ownership could only be discussed at the level of general principles—the specific problems of who owned which piece of land could not be resolved.

This, incidentally, is one reason why the AU Mediation and the international partners were keen for the peace talks in Abuja to come to a rapid conclusion. Only when the DPA had been agreed there by the political leaders, would it be possible to begin the equally important process of creating peace, locality by locality, across Darfur. Only with the leaders’ signatures on the DPA would it be possible to bring other groups to the table.

There are two main elements to the ongoing community peace and reconciliation efforts. One is Chapter 4, which concerns the “Darfur-Darfur Dialogue and Consultation” and the other is the Peace and Reconciliation Council, a subsidiary body of the Transitional Darfur Regional Authority, which will be set up by the DDDC.

The DDDC is contained in the “Declaration of Principles” signed by the GoS and the Movements in July 2005. It is important to note that both Abdel Wahid al Nour and the JEM signed this Declaration a year ago. Today, it is hard to see how they could participate in the DDDC without having signed the DPA itself and become part of the implementation process of the DPA. But they both support the idea. In fact, Abdel Wahid was very enthusiastic about the DDDC, and only asked for very minor changes to the DDDC sections of the DPA. (He wanted 75% of the representatives to be from tribes and communities, not the 60% proposed in the DPA.)

The most important element of a successful DDDC is political independence. Past efforts to conduct reconciliation among Darfurians have all been undermined through political interference. For this reason, all of the most important figures in the DDDC are independent from any of the political parties. The conference itself will be chaired by an African on the highest integrity and stature (this could be a Sudanese citizen of course). The Preparatory Committee and Panel of Experts will also be chaired by independent individuals. The DDDC will be funded from a variety of sources including international donors.

The main event of the DDDC is a conference with up to one thousand participants. Six hundred of these will represent all the communities of Darfur, based on tribal and geographical representation. Special attention will be paid to ensure that all communities are represented including all minorities. The other four hundred will represent stakeholders including political parties, civil society organizations, religious leaders, business leaders, members of the diaspora, trade unions and professionals. Special efforts will be made to include a strong representation of women.

The DPA gives two main functions to the DDDC. The first is the “political function.” This is to popularize and disseminate the DPA among all groups in Darfur. In Abuja, there was a lot of debate about whether the participants at the DDDC should be able to amend the DPA in any way. The clear decision of all the negotiators was “no”—once the DPA had been signed by the political leaders it should not be changed. However, many aspects of the implementation of the DPA should be open to discussion and interpretation.

Two particular political functions are spelled out in Paragraph 480. One is that the DDDC can “act as a mechanism of last resort to break the deadlock on specific issues.” Although no details are given on these issues, the meaning is clear. If, by the time that the DDDC convenes, there are unresolved issues about how important elements of the DPA should be implemented, the DDDC will be able to offer its advice on what steps to take, and the GoS and the Movements should listen carefully to that advice. Paragraph 482 reiterates this point: “The DDDC may advise how best to implement specific elements within this Agreement.”

Related to this is the challenge to the DDDC that it should bring all groups that were not represented in the Abuja talks into the Darfur peace process. One of the challenges of the DDDC is to find a means for ensuring that all these groups are properly represented in Darfuran institutions. Because most of the posts in the State legislatures and executives are already allocated to existing parties, the DDDC will need to find creative ways of incorporating these groups. Greater flexibility is possible in the institutions set up as part of the TDRA, because these are new and there will be more opportunities for inserting representatives of different groups. The composition of the Peace and Reconciliation Council is not specified in the DPA and it would be

logical and quite consistent with the spirit of the DPA to ensure that all groups, regardless of whether they were represented in Abuja, should be represented on this Council.

Note that the political function of the DDDC is consultative: it does not enjoy any authority to overrule the signatories to the DPA. This may disappoint some Darfurians who would like to see a gathering of Darfurian representatives as a form of sovereign assembly. However, in a democratic process, any such gathering cannot enjoy authority above that of formally constituted legislatures. The outcomes of the DDDC will be referred to the State and national authorities and to the TDRA. According to the CPA and DPA, free and fair elections will be held in 2009, for both national and state assemblies, and those assemblies will enjoy legislative authority in accordance with the Constitution. But the DDDC will enjoy immense moral authority and its recommendations will be impossible to ignore.

The second political function of the DDDC, mentioned in Paragraph 480, is to establish mechanisms for conflict resolution and reconciliation. Paragraph 503 further stipulates that the DDDC shall establish the Peace and Reconciliation Council as a standing mechanism for peace and reconciliation in Darfur. It does not go into any further detail on this, but everyone recognizes the need for an effective and trusted mechanism for ensuring local stability. It will be essential that all communities have some representation on the Peace and Reconciliation Council.

The “social and traditional function” of the DDDC overlaps with the “political function.” This is the unique added value of the DDDC: it is the means whereby representatives of all communities are invited to take responsibility for rebuilding Darfur as a multi-ethnic society. Paragraph 484 spells out some of the issues to be addressed by the DDDC, including:

- (1) Measures for popularizing and implementing the DPA;
- (2) Inter-communal and inter-tribal reconciliation;
- (3) Safe return of refugees and IDPs;
- (4) Land, water and natural resources, locations and regulation of nomadic migration routes;
- (5) Human security and socio-economic issues;
- (6) Small arms control and the interim regulation of community defence groups pending final disarmament;
- (7) Ensuring that political differences are addressed through civil political processes and not through violence;
- (8) The status and powers of Native Administration;
- (9) Measures to preserve the multi-ethnic character of Darfur; and
- (10) Measures to address the special issues and concerns of women.

These issues are among the most fundamental to the people of Darfur. This is an ambitious agenda and nobody expects that all these questions can be resolved in a single conference, no matter how good the preparation and how well-chosen the delegates. But the DDDC can represent an important start.

In order for the DDDC to succeed, good preparation is essential. The DPA provides for a Preparatory Committee to be set up, chaired by a representative of the AU, and including representatives of the GoS, the Movements, civil society, and the international community. The

Preparatory Committee is asked to undertake some extensive consultations. A Committee of Experts is also called for. This will be composed of Sudanese and international experts on Darfur, who can prepare background papers and advisory briefs for the Chairman of the DDDC.

The DPA does not give a specific timetable for convening the DDDC. This is wise, because the preparatory consultations may take some months to complete. It is more important for the process of dialogue and consultation to be thorough, exhaustive and inclusive, than for it to be quick. The divisions caused by the war in Darfur will take a long time to heal. The people of Darfur will need the opportunity to sit together and discuss their many issues at length, to have the confidence to examine their problems honestly and to find ways of achieving solutions that can be accepted by all.