

The Darfur Peace Agreement: Part 1 Disarming the Janjaweed and Armed Militia

29/06/06

Alex de Waal

This is the first in a series of articles concerning the Darfur Peace Agreement (DPA), explaining how different parts were negotiated by the Government and Movement delegations, what the paragraphs mean, and how they should be implemented. This first article asks, how are the Janjaweed and other armed militia to be disarmed?

One of the toughest questions in the negotiations in Abuja that led to the DPA was how to control and disarm the Janjaweed and other armed militia in Darfur. The Movements' negotiators raised this issue time and time again, and went line by line over every relevant paragraph over many long weeks. Each of the Movements' negotiators—Ali Tirayo (SLM-Minawi), Mohamed Adam (SLM-Abdel Wahid) and Tajudeen Niam (JEM)—was closely involved in this issue, and the GoS security team led by General Ismat al Zain was extremely professional and examined every detail. Everyone in the peace talks knew from the beginning that long-term peace and security in Darfur requires the control of all the militia and paramilitary forces, some of which have terrorized Darfurians since the 1980s, and some of which were only recently established.

Security experts agree that the DPA articles concerning the Janjaweed are some of the toughest parts of the whole Agreement. For the first time there is a practical plan for controlling and disarming the Janjaweed. This is a credit to the GoS and Movements negotiating teams in Abuja and the hard work they put in.

When the Government of Sudan (GoS) signed the “Humanitarian Ceasefire” in N’djamaena in April 2004, it made a commitment to disarm the Janjaweed. Two months later the United Nations Security Council passed Resolution 1556 that insisted that Khartoum should disarm the Janjaweed, within one month. Shortly afterwards, the Government presented a plan for disarmament to the Darfur Ceasefire Commission, but the plan was rejected by the African Union and the representatives of the Movements.

The responsibility for disarming the Janjaweed and other armed militia falls on the GoS. This principle was laid down by the UN Security Council. And throughout the Abuja talks, the Movements insisted that because the GoS had armed these militia, it was responsible for disarming them too. However, the entire process of controlling and disarming them is to be supervised and monitored by the Ceasefire Commission (CFC) and the Joint Commission (JC). Both of these bodies are chaired by the African Union and include representatives of the SLM and JEM as well as the international community. At every stage of the disarmament process, all those represented on the CFC and JC must be satisfied that the GoS has properly completed its task.

Article 314 of the DPA demands that the GoS produces a plan for disarming the Janjaweed 37 days after “D-Day”, which was 16 May (eleven days after the signing of the Agreement in Abuja). But the DPA also spells out in detail how many aspects of this disarmament are to be done. The Movement negotiators insisted on this, and the GoS delegation insisted that the provisions should be practical. The DPA has a detailed timeline and different provisions covering different armed groups.

The timetable for disarming the Janjaweed is part of the overall sequence of steps for the Comprehensive Ceasefire and Final Status Security Arrangements in Chapter 3 of the DPA. There is a simple principle governing the steps. For every action that the armed forces of the Movements (SLA and—if it should sign up—the JEM) are asked to take, the GoS has to take a step beforehand. The ceasefire works on the principle of protecting the weaker parties—in this case the Movements and the civilian population—from the stronger party, which is the GoS and the armed militia. This means that the Movements are not required to redeploy their fighters until the Government has withdrawn its troops and controlled or disarmed the Janjaweed—and this has to be verified by the CFC and JC, which means the Movements’ representatives have to confirm this themselves.

The DPA spells out a number of the steps that the GoS has to take in its steps for controlling the Janjaweed and armed militia.

- Paragraph 315 spells out some of the measures the GoS should take, including restricting Janjaweed to garrisons and cantonment sites, disarming them of heavy weapons, and ensuring that they cannot pose a threat to the Movements’ assembly sites.
- Paragraph 316 demands that any armed militia that violates the ceasefire should be immediately disarmed.
- Paragraph 366 specifies that the Janjaweed must be prevented from moving into any areas in which they can pose a threat to civilians including especially IDPs.
- Paragraph 367 spells out some of the measures to be taken during Phase 2 of the Ceasefire (which begins 82 days after “D-Day”) including confiscation of motor vehicles and heavy weapons, actions to enforce control, and prosecutions.
- Paragraph 417 specifies that the Movements only move their fighters to assembly sites when the disarmament of the Janjaweed is verified, after phase 3 of the ceasefire (127 days after “D-Day”).
- Paragraph 457 lays out the timetable for all these activities.

Some of the Janjaweed groups originate from foreign countries, and have been causing havoc in Sudan. According to the Tripoli Agreement between Sudan and Chad, signed on 8 February 2006, the two countries are supposed to disarm all rebel elements from the other country that are present on their territory. Paragraphs 341-344 of the DPA underline these obligations. But a Janjaweed is a Janjaweed whatever his nationality: any foreign Janjaweed are outlaws and the GoS must deal with them under the toughest provisions of the paragraphs concerning the Janjaweed.

In the peace talks, the Movements argued strongly that some of the Janjaweed have been absorbed into paramilitary groups including the Popular Defence Forces and the police. The GoS asked, “Who are the Janjaweed?” The Movements demanded a mechanism to deal with all the paramilitary groups in Darfur, whether or not they could be called “Janjaweed.” This was included under a section called “Reform of Selected Security Institutions”.

- Paragraph 446 specifies these institutions, including the PDF, Border Guards and Border Intelligence, and Police including especially the Nomadic Police.
- Paragraph 447 specifies what shall happen to these institutions: their size shall be reduced to pre-conflict levels or below, their members must be drawn from all communities and they must have the trust of all communities, and they must be respectful of human rights and controlled by democratic bodies.

The organization responsible for this is the Darfur Security Arrangements Implementation Commission (DSAIC), which is set up by the DPA. The head of the DSAIC is appointed by the Movements and answers to the Senior Assistant to the President, who is also a nominee of the Movements. The GoS objected strongly to this, demanding that the head of the DSAIC should be an appointee of the GoS (with a deputy from the Movements) and should answer to the President. However, on the final day of the negotiations—5 May—the GoS accepted the AU proposal, while registering its reservation. Another provision in the DPA is for a Security Advisory Team to be provided by a foreign country or international organization, agreed by the Parties. The GoS was also unhappy with this provision, but finally accepted it. The Security Advisory Team will be part of the DSAIC and have an important role in restructuring these institutions.

At the same time as these paramilitary forces are to be downsized and reformed, the police force is to be built up, in such a way that it can truly enjoy the confidence of the people and provide law and order. More details of this will be covered in the article on the security of IDPs.

The DPA speaks of Janjaweed and other armed militia. However, the negotiators at Abuja were well aware that there are many militia that are not Janjaweed and do not pose the same kind of threat to the civilian population. During the Abuja talks, there was much discussion about whether to recognize these groups as “self-defence tribal militia” or under a similar name. In the end, the decision was made to deal with this issue through the Darfur-Darfur Dialogue and Reconciliation (see Paragraph 453). More details of this will be covered in the article on community peace and reconciliation.

When the security arrangements chapter was completed and presented to the GoS and the Movements in Abuja, the overall reaction was: “this is a tough deal for Khartoum.” Most of the reservations expressed by Dr. Majzoub al Khalifa, in his speech on 5 May in which he accepted

to sign the DPA, concerned security arrangements. The Movements were much more pleased—which was not surprising, as their negotiators had been extremely tough on these issues. Minni Minawi was satisfied. Dr Khalil Ibrahim said, “The security arrangements are generally OK.” On security arrangements, Abdel Wahid al Nour said on that morning, “The documents submitted are acceptable. We have accepted that part.” Nine days later, Abdel Wahid had second thoughts and wrote to the GoS asking for assurances that the SLM would be fully involved in monitoring the disarmament of the Janjaweed. Dr Majzoub replied in a letter dated 14 May, and emphasized that the disarmament of the Janjaweed was guaranteed by the CFC and the DSAIC, both of which included the SLM. Sadly, Abdel Wahid still refused to sign.

For the Janjaweed to be neutralized and disarmed, and the people of Darfur to live in peace and safety, much more will be needed than a signed Agreement. The good faith of the GoS and the Movements is essential. The African Union and international community have strenuous monitoring and verification tasks to do. But, as this article has tried to explain, the DPA is very good start. As this article has also shown, the security arrangements chapter was hammered out over many months of hard negotiation between the GoS delegation and the Movements’ representatives, and its most important provisions are ones proposed, developed or agreed by the SLM/A and JEM, and agreed by the GoS.