

Minority Rights, Early Warning and Conflict Prevention: Lessons from Darfur

By Sharath Srinivasan

Minorities in Darfur and the imperative of prevention

In May 2006, the government of Sudan and one faction of the rebel Sudan Liberation Army/Movement (SLA) signed the Darfur Peace Agreement. This was two years after United Nations (UN) Secretary-General Kofi Annan, marking the tenth anniversary of the Rwandan genocide on 7 April 2004, stated that reports from Sudan filled him with foreboding that a similar tragedy could happen in Darfur. Since then, the number of displaced civilians has risen from roughly 900,000 to 2.5 million, up to 300,000 more civilians have died, and an untold number of women have been raped.

Rejected by another faction of the SLA and the Justice and Equality Movement (JEM), the Peace Agreement has failed to unite the war-torn and politically fragmented Darfur society. The Darfur peace process brought together only the armed groups involved. The exclusionary nature of the talks, disquiet over the key terms agreed, the ongoing insecurity and the fact that only one group signed up have all made the Peace Agreement deeply unpopular amongst the people of Darfur. Especially dissatisfied have been women and civil society (who were minimally involved in the negotiations), and the majority of internally displaced persons (IDPs) in camps, who bear the brunt of the ongoing conflict.

The longer Darfur's conflict goes on, the more complicated is the task of ending fighting, resolving



A displaced Sudanese girl from the Fur tribe stands among ruins at a destroyed village near Kass, South Darfur. Zohra Bensemra/Reuters

grievances and rebuilding lives and communities. Initial rebel demands for development and security have become far more politically complex. Groups have splintered and realigned, complicating peace-making. Nascent peace talks in eastern Sudan have been affected and the conflict has spilled over into Chad. Some aid agencies have suspended relief operations due to insecurity. In August 2006, an alarming rise in women raped in Kalma camp, Darfur's largest IDP camp, was reported. The government army, Arab *janjawid* militias and SLA fighters loyal to Minni Minawi, recent adversaries, were also reportedly coordinating attacks on hold-out rebels and civilians, and fears were voiced by the UN and others that a new 'scorched earth' campaign was being prepared.

Darfur has revisited political controversies over international intervention in conflict. While the success in referring Darfur to the International Criminal Court (ICC) may have a valuable legacy, Darfur will also be remembered as an instance when debate over use of the term 'genocide' was in many ways a distraction,¹ and a time when the authority of the UN Security Council – in requiring the Sudanese government to disarm *janjawid* militias since September 2004, but failing to enforce this – was compromised. Insufficient support given to the African Union (AU) in its inaugural 'peacekeeping' mission amidst an active conflict has led to a failure to protect civilians in Darfur. Finally, the financial cost to date of the international response to the conflict dwarfs annual assistance to all of Sudan in any year prior to its outbreak.²

Preventing or substantially mitigating Darfur's devastating conflict in its earliest stages would have avoided huge costs in terms of human life, financial burden, destabilization beyond Sudan and damage to the reputation of the UN and the AU. The full value of prevention cannot be reckoned. We should use hindsight carefully, yet what was (or could have been) known, and what was (and should have been) done, demand our critical reflection.

As with most civil wars, this conflict in Darfur came after a long period of waves of violence. Minorities in Darfur were for decades pushed closer to the brink through marginalization, insecurity and under-development. Yet armed conflict on a massive scale was not inevitable: at every turn, the choice to fight had to be made and resourced; non-violent alternatives had to be discounted. The neglected plight of minority groups in the region was central to this trajectory – and to an understanding of how and why violence became and continued to be the dominant expression of grievance and state response.

The potential for major armed conflict was predictable since the 1990s, and certainly evident by late 2002. However, the situation received only limited international attention until 2004. This study shows there was a mixture of partial knowledge and inaction in the face of escalating human rights violations and insecurity. While it is widely recognized that 'prevention is preferable to cure', Darfur

joins a long catalogue of conflicts where this wisdom has failed to produce meaningful early preventive action.

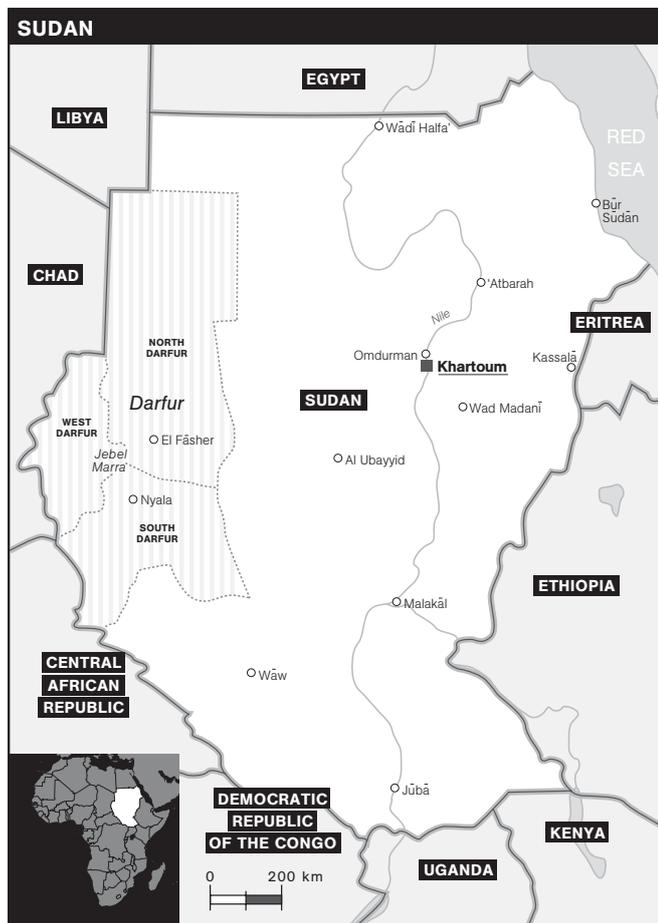
The aim of this study is to learn from the Darfur conflict and provide insights as to how better incorporation of minority rights can strengthen the work of institutions mandated with conflict early warning and prevention. Since the late 1990s, early warning and conflict prevention have become high-priority areas for multilateral organizations and, at the highest levels, there is growing political will for more effective institutional approaches. Recent efforts to enhance long-term 'structural' and more immediate 'operational' conflict prevention are encouraging, but a requirement for multilateral institutions to *act* as part of a 'culture of prevention' remains elusive.

There is a strong link between oppressed and marginalized minorities and contemporary conflicts, and conflict prevention needs to be geared towards addressing (often less visible and less 'strategic') minority issues. This is a particular concern in Africa, where discrimination against minorities is often present alongside other structural preconditions for conflict. Minority Rights Group International (MRG) emphasizes that while acceptance of the term 'minority/minorities' is contested in Africa, the prevalence of non-dominant distinct ethnic, linguistic or religious groups who are marginalized or discriminated against by the state presents a compelling reason for their recognition and protection.³ The minorities in Darfur discussed in this report include ethnic groups which, although they are not necessarily numerical minorities within the region, satisfy this definition on the basis of their non-dominance⁴ and experience of rights violations.

The institutional framework

Conflict prevention is made up of a broad set of strategies relating to long-term and short-term factors that lead to and sustain conflict. The root causes of conflict are identified through risk assessment and addressed through 'structural conflict prevention' measures: including socio-economic development, governance programmes, or targeted interventions such as resource-management and grassroots peace-building. When the risk of conflict becomes actual conflict, this is countered by 'operational conflict prevention' strategies, which may be 'early' (preventing serious conflict precipitating) or 'late' (preventing serious conflict escalating). Effective operational prevention requires robust and timely conflict early warning that also pinpoints effective preventive strategies. The Darfur case, and this study, illustrate that full incorporation of minorities' concerns is of vital importance to both structural and operational conflict prevention.

The conflict in Darfur has coincided with significant advances in international concern for prevention of conflict, including some acknowledgement of the links between rights and conflict prevention, such as the UN



Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM). This has been voiced in key reports of the UN Secretary-General,⁵ and seminal statements such as the 2001 'Responsibility to Protect' (report of the International Commission on Intervention and State Sovereignty), the 2005 UN High-Level Panel on Threats, Challenges and Change report, *A More Secure World: Our Shared Responsibility* and the *Outcome Document* of the UN World Summit in September 2005.

*'We note that the promotion and protection of the rights of persons belonging to national or ethnic, religious, and linguistic minorities contributes to political and social stability and peace and enriches the cultural diversity and heritage of society.'*⁶

There have been numerous institutional developments, mostly since the conflict in Darfur began, although minorities' issues, for the moment, remain marginalized in conflict prevention.⁷ Within the UN, a Special Adviser to the Secretary-General on the Prevention of Genocide (SAPG) was appointed in July 2004. A Peace Building Commission, recommended by the High-Level Panel, is being formed. The Secretary-General is expanding his 'good offices' for conflict mediation, and the Department of Political Affairs (DPA) has established a Mediation Support Unit. The Secretary-General's new high-level

Policy Committee considers UN action on the most urgent situations, an initiative in addition to the senior Executive Committee on Peace and Security (ECPS). There is cautious promise that the Inter-Departmental Framework for Coordination on Conflict Prevention (the 'Framework Team'), will be rejuvenated. The Office for the Coordination of Humanitarian Affairs (OCHA) and the humanitarian system's Inter-Agency Standing Committee (IASC) are developing the existing Humanitarian Early Warning System (HEWS) to include social and political indicators. In April 2005, the Commission on Human Rights established an Independent Expert on Minority Issues. A new higher-status Human Rights Council has replaced the Commission, but it is yet to confirm a strong role for the previous Commission's Working Group on Minorities (WGM).

The AU's Peace and Security Council (PSC), established in July 2002, is explicitly required to engage in '[e]arly warning and preventive diplomacy', including through a Continental Early Warning System (CEWS). Progress since 2003 has, however, been slow.⁸ Sub-regional institutions increasingly play an important role in conflict early warning and action; the Inter-Governmental Authority for Development (IGAD) Conflict Early Warning mechanism (CEWARN) for cross-border pastoral conflicts in IGAD countries (including Sudan) is indicative of this.

Darfur has featured in some of these developments, with the AU leading peace negotiations and ceasefire monitoring since mid-2004; the active work of the SAPG on Darfur since mid-2004; the UN International Commission of Inquiry on Darfur that reported in early 2005; and the ICC referral. However, as specifically regards conflict prevention and early warning, many of the new institutions were not yet operational, and thus Darfur must be analysed in terms of what failed in the past, and what can be learned by existing, new and future institutions. The UN institutions that did exist and are assessed in this study for their actions in Darfur include the DPA, the Framework Team, the human rights system, OCHA and, at field level, the UN Country Team and the Resident & Humanitarian Coordinator (R&HC) in Sudan.

Structural conditions for conflict: patterns of rights violations of Darfur's minorities

Darfur is a remote region in western Sudan, covering half a million square kilometres, with roughly three zones inhabited by different 'tribes'.⁹ The north, towards the desert, is populated by semi-nomadic tribes; the central and western fertile and semi-fertile areas around the massif of Jebel Marra, by agro-pastoral groups and settled farming communities; and, in the southern semi-humid belt, there are substantial farming and cattle-herding tribes. Darfur's (overwhelmingly Muslim) population – approximately 6.6 million in mid 2004¹⁰ – is about one-fifth of Sudan's total and defies neat delineation. Tribal identities have

historically been fluid; for example, sub-sections of 'non-Arab' tribes have in the past switched to identifying as Baggara ('Arab' cattle-herders), and sub-sections of 'Arab' tribes have re-identified as Fur. It is important to note that the conflict (and government policy) has itself served to radicalize identities of 'Africanism' and 'Arabism'.

Distinctions between 'Arab' and 'non-Arab' tribes, an important but often misunderstood element in the present conflict, must be made. The 'Arab' tribes of Darfur are mostly either semi-nomadic 'Abbala' (camel herders) in North and West Darfur and, in South Darfur, the sedentarized 'Baggara'. However, Darfur's 'Arabs' must not be equated with the 'Arab' government in Khartoum. Notwithstanding some alliances, they are distinct, and elements of the dominant riverain 'Arabs' in northern Sudan and the western 'Arabs' of Darfur view each other with suspicion and condescension.

'Non-Arab' tribes in Darfur refers to tribes that do not identify as 'Arab' on account of retaining indigenous cultural characteristics. Besides the Fur (Darfur's largest tribe), there are dozens of other 'non-Arab' tribes, the largest being the Zaghawa, Masalit, Tunjur, Meidob and Berti. That some 'non-Arab' tribes have recently identified as 'African' is evidence of a wider politicization of identity influenced by Sudan's long 'North-South' war.

Under-development and marginalization affecting all tribes in Darfur has been a long-standing problem, albeit not as visible to most outsiders as the civil war situation in southern Sudan (from 1983 to 2005, between the Sudan Peoples Liberation Army/Movement [SPLM] and the government). Since the 1970s, the vulnerability of minorities in Darfur has been exacerbated by ethnic polarization, militarization, desertification and socio-economic crisis. The critical structural condition for large-scale conflict has been the government's inadequate and often partisan response to the worsening situation.

Resource-based inter-tribal conflicts, a long-standing feature of Darfur, increased with ecological crisis from the 1970s. Semi-nomadic pastoral tribes sought access to more fertile lands. Early conflicts occurred without particular reference to 'Arab' versus 'non-Arab' or 'African' distinctions. However, ethnic polarization and militarization increased, especially as Darfur was drawn into the racialized Libya-Chad conflicts that lasted until the early 1990s.

Khartoum's role in these conflicts – which shifted between tacit support for Libya's Arab supremacist Islamic Legion and kow-towing to US anti-Libyan policy – paid little attention to the interests of Darfuris.¹¹ Their region became a combat zone and was subject to an influx of pastoral Arab tribes from Chad, often armed and in search of land. The government's partial dismantling of traditional tribal land governance and dispute resolution systems shifted the burden of these functions onto a weak state administration. By the 1980s, divisions between groups in Darfur were increasingly politicized and an 'Arab Alliance'

emerged, which unified Arab tribes in pursuit of an Arab supremacist agenda and against a Fur-dominated regional government. Following drought and famine, socio-economic upheaval was exacerbated by neglect from Khartoum.

Major conflict between the Fur and an alliance of Darfur's Arab tribes erupted in 1987, and efforts (ultimately ineffective) were made to resolve it at a tribal reconciliation conference in mid-1989. In a description of unsettling resonance with contemporary accounts from Darfur, one author wrote: 'The Arab *janjawid* strove, to expand the "Arab Belt" by attempting to annihilate the Fur by burning their villages, slaying their people and appropriating their property.'¹² The conflict claimed over 3,000 lives, and over 400 villages were burned. While rape featured in the violence, the number of women affected was overlooked in the final accounting. Central government partisanship in Darfur's conflicts began at this time. The government assisted Arab tribes, and the Arab Alliance invoked racially supremacist arguments in entreating this support. Beyond its failure to maintain law and order and resolve disputes, the state was directly implicated in human rights violations targeted at minorities.

Many Darfuris held higher hopes for the National Islamic Front (NIF) government installed after a military coup in July 1989. However, Khartoum again supported Arab tribes in the rekindled Fur-Arab conflicts, and failed to enforce the reconciliation agreements. The Zaghawa protested during conflicts with Arab tribes that the government was creating an 'apartheid region'.¹³ A failed foray by the SPLM into Darfur in late 1991, led by former NIF cadre and Fur, Daoud Bolad, cemented Khartoum's distrust of the Fur. The government enlisted a proxy 'Arab' militia to pursue its counter-insurgency and later officials reportedly spoke out against the Fur and Zaghawa, calling for their containment and isolation.¹⁴

In 1994, as part of a redivision of Sudan, the government divided the Darfur region into three states, effectively splitting the majority Fur population. A concurrent decentralization policy allowed authorities to reward allies with territorial jurisdictions, arguably 'a charter for local-level ethnic cleansing'.¹⁵ In West Darfur, allocation to Arab groups of new principalities in Masalit areas sparked clashes between the Masalit, Arab tribes and the government. The ensuing conflict lasted until 2000, reportedly claimed 2,000 lives and displaced 100,000 people.

There was a resurgence of conflict in Zaghawa and Fur areas from 2000. Additionally, political upheaval in Khartoum reverberated in Darfur, with coercive government actions and a state of emergency.¹⁶ As violence in the region increased, authorities reportedly obstructed Fur and Zaghawa requests for greater security.¹⁷ Minorities considered local authorities complicit in their persecution and some sought to defend themselves. The then-Governor

of North Darfur summed up the turning point: ‘This problem began as protection and it comes to be rebels.’¹⁸

Events in Darfur in recent decades evidence five categories of minority rights violations by the government, which illuminate the structural conditions for political conflict involving the state:

1. *Failure to ensure equitable access to resources, especially land* – evidenced in the repeated failure to fairly and transparently deal with the land usage and access issues affecting all Darfur’s minority groups (‘Arab’ and ‘non-Arab’); further, government inaction on and/or support for land-grabbing by some groups that followed violence.

‘The Arabs in North Darfur see that the Arabs in the south have land, and ask, “So why not us? In free elections we will not get any seats because we are the minority so we must take by force.”’ (Ibrahim Yahya, former Governor of West Darfur 1997–2000; interview by Julie Flint, 2004–5)

2. *Political marginalization of minority groups* – evidenced in the manipulation of political territory arrangements and appointments, partisan support and rewarding of certain groups over others.

‘In 1997 General al-Dabi was sent to Dar Masalit with presidential powers. He expelled most of the 27 Masalit tribal leaders and appointed Arab emirs. He attacked and burned Dar Masalit and Wadi Saleh. The IDPs moved to shantytowns in Nyala ... This was the beginning of the Masalit war.’ (Adam Ali Shogar, former SLA coordinator and lecturer in Islamic law and legal studies; interview by Julie Flint, 2004–5)

3. *Socio-economic under-development* – evidenced in the unequal access to, and generally low level of, social services, and general neglect of the region in Sudan’s development, in spite of population expansion, cyclical droughts and deepening livelihoods crises.

‘I am from the ruling party, but I am from Darfur ... and I can say that the problem has been, including since the Colonial Government, that they were ... only taking care of Khartoum, of Gezira, but not these other “marginalized areas”.’ (General Ibrahim Suleiman, former Governor of North Darfur; interview, Khartoum, August 2005)

4. *Racial and cultural discrimination* – evidenced not only in the land issue and political arrangements outlined above, but also in the tolerance of and alleged support for a racially discriminatory group, the ‘Arab Gathering’, and hostile statements by senior government officials directed at non-Arab tribes.

‘The NIF government in Sudan has actively pursued a policy of ethnic cleansing against the non-Arabs of Western Sudan.’ (Open letter of the Massaleit Community in Exile, April 1999)

‘The janjawid’s roots are in the Arab Gathering, who referred to it in one pamphlet as their military wing ... they began getting secret support from the government for their aims, especially land, grazing, etc. in Darfur. The government armed their “nomadic police” (zayin shurta).’ (Mohammed Basher, former Member of Parliament, West Darfur; interview by Julie Flint, 2004–5)

5. *Abdication of responsibilities for law, order and security* – evidenced in the failure to impartially resolve conflicts, provide adequate security and follow-up to protect citizens from violence; the resort to self-defence by ‘non-Arab’ tribes and government collusion with militias of certain ‘Arab’ tribes.

‘The government soldiers ... turn a blind eye to the actions of the Arab militias ... [they] conduct joint operations ... emergency laws in force are selectively applied.’ (Massaleit Community in Exile, September 1999)¹⁹

‘The government is collaborating with the militia, supplying them with arms and ammunition as well providing them with protection after they commit their atrocities ... this campaign ... has been raging on for a long time simply because of the government’s involvement in promoting and inciting hatred against these tribes, taking advantage of the remoteness of the region and the absence of any monitoring of human rights’ (Former Governor of Darfur, El Tigani Sisi and Abdelatif Ismael, Darfur Monitoring Group, appeal following attack on Fur village of Shoba, April 2002)²⁰

Failures in upstream structural conflict prevention

The plight of minorities in Darfur, and the conditions for large-scale conflict, were long known to Sudanese and international actors. In 1995, for example, MRG warned of the precarious situation in Darfur, concluding that:

‘[The] Sahel drought, coupled with interference by government and the struggle for local political power, appears to have polarized the various ethnic groups. The only way out of the crisis will be through the recognition of the conflict’s environmental and developmental origins, and the negotiation of equitable access to resources in a fragile environment.’²¹

In 1999, an MRG partner submitted a joint statement with other non-governmental organizations (NGOs) to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, warning that conflict in Darfur was escalating ‘into a full blown ethnic war’.²²

Yet structural conflict prevention in Darfur during the 1990s was limited.²³ Donor interest in the region waned rapidly after the famine of the mid-1980s. Sanctions levelled against the Sudanese regime in the 1990s limited international assistance largely to humanitarian relief, and thus the ability to monitor minority concerns and press the government on human rights violations was undermined. Only a few international NGOs with geographically limited and mostly long-term relief programming were operating. Except for two projects run by the United Nations Development Programme (UNDP) between 1992 and 2001, UN conflict prevention programming in Darfur was absent.

Precipitation and escalation of armed rebellion (2000–3): shortcomings in early warning and operational prevention

Escalating violence and alarms raised

The sudden escalation in violence in predominantly Zaghawa and Fur areas between 2000 and 2002 captured national and (very limited) international attention. However, concerns raised failed to feed into robust conflict early warning analysis directed towards preventive action. Sudanese human rights and minority-oriented organizations were the most active in monitoring the increased violence in Darfur, and in raising concerns of potential wider conflict. Organizations such as Sudanese Organization Against Torture (SOAT), Cairo Centre for Human Rights, Sudanese Development Organization (SUDO), Representatives of the Massalit Community in Exile and Darfur Monitoring Group, urgently sent missives and representations to foreign embassies in Khartoum, ministries in Western capitals, international human rights organizations and the UN.²⁴

As early as 2001, the UN Commission on Human Rights’ Special Rapporteur for Human Rights in Sudan began paying particular attention to Darfur, visiting the region in early 2002. His August 2002 report highlighted the violence in Darfur and noted Masalit claims that ‘the depopulation of villages, displacement and changes in land ownership are allegedly part of government strategy to alter the demography of the region’.²⁵ Despite his concerns, the 2003 Commission on Human Rights removed Sudan from its watch-list and ended the mandate of the Special Rapporteur.²⁶

Alarms raised by Sudanese minority groups and human rights actors were hardly picked up by international human rights, media and conflict organizations until 2003, with the exceptions of the Special Rapporteur and Amnesty

International (which reported specific violations from 2002).²⁷ Yet these alarms were insufficient for conflict early warning and translation into action. Human rights and minority rights reports, though concerned with patterns of violence based on discrete violations, are not political analyses. They needed to be picked up by and integrated into dedicated conflict early warning analysis.

Precipitation of armed rebellion and failure in ‘early’ operational prevention

The scale of armed rebellion in Darfur in March–April 2003 took many by surprise. The story might have been different if robust early warning analysis had been in place, that both sought for and further investigated available information. There was an institutional failure (lack of an effective early warning mechanism), as well as a distortion of political priorities (towards the IGAD peace process and ‘planning for peace’ in Sudan, *see next section*), both of which further isolated minority concerns in Darfur.

The precipitation of organized armed rebellion in Darfur is usually dated to attacks against the government by the SLA in late February and March 2003, followed by a major attack on El Fasher, the capital of North Darfur, in April. However, rebel attacks dating back to mid 2002 emphasize a longer build-up to the El Fasher attack, and a real lost opportunity for early operational prevention. Information was available, but not integrated into meaningful preventive action.

Expert research on resource-based conflicts in Darfur by the UNDP’s Peace Building Unit updated the longer-term structural analysis. The findings were presented to the UN Country Team in October 2002, but they met with only limited engagement and follow-up, despite highlighting the government’s failure to address the root causes for conflict.

At the end of 2002, in addition to ongoing advocacy by Sudanese organizations, widely read analysis on Sudan (such as Justice Africa’s ‘Prospects for Peace in Sudan’ Briefings and *Africa Confidential*) warned of possible escalation and the need for urgent international attention.²⁸ By December 2002, UN Security Updates in Khartoum were dominated by incidents in Darfur and the European Commission had been alerted by its Khartoum humanitarian adviser of an escalating pattern of violence.²⁹ In January 2003, Amnesty International, during its first mission to Sudan for more than a decade, became alarmed by the situation and suggested that the government intensively pursue a reconciliation process. In February, it called for a national commission of inquiry to prevent the situation escalating into ‘an all-out war’.³⁰

Some government moderates had, in fact, sought negotiated solutions to the crisis since August 2002. Driven by local Darfuri community leaders, the Governor of North Darfur organized an ‘All-Darfur’ inter-tribal leadership conference in El Fasher on 24–5 February 2003. However, the government’s role in Darfur’s conflicts (even before the current armed rebellion) made it difficult for it

to act neutrally. Publicly, Khartoum refused to acknowledge the rebels' political grievances (blaming the situation on 'bandits' and local 'tribal' disputes); privately, some government elements actively supported Arab *janjawid* militias. The SLA, while critical of the tribal orientation of the mediation, indicated willingness to negotiate and presented demands including intensive regional development, suspension of military action and an end to the *janjawid* militias.

The February El Fasher conference – ultimately a failure – was testament to both the need and opportunity for early operational preventive action to support grassroots conciliation. At a time when Khartoum was possibly open to consensual interventions, operational prevention required a prioritized concern for Darfur's minorities, beginning with fact-finding and monitoring. But the entry-points for engaging in early operational prevention were not visible and thus not taken. The available information was not incorporated into an integrated analysis that developed strategies for preventive action. And, critically, Darfur failed to reach the agenda of existing institutional early warning mechanisms, such as the Framework Team at UN headquarters.

By March 2003, both sides were increasingly belligerent and raised the stakes. The SLA's 'Political Declaration' of 14 March now sought a nation-wide struggle against the government. By April, the government had opted for a military response and entreated the support of the Chadian President.³¹ The internationalization of the conflict was evident at this juncture, and arguably provided a platform for UN engagement at the highest level. The SLA responded with the El Fasher attack on 24 April 2003, destroying military aircraft and capturing arms. By this time, the JEM had emerged as a second rebel group and the conflict rapidly escalated.

The effect of the North–South IGAD peace process on conflict and conflict prevention in Darfur

It is important to understand Darfur's conflict, and failures in conflict prevention, in the context of the IGAD peace process, which was aimed at bringing to an end Sudan's North–South war. Increasing conflict in Darfur coincided with renewed optimism for the IGAD peace process. After an agreement in July 2002 between the government and the SPLM, exclusive negotiations between these two groups commenced, to decide on constitutional issues, including wealth- and power-sharing for the whole country. Peace-making aimed at stopping a war and resolving grievances of minorities in south Sudan came at the expense of incorporating the interests of other marginalized groups across Sudan, including Darfur, in constitutional issues of direct and burning relevance to them. Arguably, the IGAD peace process, by refusing the right to participate for minorities or all communities, coupled with the government's exclusionary and discriminatory policies and their policy of only negotiating with groups that take up

arms, reinforced a 'logic of the gun' in Sudan, and further motivated excluded groups to take up arms to have a political voice.

More worryingly, as conflict escalated, the IGAD peace process marginalized the plight of groups in Darfur from meaningful international support. International concern was overwhelmingly for pushing the IGAD process towards a full peace agreement and 'planning for peace'. Calls for greater focus on Darfur between February and April 2003 were met with suggestions that excessive advocacy on Darfur was a peace spoiler.³² Yet conflict in Darfur and the IGAD peace process were interconnected. Despite a cessation of hostilities agreed between the SPLM and Khartoum in October 2002, considerable strategic, hardware and personnel assistance flowed from the SPLM to Darfuri rebels from late 2002 onwards and was present during the El Fasher attack.³³ The international focus upon the North–South process (and the new war in Iraq) reinforced the invisibility and marginalization of Darfur at a precarious time; early warning alarms were muffled, not acted upon, and operational prevention was lacking.

Failures in 'late' operational prevention to mitigate escalating conflict after April 2003

The more documented failure in operational conflict prevention in Darfur was the paucity of international effort after the El Fasher attack, for the rest of 2003. From May 2003, the sudden increase in Arab *janjawid* militia attacks on civilian populations and government aerial bombardment of villages signalled the commencement of a devastating 'counter-insurgency on the cheap'.³⁴ From a minorities' perspective, there are specific failures in 'late' operational prevention in 2003.

In June 2003, the International Crisis Group (Crisis Group) recommended that the international community promote a negotiated solution and restructure the IGAD process to incorporate concerns raised by marginalized minorities in Darfur and elsewhere.³⁵ In July, Amnesty International reported widespread atrocities and proposed that the IGAD process's human rights monitoring mechanisms be urgently extended to Darfur to protect minorities.³⁶ The internationally staffed Civilian Protection Monitoring Team (CPMT, agreed to by the SPLM and Khartoum as part of the IGAD peace talks) offered to expand to Darfur, but, with only limited international backing, the idea failed to take off.

With little effort by UN or external actors to drive forward a negotiated solution, the non-governmental Centre for Humanitarian Dialogue (CHD) engaged with community leaders, rebel groups and the government, and offered mediation services in mid 2003. The government instead enlisted its then ally Chad to host negotiations in Abeche in late August. Without independent mediation supported by the international community, the results were weak.³⁷ Two months later, government unwillingness to disarm and control *janjawid* militias led to a breakdown of

the shaky ceasefire achieved in Abeche. Opportunities to press for international civilian protection monitoring, *janjawid* disarmament or internationally supported ceasefire monitoring were missed.

Two key failures in 'late' operational preventive action from May 2003 onwards were: (1) the continued strategic prioritization by key Western governments of the North–South IGAD peace process above Darfur and an insistence that the two situations were best dealt with sequentially (despite their interconnectedness and Darfur's deterioration, 'a risk that was morally and ethically wrong, but in any case ... backfired'),³⁸ compounded by (2) the lack of meaningful UN leadership on operational conflict prevention.

The then UN Resident and Humanitarian Coordinator (R&HC) had only a humanitarian and development mandate and considered he lacked political space to engage on Darfur. However, a greater UN international staff presence in Darfur and a Khartoum-level Darfur crisis team could have been valuable in driving more active UN engagement after April 2003.³⁹ From September 2003 onwards, the R&HC requested support from UN headquarters (specifically, the DPA [Department of Political Affairs]) for political engagement and operational prevention in Darfur.⁴⁰ This was allegedly met with reluctance at the highest level. There is a glaring absence of any available communication or action by the DPA in 2003 explicitly addressing the increasingly catastrophic situation. Engagement could have included support to country-level fact-finding and analysis, consensual deployment of peace and security advisers, support for mediation processes, even pro-active upward escalation to the Secretary-General and the Security Council.

Attention instead fell overwhelmingly on the humanitarian symptoms of the crisis, which attracted increasing international concern from late 2003. Relief came in advance and in place of concerted political engagement with the man-made drivers of crisis. Although the humanitarian effort has been criticized as far too slow, it nevertheless had far more impetus and leadership than operational conflict prevention in 2003.

In March 2004, the exiting R&HC compared Darfur to the Rwandan genocide. On 2 April, the UN Emergency Coordinator told the Security Council that a coordinated, scorched-earth campaign of ethnic cleansing was taking place. A weak humanitarian ceasefire reached soon after in N'djamena, Chad, and the later deployment of AU observers, did not stop the violence.

Conflict prevention and early warning – learning from Darfur for stronger institutional approaches

The failures in conflict prevention and early warning in Darfur detailed in this report are challenges that existing and new institutions must address. Early warning *per se* was

not the problem. Rather, there was a failure to connect robust institutional conflict early warning with those in a position to deploy preventative measures. A stronger approach must have at its heart the full incorporation of minority concerns and clear political will to prioritize and address them.

The decision of international actors to prioritize the IGAD peace process compromised attention to the escalating human catastrophe in Darfur. Darfur underlines the importance of institutions and processes mandated solely with, and accountable for, conflict prevention, to serve as a bulwark against political interests that do not prioritize minority concerns. Such institutions must be active long before a conflict's intractability increases. Strong multilateral institutional mechanisms are critical, particularly with the UN and, regionally, the AU and sub-regional organizations such as IGAD.

Within the UN, efforts to strengthen early warning and conflict prevention retain a greater possibility to incorporate minority perspectives more comprehensively. At each stage of structural prevention there are opportunities to enhance protection of civilians by incorporating analysis and action that directly engages with minority concerns.

There is still a critical deficit in robust integrated conflict early warning within the UN. The new Peace Building Commission will not be mandated to address early warning and conflict prevention other than in post-conflict situations. The very important role played by the SAPG is focused upon current situations and early warning for genocide; it will usefully contribute to, but not assume a broader integrated early warning function.

The humanitarian system cannot take on the inherently political dimension of an integrated conflict early warning role. The IASC Humanitarian Early Warning System and the work of OCHA's Early Warning Unit are, nevertheless, important and instructive examples, though they should also fully incorporate minority rights indicators. The EU list of conflict indicators is strong on minority rights; the new Convention on the Elimination of Racial Discrimination (CERD) indicators for genocide could also be considered.

A more integrated approach to conflict early warning and prevention must fully incorporate human rights analysis, which plays an especially critical role where minorities are concerned. The ending of the UN Special Rapporteur for Sudan's mandate in 2003 demonstrates the need for a stronger institutional approach, especially for early operational prevention.

In the absence of a specific conflict early warning analytical unit within the UN, the UN Framework Team, if it is indeed made truly operational and with strong DPA leadership, could rise to these challenges, and should build in minority-focused concerns from the outset. While the non-institutionalized nature of the Framework Team is considered by some as a strength, this cannot be at the

expense of action. In a 'culture of prevention', transparency must triumph over a tendency towards self-censorship. That the Framework Team did not have Darfur on its agenda in 2002–3 requires scrutiny. The Framework Team's plan for a standing group of experts to advise on thematic and geographic conflict prevention issues is welcome, and minorities' expertise should be included.

The UN Framework Team and UN Country Teams need to formally collaborate with regional, non-governmental and field-level organizations, in particular in the phase of early warning and information sharing. Unlike with the humanitarian system's IASC, there is little formalized collaboration between international, regional and non-governmental organizations for conflict early warning and prevention. Important independent conflict analysis organizations, such as the Crisis Group, are not in institutionalized periodic dialogue for information-sharing with the Framework Team. Clearly, conflict early warning is politically sensitive; however, information-sharing and policy formation can be kept separate.

In addition to dedicated conflict early warning analysis, there is still no formal and accountable institutional mechanism across the UN system that links early warning with pro-active conflict prevention. Currently, the default leadership role for operational prevention is kept within the DPA. If the DPA is to be effective, it needs to be resourced and committed to a pro-active and accountable leadership role that includes an early 'downwards' focus on supporting UN Country Team leadership. The DPA's new Mediation Support Unit should ensure that analysis and resources are directed towards involving minorities, women and community leaders in peace-making from the outset. Effective early warning and prevention within the UN also urgently requires clarity as to the remits and relationships between the three inter-departmental bodies relevant to conflict prevention: the Framework Team, ECPS and the Policy Committee.

In Darfur, the Secretary-General's Trust Funds for Prevention and for Special Missions presented valuable potential resources (such as fact-finding and Special Envoy missions) for the UN. As specifically regards preventive diplomacy to address minorities' concerns, the UN (and the AU) should seek to incorporate elements from the successful model of the Organization for Security and Cooperation in Europe's (OSCE) High Commissioner on National Minorities.⁴¹ The UN might have engaged in more pro-active early prevention if it had been better informed of the extent of the unfolding catastrophe, which in turn required rigorous conflict early warning information and a heightened concern for minorities. The failure of prevention in Darfur is testament to the fact that lack of (1) accountable leadership on prevention, (2) strategies built upon strong conflict early warning analysis (rooted in both political and rights analysis) and (3) resourced mechanisms for action creates a shocking cycle of inaction.

Notes

This report is based on the author's interviews with Sudanese and international staff involved in Darfur and conflict prevention, conducted in Sudan and Nairobi in 2005, and in Europe and the United States in 2006.

- 1 The US declared that 'genocide' was occurring in Darfur on 9 September 2004, but the focus remained on continuing to require the government of Sudan to fulfil its obligations, whilst also pushing for a full international investigation: see Powell, C. 'The Crisis in Darfur', written remarks before the Senate Foreign Relations Committee, 9 Sept. 2004. In January 2005, the UN International Commission of Inquiry on Darfur determined that, while the government of Sudan was responsible for crimes under international law, 'acts of genocide', but not genocide *per se* may have been committed.
- 2 Between early 2004 and mid 2006, recorded humanitarian assistance surpassed \$2.5 billion, and the AU peacekeeping force had cost upwards of \$500 million to January 2006. The costs of recovery and reconstruction, and a planned UN peacekeeping mission, will greatly increase this figure.
- 3 Slimane, S., *Recognizing Minorities in Africa*, London, MRG, 2003.
- 4 The essential elements of deciding who is a minority (and therefore should benefit from internationally recognized minority rights) are: (1) objectively, that a linguistic national/ethnic or religious group exists; (2) subjectively, that individuals choose to define themselves as members of a particular group – the right to self-definition is crucial; (3) when such groups exist, that they are in a minority situation and lack power to decide their own affairs.
- 5 See e.g. the 2001 report of the Secretary-General to the Security Council on Prevention of Armed Conflict (S/2001/574), his 2003 interim report (S/2003/888) and his 2005 report *In Larger Freedom: Towards Security, Development and Human Rights for All*.
- 6 UN (2005) *2005 World Summit Outcome*, New York, UN, p. 128, clause 130.
- 7 According to MRG, this reflects the overall marginalization of minorities throughout the UN and other institutions, as evidenced in their formal and informal research.
- 8 See Cilliers, J., 'Towards a continental early warning system for Africa', Institute for Security Studies, Occasional Paper 102, April 2005.
- 9 The use of the term 'tribe' is justified in the Sudan context because of its locally accepted usage.
- 10 Based on UN Population Fund estimates in 2004.
- 11 See Prunier, G., *Darfur: The Ambiguous Genocide*, Ithaca, NY, Cornell University Press, 2005; Burr, M. and Collins, R.O., *Africa's Thirty Years War: Libya, Chad, and the Sudan, 1963–1993*, Boulder, CO, Westview Press, 1999.
- 12 Harir, S., "'Arab Belt" versus "African Belt": Ethno-political conflict in Dar Fur and the regional cultural factors', in S. Harir and T. Tvedt (eds), *Short-cut to Decay: The Case of the Sudan*, Uppsala, Nordiska Afrikainstitutet, 1994, p. 170.
- 13 Flint, J. and de Waal, A., *Darfur: A Short History of a Long War*, London, Zed Books, 2005, p. 74.
- 14 On 20 September 1992, the NIF is alleged to have published a statement in a Khartoum newspaper *Sahifat al-Sudan*, that the Fur and Zaghawa were not to be trusted, that they should be disarmed and relocated, and Darfur's 'Arab' tribes were to be supported: see Suliman, M., *Sudan: Wars of Resources and Identity* (in Arabic), 2000, p. 382.
- 15 As considered by de Waal, A., 'Counter-insurgency on the cheap', *London Review of Books*, vol. 26, no. 15, 5 August 2004.
- 16 The 1999 split between President Bashir and NIF ideologue Hassan al-Turabi drove most Darfuri Islamists into opposition, and the government's apprehensions motivated the installation of hardliners from specific minorities to ruling positions in Darfur. This coincided with an anonymously authored and widely distributed publication, *The Black Book*, which highlighted the marginalization of all Darfuris (Arab and non-Arab) at the hands of a few elite riverain Arab tribes in Khartoum.
- 17 Fur leaders' requests for greater police presence from 2000 onwards failed. In May 2002 their petition to the President documented 182 raids on 83 villages between July 2000 and April 2002, with 59 villages burned and 420 persons killed. The Zaghawa similarly complained that the government failed to enforce payment of blood money by Arab tribes after violence in 2001.
- 18 Interview, Khartoum, August 2005.
- 19 'Human rights abuses against the Massaleit continues after June 1999 Peace Agreement', available at http://www.damanga.org/reports_9_15_1999.html
- 20 'Ethnic cleansing in Darfur region of the Sudan: an appeal', 29 April

- 2002, available at <http://www.d-a.org.uk/pages/dmg1.htm>
- 21 It also noted that, 'since the mid-1980s there has been a more systematic drive by the nomads to occupy land ... on the scale of a civil war, with entire villages wiped out and thousands of lives lost on both sides' (see Verney, P. *et al.* and MRG, *Sudan: Conflict and Minorities*, London, MRG, 1995, pp. 29–30).
 - 22 World Federation of Democratic Youth, African Commission of Health and Human Rights Promoters and Interfaith International, 'Joint written statement', E/CN.4/Sub.2/1999/NGO/7, 24 June 1999.
 - 23 This was part of a wider neglect of Darfur: out of a total fund of \$13.4 billion for development projects extended to Sudan by the international community between 1958 and 2003, Darfur accounted for only 10 projects (2 per cent). See S. Ombada, quoted in Young *et al.*, *Darfur – Livelihoods Under Siege*, Feinstein International Famine Center, 2005, p. 20.
 - 24 See e.g. SOAT's reports on human rights violations in Darfur from 2001 onwards: www.soatsudan.org; Massaleit Community in Exile reports: www.damanga.org.
 - 25 *Interim Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in the Sudan*, 20 August 2002, UN Doc A/57/326. See especially, paras 75–8.
 - 26 This was influenced by the governments's increased credibility as it negotiated peace in the south. Human Rights Watch (HRW) was particularly critical of the EU position on Sudan's human rights record: see Rone, J. and HRW, *Sudan Oil and Human Rights*, HRW, 2003, pp. 673–87.25
 - 27 Newswires such as Agence France Presse, Reuters and Associated Press were also early sources of valuable information on the situation in Darfur.
 - 28 In its November 2002 analysis 'Death in Darfur', *Africa Confidential* considered that the IGAD process's 'aim of a "comprehensive resolution to the Sudan conflict" looked remote when viewed from Darfur' (p. 6).
 - 29 MSF-Holland, *Review: MSF-Holland's Responsiveness and Strategic Choices in Darfur 2003–2004*, Learning and Accountability Unit – Evaluation Series No. 41. Pieces of information on Darfur reached the highest levels in London and Washington: see *Hansard* (House of Lords), 13 January 2003, vol. 643, col. 95, and US Department of State, Sudan Peace Act report, 21 April 2003.
 - 30 Amnesty International, 'Press Release. Sudan: Urgent call for Commission of Inquiry in Darfur as situation deteriorates' (AFR 54/004/2003), 21 February 2003.
 - 31 See Associated Press, 'Sudan's ruling party says force will be used to smash rebels in west', 27 March 2003. On 13 April, in El Fasher, President Deby of Chad pledged his support to President Bashir for his military strategy.
 - 32 Interview, Amnesty International, May 2006. See UK House of Commons International Development Committee, 'Darfur, Sudan: the responsibility to protect' (UK IDC report), Fifth Report of Session 2004–05, para. 14.
 - 33 Interviews with SPLM officials, SLA representatives and Sudanese analysts (Nairobi and Khartoum, August–September 2005). See also, Flint and de Waal, *op. cit.*, Prunier, *op. cit.*, also Crisis Group reports, especially 'Darfur rising', *Africa Report*, no. 76, 25 March 2004.
 - 34 de Waal, *op. cit.*
 - 35 Crisis Group, 'Sudan's other wars', *Africa Briefing*, 25 June 2003.
 - 36 Amnesty International, 'Looming crisis in Darfur' (AFR 54/041/2003), 1 July 2003.
 - 37 The SLA was suspicious of the Abeche talks given President Deby's position. The JEM was not invited to the talks and Sudan refused UN presence.
 - 38 See evidence of Dr Mukesh Kapila in UK IDC report, *op. cit.*
 - 39 By late 2003, there was just one junior international staff member dedicated full-time to Darfur in Khartoum, and no international UN staff deployed in Darfur. Until mid-2004, the UN Country Team had no dedicated expert on conflict analysis. UN Country Team meetings 'reflect[ed] a general lack of urgency until December 2003' (Minear, L., 'Lessons learned: the Darfur experience', ALNAP Review of Humanitarian Action in 2004, Overseas Development Institute, 2005).
 - 40 Interview, Dr Mukesh Kapila, July 2006.
 - 41 For further explanation of the benefits of such an approach see MRG's study 'Submission to the UN High-Level Panel on Threats, Challenges and Changes', June 2004.

working to secure the rights of minorities and indigenous peoples

minority
rights
group
international

Recommendations

- 1. Structural conflict prevention:** National governments, IGOs and NGOs need to acknowledge the clear link between the prevention of conflict and the promotion and protection of minority rights. If future conflicts are to be prevented this acknowledgement must be accompanied by more comprehensive efforts towards inclusive development (including access to resources), political participation and protection from discrimination and violence for all minorities in areas where there is a high risk of conflict.
- 2. Early warning:** International and regional early warning systems need to be adequately resourced, coordinated, with strong leadership, and they should include analysis that is rights-focused.
 - Early warning/risk assessment should ensure that rigorous and up-to-date political analysis is combined with monitoring of comprehensive rights indicators, incorporating minority-specific violations, including religious and racial extremism; exclusionary territorial, political and administrative policies; and discriminatory land and resource practices.
 - The UN should establish a coordinated effective early warning analysis mechanism which is rights-based, in a strengthened Framework Team or similar cross-departmental institution. It should:
 - include the Independent Expert on Minority Issues or similar on its expert reference group;
 - institutionalize a wider forum that integrates information from operational prevention and human and minority rights mechanisms, including special mechanisms and Treaty and Charter bodies, and information from NGOs and the media.
- 3. Operational prevention:** There needs to be systematic coordinated and accountable UN leadership, best placed within the DPA, that formally links early warning to early action and is sensitive to the concerns of minorities.
 - consider developing a rapid-response capability amongst its members that can include deploying 'conflict early warning teams' to develop, in coordination with field-level officers and including minority representatives, robust integrated analysis and realistic action-oriented strategies for operational prevention.
- 4. UN Special Adviser on the Prevention of Genocide:** This new mechanism has the potential to improve early warning and operational prevention, but its resources must be greatly bolstered to fulfil its broad mandate.
 - In addition, the UN should utilize preventative diplomacy guided by the minority rights framework, learning from the successes of the OSCE High Commissioner on National Minorities.
- 5. Peace-making:** To be sustainable, peace-making efforts must be rights-based, inclusive of all communities (including minority women). Conflicts must be tackled in a holistic way with an appropriate country and/or regional approach, inclusive of all peoples affected.

Minority Rights, Early Warning and Conflict Prevention: Lessons from Darfur © Minority Rights Group International, September 2006.

Acknowledgements MRG and its programme partners gratefully acknowledge the financial support of the Ford Foundation and Department for International Development. MRG would like to thank those interviewed and the expert readers for their assistance. Project coordinated by the Conflict Prevention programme and edited by Sophie Richmond.

Author Sharath Srinivasan is a Doctoral researcher based in Queen Elizabeth House/Department of International Development at Oxford University. His focus is on international peace-making and its impact on conflict in Sudan and the region.

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities worldwide, and to promote cooperation and understanding between communities. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights. MRG is registered as a charity, no. 282305, and a company limited by guarantee in the UK, no. 1544957.

ISBN 1 904584 53 5 This study is published as a contribution to public understanding. The text does not necessarily represent in every detail the collective view of MRG or its partners. Copies of this study are available online at www.minorityrights.org. Copies can also be obtained from MRG's London office.

Minority Rights Group International 54 Commercial Street, London E1 6LT, United Kingdom

Tel +44 (0)20 7422 4200 **Fax** +44 (0)20 7422 4201

Email minorityrights@mrgmail.org **Website** www.minorityrights.org