

A Political Settlement for Darfur: A Practical Roadmap

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A political settlement for [Darfur](#) [1]: A practical roadmap

By Omer Ismail, Colin Thomas-Jensen, Maggie Fick and John Prendergast

The Darfur peace process is at a crossroads. Until now, the mediation team has not produced a credible peace proposal and key external actors have not generated the necessary pressures and incentives to achieve an agreement. International efforts to restart negotiations in the coming weeks must avoid the mistakes of the past and instead focus on substantive peace proposals and backing the mediation team with the requisite leverage.

The meeting of international experts this week in Doha, Qatar, and of Darfur civil society groups later this month are opportunities for the mediation to table a draft peace plan that can jump-start real negotiations and drive reluctant rebels into a process with the promise of real progress. United Nations-African Union mediator, Burkinabé diplomat Djibril Bassolé, should work with key countries to outline a vision for an end-state and initiate a genuine dialogue between all major stakeholders on the issues that matter to the people of Darfur. The United States and other key external actors must provide sustained high-level backing to drive the peace process toward a successful outcome.

Efforts by President Barack Obama's special envoy to Sudan, Major General Scott Gration, have not effectively advanced peace in Darfur because General Gration, Bassolé, and others continue to labor under the false notion that the peace process is stalled largely because of divisions within the rebel groups. This is simply not the case. Even a fully unified Darfur rebel movement (itself highly unlikely) would consider the current process as a non-starter. Bassolé has lacked clear direction and has failed to put substantive proposals on the table for the parties to discuss. The international community, including the United States, has not provided robust support and focused leverage. Despite a near consensus view that the people of Darfur must have a direct say in their political future, there has been no clear forum for legitimate Darfur civil society groups to participate in the process. The United States is also misguidedly seeking to wrap up the process by the end of 2009 to allow for elections in Darfur—a compressed timeline that could lead to further conflict (and a very flawed election).

Bassolé's weakness and the lack of high-level support for his mediation efforts has helped embolden Egypt and Libya to launch parallel peace efforts or otherwise undermine the Doha process. Doha right now is less a venue for talks than it is a powerful symbol of the international community's failure to construct a single, viable peace process. Worse, the revelation in *The Washington Post* on September 30, 2009,

that Sudan's ruling National Congress Party, using Qatar as an intermediary, has been working with former U.S. National Security Advisor Bud McFarlane to help "restore a normal relationship" between Sudan and the United States casts into sharp doubt the efficacy of Qatar as a neutral convener.[\[1\]](#) [\[2\]](#)

The inevitable conclusion is that much work needs to be done to get the process moving in the right direction. If the United States is serious about helping to end the Darfur conflict and the crisis in Sudan more broadly, the Obama administration must now seize the opportunity presented by meetings in Doha this week and later this month to build high-level multilateral backing for a revitalized peace process that is closely linked to a broader effort to fundamentally alter Sudan's untenable and deadly status quo. This paper outlines the necessary steps to achieve a lasting political settlement in Darfur.

The role of the mediator: Put substance first

Bassolé has fallen into the same trap as his predecessors: he engages in repeated consultations with important stakeholders without substantive peace proposals as a focal point for discussion. Rebel groups and ordinary Darfuris felt betrayed by the peace talks in Abuja, Nigeria, that led to the moribund 2006 Darfur Peace Agreement, or [DPA](#) [\[3\]](#), and were broadly disappointed by subsequent peace efforts. While it might be tempting to use the DPA as a starting point for negotiations, that agreement failed to deal adequately with many core demands and, when it was signed by only one faction of the Sudan Liberation Army, or SLA, the agreement actually contributed to the fragmentation of rebel groups and worsening security in 2006 and 2007.

The recent U.S. efforts in Addis Ababa, Ethiopia, in support of unification of non-signatory factions of the SLA could prove useful, but attempts to engineer new SLA leadership without consulting more closely with the key political and military actors in Darfur could lead to more violence. In particular, General Gration's goal to replace SLA-leader Abdel Wahid—who lives in Paris and refuses to participate in direct talks with the government until the security situation in Darfur is stabilized—could split Wahid's Fur constituency and further complicate Darfuri efforts to rally around a common political platform for the talks. The best mechanism for driving Darfur's squabbling rebel factions into the Darfur peace process is for the mediation to put forth a credible peace proposal that actually addresses the root causes of Darfur's conflict.

Rather than the DPA, the Declaration of Principles, or DOP—a document signed by all of the important rebel groups in July 2005—should be Bassolé's starting point. The DOP offers the best way forward because it reaffirms commitment to all previous agreements, including U.N. resolutions and ceasefire agreements starting with the April 2004 ceasefire signed in the Chadian capital N'djamena. Therefore, any peace process based upon the DOP would bypass discussion of the applicability or enforcement of previous agreements because it could be argued that all parties have

already agreed to their full implementation.

The DOP is a good place to start, but rebel groups and ordinary Darfuris will remain wary of peace efforts until the negotiations are anchored by a clear set of proposals on the issues that matter to them. Fortunately, pulling these proposals together sounds tougher than it is; between lessons learned from the Abuja talks, discussions with Darfur's rebel groups, and the extensive deliberations of legitimate Darfur civil society organizations, Bassolé should present a draft peace proposal that includes the following:

- **Wealth sharing and power sharing** proposals based on figures from the 1992 census that showed Darfur to be 20 percent of Sudan's total population. This particular recommendation is based on the agenda of the seventh and final round of the Abuja talks, which interpreted the DOP as a commitment by all parties to agree on wealth and power sharing based on the 1992 figures. Since the 2009 census is controversial and flawed, the best way forward is to use a measure that parties have previously agreed upon.
- The creation of a **single region** of Greater Darfur. The question of how Darfur should be administered—and whether it should remain as three states or establish a regional government, as was the case until 1989—is at the center of political negotiations over Darfur's future. The DPA establishes a transition period before a regional vote on Darfur's status to be held no later than mid-2010 (a date that would obviously have to be revisited). However, some rebel factions continue to demand an immediate return to a regional government, while others have openly called for self-determination and even independence. The mediation team must work with the parties to establish consensus on the question of autonomy before moving on to the specifics of power sharing.
- Establishment of a semi-autonomous government in Darfur with **meaningful decentralization** but without the provision for a referendum on self-determination. This is the only way that Darfuris would accept a comprehensive peace deal. Darfuris who are not a member of Sudan's ruling National Congress Party, or [NCP](#) [4], should constitute the majority in such a government.
- Restitution that **includes individual as well as community compensation**, addresses the safe return of [internally displaced persons](#) [5] and [refugees](#) [6] to their original homelands, and holds the perpetrators of crimes to account. Compensation, or *diya*, is a central part of traditional conflict resolution in Darfur. The primary purpose of compensation is to recognize the harm done to a

community and (partially) satisfy the victims' demand for justice. In Darfur, this can only occur when the Government of Sudan, as the party most responsible for systematic killing, rape, torture, and looting, adequately compensates victims. Moreover, compensation for Darfur must be separate and distinct from any reconstruction and development funds that may be offered once peace is achieved. The DPA authorized a compensation fund of \$30 million for Darfur. Using a very crude calculation, equal distribution among the 2.5 million displaced people would amount to a \$12 payout for each victim. Given the scale of the economic losses in Darfur and the complexity of determining and distributing compensation, the Government of Sudan must allocate substantially more funds and agree to an international monitoring mechanism ensure that those funds are dispersed fairly.

- The complete **dismantling of the structures of violence**: the [Janjaweed](#) [7] and other proxy militias and the various rebel factions. The people of Darfur will simply not accept any agreement that fails to establish a clear, internationally monitored process to disarm the militias that have marauded with impunity for more than six years. Simply arguing for greater state control over law and order in Darfur, as the U.S. special envoy has recently done, is insufficient and unlikely to deal with the root causes of earlier bouts of violence. The DPA holds the Government of Sudan responsible for disarming its own proxies, a responsibility that the government has pledged to honor and then ignored on at least six occasions. Instead, the mediation should seek agreement on an internationally monitored process to assemble irregular armed groups, collect their heavy weapons, and implement an aggressive program to disarm, demobilize, and repatriate combatants. Moreover, the process must take into account the realities on the ground. Although weapons have flooded the region since the crisis began in 2003, many farmers and herders in Darfur have carried rifles for years to defend their land and livestock. Disarmament programs should seek to take apart the militias without disrupting the traditional livelihoods of civilians.
- A **comprehensive security arrangement** that will address all the above as well as end the proxy wars across the border and stop the spillover of violence and resulting counter violence that would threaten the fragile, newly signed peace. Elements of this arrangement should be drawn from the DPA and updated to reflect current security realities. Most importantly, security arrangements must include an internationally supported mechanism that allows for the safe and voluntary return of the nearly 3 million displaced Darfuris to their homes.
- A **stronger and better resourced United Nations mission in Darfur**, or [UNAMID](#) [8], will be critical to overseeing any agreement's implementation. UNAMID's role must be clearly articulated in any final peace agreement,

particularly the force's specific responsibilities to help ensure that civilians who want to return to their villages of origin can do so safely and with dignity. Full deployment of a robust force with a competent lead nation, an experienced division-level headquarters staff, and a clear command-and-control structure will be critical to ensure that all sides adhere to their commitments.

A draft agreement that lays out a clearly defined vision for an end state that resonates with Darfur's civilian population would break the pattern of previous rounds of negotiations, in which the government and rebel groups exploited the lack of vision and stuck to intransigent positions.

The role of the U.S.: Build leverage and multilateral support for an inclusive mediation effort

In addition to the substantive proposals outlined above, the peace process as must be revitalized and reconfigured to address numerous structural flaws.

Building leverage and support for the peace process

The lack of a high-level supporting cast for Bassolé—a group of senior diplomats from key countries to provide leverage and additional support for the mediation—is far and away the peace process' most glaring deficiency. Of course it is easier—and therefore tempting—for the United States to either act unilaterally or engage at a working level with traditional partners such as France and the United Kingdom. However, the challenging task of constructing a group that includes important actors such as Egypt and Libya and ensuring that they engage in the process at the highest level is a necessary one: Sustained investments in diplomacy by the United States and its partners are necessary to jumpstart the process.

The structure should be similar to the talks in Naivasha, Kenya, that produced the [Comprehensive Peace Agreement](#) [9], or CPA. In those talks, the United States, the United Kingdom, and Norway constituted a “troika” that supported the mediator, Kenyan General Lazaro Sumbeiywo, with focused leverage and, at times, intervened directly to forge consensus on the thorniest issues.[\[2\]](#) [10] Because Darfur is in northern Sudan and the conflict there more directly impacts a different set of actors, we believe that the core group of countries should be the United States, the United Kingdom, France, Egypt, Libya, and potentially China. The United Kingdom is a guarantor of the CPA and a traditional U.S. partner on Sudan. France has a vested interest in Darfur, particularly as the conflict there has negatively impacted its interests in neighboring Chad.[\[3\]](#) [11]

It will be challenging to secure the buy in of other necessary partners, but not impossible. Darfur is Egypt and Libya's backyard, and each has sought to establish a parallel peace effort to the Doha process. Libya's motivation is to maintain its influence in the Chad/Darfur region, while Egypt views the domestic crisis in Sudan through the lens of its need to maintain unimpeded access to the Nile River.[\[4\]](#) [12]

Both resent the Qatari mediation effort and have worked to undermine it. The United States should press both countries at a high level to support a single process. If, as we suggest, Bassolé lays out clear peace proposals that foster genuine discussion between the parties, Egypt and Libya are more likely to play a constructive role.

China has predictably demonstrated virtually no interest in securing peace in Darfur, but continued war in Darfur will negatively impact China's \$8 billion investment in Sudan's oil sector. Darfur rebels have already attacked oil installations in neighboring [Kordofan](#) [13], and continued war in Darfur and/or a collapse of the CPA and resumption of the North-South conflict would almost certainly impact oil production negatively. The United States need to engage China on these interests and encourage Beijing to use its leverage with [Khartoum](#) [14].

The United States can help build its own leverage on several fronts through focused, deliberate incentives and pressures. On the incentive side, phased cooperation with and—ultimately—normalization with the United States is the largest carrot the Obama administration has to offer. Removal of certain unilateral sanctions and penalties could be undertaken after verifiable changes on the ground in Darfur and the South. Full normalization should only occur once the Sudanese government adheres to its obligations under various peace agreements and to international justice. Any negotiating process must be guided by the reality that Khartoum has a long history of snatching carrots and then failing to follow through on the most important commitments.

General Gration's approach thus far in dealing with the Sudanese government has emphasized unilateral incentives, but the regime responds much more readily to concerted multilateral pressure. President Bashir may have weathered the storm of the International Criminal Court's arrest warrant, but that only highlights the need for international isolation. The [ICC](#) [15]'s most enthusiastic backers—particularly those in Europe—have been deafeningly silent as President Bashir has thumbed his nose at the Court. And the United States' recent tough talk on ending impunity in Kenya, the Democratic Republic of Congo, and elsewhere is remarkably absent in its public rhetoric on Sudan.

Rhetoric alone, however, will not alter Khartoum's calculations, and the United States must urgently explore how to put greater multilateral pressure on the regime—for both peace in Darfur and implementation of the CPA. The U.N. Security Council has authorized sanctions against top Sudanese officials responsible for atrocities in Darfur, and the United States should push with its partners for those to be implemented. The United States does have strong unilateral sanctions on Sudan, but the possibility of broader multilateral economic isolation—working closely with allies in Europe and Asia—has not been pursued at a senior level. And given the compelling evidence that weapons from other nations—including China and Iran—are finding their way to the frontlines in Darfur, a comprehensive arms embargo on offensive weapons against Sudanese government should be imposed by the U.N. Security Council. The embargo should include a robust international monitoring mechanism to ensure its

effectiveness. A recent report from the Small Arms Survey notes that the greatest source of weapons for armed groups in Darfur and [southern Sudan](#) [16] is likely the Sudanese army itself, and the U.N. Panel of Experts should, as a matter of urgency, investigate the internal trade in ever more sophisticated arms used in attacks against civilians.[5] [17] Efforts by the NCP to more heavily arm proxy militias in southern Sudan could trigger the resumption of a broader North-South war.

Including missing stakeholders at the negotiating table

The international community continues to make a critical mistake by limiting participation in political talks to the Khartoum regime and the armed groups in Darfur. A strong civil society presence will reduce the likelihood that the peace process will be hijacked by armed groups whose interests are not the same as those of the nearly three million people still living in camps in Darfur and eastern Chad today. The glaring absence of a legitimate civil society presence from Darfur at any of the previous peace negotiations on Darfur—notably the DPA—helps to explain the limited progress and outright failures of past efforts. The Sudanese government understands the critical role that civil society would play in a meaningful negotiation, and for this reason it has worked to stifle a process to organize Darfuris around a common platform.[6] [18]

Meaningful participation by Darfuri civil society will be essential to broadening support for the peace process among Darfuris and in ensuring ownership of the process and its outcomes among the people of Darfur, and the meeting that Bassole is convening later this month is a necessary first step. However, a new process must not merely “give voice” to civil society groups at some point in the series of negotiations; civil society must be at the table from day one, and their presence should be coordinated in advance through public, statewide consultations and a conference that brings together legitimate Darfuri community leaders, representatives from displaced persons and refugee camps, and members of women’s groups in Darfur to articulate a negotiating platform and select representatives to the talks.[7] [19] The United States and the rest of the international community must not tolerate the roadblocks put up by Khartoum in order to prevent coordination of civil society. Therefore, a top priority of the international community on Darfur must be obtaining guarantee from the Sudanese government that future civil society coordination efforts will not be blocked.

Ending the Chad-Sudan proxy war

The Government of Sudan’s deliberate destruction of Darfur has had profound consequences for its neighbors, particularly Chad. Chadian President Idriss Déby’s decision in 2005 to break with Khartoum and overtly back Darfuri rebel groups sparked a vicious proxy war between the two countries. Darfur’s rebels went from somewhat ambiguous allies to the indispensable agents of the Chadian government’s strategy, repelling attacks on Chadian soil and engaging Chadian rebels within Darfur. The Chadian government’s embrace of the [JEM](#) [20] has been especially intimate, and many [JEM](#) [21] soldiers have been incorporated into units of the Chadian army. Khartoum responded with overt support to Chadian rebel groups and backed two full-scale assaults on N’Djamena in April 2006 and again in February 2008. In recent

weeks, however, the Chadian government has shown more willingness to put pressure on JEM to enter the peace process and is cooperating with U.S.-led efforts to forge greater unity among other Darfur rebel groups. The United States and others should continue to encourage N'Djamena to support a political settlement in Darfur.

At the same time, a comprehensive approach to peace in Darfur by definition must deal aggressively with the persistent internal turmoil in Chad. Ad hoc efforts by the European Union and others to drive a process of political reform have not made effective use of significant available leverage. The United States has largely steered clear of Chad's internal crisis, opting to focus on counterterrorism cooperation and humanitarian assistance. Yet, the Obama administration is in a unique position to forge partnerships with key actors—particularly France and Libya—to coordinate pressure on President Déby to enact genuine political reforms, including overhauling its justice and security sectors and decentralization of power from elites in N'Djamena to Chad's politically marginalized periphery. Although the United States has traditionally taken a back seat to France in Francophone Africa, France's changing posture across Africa and Libya's erratic policies toward Chad open the door for the United States to adopt a leadership role.[\[8\]](#) [\[22\]](#)

Conclusion: Darfur, elections, and an all-Sudan approach

The fates of Darfur and the South are deeply intertwined. Darfuris took up arms in 2003 because of the deliberate political marginalization of the Darfuri people by the government in Khartoum. The Sudan People's Liberation Army, or SPLA, supported the rebels early on with arms and training, and recent reports of renewed SPLA support for some SLA factions demonstrate the need, yet again, for a comprehensive political solution to the hoarding of wealth and power in Khartoum.[\[9\]](#) [\[23\]](#)

The CPA was intended as a vehicle for democratic transformation of the country, what the late SPLM Chairman Dr. [John Garang](#) [\[24\]](#) called the "New Sudan." As CPA implementation has faltered, its international backers now seem to have abandoned transformation of the country. Instead, the NCP seeks to secure a veneer of domestic and international legitimacy through national elections in 2010. Southern Sudanese, on the other hand, are more focused on securing their independence through the 2011 self-determination referendum—a process that the NCP seeks to undermine.

Where, then, does Darfur fit? The current U.S. strategy seeks to secure a peace agreement quickly in order to allow Darfuris to participate in national elections next April. The logic is that by ending the conflict quickly and allowing Darfuris to vote with the rest of their countrymen, Darfur can overcome its political and economic marginalization and the CPA can be fully implemented. This is a flawed approach for several reasons.

First, the rush to reach a peace deal on a deadline will almost inevitably lead to a

flawed agreement. This was the case at the talks that resulted in the DPA; the Sudanese government made few concessions and the international community resorted to bullying tactics to press rebel groups to sign. Second, the compressed timetable for elections preparation, failure to conduct a census in Darfur, continued violence and intimidation by militia, and NCP dominance of the media and other state organs virtually ensure that an election in Darfur will not be seen as credible by many residents and thus could be a catalyst for further violence. (The conditions for free and fair elections are absent not only in Darfur, but throughout the entire country. At a meeting hosted by the SPLM in [Juba](#) [25] from September 26 to 30, some 20 Sudanese political parties threatened to boycott the 2010 elections unless the Sudanese parliament passes a number of key laws by November 20, 2009.)

Third, the electoral process could perversely consolidate ethnic cleansing in Darfur. Many Darfuris—particularly those who have been driven from their homes and their land—feel directly threatened by the voter registration process. Under Sudanese land laws, registering as a resident of a camp for displaced persons could cause the victims of the genocide to lose the legal rights to their abandoned property. Given that the NCP has fiercely resisted implementing those elements within the CPA that would have created a free and fair environment for elections, strong international support for deeply flawed national elections will surely backfire.

Putting the election cart before the peace horse in Darfur could undermine efforts to prevent a return to full-scale war throughout the country. The United States and other concerned nations should press for elections in Darfur to be postponed until a political settlement has been reached, volatile land-tenure issues have been adequately resolved, and a proper census conducted. [\[10\]](#) [26] The NCP will certainly push back, as national elections without the participation of the significant electorate in Darfur will deny them the legitimacy they crave. But it is almost impossible to imagine a free and fair election taking place in Darfur in April 2010, and the international community needs to have the courage to acknowledge this fact and press for a necessary postponement.

Endnotes

[\[1\]](#) [27] Dan Eggen, “A Cold War Man, a Hot War and a Legal Gray Area,” *The Washington Post*, September 30, 2009, available at:

<http://www.washingtonpost.com/wp-dyn/content/article/2009/09/29/AR2009092903840.html> [28].

[\[2\]](#) [29] This was the case at Naivasha, when the United States drafted and brokered the [Abyei Protocol](#) [30].

[\[3\]](#) [31] See Enough’s strategy papers “Chad’s Domestic Crisis: The Achilles Heel for Peacemaking in Darfur,” July 27, 2009, and “Nasty Neighbors: Resolving the Chad Sudan Proxy War,” April 22, 2008, available respectively at

<http://www.enoughproject.org/publications/chads-domestic-crisis-achilles-heel-peacemaking-darfur> [32]

and <http://www.enoughproject.org/publications/nasty-neighbors-resolving-chad-sudan-proxy-war> [33].

[\[4\]](#) [34] For analysis of Egypt’s interest in Sudan, see Colin Thomas-Jensen and Maggie Fick, “The United States and Egypt: A common cause in Sudan,” *The Huffington Post*, August 18, 2009, available

at: http://www.huffingtonpost.com/colin-thomasjensen/the-united-states-and-egy_b_261888.html [35].
[5] [36] Mike Lewis, "Skirting the Law: Post CPA Arms Flows to Sudan," Working paper 18 (Small Arms Survey, September 2009), available at:
http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SWP-18-Sudan-Post-CPA-Arms-Flows.pdf [37].

[6] [38] In May, Mandate Darfur, a unique Darfuri-led initiative largely underwritten by the Mo Ibrahim Foundation, was set to convene a conference in Addis Ababa, Ethiopia to engage Darfuri citizens—including refugees in eastern Chad and internally displaced people throughout Darfur—and help empower them to coordinate their participation as stakeholders in a future Darfur peace process. The Sudanese government, however, denied the Darfuri delegates from Sudan the right to travel to the conference, so it was cancelled. This clear obstruction by the Khartoum regime will continue to be an obstacle to the organization of civil society.

[7] [39] Women's participation is of particular importance. They have unique perspectives, experiences, ideas and values that are vital to building a sustainable peace. Darfuri women have also demonstrated time and again an ability to come together across ethnic, geographic, and political lines to find common ground. To learn more about the important role that women play in peace processes, please visit the Institute for Inclusive Security's website at
http://www.huntalternatives.org/pages/7_the_initiative_for_inclusive_security.cfm [40].

[8] [41] See Enough reports on Chad for more detailed policy recommendations to resolving Chad's internal crisis and the Chad-Sudan proxy war. Available at
http://www.enoughproject.org/conflict_areas/chad [42].

[9] [43] *Akhbar Al-Youm* reported this in the article, "SAF captured SPLA soldier in Korma in Darfur."

[10] [44] There is a precedent for postponing elections for a region of Sudan in times of war. National elections in 1965 were not held in parts of southern Sudan—especially Equatoria—because of lack of security. By-elections were held in the south 1967 to complete the parliament. Even then, however, the results were largely unrepresentative of southerners' political views, as the voters were mainly northerners living in the South.

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