

Prospects for Peace in Sudan

Briefing: May 2009

Overview

1. The central challenge of seeking and sustaining peace in Sudan remains the successful completion of the CPA and especially the exercise of self-determination in southern Sudan. Given popular opinion in southern Sudan and the refusal to contemplate any postponement of the referendum, the default outcome will be a partition of the country. The worst case scenario violent contest over the partition leading to a state in southern Sudan which is a ward of the international community alongside an embittered state in the north and a regionalized armed conflict.
2. On key issues the political positions of the Sudanese political elites cannot be reconciled. These issues include: unity versus separation; the “old” versus the “new” Sudan, which in turn relates to questions such as the role of Islam; accountability for past human rights violations; and the all-or-nothing struggle for state power in Chad. The country’s political system and the regional institutions are too weak to manage these disputes.
3. The levers of state power scarcely function. Governmental institutions are too weak to implement even those policies and programmes which have been agreed. The state cannot rely on its police and army and instead Sudan possesses an array of armed formations whose leaders have varying degrees of proximity to the ruling group, whose loyalty is secured on an interim basis by rental payments.
4. The time remaining in the interim period is not sufficient to enable agreement to be reached on the questions which separate the parties. Absent such agreement, Sudanese political elites typically work out interim bargains on resources (sharing out patrimony) and processes (which are in part exercises in procrastination). The financial crisis has led to a patronage crunch such that the governments in Khartoum and Juba cannot achieve a comprehensive buy-in of armed formations. The immediate results of this include an escalation in local violence in southern Sudan and a precarious situation in Darfur. The demands on patronage funds will escalate as the date of the elections approaches.
5. Most attempted solutions to the Sudanese crisis begin with a moral vision of how Sudan ought to be if it is to achieve certain standards of democracy, equality, development and human rights. These approaches capture the imagination of many ordinary citizens but run counter to existing political realities. Workable solutions must be found within the realm of Sudanese possibilities. This briefing explores some of the limited options that exist.

The Countdown to 2011

6. A contested partition of Sudan would be a disaster. The dimensions of this disaster would include humanitarian crisis, mass population displacement, armed conflict, a new fragile or failed state in southern Sudan, and possibly a war involving the neighbouring countries and huge and challenging UN peacekeeping operations with no realistic exit strategies.

7. The only way to avoid such a disaster is for the Sudanese elites, north and south, to come to a political compact among themselves in advance of the decision. A compact on unity would be an easier bargain to negotiate but a compact on consensual separation would be a workable second-best. Partition with elite interests adequately catered for would be a political trauma nonetheless, but the elite compact could minimize the risks of violence.

Dimensions of Irreconcilability

8. In Sudan, almost every element of politics is negotiable, often by means of shifting the bargaining to focus on the process and not the substance, leading to interminable and inconclusive political processes. Not all elements are negotiable, however, and at present there are four dimensions along which compromise is very difficult if not impossible.

9. *Unity or separation.* Popular sentiment in southern Sudan is strongly separatist; the northern elites are strongly unionist. Neither position will change within two years. However the picture is complicated by the following:

- a. There is a unionist constituency in southern Sudan is partly pro-unity and partly anti-separation: it includes people who are fearful of the likely ethnic domination, corruption and misgovernment that would occur in a newly-independent southern Sudan.
- b. Within the SPLM there is a strong unionist constituency drawn from northern Sudan (esp. the Nuba Mountains and Blue Nile), which exercises a political veto on the SPLM's decision on this issue.
- c. A significant proportion of the northern Sudanese political elite has accepted the probability of southern separation and is contemplating how to live with it, suspecting it will not make a major difference to their interests.

10. Managing the referendum on self-determination in 2011 is the central question in Sudanese politics. The challenge is to marginalize those who would like to see this as a fight to the death and shift the political focus to a negotiating/bargaining process that can allow the issue to be managed for sufficiently well over a sufficiently long period for stability to be assured.

11. *“New Sudan.”* The major political forces in Sudan agree on the need for some kind of “new Sudan” but do not agree on what it should be. There is a wide range of political

positions on the structure of power and the associated questions of identity (ethnic and religious). Most of these issues are negotiable and even the issue of Islam has been sublimated and is no longer prominent. The heart of the issue is power, and specifically the continued control of the NCP over the state's finances and security institutions. The elites that control the key resources and institutions are drawn from a narrow social base. The reason for this is not ideological but purely pragmatic. Reform is possible but only when the principal interests of the ruling group are sufficiently secure.

12. *Accountability.* The leaders of the Sudan Government will not accept a process of criminal prosecution and nor will the President agree even to issue a formal apology. President Bashir is positioned precisely at the centre of power in Sudan: he is not necessarily the most powerful member of the government in terms of day-to-day executive authority but he has become indispensable to the survival of the government. In turn, his position depends upon refusing to sacrifice any members of the government. There is no mechanism for removing the President and neither is there a mechanism for compelling him to accept demands for accountability.

13. *Chad.* Control of state power in Chad is all-or-nothing and is intimately and intricately linked to the internal politics of the Zaghawa tribe. President Deby and JEM leader Khalil Ibrahim are locked into a gamble in which neither can control the other but each requires the other, and both believe that the Zaghawa must have control of state power (either in Chad or Sudan). Representing an ambitious but imperiled minority, the Zaghawa leaders insist in negotiating only from a position of strength. This conundrum has hardly been recognized at the level of international politics, let alone resolved. The Zaghawa leadership will be looking for, at minimum, a share in executive, financial and security power in Khartoum. Darfur is only a stepping stone to that (which is fortunate insofar as Zaghawa control of Darfur would spark violent opposition from Fur and Arabs).

The Disconnected Levers of Government

14. The Sudan government never enjoyed control of its territory or population through central state institutions. Its civil service, police and armed forces could only function in the peripheral provinces through the cooperation of tribal authorities, which became intermingled with the central elites though never fully fused with them. Over the last thirty years, the spread of private ownership of automatic weapons and the diminution of customary authority has made it more and more difficult to resolve local disputes, and in turn has led to the increasing use of cash payment patronage as a means of securing the loyalty of peripheral elites and their followers.

15. Meanwhile, repeated reforms and purges of the civil service and the creation of parallel party and security structures has left government administration extremely weak. It is no longer possible for a government minister to simply issue instructions to a bureaucracy which will then implement the order. Rather, the minister must bargain with parallel party and security structures and with his own subordinates in order for his instructions to be implemented. When faced with a pressing demand for action, the

government tends to bypass the existing structures and set up a new institution or initiative, which replicates what already exists in theory. This works briefly but it soon shares the fate of its rivals, being passed over and allowed to wither, though never actually to die. The challenges of Sudan are so urgent that new institutions and initiatives are constantly created, putting yet more demands on the same limited human resources, while the more basic problem of building a capable civil service remains unaddressed.

16. A similar ad hoc profusion even exists in the case of military and security chiefs: in practice there is no single line of command and control. The loyalty of soldiers, policemen, security officers and militiamen is not to the state but to the commander, who in turn is usually a servant of factional interest or can be persuaded to shift allegiance in return for reward. Because the multiple police and security agencies all fall short of the ideal of an impartial inter-ethnic merit-based force loyal solely to the state, they are routinely regarded as discredited, and initiatives to establish security tend to consist in an ad hoc proliferation of new initiatives and institutions, either international or domestic. In turn these become another mechanism for purchasing loyalty.

17. The weakness of institutions is both a long-term challenge and a short-term one. The Sudanese state will remain a prisoner of competing factional interests as long as its institutions remain factionalized. In the short term, it doubles the demands on any leader who is committed to solving a problem: the most accessible route to a viable response includes new ad hoc arrangements with the same individuals. For any short-term effort to succeed requires a very high input of energy over a sustained period, backed by the highest authority.

Time and Money

18. Sudanese politics utilizes the principle of “tajiility” or strategic delay. Postponing is almost always an option. The Sudan government practices delay in order to exhaust its opponents and particularly its international adversaries. Insurgents practice delay in the hope that there will be a new configuration to their advantage.

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Solutions within Sudanese Possibilities

20. Institutional solutions, no

21. Military solutions, no

22. Patrimonial solutions, possibly

Conclusions

23. There are few options for stabilizing Sudan in such a way as to minimize the potential for disaster over the exercise of self-determination. The international community having

vested its efforts in what it described as the last best chance for unity, in adopting the CPA, has been unlucky (in the death of John Garang), inattentive (in failing to properly monitor and account for the difficulties of reaching and implementing the necessary decisions in the Sudanese political system) and irresponsible (in feeding paranoia in the NCP and allowing the ICC Prosecutor to demand the arrest of President al Bashir).

24. The most probable scenario for the next two years is that the Sudanese elites and the international community will be preoccupied with the immediate challenges of the ICC, the elections, and Darfur. These are all sufficiently serious that they warrant focused effort. But in the meantime, the country will drift to partition without the necessary elite bargain in place to avert a disastrous war. As the day of reckoning approaches, the options for action diminish and the external leverage on the parties lessens.

25. The big lesson of the CPA is that Sudan's leaders are capable of acting strategically if they are focused on a common big-picture issue with the necessary incentives in place for when that goal is achieved. The big failure of the last four years has been to lose sight of the big objective, and to become bogged down in acrimonious micromanagement. President-Elect Obama may just have the political capital to put the process back on track. Whether he is contemplating this issue and prepared to take the necessary steps is another question.