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Prospects for Peace in Sudan: April 2010

Overview

1. The last week has been a microcosm of Sudan's political life and is characteristically turbulent and inconclusive. The situation is evolving rapidly but the fundamentals are unchanged.
2. Most of the press reporting and international analysis is misleading. It is either incomplete, inaccurate, or biased and should be discounted as a basis for decision-making. Direct and constant access to the political leadership across the board is the only way to obtain a reliable picture.
3. The situation with regard to the possible boycott is confusing. Most of what has been reported in the press is inaccurate, incomplete or premature. We have remained in touch with all parties and the summary is the following:
 - a. The SPLM decision is to withdraw Yasir Arman from the presidential race and to consult the Darfurian members of the party on what decision it should take regarding Darfur.
 - b. The PCP will run.
 - c. The Sudan Communist Party and the Umma Party (Reform and Renewal) headed by Mubarak al Fadil will boycott at all levels.
 - d. The National Umma Party (Sadiq al Mahdi) is meeting to discuss its position.
 - e. The DUP leader, Mohamed Osman al Mirghani is talking to the NCP.
 - f. Local candidates from all parties want to run.
4. For now, the NCP commands the political landscape, gaining advantage from the opposition's errors. Much depends on whether it drives home its tactical advantage or seeks to pursue broader national interest.
5. The dynamics in the south and in the states are very different to the elite politics which focus on the presidential race. There is strong local pressure for the elections to proceed.
6. The Darfurian political scene is in disarray, which is deepened by the lack of substantive progress in the mediation, and the disintegration of the SLM-Abdel Wahid in Jebel Marra. The elections are not helpful in these circumstances. The Darfurians are absent as an organized political voice.

7. The internationals should stay calm and transmit consistent messages, not succumbing to the excitements of the moment. They should avoid using the word “legitimacy” save to endorse the legitimacy of the CPA and the democratization process. The elections are a support to the central political processes in Sudan, not the final word.

The SPLM and the Juba Alliance

8. The countdown to the effort by the National Consensus Forces (“Juba Alliance”) to boycott the elections on 31 March is the following.

- a. The National Consensus Forces submitted a memorandum to the National Elections Commission listing a series of issues that, it claimed, had been mishandled by the NEC. They raised many issues, some legitimate, some legitimate but which could have been handled by the parties earlier, and some erroneous. The NEC response was defensive and not to the satisfaction of the NCF.
- b. The NCF response was to demand a postponement of the election until November, unless several preconditions were met, otherwise they would consider a boycott. The NCF demanded a response from the Presidency. The meeting of the Presidency was postponed from 25 to 30 March due to the absence of VP Ali Osman Taha.
- c. On 29 March the SPLM and NCP met twice to discuss the agenda for the Presidency meeting. According to the SPLM, the NCP refused to entertain the agenda items put forward by the SPLM, thus making the Presidency meeting redundant. The NCP insists that they did not object to the Presidency meeting, and that interparty disagreements on the issues did not preclude the Presidency coming to an agreement. The cancellation of the Presidency meeting was conveyed to the AU Panel by the SPLM that evening. VP Ali Osman had not been informed of this at that time.
- d. The NCF meanwhile decided that it would meet and determine its position on a boycott on 31 March and then meet with the SPLM. The SPLM told the NCF that it would consult internally, listen to the NCF position, and then make its decision on 1 April, which would then be communicated jointly with the NCF.
- e. The SPLM Chairman in Juba was unhappy with the entanglement of the SPLM Northern Sector in the NCF politics. Pres. Salva Kiir has insisted throughout that the focus must be on the completion of the CPA and the SPLM should do nothing to imperil that. He summoned the SPLM Northern Sector leadership to Juba for a politbureau meeting on 31 March. At that meeting, the SPLM Chairman insisted that the elections should proceed, but that the candidacy of Yasir Arman for President would be withdrawn, and that the SPLM would consult with its Darfur members to decide on whether to contest in Darfur or boycott there.
- f. Yasir Arman returned to Khartoum on 31 March and announced his boycott of the elections. Such an announcement is a necessary face saver.

The NCF was furious that the agreed procedure had not been followed. Yasir also said that his boycott would delegitimize the elections. He has not made mention of the SPLM decision to continue to participate in the elections at other levels.

9. The SPLM position is a compromise, worked out in order to maintain party unity, but it runs the risk of multiple and conflicting interpretations, which will therefore confuse its supporters and perhaps demobilize them. If there is a unified party line, it is not being enforced. The politbureau decision was to withdraw Yasir Arman, without taking a position for or against the legitimacy of the elections in the north. This can be seen as placing the responsibility for solving the political problems of the north on the shoulders of the NCP. However, Pres. Salva Kiir has not spoken authoritatively in public.

10. Yasir Arman has taken a combative stand, calling his withdrawal a “boycott” and challenging the legitimacy of the elections. He is so heavily personally vested in the decision that he may be a wild card.

11. The SPLM has advised the Juba Alliance parties that if they wish to accept SPLM leadership they should follow the example of not contesting the presidential election, but running candidates at all other levels. It has told the NCP that it should find face saving mechanism for the opposition, which might be to postpone the election in Darfur.

12. The SPLM in the transitional areas (South Kordofan and Blue Nile) is part of the SPLM Southern Sector although these areas are in the north. In Blue Nile, Malik Agar is standing for governor and he will need to mobilize his constituents to vote, and also try to find allies within a post-electoral northern Sudanese landscape. The SPLA Blue Nile division is positioned on the internal border.

The National Congress Party

13. The disarray in the opposition has rebounded to the considerable tactical advantage of the NCP. The most serious presidential contender (Yasir) has withdrawn and the opposition campaign has been thrown into confusion. For now, the NCP is comfortable with its tactical dominance. It understands well the internal divisions within the SPLM and how the decisions have been taken primarily with a view to internal cohesion. But the potential of external and internal pressure on them should not be underestimated, which might make them preoccupied overwhelmingly with crisis management.

14. The NCP is discussing whether to make compromises in order to generate broader participation in the elections. We do not have full information about the internal debates and alignments, but we can expect that there is a group ready to accommodate others and broaden the base of the government, and those who see the current situation as vindication of the perils of democratization, and as an invitation to move towards a consolidated Islamist-security state that would allow the south to secede.

15. The Islamist movement is sensing an opportunity. If the main parties that run are the NCP and PCP, this will have fulfilled Turabi's definition of a modern Islamic state in which there is an Islamic government and an Islamic opposition, and also demonstrated Islamism's capacity for competitive politics. The international Muslim Brotherhood is pushing them to move in this direction. Turabi is a strategic opportunist who is ready to utilize all the political space that is opening up. He is clear and consistent in what he wants and how he intends to achieve it, and aims to show his commitment to electoral politics. Turabi believes that the current situation is more conducive for political work than at any other time in the recent past and he wants to maximize his chances and in the process provoke the NCP, possibly making them overreact in a damaging way.

Democratic Transformation

16. The presidential contest has been the focus of most public campaigning in the national media and the capital. This has preoccupied the elite. It is portrayed as a winner-take-all contest. The NCF are presenting the prospect of a victory as an electoral coup after which they will punish the NCP leadership for its abuses, including sending the president to the ICC. This is the counterpart of the NCP determination to win the presidential election and legitimize Omar al Bashir. The local political contests are very different in nature.

17. There is an important gulf between the elite politics of Khartoum and the presidential race, and local political competition. The elections have had a number of important effects in terms of opening up political space, namely:

- a. There is open discussion about the future of the country. There is no censorship. The only issue that is off limits in the media is the ICC. Complaints about opposition access to the media should be seen in this context.
- b. The process of nominations for candidacies for all parties compelled those parties to reconnect with their local supporters and constituents. This led to a number of local reprimands and shocks. This in itself has been a healthy exercise.

18. The sectarian parties have been greatly weakened by decades in opposition and have lost their party finance and infrastructure. This has important ramifications. It means that their candidates for local positions have been raising campaign funds locally, and are therefore accountable to local constituents. They have also used their own resources. They are well aware that should they be shut out of office comprehensively, their parties are unlikely to recover. As a consequence they are unlikely to withdraw willingly.

19. The NCF/Juba Alliance strategy of boycott would only have worked if it had been unanimous under SPLM leadership with unqualified international support. These conditions do not exist. These parties still entertain ideas for a spontaneous insurrection which has, in the past, brought down military governments. However, the current reality is that the NCP has destroyed the capacity for organized resistance. Especially, the trade

unions have been dismantled, so that the prospects for an intifada are now illusory. A democratic coup is out of the question. But the fact that these parties tried to instrumentalize elections in pursuit of a power grab rather than pursue strategies of longer term democracy will be a setback to the democratization of northern Sudan.

Southern Sudan

20. The elections in southern Sudan are following a different pattern. The SPLM is showing many of the characteristics of a liberation movement in power, with centralized political, military and administrative authority and distrust of dissent. This means that, in terms of the conduct of campaigning, there have been relatively more cases of local abuse, as local authorities consider that they are entitled to use SPLA soldiers to support SPLM candidates and obstruct others. The President of GoSS has expressed a clear commitment to democratization, insisted that such abuses are not authorized and has taken steps, such as adopting the Electoral Code of Conduct and issuing public orders, to minimize such violations. These instructions have not been honoured consistently. In particular there is deep distrust of the SPLM-DC of Lam Akol.

21. However, by the same token that all southern Sudanese consider the SPLA to be a national liberation army, and they consider the January 2011 referendum to be the prize, these elections are held under the unifying pressure of a strong southern Sudanese common identity. Nobody wants to generate conflicts that would weaken southern Sudan in advance of the referendum.

22. There is popular enthusiasm for the electoral process. The SPLM leadership, having initially been skeptical of the elections, now sees them as an important step towards legitimizing and renewing itself in advance of the referendum and the anticipated birth of an independent southern Sudan. The commitment to free and fair elections in southern Sudan has decisively moved beyond rhetoric and can be observed in the way in which other southern political parties are warming towards the process including SPLM leadership.

23. The NCP has conducted a vigorous campaign in southern Sudan. Pres. Bashir has presented himself as the partner in peace with Pres. Salva Kiir, and has insisted that he will be the first to recognize secession if that is what the southern Sudanese vote for in the referendum. This has gone down well among southern Sudanese voters. Southern popular response to the Northern Sector boycott has been negative, on the basis that it might endanger the referendum. Southern Sudanese are alarmed by the clear message delivered by Pres. Bashir which is that the referendum is contingent on the elections, and do not want to risk this. The opinions of the common people seem to be wiser than those of the elites.

24. While the SPLM and the southern Sudanese people harbour distrust of the NCP, they are not impressed with the NCF parties, several of which were in government beforehand, and which have a poor record of honouring commitments to southern Sudan,

and which are not signatories to the CPA. The principle of sticking with the NCP, which has at least delivered on the major elements of the CPA, is well-recognized.

International Dimensions

25. The opposition decision to push for a boycott on 31 March came a day after an inflammatory, ill-timed and misleading report by the International Crisis Group, which condemned the elections as “rigged” and argued that the elected government would be “illegitimate.” Many among the Juba Alliance took this as an indicator of the international community position which energized the voices calling for a boycott and their statements clearly reflect the language of the ICG report. It would be appropriate for international interlocutors to restrain organizations from issuing such destabilizing reports.

26. U.S. Special Envoy General Gration arrived on 1 April and made the U.S. position clear, that the elections should proceed. The Troika issued a statement on 2 April that clearly indicates that their priority is the implementation of the CPA and that the elections should proceed in April.

27. There are a number of valid worries about the conduct of the elections and the transparency of the process. The Carter Center and EU observation mission have some serious concerns which may lead them to issue a report on the elections which includes significant qualifications about their ability to certify it as free and fair. It is also possible that they will withdraw from the election observation process altogether.

Darfur

28. It has become clear that there has been no substantial progress towards resolving the political crisis in Darfur in the last six months. The JCM has lacked a clear strategy and has responded to events as they have unfolded and to the initiatives of others. The Qatari mediation has focused on obtaining formal agreements.

29. The GoS has been clear for many months that the elections represent the deadline for reaching agreement with the armed movements under the current format of negotiations. The armed movements, especially SLM-Abdel Wahid, have successfully played a spoiler role for the last four years believing that by staying out, the world will come to them and accommodate them. The GoS has drawn a line under this strategy and correctly so.

30. The Ndjamena/Doha Framework Agreement and Ceasefire between GoS and JEM is essentially an annexe to the Sudan-Chad normalization, in the form of an agreement between Chad and JEM to legitimize the latter’s continued political presence in Chad. The agreement between GoS and LJM reveals the weakness of JEM, which could not block it, and the way in which the mediation’s paralysis has opened the door for the GoS to make selective parallel agreements that create further disarray among the Darfur armed groups.

31. The violence in Jebel Marra since the beginning of the year began because of discontent among the SLA-AW about their ostensible leader's intransigence and his crackdown on dissent including the detention and assassination of those who disagreed with his line. In January this escalated into violent confrontation, with the GoS predictably supporting the anti-AW elements, and using this conflict as the opportunity for its own military actions. Abdel Wahid's response included using Arab militia against his adversaries. By March, Abdel Wahid had (despite his protestations) become a much reduced presence on the ground, militarily nearly irrelevant. He is only as important as international interlocutors chose to make him.

32. For all practical purposes, the Doha peace process has reached its limit as a framework for a comprehensive peace process. Agreements thus far are incrementally helpful but do not sync with the current realities of Darfur or Sudan. After the election a paradigm shift must be conceptualized regarding the peace process and the current blueprint needs to be revised jointly by the AU and UN. This becomes more important if one is to assume that the current Mediator will not seek an extension beyond June. At its core the new process should have a comprehensive global approach as proposed in the AUPD report in which the belligerents will not have monopoly.

33. Elections in Darfur are problematic. This is not primarily because of insecurity but because all the political parties including the SPLM have made Darfur an issue. The substantive reasons for concern are real. The census coverage was extremely uneven and important constituencies are underrepresented or completely absent (e.g. refugees); registration has been uneven; and there have been serious obstacles to the nomination of candidates and to campaigning. A recent serious armed dispute between the Nawaiba (Rizeigat) and Missiriya near Jebel Marra is widely interpreted as being election-related, although it is working to the disadvantage of the NCP candidate for governor of South Darfur. The election results are likely to see a distorted representation of different communities, generating grievances among the Fur, Masalit and Zaghawa.

34. There is widespread agreement among the NCF parties that elections should not be held in Darfur under current circumstances. We are sounding out NCP views on this. The SPLM has asked Gration to focus on Darfur and get NCP to postpone the elections there, at least at state level.

35. The AUPD strategy for seeking a Global Political Settlement in Darfur remains as relevant today as it was last year. The paradigm shift in the Darfur peace process after the election should be substantively informed by the AUPD recommendations. In the past few weeks, Darfurian interlocutors who have participated in the AUPD consultations and the Doha civil society process have made it clear that they have lost confidence in the capacity of the current process to address the substantive people's issues.

Implications

36. The events of the last week have shown, in concentrated form, the shape and nature of the Sudanese political class. Each of the key actors has behaved according to form.

While the public political drama has been turbulent, there has been no fundamental shift in the structure of politics.

37. The foundation for Sudan's peace and stability remains unchanged, namely the successful conclusion of the CPA and the partnership between the NCP and SPLM to ensure this occurs. In turn this requires that there is an effective GoNU in the post-electoral period. The SPLM leadership will therefore need to consolidate itself and ensure cohesion between its northern and southern sectors. The NCP will need to decide whether to broaden the GoNU to include Juba Alliance parties, and its decision in this regard will be an important indicator of the prospects for a legitimate conclusion of the CPA process and future democratization in northern Sudan.

38. Democratization is meaningless without peace and stability. The electoral exercise has created a fluid political situation in which the secondary political actors—the NCF/Juba Alliance parties including the SPLM Northern Sector—are playing a weak hand in disorganized desperation. The situation is fluid and rapidly changing. But the main hopes of the opposition, that they could either win the presidential election or generate sufficient domestic discontent and international pressure to force regime change (partial or complete) are being dashed. The likelihood that the current storm will damage the central pillar of the CPA is receding. But it is weakening the process of democratic transformation.

39. The NCP is strengthened by the weakness and disarray of the opposition. On past record, it is likely to overplay its hand and try to drive home its tactical advantage, rather than acting generously in line with strategic national interests. The NCP is unlikely to respond well to pressure at this point, still less to threats indicating that it will forfeit legitimacy. In contrast to the opposition's political incapacity, the NCP looks strong and well-organized and poised for an electoral victory. It is important that, at this moment, the NCP leadership is able to rise above the factionalization and tactical manoeuvring of Sudanese politics and lay out a vision for the country from the implementation of the CPA to the future. The NCP has the cards in its hand. It can either rise above the bickering and zero sum calculus of recent weeks, or can take the implosion of the opposition as a mandate for it to establish monopoly over political power in Khartoum.

40. The SPLM has averted an internal crisis but has not resolved the question of the Northern Sector's standing within the party and strategy for achieving its ultimate goals. As of this writing, the Northern Sector is still uncertain about the extent of the withdrawal/boycott. The SPLM should now be able to handle the preparation for the referendum without any additional internal crisis, but its long term future within northern Sudan remains in question.

41. The partnership that underpins the CPA has suffered a crisis but has not sundered. The referendum in southern Sudan is not in serious danger. The immediate challenge will be to establish sufficient confidence between the NCP and SPLM that a workable GoNU can be established. The NCP should take the initiative on this. The AU's desire for a

peaceful exercise in self-determination and democratization requires an SPLM that is confident, strategic and forward looking.

42. The NCF/Juba Alliance parties have not developed internal strategies to pursue democratic transformation. Most of these parties are unraveling as a cohesive force and will be further weakened by the compromises that their leaders make in order to stop them degrading further. If they are shut out of power for five years they may never recover. The voters are confused and demoralized and the Juba Alliance will suffer accordingly at the polls. The prospect of a poor showing will probably increase the pressures for a comprehensive boycott, while local candidates will insist that they continue to contest for seats.

43. The main damage inflicted by the opposition parties has been to give new life to the charge that the GoS is “illegitimate.” For the SPLM, this is a double-edged sword, as it undermines both their northern partner-adversary, and their process of self-determination. The “L-word” will remain part of the Sudanese political vocabulary. The AU should consider an appropriate formulation to dampen its force, for example insisting that the CPA and the process of democratization are legitimate.

44. The Darfurians have mostly been bystanders in the recent political drama, although their cause has been invoked by the NCF/Juba Alliance parties. The elections will not serve the purpose of facilitating Darfurian representation in the GoNU or Darfurian participation in the national debates and events of the coming year. The elections are also likely to add to the grievances of many Darfurian constituencies. The Darfurian armed movements and other stakeholders are not sufficiently organized to be able to remedy this situation, though it is possible that some in the armed movements may capitalize on the grievances to deepen opposition to the government. An inclusive and credible mechanism for addressing Darfur’s political crisis is needed, as envisaged in the AUPD report.

45. International engagement in Sudan is characterized by multiple centres of decision making with poor coordination. However, the messages expressed during the pre-election drama have been consistent. Continued, or enhanced, coordination will be needed in the aftermath of the election.

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