

Prospects for Peace in Sudan

Briefing: December 2007

Overview

1. The crisis in the CPA unfolded with a speed that was both unexpected and alarming. At the time of writing, the SPLM and NCP have patched up their differences. But the repercussions of the crisis will continue in Sudanese politics for some time.
2. The crisis has revealed and accelerated underlying political trends. The major dimensions of this include, (a) collapse in confidence between the NCP and SPLM; (b) deepening internal dissension within the SPLM, alongside an NCP strategy of entryism into SPLM ranks in the South; (c) political realignment in the North in which the NCP reaches out to the sectarian parties; and (d) entrenchment of the NCP and security in survival mode.
3. The SPLM's failure to build institutions since the CPA is becoming more and more evident. This failure is evident both within the party and the GoSS and prefigures political crises in the future.
4. In the longer term, the collapse of confidence between the NCP and SPLM leadership means that GoSS support for secession is more likely. But it also means that the steady implementation of the CPA is far less likely, so that smooth progression towards the referendum is becoming even more difficult. Given that the NCP and SPLM are unlikely to be able to make joint plans for a peaceable separation scenario, planning for these eventualities should be a priority for the international community.
5. Darfur's politics have reshuffled, but perhaps in a more significant way than the routine commotion of the rebel fragments. The withdrawal of the Abbala militia led by Himati from cooperation with GoS is a very significant development. Especially important is Himati's cooperation with Abdel Wahid al Nur, which provides him with access to defensible terrain in Jebel Marra and an opening for political legitimacy. This leaves the GoS vulnerable in South Darfur. This may be the augur for a new war (both sides are mounting military operations), or it may be the prelude to a demonstration of strength by Himati, followed by a new bargaining session with the GoS.
6. UNAMID should be able to make some positive contributions to the situation in Darfur, including perimeter protection of IDP camps, building confidence with the Arabs, and training local commanders in how to conduct themselves during a ceasefire. The UNAMID deployment may also be an opportunity for the UN and U.S. to declare victory and refocus their efforts.

7. The fighting in Chad indicates the unresolved nature of that countries crisis and the continuing interlinkage with Sudan. The GoS fears that the EU force in Chad will provide the air assets and special forces needed to augment UNAMID in order to operationalize whatever plans the U.S., France and Britain have for Sudan.

The Crisis in the CPA

8. The crisis of confidence in the CPA unfolded with a speed that was both unexpected and alarming. The background was continuing dissension between NCP and SPLM over aspects of CPA implementation and especially a proposed cabinet reshuffle in which the SPLM wanted to remove Dr. Lam Akol as foreign minister. The continuing prevarication by the NCP on approving the reshuffle was a relatively minor issue in itself, but the SPLM has as yet insufficient mastery of the procedures of governmental politics to be able to unlock the problem to its advantage.

9. It appears that the SPLM initiated the walk-out from government with minimal internal consultation. It was primarily the work of several senior members who had not obtained a prior consensus among SPLM ministers in the GoNU or GoSS. It also had no agreed plan for what would be the next step. This group—and the SPLM in general—has gained confidence from the way in which its action as focused attention on its issues. However, the SPLM has played one of its strongest cards at an early stage, over some relatively minor issues, and has little else to show for it. Having set a deadline of January 2008 for certain demands, the SPLM ran the risk of setting a trap of its own making—what was it to do if the demands were not fulfilled? Meanwhile, the crisis has shone a spotlight on the SPLM’s own internal divisions.

10. The NCP strategy appears to be to wait for the SPLM to make mistakes and to quietly point out that most aspects of the CPA are being relatively well implemented, and argue that the SPLM itself is responsible for the problems. Prominent among the latter are the failure thus far to relocate SPLA forces south of the internal border and the poor performance of the GoSS, whose legislature has passed only four bills. The NCP would dearly love to have the CPA reopened so that it can renegotiate a series of key issues, and it senses that in due course this will happen. The SPLM leadership realizes that this would open a Pandora’s Box and so has rebuffed suggestions for a partial reopening of the CPA.

11. The Abyei issue is central to the crisis, in part because each side prefers to make it so. Real issues underlie the dispute, especially the fact that a large proportion of the oil reserves in Northern Sudan lie underneath Abyei, and the fact that a significant proportion of the SPLM leadership hails from the district. The Abyei impasse reveals the extreme difficulty of resolving partition questions where ‘hard’ borders are concerned—borders that allow for no flexibility.

12. Neither side is prepared for war at this stage. But the decentralized nature of command and control among the militaries and security services of both parties means

that incidents are probable. It is testament to the effectiveness of the joint military structures that security has been good up to now.

13. The exchange of threats between FVP Salva Kiir and President Bashir is a clear signal for the militaries on both sides to begin preparations for future hostilities. Kiir's statement that he did not trust the President was unfortunate, made worse by the fact that he said it while in Washington. He may have been responding to Bashir's statement that his visit to America had not been approved by the President—an irksome assertion of authority. However, directing this jibe personally at Bashir rather than generally at the NCP was certain to wound Bashir's sense of dignity. Bashir's reaction, in the form of a statement to the Popular Defence Forces in Wad Madani contained a dose of hyperbole—as is normal when he is addressing PDF or mujahidiin rallies—but his call for remobilization of the PDF (which is supposed to be downsized under the CPA) is disturbing.

14. By mid-December, the NCP and SPLM had resolved most of the immediate issues before them, with the significant exception of Abyei, allowing for the SPLM to return to the GoNU and for differences to be patched up. However, the fundamental issues of mutual distrust have not been resolved.

15. The key question facing the Sudanese political class is whether the NCP has a genuine intention to implement the key provisions of the CPA, namely democratization and self-determination for the South. There is little doubt that a truly free and fair election would reduce the NCP's representation in the National Assembly to well below its current majority. Elections are scheduled to be held almost exactly twenty years after the 1989 National Salvation Revolution or coup d'état. The record in power of the NCP-NIF over those two decades has not won the hearts and minds of most Sudanese and, as with any incumbent party, there will be an electoral price to be paid. Losing power would potentially mean not just losing office but also being forced to abandon control of the security institutions, with potential consequences for individual accountability for past actions. Similarly, a free and fair referendum in the South would, on present trends, result in a vote for secession.

16. In this context, the NCP's favored option is likely to be delay, focused especially on the key elements of democratization, including the freedom of the press, the formulation of a new security and intelligence act, and allowing opposition political parties and civil society organizations to operate freely without intervention from the security organs.

Inside the SPLM

17. It is remarkable that, given the warm relations between the SPLM and western governments, the decision-making processes at the top of the SPLM remain inscrutable. They are just as opaque as those in the NCP and security cabal. This reflects FVP Salva Kiir's background as an intelligence officer.

18. On taking charge of the SPLM in 2005, Kiir's priority was the political consolidation of Southern Sudan. His great achievement was to bring the SSDF into the SPLA. But the logical next step, which is forging the new and broader SPLA into a unified army of Southern Sudan, is facing immense challenges. At the time when the CPA was signed, the SPLA was led by some skilled and courageous commander but had not established the organizational capabilities required for a regular army. With a substantial budget but limited organizational infrastructure, the temptation facing the GoSS is to adopt a strategy of buying security through cash payments to commanders and militia leaders, to the extent of even buying loyalty from groups in Northern Sudan, in preference to building a professionalized army.

19. Garang overcame his internal organizational weaknesses with two factors. One, he articulated a powerful vision for the transformation of Sudan, which attracted a wide swathe of Northern Sudanese. Two, he was effective in enlisting the support of the region. Many of his military and political successes were delivered by friends in neighboring governments. Kiir has not yet managed to emulate these. However, as his visit to Ethiopia indicates, he is working to make up the deficit.

20. The recent infighting within the SPLM, which culminated in the dismissal of two former ministers (Telar Deng and Aleu Ayieny), showed the widening rift within the leadership. The two dismissed ministers are very influential within their constituencies in Bahr al Ghazal and can be expected to create difficulties for the GoSS unless the SPLM political bureau takes speedy action to deal with the issues. Meanwhile, the NCP strategy for dealing with the SPLM is to foster divisions (it will exploit the rifts that are currently surfacing) and try to control elements of the GoSS from within by purchasing the loyalty of individuals, using its organizational skills wherever it has limited executive power under the CPA, and maintaining a commercial presence in towns.

NCP Realignment

21. The biennial congress of the NCP met in late November, with the leadership able to evaluate its relations with the SPLM and respond accordingly. There was vigorous debate, especially between those who feel that the party has retreated from its commitments to democratization, and the security leadership. The upshot was a decision to reach out to other Northern parties, especially the Democratic Unionist Party and the Umma Party. Implicitly, this is the offer of a political alliance.

22. The Northern party leaders are responding cautiously but with serious intent. Former Prime Minister Sadiq el Mahdi has been steadily rebuilding the base of the Umma Party, which is a significant if diminished force. He would not rule out such a coalition but will try to extract a high price. Mohamed Osman Mirghani, head of the DUP, is likely to return from exile in Egypt early in 2008. He would probably welcome such a coalition. Even the Sudan Communist Party might entertain the option of this realignment. Hassan al Turabi's Popular Congress is not on the list of potential allies but it has been allowed to hold its own party congress. In the background is the committee headed by the former head of state, General Abdel Rahman Suwar al Dahab, which is seeking to explore new

terrain for a consensus of Northern political groups. It is very likely that we will now see a period of political posturing and jockeying, with commitments made and broken—in short, business as usual among the Northern political parties.

23. A major implication of this strategy are that the NCP would no longer embrace the SPLM as its ally in the North, though it would almost certainly continue to do so in the South. Instead, the NCP and some of the Northern parties would form a common front for the elections, based on Islam and national unity, with Omer al Bashir as the joint candidate for President.

24. One major attraction of this strategy for the NCP is that such an electoral alliance and the certain victory that it entails would give it an extremely strong measure of legitimacy, something that has always eluded it. This would also assist in providing a short-cut to bypass many of the trickiest pre-election issues. The census and voter registration exercises required by the CPA are technically essential for the South only—the North (excepting Darfur) can proceed with an election based on the existing civil registration system and existing constituencies. If the census were to be delayed, and consequently new voter registration and the demarcation of new constituencies were to fall behind schedule, this would become a problem exclusively for the South. It is possible to envisage a scenario in which elections are held across Northern Sudan, though restricted to major towns and a few secure areas in Darfur, and are postponed in South Sudan, giving the NCP the perfect rationale to argue that it has more democratic legitimacy than the SPLM. This would have many implications, including (a) an argument that the referendum on self-determination should be postponed until such time that South Sudan can conduct a complete, free and fair election, and (b) an argument that the Darfur peace process should include representatives of all the political parties with members elected in Darfur.

25. Underpinning all NCP moves is a strategy that might be called ‘the politics of delay.’ The arts of procrastination, equivocation and holding agreements in suspense are essential skills for any Sudanese politician, and the NIF-NCP government has remained in power since 1989 through its mastery of these tactics. The problems of Sudan are so inherently intractable that any attempts to impose quick fixes inevitably fail, exhausting and discrediting their architects. The NCP relies on this feature of Sudanese political reality to wear out its adversaries while it focuses on its minimal political agenda of remaining in power.

NCP-SPLM Relations

26. The SPLM is emerging from the CPA crisis realizing that it cannot sunder its alliance with the NCP, but it has no trust in the NCP. The NCP has more options and the core strategy of its leaders is to hang on to power and exhaust its foreign critics and adversaries. Each side has a ‘Plan B’ under active consideration.

27. The NCP, SPLM and diplomatic community in Khartoum officially conduct their business on the basis of efforts towards achieving the CPA, while knowing well that

more pessimistic outcomes are more probable. The diplomats focus on achieving the best case, while the military commanders plan for the worst. This has the implication that if the best case fails to materialize, only the military are prepared for what may happen next. How can diplomats and civilian political leaders prepare for sub-optimal outcomes such as separation? It would make much sense for the parties to begin jointly to chart scenarios, make contingency plans, and set up discreet mechanisms for handling less-ideal outcomes such as separation. A major obstacle to doing this is the lack of trust between the parties, which means that each is instead second guessing the other and secretly developing parallel strategies for what will happen in the case of separation. This is a recipe for disaster. Opportunities exist for a trusted intermediary to open a space for discreetly convening discussions on the range of possible futures for Sudan.

Darfur: The Conflict

28. The main struggle in Darfur remains the contest over the allegiance of the Arabs. The locus of this is South Darfur, specifically at the Abbala militia who relocated to South Darfur earlier this year. At the time of writing, this is translating into a GoS assault on Abbala militia positions around south and east Jebel Marra. It may escalate further in the coming month as the militia counterattacks in South Darfur.

29. The largest Abbala blocs are now completely outside GoS control. The most important of these is the powerful grouping headed by Mohamed Hamdan ‘Himati’, which has signed a memorandum of understanding with the SLA-Abdel Wahid forces in Jebel Marra. Himati has been extensively armed by the GoS over the last year but that patronage has not translated into reciprocal loyalty. Himati’s challenge is how much he can unify the numerous Arab armed groups (he appears to have won over some unaffiliated groups and police units) and the extent to which he can win the confidence of the various fragments of the SLA. He has good relations with the Fur but not with the Zaghawa. As soon as it lost the active support of the Himati group, the GoS lost control over the entire territory beyond the confines of Nyala to the north. Should this group decide to take the offensive, it is unlikely that the government would be in a position to offer serious resistance.

30. Himati has not stated his political agenda. It remains to be seen whether his alliance with the SLA is strategic or tactical. Is this the prelude to an ambitious political plan in which an Arab-Fur alliance seeks complete control of Darfur and forces a new political dispensation on the GoS? Or is it no more than a tactic to assert the importance of the Arabs and demand a higher price from both Khartoum and the international community? Himati is extremely well-armed and has already seen off attacks by militia and helicopter gunships, though more are expected. But he is desperately short of the educated people needed if he is to be a credible political figure, and needs the legitimacy that the alliance with Abdel Wahid promises. He also has a major liability in the form of his past human rights record. His were the forces that trashed Wakhaim and terrorized Mellit and al Fashir.

31. The struggle over the allegiance of the Baggara is intense and unresolved. With the GoS loss of most Abbala support, the position of the Baggara, and especially the Baggara Rizeigat, becomes ever-more crucial. The success of the nazir of the Rizeigat, Saeed Madibu, in keeping his tribe neutral has been gradually eroded and he is facing a serious challenge from more militantly pro-GoS groups within the Rizeigat. The GoS has created a new locality, Bahr el Arab, carved out of el Da'ien, which will logically become the power base of this group and its militia. But if the tribe is split down the middle it will not be an effective military force. This is probably the reason why the GoS proposed a relative of the nazir's as commissioner for the new locality, as a signal to Madibu that if he shifted his position, he could retain his overall power.

32. Government attempts to control the Darfur Arabs using money and Khartoum-based Darfurian Arab politicians are having increasingly less and less success. Loyalty is subject to rapid price inflation. Local Darfurian Arabs have lost all trust in their cousins who have risen to high office or become wealthy in Khartoum. One consequence of this is that the Arab supremacist ideology as demonstrated in the Arab Gathering and its activities has virtually disappeared. The conflict is now largely a local resource grab intertwined with organized crime.

33. The IDPs remain militant and the focus of uncompromising opposition to the GoS and DPA. Several of the major IDP camps are becoming major security hazards, due to a combination of self-arming by the residents, the GoS injection of its own armed clients into the camps (many of whom have either switched sides or have divided loyalties), and the growth of organized crime syndicates. The GoS is sorely tempted to try to disperse some of the larger and more militant camps, notably Kalma. While it has the intent it does not have the capacity and if it tries it will just be a public relations disaster. Much better is to recognize the reality that the camps are here to stay, are already socially and economically integrated into the cities and will only become more so, and invest in normalizing them—and the towns—accordingly.

34. The government counteroffensive against JEM and SLA-Unity in west Kordofan and Haskanita appears to have achieved its aim of minimizing further infiltration into Kordofan by the Darfur rebels. Security and the NCP has followed this up with buying back the loyalty of west Kordofan militia who had shown support for the rebels. But this does not address the underlying, and continuing, grievances and flashpoints within Kordofan. Additional reported JEM raids on oil installations in Kordofan illustrate the vulnerability of the region.

Darfur: Peace and Protection

35. The Sirte process has coincided with sharp security deterioration in Darfur, including a further proliferation of formally-named armed groups and the new militancy of the Arabs. The process of the fragmentation of the Zaghawa-led rebel groupings and Arab realignment was underway before Sirte and would have occurred without it. However, the way in which the peace process has been handled, keeping the door open to any group that has demonstrated an armed presence on the ground, has not helped. Even if the UN-

AU mediation were to decide to call time on the admission of new armed movements to the talks, the damage has already been done, and the cap on new representation would not be treated as a credible action.

36. Without credible Fur representation (i.e. Abdel Wahid or a figure with his stature) and without Arabs who truly represent both Abbala and Baggara, the Sirte process is in danger of becoming merely the arena in which the Zaghawa fragments play out their interminable internal realignments. In terms of retaining or enhancing a united position for the Fur, Abdel Wahid has played his cards well. International efforts to undermine him or divide his support base have not succeeded. His memorandum of understanding with Himati may realign the politics of Darfur's rebellion and once again make him the pivotal figure.

37. There is no clear way ahead for the Darfur peace process. Because of non-stop real-time public commentary by advocacy groups, which have instant answers to every problem, diplomats no longer have the option of admitting there is no solution within reach, and taking the time to study and reanalyze the problem. The most likely scenario is one in which the current developments—the new Arab-Fur alliance, the deployment of UNAMID, Khartoum-Washington relations—play out over a year or so before any of the major players are ready to commit themselves seriously to any new process. We should be preparing ourselves for a one or two year containment strategy.

38. The UNAMID deployment introduces an element of uncertainty into Darfur which makes it difficult to move forward politically. UNAMID will need to work hard to be relevant to the realities of Darfur. It can certainly do perimeter patrolling around IDP camps, but is only a modest advance on AMIS. One essential step for AMIS and UNAMID over the coming months is confidence building with the Arabs. A second is to provide training to commanders of armed groups and militia in how a ceasefire works. Another one is a strategy for the IDP camps—the DPA plan for a community police force seems to have been forgotten in favor of a high-risk approach based on formed police units (gendarmes). During January, UNAMID will need to establish its credibility by showing that it is different from AMIS—but without provoking the active hostility of any significant group in Darfur.

39. The Darfur-Darfur Dialogue and Consultation cannot formally proceed under current political circumstances. But it can tackle some essential tasks, including bringing Darfur's Arabs out of their current isolation from internationally-driven processes, building upon local reconciliation efforts where they have occurred, and articulating the basic demands of local communities.

Chad

40. The sharp eruption of violent conflict in Chad is the outcome of several factors. Most important is the non-implementation of the Sirte Accord between the Government of Chad and the rebel forces led by Mahamat Nouri (UFDD) and Timan Erdimi (RFC). The absence of any progress on implementing the accord is attributable to the fact that none

of the parties involved had any real intention in doing so. President Idriss Deby deeply distrusts the two leaders and did not expect them to put aside their political differences or disarm their forces. Neither Mahamat Nouri nor Timan Erdimi expected Deby to honour the agreement either and would have feared for their lives in N'djamena. Sudanese security has continued to supply both forces. The agreement was signed chiefly to accommodate the Libyans.

41. The rebel attacks took place as soon as the Sirte ceasefire expired and was up for renewal. But the timing of the attack had much to do with the rebels' expectation that the EU force would deploy in eastern Chad in January and would provide a significant military boost to the Deby government. Hence they wanted to strike first. The GoS fears that the EU troops in Chad will provide the air support and special forces units denied to UNAMID, and will be a mechanism for western-led military intervention through the back door.

42. Whatever the outcome of the fighting in Chad, we can expect the basic dynamics to continue for the immediate future. The Sudan government will certainly have other proxies it can support should Nouri or Erdimi or both of them fail to deliver. Khartoum is in this for the long haul.

Next Steps

43. The central short-term issue in Sudan of putting the CPA back on track has been achieved. More important is the challenge of re-establishing confidence between President Bashir and FVP Salva Kiir. Should that trust exist, then the NCP-SPLM partnership can begin to address Sudan's numerous looming crises.

44. Attention to restoring the short-term health of the CPA should not divert attention from the fact that Sudanese politics is increasingly moving in a direction that demands new measures. Prominent among these is planning for bad and worst-case scenarios and seeking means whereby a peaceable partition could be achieved, if necessary.

45. There is no path to peace in Darfur within the foreseeable future. The deployment of UNAMID is chiefly significant because (a) it allows the UN and western governments to declare success and focus on political issues and especially the CPA and (b) it can be an umbrella for active civil liaison and dialogue. These opportunities should be taken.

46. The GoS is unlikely to make any new political concessions on the CPA or Darfur in the current circumstances of uncertainty and distrust. It will prefer to wait out the next year or two, exhausting its domestic and international adversaries, and manage the inevitable crises so as to stay in power.