

## **Sudan: Analysis and Prospects**

### **October 2006**

#### **Overview**

1. The international strategy for dealing with Sudan, focused on exerting pressure to compel Khartoum to accept UN troops, is rapidly reaching a dead end. Bashir has called the bluff of the UN Security Council and will probably get away with it, largely because the idea of a UN force operating without Khartoum's consent is practically speaking a non-starter, or if tried, a recipe for disaster. Within the context of AMIS staying on, Khartoum is showing a little flexibility. But there appears to be no readiness to budge on central issue.
2. The formula of "AU Plus" seems to be the favored option for peacekeeping troops by the UN, the AU leadership and some international partners. The basic problem with such an approach is that the African Union remains incapable of even the simplest tasks, such as issuing contracts for key staff. There is almost no coordination between AU Chairperson Alpha Konare and his staff working on Sudan, so that they regularly contradict one another.
3. The SLM-Minawi is being set up by the GoS to fail. The NCP is playing upon the weaknesses of Minawi, including his deep suspicion of any Darfurians who are not members of his inner circle, to set up Darfur's transitional institutions in such a way that they will quickly become ineffectual and discredited.
4. The SLM-Abdel Wahid/Abdel Shafi has failed to extricate itself from its confusion. Having voted to depose Abdel Wahid, the Abdel Shafi group has been unable to consummate its internal coup. This has given Abdel Wahid sufficiently political space to reassert himself, principally as a spoiler. Needed is some firm guidance to enable the SLA-AW/AS plus the G-19 to hold their promised conference, after which they can re-engage with the political process. The conference has emerged as essential.
5. It is important to analyze the security situation correctly for purposes of interpretation and decision. Most important is an all-inclusive ceasefire. Also required are measures to address the emerging war economy, which is a significant threat to humanitarian operations.
6. Clarity of purpose and leadership is needed on the political front. The key steps should be to reconstitute an inclusive Ceasefire Commission, and a relaunching of the negotiations process. Most parties have signaled readiness to negotiate over an "implementation protocol" to the DPA similar to that discussed in late May. Progress on this front could also open up options for better peacekeeping.

## **Bashir versus the UNSC**

7. The confrontational rhetoric and ratcheting up of pressure on Khartoum has made the GoS uncomfortable, and exposed fissures within it, but has not had the desired effect. Bashir's strategy of calling the bluff of the UN Security Council will probably succeed. He has opened up divisions in the international community at least as deep as those within Khartoum, including notably the opposition of Jan Pronk and Mark Malloch-Brown to the imposition of UN peacekeepers without consent.

8. This writer's firmly-held view is that a peacekeeping force imposed without Khartoum's consent is a non-starter, and that any attempt to impose a force would create a worse disaster. The force level authorized by UNSCR 1706 is precisely that estimated by the DPA's security implementation team in Abuja (a team led by a general serving with the UN) for the implementation of the DPA's security arrangements. A force of approximately 20,000 would have zero chance of creating security in Darfur on its own.

9. Further escalation of rhetoric is unlikely to bring any concessions from Khartoum. Bashir will not back down, because every escalation in threat further convinces him that the U.S. has a less-than-hidden agenda of regime change. Following the Rice/Lake/Payne Oped in the *Washington Post*, the GoS is convinced that any future Democrat administration in Washington would revert to the Clinton policy of military confrontation. Over the last 17 years, Bashir's personal political style has rarely been seen. Usually he has preferred to remain in the political background, serving as umpire to the different factions within his government. But when his back is to the wall he becomes extremely focused, emotional and intransigent. It was this that led him to surprise all on the Sudanese scene by outmanoeuvring Hassan al Turabi in 1999. The current strategy over UN troops for Darfur is his, and his readiness to play this game to the finish should not be underestimated.

10. The hard line taken by Bashir and his closest colleagues, such as Abdel Rahiim Hussein, creates a new dynamic to Khartoum politics. Among these are the possibility of a palace coup in which Bashir hands over to one of his hard-line lieutenants, who then expels the UN from Sudan altogether. Ahmed Ibrahim Omer, formerly secretary general of the NCP, has re-emerged on the political scene with his peculiarly extreme voice, advocating the abandonment of the CPA and a return to the policy of war on all fronts. Although extreme, such options should not now be ruled out.

11. As always in Sudan, everything is negotiable and nothing is certain. The extreme line is in the ascendant in part because the government is thoroughly confused and because the moderates are in disarray, caught between the escalating rhetoric on both sides. But it is very unlikely that Khartoum's line will moderate before the launch of the military offensive in North Darfur.

12. With the focus on Darfur and the tactics of getting Khartoum to accept a UN force—and the tactics of resistance from the GoS—the wider picture of the future of the CPA has gone out of focus. A refocusing on the strategic objectives for Sudan is urgently required.

## **The Future of AMIS**

13. The formula of “AU Plus” on the table is, in principle, workable. It would have been far better to have tabled and pursued this strategy a year ago, before AMIS became run down, demoralized and politically compromised. It could still work now, but the odds against it are formidable.

14. One set of problems with boosting AMIS by providing UN support within the AMIS structure is that the AU is no more capable of leading a serious political or military effort than it was a year ago. AU Chairperson Konare continues to be a law unto himself, refusing to consult with his senior staff on Sudan and making statements that contradict what they have been working on. There is still only one full time professional working on Sudan at AU HQ in Addis Ababa. The appointment of staff to the Khartoum and Darfur offices remains casual and haphazard. Abdul Mohammed, slated to lead the Darfur-Darfur Dialogue and Consultation, has yet to receive a contract and has only this week received a letter requesting his secondment from the UN for this important task.

15. The departure of Amb. Kingibe is an opportunity for the AU to do better. However AU HQ has yet to realize the seriousness of the challenges it faces in Sudan and is continuing business as usual. It has failed to take the repeated opportunities for strengthening its Sudan unit in Addis Ababa and its DPA implementation unit in Khartoum.

16. The most serious problem facing the AU is that its troops have become seen as partial. The particular problem here is the expulsion of the non-signatory groups from the CFC in August. If AMIS is to have any chance of playing a significant role in the coming months, the AU must reverse this disastrous decision and take steps to build confidence with the non-signatory SLA, the G19 and the NRF/JEM.

17. The AU Commission is unlikely to strengthen itself and achieve the necessary impartiality on its own. The most logical step would be to convene a contact group of African ambassadors, including those from AMIS troop-contributing countries (Nigeria, Rwanda, Senegal, South Africa, plus at least one of Algeria and Egypt), to form a high-energy political backup to the new AU Special Representative and the AMIS Force Commander. Their role could compensate for some of the inadequacies of the AU and AMIS.

## **Security and Protection**

18. Darfur’s security and protection crisis has several components, including the GoS offensive and NRF/JEM attacks; the proliferation of armed groups; lack of protection around IDP camps; and attacks on humanitarian workers. Responses demand both immediate and long-term strategies.

19. The GoS is poised to launch its largest military offensive in Darfur since early 2004. While that offensive utilized the Janjaweed as its principal strike force, the GoS is now deploying regular army units including many elite units. It has been bruised by recent losses in action against the G19 and NRF and does not want to repeat that experience. The offensive seems certain to focus on North Darfur and Bashir has indicated that he does not want any ceasefire with the NRF. It is not clear if he will accept a ceasefire with the non-signatory SLA groups.

20. While a new offensive would certainly result in major displacement and indiscriminate violence against civilians, to describe such an assault as “genocide” would be misplaced. The offensive is in pursuit of military objectives which, in view of the ongoing military activities of the G19 and NRF, are legitimate under the laws of war. However, it is a violation of the ceasefire, may well create a new humanitarian crisis, and set back the prospects of any political settlement. It may also escalate into a war in Chad.

21. A major offensive will also discredit Minni Minawi, especially as the GoS will use his forces in the vanguard, partly because of their knowledge of the terrain and the enemy, and partly to deflect criticism. Security is signaling Minawi’s weakness by showing the vulnerability of his offices and people in Khartoum.

22. In other parts of Darfur there is continuing insecurity, resulting from the intersection of localized causes, each with its particular etiology. An example is Goreida in South Darfur. Goreida requires both political intervention and a robust protection force, which AMIS is unable to provide. More widely throughout Darfur, there is a proliferation of armed groups under local command with uncertain political loyalties. Although the situation appears anarchic, each of these has some recognizable leadership. One of the key tasks of the DDDC is to bring all the leaders of communities and armed groups together to agree on mechanisms for arms control, restriction of militia activity, and ultimately disarmament, all by consent.

23. The decline in AMIS’s operational capability is also exposing IDPs to increased risks of attacks including rape. An enhanced policing function in the vicinity of camps is called for. As currently constituted, AMIS cannot do this.

24. Humanitarian operations are becoming more dangerous. In part, this reflects the emergence of a Darfurian war economy, with rebel groups and bandits provisioning themselves from aid supplies. The provisions in the DPA comprehensive ceasefire for non-military supplies to the forces of the movements was designed precisely with averting this scenario in mind. One aspect of a new comprehensive ceasefire should be measures to provide non-military supplies to those armed groups that comply with the ceasefire, in order to reduce this phenomenon.

25. The increase in attacks on aid workers, and the concomitant restriction on humanitarian access, appears to reflect this local war economy dynamic as much as the escalation of the war. Serious though the humanitarian limitations are, the increasing violence against aid workers should not be taken as a simple indicator of comparable

increasing violence against civilians. Nor should the restrictions on humanitarian access be taken as an indicator of widespread and deep humanitarian crisis. The political and security crises are severe enough without needing to exaggerate the humanitarian crisis.

### **The NCP is Still Negotiating**

26. The GoS is pursuing parallel tracks. The NCP's electoral calculus remains that it needs the majority constituencies in Darfur if it is to obtain a plurality in the 2009 elections, and that means cutting a deal with the mainstream SLA-AW/AS. The NCP has sent emissaries to Abdel Shafi in Asmara and is negotiating through intermediaries in Khartoum. What it has offered are significant concessions in line with Abdel Wahid's demands, made in mid-May for greater compensation and greater representation in Darfur. The deal that was almost closed in mid-May between the NCP and SLA-AW around an "implementation protocol" to the DPA still has life left in it.

27. The SPLM is moving very slowly towards playing a role as a deal broker for Darfur. It remains hampered by its own institutional dysfunction, meaning that the leading SPLA members in the GoNU operate more as individuals than as a team, and the overstretch of its key northern Sudanese political figures.

### **The Movements in Disarray**

28. The SLM-Minawi is being set up by the GoS to fail. The NCP is playing upon the weaknesses of Minawi, including his deep suspicion of any Darfurians who are not members of his inner circle, to set up Darfur's transitional institutions in such a way that they will quickly become ineffectual and discredited. Minawi is smart enough to know the game that is being played, and is signaling his readiness to resist and if necessary withdraw from the GoS. He has pointed out that the decisions to set up the TDRA institutions are not correct. But he has failed to broaden his circle of political advisers and appointees.

29. Most seriously, Minawi is still in denial about the extent of his culpability for serious and ongoing human rights abuses. The period of grace which he earned through his signature on the DPA has run out and he stands right in the firing line for accusations of human rights violations in every way as serious as those perpetrated by the GoS and Janjaweed. In due course, these human rights issues are certain to do immense damage to Minawi's reputation and that of his backers.

30. While the Darfurian populace remains largely hostile to the DPA, political leaders recognize that there is no alternative to a negotiated settlement, and that the DPA is, at minimum, an essential starting point. At this juncture there is zero prospect of getting the non-signatories to agree to the DPA as it stands. There is a modest but real chance of getting them to sign on to the DPA plus a codicil or implementation protocol. An active group of Darfurian community and political leaders is working on this, using the draft "implementation protocol" from mid-May as its template.

31. The SLM-AW/AS has failed to extricate itself from its confusion. Having voted to depose Abdel Wahid, the Abdel Shafi group has been unable to consummate its internal coup. While it wants to hold an inclusive conference, it has given different contradictory proposals for how this should be done. This has given Abdel Wahid sufficiently political space to reassert himself, principally as a spoiler, using his funds to buy support. Needed is some firm guidance to enable the SLA-AW/AS plus the G-19 to hold their promised conference, after which they can re-engage with the political process. The U.S. has both encouraged this conference and failed to act in support of it. Currently the EU has stepped into the breach and is offering to fund a conference. Although the previous experience with SLA conferences was disappointing, this opportunity should not be foregone.

32. The G19 lacks a political wing but is still resisting being consumed by the NRF. The key individuals are Jar el Nabi Abdel Karim (the most honest, if over-emotional, of the G19 leaders), Adam Bakheit (the most militarily accomplished) and Suleiman Marajan (who commands the loyalty of most Meidob). If there is rapid political movement towards reunification of the G19 with the SLA-Abdel Shafi, the majority of the Darfurian opposition forces can be brought into the political process.

33. Although the JEM-NRF is primarily acting as a spoiler, JEM members are continuing to reach out to be part of the political process. Their military aggressiveness over recent months has not had the desired effect and their rear base in Chad is extremely precarious. The door should be kept open for JEM-NRF to rejoin the CFC and the negotiating process.

34. Various third parties have offered their services in assisting the GoS and SLA reach agreement. As well as the U.S.-UK-EU-Netherlands group, there is Egypt and several Sudanese NGOs. Justice Africa has been requested by the SLA-AW/AS to play a role in convening the conference, with EU financial backing, and is ready to take on this task if it is acceptable to the SLM-Minawi, GoS and international partners.

### **Building on the DPA**

35. The key outstanding issues to enable the DPA to become acceptable to the Movements are:

- a. Increasing the money in the Compensation Fund;
- b. Improving the number of legislative and executive posts for the Movements in the Darfur state and local authorities;
- c. Ensuring that the Movements have a more active role in monitoring the disarmament of the Janjaweed and the return of refugees and IDPs to their homes.

36. These are exactly the issues raised by Abdel Wahid in May and developed in detail in the post-Abuja discussions on an implementation protocol with him. The difference between the parties on substantive issues is slight. The distrust is extremely deep and a

truly credible mediator is needed to bring off a deal. Serious attention needs to be given to the mediator for such a deal.

## **Chad**

37. President Idriss Deby has played his cards well over the last few months, and has succeeded in heading off the most immediate challenges to his rule. But his health remains precarious and his government is merely in a lull between the last crisis and the next. The option of an international force (perhaps headed by France) providing security in eastern Chad seems to have fallen off the table, perhaps because of the French peacekeeping commitment to Lebanon. It would be unwise to overlook the probability of a new political crisis in Chad with far-reaching security implications.

38. Any GoS offensive in North and West Darfur will involve Chadian territory and run the risk of sparking renewed conflict in Chad.

## **Next Steps**

39. Clarity of purpose and leadership is needed on the political front. The key steps should be

- a. To reconstitute an inclusive Ceasefire Commission. At minimum, SLA-AW/AS and JEM should be re-admitted. Preferably, the CFC should have every armed group currently in the field represented (e.g. G19). A compromise would be to allow in additional groups as observers.
- b. Relaunching the negotiations process. Most parties have signaled readiness to negotiate over an “implementation protocol” to the DPA similar to that discussed in mid-May.

40. Progress on this front should also open up options for better peacekeeping. It should be borne in mind that one reason for the GoS opposition to UN troops is that a Chapter VII force operating in an ongoing war must have, for its own operational reasons, an open-ended mandate. This inevitably raises deep GoS fears. The more restricted mandate that goes with implementing a peace agreement, or a comprehensive ceasefire, is much less threatening.

41. While the basis of the CFC and JC remains the N’djamena agreement of April 2004, it is worth recalling that the SLA-AW agreed with all aspects of the comprehensive ceasefire chapter of the DPA in May. Indeed, Abdel Wahid even canvassed the idea of signing up to that chapter as a separate Protocol, but was refused by the AU. If such a step could help stabilize Darfur, it is worth trying.

42. Re-launching political dialogue aimed at an inclusive settlement is essential. An “implementation protocol” is under discussion. This is little changed from the document that was discussed between Majzoub al Khalifa and Abdel Wahid a week after the signing of the DPA in May.

43. Clear leadership and ownership of the process to bring this to fruition is necessary, to avoid the danger of competing initiatives. At present, the British are the de facto lead, along with the U.S., EU and Netherlands. An African leadership role will be necessary to bring this to completion.

44. The best option for an African leadership role is a contact group of African ambassadors, drawn from the AMIS troop-contributing countries, to work in partnership with the U.S.-UK-Netherlands troika.

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