

Prospects for Peace in Sudan

Briefing: December 2006

Overview

NIF-NCP: confusion over internal strategy

Need for a clear plan. Steps (1) UN-AU envoy (2) CF (3) SLM (4) peace talks

SLM disunity: AW arrest of Babiker etc

Greater unity than ever among Darfurians against JJ; even MM thinking of quitting

1. This is the first in a series of monthly briefings on the situation in Sudan, primarily aimed at the AU, UN and international partners. This briefing has a particular focus on Darfur, providing an overview of the situation as it has developed six months after the partial signature of the DPA in Abuja. (Subsequent briefings will be more concise.) It also discusses the linkages between Darfur and the neighbouring countries and the implications of ongoing developments for the CPA and the democratic transformation of Sudan, an issue sharply brought into focus by the fighting in Malakal at the end of November.
2. Recent months have seen a paralysis of DPA implementation, the fragmentation of the SLM-AW, the militancy of JEM/NRF, and the remilitarization of the GoS strategy. The substantive issues in the DPA that caused the SLM-AW and its various splinters to refuse to sign are relatively slight. Since June, discussions have been ongoing on these topics and in principle, agreement is not difficult. Much more difficult is the challenge of achieving sufficient trust between the belligerents and establishing a credible political process. Key to overcoming these problems are: (1) a working Ceasefire Commission, (2) a cohesive SLM and (3) an international consensus around the long-term outcome for Sudan. An approach based on sequencing the steps is needed. Success is not guaranteed. But adopting an approach based on deadlines and threats only guarantees further failure.
3. Conflicts in Chad and Central African Republic are closely related to the conflict in Darfur, and are being fuelled by the GoS. However, the internal roots of these crises should not be overlooked.
4. While international attention is focused on Darfur and on obtaining short-term tactical concessions from the GoS, there are bigger strategic stakes to play for. Most important of these is maintaining the CPA and with it the process for the democratization of Sudan. Should the CPA break down, we will face the strong possibility of a contested partition of Sudan, with consequences far greater than those of the current crisis. The conflict in Malakal is the most serious security incident since the signing of the CPA, and points to some serious political-military problems.

5. The most important step for the AU, UN and international partners is to move away from making threats against the GoS with the aim of obtaining short-term concessions with at best uncertain implications, to a long-term strategy for peace and stability in Sudan. This requires following a short-term stabilization strategy for Darfur (outlined) alongside developing a long-term strategy for Sudan.

Darfur Since Abuja

6. Very shortly after the conclusion of the Abuja talks in May, it became apparent to the Sudanese parties that the DPA was doomed with just the signature of Minni Minawi on the rebel side. His power-based was too small (and has subsequently shrunk) and his reputation for human rights abuses too bad for him to be a credible leader for all of Darfur. The strategy of obtaining critical mass in favour of the DPA by bringing the various splinters of the SLM-AW into the DPA briefly held out hopes of progress but stalled after the two batches of signatories in May and June.

7. The SLM-AW was already fragile and after May began to disintegrate completely. The Group of 19 (calling themselves SLM-Unity) emerged as the group in control of the largest territory with considerable popular support. In July, Ahmed Abdel Shafi and 30 SLM commanders from the core Fur group announced the “ouster” of Abdel Wahid, but were unable to consolidate their coup. Although the Abdel Shafi group is more powerful than the remnants of the Abdel Wahid group, it does not command the exclusive allegiance of the Fur. Other splinters include two SLM-Free Will groups, the Abul Gassim Imam group that has accepted to ally with the GoS, the SLM-Arab grouping led by Ibrahim Madibu, and several independents. The majority of the splits occurred because groups were discontented with Abdel Wahid. The largest of the two groups—the G-19/SLM-Unity and the SLM-Abdel Shafi—have both expressed their determination to (a) reunite and (b) re-engage in the peace process. They have not, however, had the opportunity to do either.

8. The SLM-MM has also split, with numerous defections, especially to the G-19/SLM-Unity and to form independent breakaway groups. Minawi has played his cards poorly, refusing to embrace the Darfurian groups that have wanted to join the DPA, and taking the senior positions awarded to Darfur by the DPA entirely for his own loyalists. Minawi’s most serious defections occurred in November when almost all his commanders in eastern Darfur split away, attacked targets in south-east Darfur and Kordofan, and announced their intention to coordinate with the NRF.

9. JEM has followed a clear strategy of military escalation, including the formation of the National Redemption Front. The NRF has the backing of Chad and Eritrea and the goal of overthrowing the GoS by force. It has widened the war with attacks into Kordofan and the deep south of Darfur (the latter prompting a campaign of burning of Zaghawa villages in south Darfur by the Habbaniya militia). The NRF has brought onside Sharif Harir and Ahmed Diraige. It also has Khamis Abbaker (SLM Masalit, who has to follow Chadian instructions as his forces are in Chad) and the G-19/SLM-Unity (which has been crying out for the opportunity to split and rejoin with a united SLM, but has been forced

into military dependence on JEM because of the ongoing war). The NRF has scored consistent and significant military successes, due to a combination of its tactical alliance with the G-19 and the low morale and military disorganization of GoS forces. A series of GoS attacks succeeded only in delivering large quantities of materiel to the NRF and boosting the latter's morale. The GoS is deeply worried by the military situation.

10. The GoS response to this impasse was to remilitarize its strategy for Darfur. During the Abuja talks, Majzoub al Khalifa had aimed to bring the SLM-AW into his electoral strategy for Sudan, thereby ensuring that the NCP could obtain a commanding position in the 2009 elections. The GoS had also conceded far more than it wanted to on security arrangements, but could tolerate these concessions if there were an effective ceasefire and the end to the destabilization from Chad. By July it became clear that (a) the electoral strategy was not working, (b) the war was continuing and (c) there was no workable constraint on Chadian-Eritrean ambitions for regime change. Bashir therefore set aside the security arrangements of the DPA (insisting on expelling the non-signatories from the CFC) and put Darfur in the hands of his generals. While the offensives in Darfur have not only failed but backfired, the GoS-backed offensives in Chad are making more significant headway.

11. Simultaneous with the end of Abuja, the NCP conducted an internal review of Sudanese-US relations. Their central question was, "despite our cooperation on counter-terrorism, and on North-South peace, the US always demands more. What will satisfy them?" The final conclusion to this review is not known. But some of the analysis presented made the case that the US has an insatiable appetite for demanding concessions from Khartoum, and that if one short-term concession is made, it will simply be followed by another and another. The NCP saw the Democrats as more hawkish than the Republicans. Their fears include US support for the secession of the South, and a UN force imposed with a mandate to arrest individuals indicted by the ICC. In Sudan, the term used for UN troops in Darfur is "international forces," (quwat dawliya), the same as is used for Coalition forces in Iraq and Afghanistan.

12. The militarization of the GoS strategy for Darfur has implications beyond Darfur. It involves support for insurgencies in Chad and CAR and preparations for possible renewed war with Southern Sudan. Like all GoS decisions, it is essentially tactical and can be reversed. But those within the GoS who are pushing for compromise and a political approach do not have a clear strategy, and so the generals are having their way.

13. The international approach of trying to implement the DPA without first gaining the support of the majority of the Darfurian population has not succeeded. An emphasis on popularizing and explaining the DPA cannot now work. Decisions such as expelling the non-signatories from the CFC and JC only worsened the distrust between the non-signatories (and with them the majority of Darfurians) and the AU, which is widely regarded as having taken sides in the conflict. For the AU's credibility with Darfurians, it is essential that it is seen to be engaging with the non-signatories in a sincere way.

14. The international campaign focused on UN troops has been a distraction from the central issue of a political settlement and much of the saber-rattling over non-consensual deployment of troops has only resulted in the GoS taking a more hard-line position. It is important that the issues of a political settlement and peacekeeping are properly sequenced and prioritized. Since the Addis Ababa meeting of 17 November that has now occurred, in principle.

Substantive Issues in the DPA

15. Following Abdel Wahid's refusal to sign the DPA on 5 May, his group raised three issues with the DPA. These are relatively minor issues that could have been accommodated by the GoS with a little more flexibility. In order to avoid the problem of being seen to renegotiate the DPA, Abdel Wahid was ready to contemplate an "Implementation Protocol" to the DPA covering these issues. Abdel Wahid himself proved too erratic to stick to the point. Abdel Shafi was party to these discussions and has raised the same issues in a more consistent manner. The G-19/SLM-Unity have expressed the same concerns.

16. On security, the SLM-AW group demanded (a) SLM representation in the forces disarming the Janjaweed and/or monitoring the disarmament of the Janjaweed, plus (b) joint SLM-SAF patrols to ensure the security of returning refugees and IDPs. When these issues were raised with GoS, they were amenable. They can be accommodated as implementation issues within the DPA.

17. On compensation, the SLM-AW still persists in the misapprehension that the DPA does not include provisions for compensation. They demand a larger GoS down-payment into the compensation fund. Figures between \$100m and \$250m have been mentioned. The private consensus among the pro-peace individuals in the SLM is that an additional \$100m on top of the \$30m promised thus far would be sufficient provided it is made clear that this is only the additional payment. This can be accommodated as a DPA implementation issue.

18. On power-sharing, the greatest difficulties arise. The SLM demands parity of representation across the Darfur states in both executive and legislature. It is possible they may settle for slightly less. The NCP has indicated that party-to-party negotiations on this are possible once the DPA is signed but this does not satisfy the SLM. The only way in which this could be accommodated as an SLM implementation issue is for the states to hold constitutional reviews (as allowed under the CPA) and change their legislatures and executives accordingly. If this path is to be followed, the constitutional reviews could be part of the DPA implementation protocol, and the content of those reviews could be stipulated in a party-to-party memorandum. This is probably too vague to satisfy the non-signatories. On this issue, political leadership from the AU-UN to demand a specific revision to the DPA may be required.

19. The narrowness of the substantive differences between the parties holds out the hope that these issues can be rapidly resolved. However, caution is in order. The SLM non-

signatories have a deep distrust of the GoS and only a slightly lesser distrust of the AU. As far as they are concerned, the DPA is dead. If they see a renewed political process as simply a cover for compelling them to sign the DPA with a couple of symbolic concessions, they are unlikely to agree. Issues of presentation and ownership are central to success.

Procedural Issues

20. The main difficulties in getting the political process to move forward are (a) the complete lack of trust between the parties (and between non-signatories and the AU and the GoS and the US) and (b) the lack of coherence in the SLM. Contributory to this has been the failed attempt to implement the DPA without the support of the majority of Darfurians. The aim of the exercise is to re-engage the SLM in negotiation leading to it signing a suitably enhanced DPA. But this can only happen if some preconditions are met.

Ceasefire and Ceasefire Commission

21. The first and most important step to rebuild trust is to have a working CFC and JC. The expulsion of the non-signatories from the CFC and JC was an error. In November the AU invited them back in to a second chamber of the CFC and JC. This is a start. However, for this to be credible, (a) the CFC and JC must meet much more regularly, (b) the representation of the non-signatories in the CFC and JC must be revisited, such that the SLM non-signatory groups can select one (or more) representatives and (c) the non-signatory representation in the CFC must not be seen as “second class.”

22. All the SLM groups including the G-19/SLM-Unity have expressed their desire to be bound by a ceasefire. JEM has not. However, as events unfold in Chad it is possible that the JEM position may change.

23. A working ceasefire is a precondition for security in Darfur and expanded humanitarian access. The N’ djamena ceasefire still applies in theory but is unworkable. The DPA comprehensive ceasefire has not been applied. The best option is to ask for all parties to sign on to phase 1 the Comprehensive Ceasefire in part 1 of chapter 3 of the DPA. This covers disengagement of forces and the demilitarization of humanitarian supply routes and IDP camps, plus the establishment of a more robust and working CFC. Given that phase 2 and subsequent activities in the security arrangements cannot be implemented until there is an agreement that includes all, this obviates the need for a two-tier CFC and JC, because the only issues to be discussed in those commissions will be issues that apply to all parties.

24. An important part of making the ceasefire work is establishing confidence among the parties on the ground, including explaining the provisions of the ceasefire and how they are to be implemented. Confidence-building visits will take some weeks to organize and implement but are well worth the time and effort.

Obtaining Cohesion among the SLM

25. The principal concern of the most powerful and influential SLM groups (G-19/SLM-Unity and SLM-Abdel Shafi) are the re-establishment of SLM unification. This is also an essential prerequisite for serious engagement with the peace process, because without it no single leader or group will possess the mandate or legitimacy to sign the DPA and/or an implementation protocol.

26. The need for an SLM conference has been recognized since 2003. The Haskanita conference in 2005 discredited the idea for a while but it needs to be revived. Since July, the G-19/SLM-Unity and SLM-Abdel Shafi have been talking about this. Their preferred option is to have it in two stages, first a commanders' conference in which the field commanders select the agenda and venue and second, a leadership conference in which a new leadership is chosen. The two can follow immediately one from the other. These two groups had planned to start this process in November but were delayed because of military actions. In addition, Justice Africa was promised funding by the EU to support this process but the funds have not been forthcoming yet. The U.S. has indicated its in-principle support for such a process since August but has not delivered, while U.S. proposals to utilize a group close to SLM-MM as the convenor raised suspicions among the SLM non-signatories.

27. The GoS is ambivalent about an SLM leadership conference because it fears a stronger SLM. However, the conference will also draw the G-19 out of the NRF orbit and lessen the military threat. Minawi does not want a conference because his own legitimacy will be put in doubt when there is a reputable SLM leadership in Darfur. JEM does not want the conference because it will split the NRF. Rather, it is backing Eritrean proposals for mediation of the conflict in the anticipation that these will allow for the consolidation of the NRF.

28. The bottom line is that, until this conference goes ahead, the SLM cannot participate effectively in any peace process. The commanders' conference is necessary for the SLM groups to be represented in the CFC and the leadership conference is necessary for the SLM to credibly join any renewed peace process. It would be an error to cut out this phase or to impose preconditions and tight timelines upon it.

International Consensus

29. The last precondition for an effective conclusion to the DPA process is for the GoS to have confidence that the international community is committed to single finishing line, and especially that the US will not keep escalating its demands on Sudan. This consensus is difficult for the AU and UN to achieve. However, the AU and UN can do several things to allay the most extreme, and hopefully unfounded, fears in Khartoum.

30. The approach of setting deadlines and making threats as to what will happen if those deadlines are not met has never worked in Sudan. The deadlines themselves are always too short to allow a serious strategy to be developed and implemented, and the threats are almost always empty and not taken seriously by the parties. The most recent US threat of unspecified action to be taken if the GoS does not agree to a UN force by 1 January is a case in point. Whatever Special Envoy Natsios intended, this was interpreted in

Khartoum as a threat of military force which simply invited GoS rejection of a UN role in command of a Darfur force, a rejection that duly occurred. The AU and UN should make it clear that the process of concluding the DPA is not bound by arbitrary deadlines which cannot be met. Rather, the process will follow the Sudanese pattern of being patient and inclusive. In the case of concluding the DPA, success will take at least two months, and any short-cuts will simply lead to frustration and prolong the process.

Re-starting the Negotiations

31. The Eritreans have offered to mediate between the GoS and the non-signatories. Anticipating that this will not succeed, the GoS has agreed. The Eritrean rationale is that it succeeded in Eastern Sudan and can repeat that success. This will not work. The Eritreans do not have the same power over the Darfur Movements that they have over the Eastern Front. The Darfurians will demand international presence at the talks and guarantees over the outcome. Moreover, the recent Eritrean detention of SLM members who disagreed with the NRF and Abdel Wahid's leadership has resulted in a complete breakdown of trust between SLM members and Eritrea, such that the former will not be ready to return to Asmara.

32. The best formula for a re-launched negotiation process is a joint AU-UN effort, backed by a group of "friends" of the process, which should include both African and international partners. Options for the exact document that should arise from this process should be kept open.

The DDDC

33. In the current circumstances, the DDDC cannot proceed. It must await the preparatory steps of concluding the DPA first. However, important preparatory steps can be taken, which can build confidence that the DDDC can play its wonted role in support of long-term peace and stability in Darfur. The key immediate step is the creation of the DDDC Preparatory Committee and establishment of its rules and procedures. Meanwhile, its overall principles should be stated loud and clear: it is an inclusive and participatory process that aims to achieve consensus among Darfurians, and it will do whatever is necessary to achieve that consensus.

Chad and CAR

34. The conflict in Darfur has re-ignited conflicts in Chad and Central African Republic. The surprise is not that this has occurred, but that it has taken so long to do so. Both Chad and CAR have long-standing internal political problems of such gravity, and have been misgoverned by their respective rulers, that civil war has been all-but-inevitable for some years. While the spark for these conflicts has been armed attacks by insurgents based in Sudan and supported by the GoS, it would be a mistake to see these conflicts simply as "spillover" from Darfur.

35. The GoS strategy is clearly to overthrow Idriss Deby and Francois Bozize governments and install more friendly regimes. In removing Deby, the GoS expects that Chadian support to the NRF will dry up and it will then have the military upper hand.

Should the Deby government fall, this will be to the immediate advantage of the GoS. That would be a good moment for the GoS to return to the negotiating table, confident that it can bring JEM/NRF into a deal. On past record, however, it is more likely that the GoS will try to press home its military advantage and spurn negotiation.

36. The Chadian offensive also has the advantage, for the GoS, that it allows the Chadian-origin Arabs who have provided a large part of the Janjawiid militia to carve out a sphere of control in Chad, thereby lessening their problematic territorial and administrative demands in Darfur.

37. These are short-term gains for the GoS only. Its proxy forces are not in a position to control the Chadian state, and the outcome is likely to be a new and intractable civil war in both Chad and CAR, with negative consequences for the stability of the whole region. Unfortunately, there is no credible political process in either country that can bring all domestic stakeholders together, including belligerent groups, and thus provide a forum for a common political process that can minimize external destabilization.

The CPA and the South

38. The outbreak of fighting in Malakal has highlighted what has been apparent for some months, namely the precarious condition of the CPA. The absence of any serious violation of the security arrangements of the CPA until this time has been a remarkable success. But the mounting list of failures in implementing the CPA and putting in place the essential conditions for a common security strategy, has boded ill.

39. Among the CPA implementation failures, the most notable are the GoS refusal to accept the report of the Abyei Boundary Commission; the absence of a constitution for South Kordofan state; the lack of progress in establishing the mechanism for demarcating the North-South border; and the slow progress in establishing the Joint Integrated Units. Within the South, the management of security and the restructuring of the army remain major concerns. Key problems have been the integration of the SPLA and other armed groups including the SSDF (the issue that sparked the Malakal fighting) and the payment of SPLA soldiers. Absent a full list of SPLA combatants, the SPLA has channeled payments through commanders, who have enjoyed de facto personal discretion in distributing this money. The weakness of the SPLA command and control structures has allowed personal ambition and rivalry to flourish, and has also provided plenty of points of leverage for Khartoum's Military Intelligence to identify and exploit potential partners and spoilers.

40. The remilitarization of the GoS strategy for Darfur, with the implicit downgrading or even abandonment of the NCP electoral strategy, has disturbing implications for the South. This crosses the line between an NCP strategy aimed at implementing most of the CPA, such that it stays as the central power-broker in partnership with the SPLA, to an NCP-security strategy aimed at staying in power at any cost. Alongside this, the NCP realizes that, almost two years after signing the CPA, there has been no progress at all in

making national unity attractive to the Southerners. To the contrary, the likelihood of Southern separation has only increased.

41. An increasing number of senior Southerners believe that it is only a matter of time before there is a renewed war between North and South. Should the NCP unilaterally abrogate key provisions of the CPA, there will be growing calls in Southern Sudan for unilateral secession. With more than three million Southerners in the North, a militarily fragmented South, and the militarization of displaced populations in the North, such a contested partition is a recipe for violence and humanitarian conflict on a huge scale. Both Khartoum and the SPLA are organizing their military forces with this war in mind.

Absence of a Long-Term Approach

42. Some Sudan activists attribute a Machiavellian genius to the senior security and NCP leadership in Khartoum. Certainly, President Bashir and his circle could not have survived for 17 years amid regionalized war and international ostracism without some formidable skills at managing crisis. However, the repeated perfidy of the GoS is more an outcome of its internal fractiousness and the constant reordering of the ruling coalition, than of guile in pursuit of a long-term ideological agenda. No agreement or political position lasts longer than the particular internal power configuration from which it arose. The difficulties of obtaining internal agreement on any policy position account for both the GoS's inconstancy and the fact that the security cabal pursues its militarized divide-and-rule approach at all times except when deliberately instructed not to do so.

43. For the most part, international engagement with Sudan has focused on obtaining tactical concessions from the GoS. This approach augments the GoS's habitual short-termism and plays to its tactical astuteness and prevarication. On reflection, it is evident that the success of the Naivasha process was founded on (a) its readiness to remain engaged and focused despite the switchback of shifting circumstances and postures and (b) the implicit agreed rule of the game, which was that the CPA would be Sudan's best chance for unity and that it would establish the NCP and SPLA as a diarchy in the country, thereby guaranteeing the existing GoS as the key power-broker. The Darfur negotiations, especially following the death of John Garang, proceeded without such assurances. This was both a feature of an unfocused international engagement, and an outcome of the structure of the problem—if the GoS had conceded the Darfur Movements' central power-sharing demands, it would have accepted a logic for redistribution of power that, if applied to other parts of Northern Sudan, would have amounted to conceding power.

44. The NCP-security coalition has no aim other than staying in power in a united country. If implemented, the democratic provisions of the CPA and DPA make both these aims very uncertain propositions. The NCP-security's alternative strategy of remilitarizing Sudan's political process portends a worse crisis, but the leadership calculates that it can remain in power despite turbulence in its peripheries, and even the attempted secession of the South.

45. Sudan will be at best unstable and at worst in deepening crisis for the next decade. The flashpoints for crisis are likely to be precisely those steps in the CPA and DPA that enjoy most popular support, namely elections and referenda. Experience of political transitions indicate that if elections or referenda are held before there is a broad political consensus on the identity of the nation and its common political values, these exercises are likely to polarize the populace and spark conflict. The process of consolidating a national identity and civic political culture should preferably come first. In Sudan, this sequence has been reversed. This makes management of Sudan's transition particularly challenging.

46. Most in the international community will be tempted to stick by the letter of the CPA and DPA, regarding these agreements as wholly binding on the GoS and other signatories. Major revisions to them certainly hold out the prospect of new and challenging rounds of negotiation. But the alternative of failing to renegotiate key provisions as circumstances change has potentially fatal implications.

Next Steps

47. This briefing has outlined some specific steps that can assist in expediting progress towards a political settlement for Darfur. It would be unwise to set a rapid timetable for these steps or to insist on strict procedural or substantive preconditions for engaging the non-signatory Darfurian Movements. Setting up a live political process is more important than salvaging the precise provisions of the DPA.

48. Equally important is refocusing attention on the long-term future of Sudan. While Khartoum and its rulers have been the source of most of Sudan's problems, they must also be the major part of the solution. The strategy of democratic transformation of Sudan and self-determination for the South is in grave peril. Serious attention must be paid to how these essential goals can be squared with the imperative of stability.

Alex de Waal
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