

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 got off the slippery slope to conflict. 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.
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 Hamati from cooperation with GoS is a very significant development. Especially important is Hamati's cooperation with Abdel Wahid al Nur's forces. This leaves the GoS very vulnerable in South Darfur. This may be the augur for a new war, or it may be the prelude to a couple of raids in which Hamati demonstrates his strength, 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 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 US to declare victory and refocus their efforts.

The Crisis in the CPA

7. 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 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.

8. It appears that the SPLM initiated the walk-out from government with minimal internal consultation. It was primarily the work of several senior members—notably Pagam Amum and Yasir Arman—without obtaining a consensus of 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 is now in a trap of its own making—what is it to do if the demands are not fulfilled? Meanwhile, the crisis—and the SPLM's inept response to it—has shone a spotlight on the SPLM's own internal divisions.

9. 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 that the SPLM itself is responsible for a number of the problems. Prominent among these are the failure thus far to relocate SPLA forces south of the internal border and the poor performance of the GoSS, whose legislature has yet to pass a single bill. 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.

10. 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 within 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.

11. 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 possible, even probable.

12. 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. 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.

Inside the SPLM

13. 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.

14. The Kiir government might be called 'Garangism without Garang.' Kiir has reproduced the centralized and arbitrary decision-making style of his predecessor. He has given prominence to individuals who do not have a long history or a strong constituency within the movement. His great achievement (which Garang could not have made) 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, has not been taken. He faces the latent challenge of the large secessionist bloc within the SPLM, whose leaders have yet to show their hand. However, Kiir's own separatist preference was on display when he advised Southern voters that the North would try to bribe them in the referendum but they should vote for 'what we fought for—a separate South.'

15. 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 neighbouring governments. Kiir has not yet managed to emulate these.

16. The NCP strategy for dealing with the SPLM is to control it from within by purchasing the loyalty of individuals and using its organizational skills wherever it has limited executive power under the CPA. It may succeed in further factionalizing the SPLM, augmenting the divisions and weaknesses that already exist.

17. The SPLM has built neither strong party institutions nor strong GoSS institutions. This prefigures political crises as the elections approach and as the 'popular consultations' on the status of South Kordofan and Blue Nile approach.

18. The SPLA faces immense challenges in creating a unified and effective army. Prominent among these is the question of the division of power between the chief of staff and the minister for SPLA affairs (the defence minister). The chief of staff, not unnaturally, prefers that military intelligence should fall under him. The minister prefers the system, prevalent in Arab countries (including Sudan) for military intelligence to report directly to the minister. The latter arrangement almost always results in military

intelligence developing into a separate operational military structure on its own, running paramilitary forces that compete with or challenge the army. The SPLA is using its (unduly high) salary payments to its (unduly many) troops to buy loyalty—a perilous strategy because (a) the amounts of money needed are so great, (b) there is no centralized roster of SPLA troops and hence the payment system goes through commanders, making it a locus of corruption and (c) loyalty is guaranteed only as long as the payments continue. The SPLA recruitment of Baggara Arabs into its forces, with the intent of establishing a separate Arab brigade within the SPLA, reflects the financial attractiveness of joining the SPLA.

19. The SPLM has not resolved the fundamental question of whether it favours separation or unity. Without a resolution of this question it will not be in a position to mobilize the population for war. If it is separatist, then it cannot count on the support of current SPLA supporters in the North. (The SPLM has not been explaining to the people of the Nuba Mountains and Blue Nile that the ‘popular consultation’ provided for in the CPA does not include the option of self-determination, in the form of joining the South.) If it is either unionist or undecided, then major Southern constituencies would not support the war, and the GoS would be able to exploit this confusion.

NCP Realignment

20. The biennial congress of the NCP met in late November, fortuitously timed such that the leadership could evaluate its relations with the SPLM and respond accordingly. There was vigorous debate. 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. Hassan al Turabi’s Popular Congress is not on the list but it has been allowed to hold its own party congress.

21. The northern party leaders are responding cautiously but seriously. 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. The Sudan Communist Party is even entertaining the option of this realignment.

22. The implications of this strategy are that the NCP would no longer embrace the SPLM as allies in the North, though they would almost certainly continue to do so in the South. Instead, the NCP and the old 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 the Presidency.

23. 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 necessary 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 is delayed, and consequently new voter registration and the demarcation of new constituencies falls behind schedule, this becomes 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, and that the referendum on self-determination should be postponed until such time that South Sudan can conduct a complete, free and fair election.

NCP-SPLM Relations

24. 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.

25. Kiir has a tendency to conduct relations with the NCP through press release rather than internal discussion, which becomes a particular problem when he has not been well informed by his advisers, some of whom are less than competent. The NCP has been much quieter in public.

26. 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. As separation is a real option 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. However, the lack of trust between the parties is such that this is unlikely to be possible. Rather, each will second guess the other and develop parallel strategies for what will happen in the case of separation. This is a recipe for violent dispute. 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

27. 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.

28. The largest Abbala blocs are now completely outside GoS control. The most important of these is the powerful grouping headed by Mohamed Hamdan Hamati, which has signed a memorandum of understanding with the SLA-Abdel Wahid forces in Jebel Marra. Hamati has been extensively armed by the GoS over the last year but that patronage has not translated into reciprocal loyalty. Hamati'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 Hamati group, the GoS lost control over the entire territory beyond the confines of Nyala. Should this group decide to take the offensive, it is unlikely that the government would be in a position to offer serious resistance.

29. Hamati 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? Hamati is extremely well-armed and has already seen off attacks by militia and helicopter gunships. 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.

30. 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.

31. Government attempts to control the Darfur Arabs using money and Khartoum-based Darfurian Arab politicians are having increasingly less and less success. 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.

32. 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.

33. The government counteroffensive against JEM and SLA-Unity in west Kordofan and Haskanita appears to have achieved its aim of preventing 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.

Darfur: Peace and Protection

34. 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 rebel disintegration 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.

35. 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 his own position, 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 Hamati may realign the politics of Darfur's rebellion and once again make him the pivotal figure.

36. There is no clear way ahead for the Darfur peace process. Because of the non-stop real-time commentary from the likes of International Crisis Group, which has an instant answer 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.

37. 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. 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 favour 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.

38. 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.

Next Steps

39. The central short-term issue in Sudan is putting the CPA back on track and even more importantly, trying to re-establish confidence between President Bashir and FVP Salva Kiir.

40. 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.

41. There is no path to peace in Darfur within the foreseeable future. The deployment of UNAMID is chiefly significant because it allows the UN and western governments to declare success and focus on political issues and especially the CPA. This opportunity should be taken.

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