

Prospects for Peace in Sudan

Briefing: June 2007

Overview

1. Possibly the most important event in Sudan in recent weeks has been the quiet announcement made jointly by the NCP and SPLM that elections will proceed on schedule and a resolution to the Abyei problem will be sought over the next six months. This shows that for the first time the SPLM is demonstrating a strategic engagement in the democratic transformation of Sudan.
2. International—especially U.S.—policy on Sudan remains profoundly misconstrued by all parties in Sudan, both in government and opposition. The U.S. announcement of tightened sanctions has led to emotional bluster from President Bashir and heightened hopes for expedited regime change by opposition parties. There is a need for clear messaging from the U.S. and its allies that the democratization of Sudan remains their overall strategic goal.
3. The renewed energy directed into peacemaking in Darfur is welcome, but the results are still very uncertain. The most likely scenario remains more of the same. Alternative plans for how to establish peace, including utilizing the 2008/09 elections as a means of creating a new legitimate leadership for Darfur, should be canvassed.
4. The AU-UN hybrid force continues to consume the overwhelming majority of effort focused on Sudan. The GoS has succeeded in entrapping most of the international community in the enterprise of trying to bring this untried peacekeeping mechanism to Darfur and make it work.
5. Serious dangers exist elsewhere in Sudan, notably in South Kordofan.
6. The new French government holds out the possibility of a new policy on Chad, which in turn has potential repercussions for Darfur, as well as a new Sudan policy as a whole. Combined with the adjusting position of China, there are real options emerging for a more cohesive multilateral approach to Sudan. If this is to proceed, it will require a focus on the longer-term challenges of making the CPA work, rather than simply standing up the hybrid force in Darfur.

Democratization

7. Following meetings held in the last week of May, the NCP and SPLM issued a joint communiqué of considerable significance. The key points were (a) that national elections would be held on schedule before 9 July 2009, (b) the North-South internal boundary

would be demarcated before the end of February 2008, and (c) that a six-month interim administration would be set up for Abyei.

8. This represents a strategic compromise by both NCP and SPLM. The NCP hawks, led by Nafie Ali Nafie, would prefer to part company with the SPLM and are ready to do so over the issue of Abyei. They would also be happy to use Abyei and other issues as a pretext for indefinitely postponing the national elections. However, the NCP hawks appear to have been deterred from pursuing this line by the existence of reciprocal SPLM hawks who would also like to jettison the CPA now.

9. The temporary solution on Abyei is significant. This provides a temporary civil administration for the district, which can deliver services and dampen much of the potential for local instability. It provides for the demarcation of the border of Abyei based on the 1905 boundaries, using the Abyei Boundary Commission as the basis. This may not only allow a breathing space for the parties to back away from confrontation but may also give a little room for compromise on the boundary itself.

10. The meeting also focused on ensuring that the deadline of 9 July 2007 for the withdrawal of SAF forces north of the internal boundary should be met. One reason for the SPLM's serious intent in obtaining a positive outcome from the meeting is its determination to see that this troop withdrawal is completed. The demobilization of remaining SSDF troops aligned with the northern government is to continue, with the deadline extended for a month.

11. In facing down his internal hardliners, First Vice President Salva Kiir also made his own priorities and redlines somewhat clearer. The strategy remains the faithful implementation of the key provisions of the CPA leading up to the referendum. Salva's criticisms of the sanctions and half-hearted engagement with Darfur must be seen in the light of his identification of the centre of political gravity in Sudan as the CPA.

12. The NCP-SPLM consensus is fragile. For the NCP, the chief gain of the CPA is the international recognition it bestows. As that recognition continues to fray, symbolized by sanctions, NCP hardliners are increasingly asking, what is the use of the CPA anyway? It is likely that the NCP hawks agreed to the compromise largely because it buys them time, during which other options can be explored. However, time may also turn out to be to the advantage of the NCP democrats, if they are given the necessary political backing and take the opportunities that come their way.

13. A constellation of civilian opposition parties is converging around an agenda of delayed democratization. A committee for national reconciliation, led by former head of state General Abdel Rahman Suwar al Dahab, brings together the Umma Party, the Communists, the Popular Congress Party, an influential wing within the NCP, and a handful of others. This committee is pushing for a national Constitutional Conference leading to a "real" government of national unity, in place of the CPA's planned electoral timetable. Were this to happen, not only the elections but the Southern referendum would be postponed, perhaps indefinitely. This group has misread the U.S.'s sanctions

announcement as the first step towards the overthrow of the NCP. Most of this group ought in principle to be the most enthusiastic about elections, because they are civilian parties out of power and their standing can only increase through a vote. Most probably their trepidation stems from their weak financial base and their fear of being shown up as weak. However, with the right combination of a strong legal framework for fair elections, resources for party organization and campaigning, and above all clarity from the international community about the commitment to free and fair elections, they could still be persuaded to participate.

14. The entry of the Eastern Front (Beja Congress and Rashaida) into government is positive and is likely to represent another significant stakeholder with a commitment to the CPA. While the Eastern Front representation in central government is weak its state level representation is significant. If the SPLM works politically with the Eastern Front this will be an example for how it could cooperate with the Darfurian parties in future.

15. The necessary agenda for preparing for free and fair elections now comes into focus. There is a raft of necessary legislation needing to be reviewed and/or passed in order to ensure that elections proceed. This includes reviewing the national security act and the police act, both of which have serious restrictions on freedom of assembly and association. It entails revisiting the press act and NGO act. A democratic elections law will also be needed. The parliamentary timetable is falling behind schedule.

16. For the future of Sudan as a whole, this meeting and its outcome is the most significant event of recent months. The centre of political gravity in Sudan lies in the CPA and the democratization process.

Peace for Darfur

17. The UN-AU plan for a new peace process in Darfur has been finalized by the two Special Envoys and approved. It is based on optimistic assumptions, namely that the Tripoli Agreement to align the different initiatives is for real; that the SLA non-signatories can come to an agreement; and that the GoS has good reason to comply.

18. The Tripoli Agreement commits the governments of Eritrea, Egypt and Libya to align their initiatives with the AU and UN by the end of June. The AU and UN have taken this commitment as a gesture of good faith and concealed any misgivings they may have. Most probably, the Eritreans (especially) will go along with the AU-UN initiative only insofar as either they are confident that it will fail, or they are able to use it as a means to legitimize their own control over the non-signatory SLA groups.

19. There is no indication that Eritrea has yet abandoned its plan to forcibly unite the non-signatories under a leadership of its choosing. Following the failure of the efforts in Asmara (late 2006) and Chad (early 2007) to unite everyone under the NRF, the Eritreans are now trying to unify the SLA under their own chosen candidate Abdalla Yahya. The agent of this initiative was Sharif Harir who was dispatched to spoil the efforts of the G-19 commanders in Amara to achieve unity. Harir did this most effectively. He himself

was not an acceptable figure to lead a unified SLA so instead he chose Abdalla Yahya, a commander until then allied with the G-19, who had hoped to be their chief of staff but had been disappointed. A commander associated with Harir and Yahya, Abdalla Kodi, subsequently detained first Jar el Nabi Abdel Karim (quickly released) and two commanders aligned with Ahmed Abdel Shafi. This pattern is likely to continue as long as Eritrea is able to exercise leverage. Eritrea will work to ensure that rebel unity occurs on their terms or not at all.

20. The link between Eritrea and Khartoum is obscure. But it is certain that Sudanese external security and military intelligence are fully aware of the Eritrean plan and it is likely that they are supporting it. It is also probable that the Eritreans have secured SPLM cooperation or at least acquiescence. An effective game of double cross is going on, victimizing the people of Darfur, the SLA, and the international peacemakers.

21. The chances of the non-signatory SLA groups coming together at the planned Nairobi meeting, organized by the Humanitarian Dialogue Centre, are relatively small. Abdel Wahid al Nur has said he will not attend and while he is a much-diminished figure, he still has the capacity to spoil other initiatives. Ahmed Abdel Shafi is saying both that he will attend and that he fears manipulation by the Eritreans. It is possible that the meeting will help in crystallizing the SLA's positions on substantive issues. It is therefore worth pursuing. However it also has a risk of creating new divisions between those who see attendance as an imprimatur of legitimacy, and those who denounce it. Sensitive handling is in order.

Chad

22. Following the signing in Saudi Arabia of a reconciliation agreement between Sudan and Chad on 3 May, Chad announced the expulsion of Sudanese rebels. This was words only: the key rebels in Chad remained there and those who left did so to Asmara at the invitation of the Eritreans.

23. Chadian rebels based in Sudan similarly dismissed the agreement as irrelevant. Both the Chadian rebels and some Sudanese forces on the border appear to operate under the command of Sudanese security, answering to Salah Abdalla Gosh, and not to the regular armed forces.

24. The change in government in France opens up distinct new possibilities for a shift in the Chadian position towards Darfur and Sudan. A French president and foreign minister both sympathetic to the U.S. position on Darfur have the potential to re-align Chadian politics. The most likely immediate outcomes include an expanded international protection force for humanitarian operations in eastern Chad, the opening of a supply route for UN-AU forces in Darfur that is independent of Khartoum, and the possible enforcement of the arms embargo on the Darfurian rebels. The stance of the new French government might also make it possible to take international action against those members of the Chadian government who have been most active in providing military support to the non-signatory rebels, especially JEM.

25. It would be a missed opportunity for French policy towards Chad to focus solely on the country's role vis-à-vis Darfur. A more positive longer term impact could include a democratization process in Chad itself.

If the Peace Plan does not Proceed?

26. The most likely scenario for the renewed AU-UN mediation process is that it will not yield results and the political situation will be largely unchanged in a year's time. This opens up the question, what is the alternative approach to peace in Darfur?

27. The preliminary consultations to the Darfur-Darfur Dialogue and Consultation indicate, unsurprisingly, that the community leaders of Darfur are deeply unhappy with the political performance of the SLA. Referring to the fighters as "our boys," they are sympathetic to the armed resistance, but they are deeply disappointed with the SLA's disunity and miserable negotiating record. Meanwhile, the main political concerns of the local leadership includes local level reconciliation and dispute resolution, the role of the NCP in fomenting discord, and the prospects for the national elections. Rumours are circulating in the IDP camps that displaced persons will not be counted in the census or permitted to vote.

28. In the context of the renewed NCP-SPLM commitment to the 2008/09 elections, the electoral process can be identified as a potential new centre of gravity for a Darfurian peace process. Refugees and IDPs must of course be enfranchised wherever they happen to live. It should also be possible to hold elections under international supervision in certain rebel-held areas if there is a ceasefire. And in Sudan, all previous elections have been incomplete in that certain war-torn constituencies have not voted or returned MPs, but parliament has convened nonetheless. Once it is clear that the lack of peace in Darfur will not impede democracy elsewhere in Sudan, and that legislative and executive posts are decided by ballot and not the power-sharing arrangements of a peace text, then the incentives for Darfurians to join the national democratic process should be enhanced. The main rebel argument against the DPA, that its power-sharing provisions are inadequate, becomes redundant as soon as free elections come closer—why continue to fight for governmental positions that will be held for only a few months? If an election-based strategy works, the result would be an elected leadership in Darfur with a legitimacy that outranks all others, creating the basis for a much more durable peace.

The Hybrid Force

29. The AU-UN hybrid force is consuming the great majority of international energy on Sudan. Most of those engaged recognize that this is essentially a distraction from the big picture and that it would be preferable to find a face-saving formula that could allow all parties to move onto the real issues. However, the question of UN troops has proved completely immune to resolution, because of the glare of publicity and the moral stakes vested in the question. This issue is driving the distrust between Washington and Khartoum, the defensive bellicose rhetoric from Khartoum, and the imposition of

tightened sanctions. The rancour and distrust around this issue have reached such an extent that all parties involved are reluctant to make any bold move to unblock the impasse for fear that they will be exposed to a withering critique by activists.

30. This has contributed to the stillbirth of workable short-term options. One of these is a short-term capacity surge for the UN in Darfur brought about by reallocating UN troops and engineering units currently with UNMIS in Southern Sudan. If the GoS were to facilitate this it would provide a visible step towards the heavy support package and would be one of the three measures necessary for the GoS to escape the escalation of U.S. sanctions.

31. The administrative obstacles to the effective functioning of the hybrid are immense. Senior staff in both the AU and the UN are unable to explain cogently how the hybrid will work and several essential elements remain undefined. The hybrid formula may bring out the worst in both organizations and contribute to paralysis in the peacekeeping operation, with further political energy being consumed sorting out the mess. The problem is intensified because, among the general public in Sudan and internationally, expectations about what the UN could achieve in Darfur are inflated, sometimes ridiculously so.

32. Meanwhile, virtually no attention has been paid to the question of the strategic purpose of the mission over the five or so years (minimum) in which it will have to operate in Darfur. The importance of civil liaison and political intelligence is still being overlooked. Two steps that could help the hybrid move ahead include a high-level seminar including both AU and UN staff to agree a common vision for the hybrid and a strategic planning cell that can work on the options for a long-term strategy for the mission.

Washington DC and Khartoum

33. A fundamental problem in trying to resolve the crises in Sudan remains the lack of communication between Khartoum and Washington DC. The visit of Amb. Negroponte did not go well for either side. The continuing prevarication and perfidy on the part of Khartoum leads to mounting frustration in Washington. Meanwhile it appears that President Bashir and his most influential advisors (Nafie Ali Nafie) currently consider that whatever steps they take, the U.S. will simply continue to punish them. The bellicose rhetoric of Democratic presidential aspirants is also unhelpful, fanning suspicions that an agenda of regime change is lurking.

34. This lack of confidence means that opportunities for progress are continually being missed. Senior figures in Khartoum entertained some short-term options for bringing additional UN forces to Darfur, in the form of a short-term surge loaned from UNMIS, but did not pursue the idea because they did not have the confidence that any such gesture would be correctly interpreted in Washington.

35. President Bush's announcement of stiffening sanctions has been predictably dismissed by Khartoum. Having been under some form of sanctions since 1990, and under more severe sanctions since 1997, many in the Sudanese government regard sanctions as a mere irritation. Sanctions' symbolic effect is their main impact, they argue, and Sudan is by now immune to that. More than ten years of coping with sanctions has meant that Sudanese assets and commercial transactions have found ways around them. However, the government may face some nasty surprises as it faces the more effective implementation of sanctions. A few instances in which significant transactions (for example oil exports) are blocked could have a sobering effect on senior officials.

36. The government is not united about how to read the imposition of sanctions. While the internal debates and rivalries continue, government action sufficient to satisfy Washington's demands is unlikely. It may take a second or third round of sanctions to clarify Khartoum's position. There is a danger that, although President Bashir wants to shy away at the last moment, complying before he rushes over the brink, he may blunder into ineffective brinkmanship because he is more concerned with the internal power games than with the messages he is receiving from Washington. The escalating actions planned by Washington may take Sudan over the brink simply because Bashir is unfocused and miscalculates.

The Economy

37. The sanctions imposition comes at a time at which mismanagement has meant that the Sudanese economy is facing a short-term crisis. Overly-optimistic revenue projections and an inability of the ministry of finance to access the majority of the oil revenues have meant that the state is facing an unexpected liquidity crisis. There will be short term economic shocks felt in Sudan as a result. The government will blame the sanctions for this downturn, and it is likely that some Sudanese will find that a convincing explanation. However, others will note that the current financial sector crisis preceded the sanctions announcement.

38. The origin of the economic mismanagement lies, as so often, in the internal rivalries and power struggles within the government. The huge revenue expansion because of oil and associated inward investment has not enabled the ministry of finance to exercise greater control over the quasi-autonomous entities, associated with the NCP, security agencies, and leading individuals. Rather, the largesse has been shared around. The situation is redolent of the late 1970s when the government had to hire an international financial consulting firm to find out what debt obligations had been incurred by different ministries and agencies.

39. The inflated expectations in the oil sector were based both on a high projected price and on an increase in oil production to 600,000 bpd. Actual production has fallen to 390,000 bpd. Technical problems in the oilfields cannot be overcome except with technology that is beyond what Sudan's current oil investors can provide. The entry of a European or U.S. major into the Sudanese oil sector could transform production.

South Kordofan

40. South Kordofan including the areas formerly part of West Kordofan state continues to slide towards violent insecurity. There are a number of grievances and flashpoints. In South Kordofan itself, the period of the SPLM governorship has been marked by lethargy and confusion, with little real progress on implementing the provisions of the CPA. South Kordofan consists of distinct SPLM-administered areas and NCP/GoS-administered areas, with military checkpoints between them. There is no significant progress towards the unification of administration. The persistence of the checkpoints is a violation of the CPA. Local problems over land continue, with the Nuba blocking migration routes and the Arabs pushing for them to be kept open. Mechanisms for resolving these issues, established by the JMC after 2002, appear to have lapsed. The SPLA is organizing a number of tribal conferences essentially to rally political support for itself, and these are regarded as a provocative act by Arab tribes, who on occasion threaten them. A recent example is a confrontation between Misiriya and Ajang in the Lagawa area, which was (unusually) mediated by the South Kordofan government.

41. The UNMIS battalion in South Kordofan is not coping with the situation. It is not patrolling, it is failing to communicate with the local people, and it is not taking preventative action to identify potential flashpoints. The Nuba is fast becoming a classic example of how a small, unarmed ceasefire monitoring group (the JMC) can do a great deal based on community liaison and political intelligence, while a much larger force, fully armed, can do nothing if its civil affairs unit is non-operational. DDR activities have ground to a halt and the area is awash with openly-carried weapons.

42. Problems in former West Kordofan should not be minimized. The discontent over the dismantling of West Kordofan state has not dissipated. The Abyei issue remains a serious potential flashpoint for conflict, despite the compromise recently reached between the NCP and SPLM.

A Multilateral Moment?

43. The election of the new government in France, which is displaying real interest in Sudan, and the adjusting position of China, which is feeling the pressure of the calls for a boycott of the Olympic Games, creates the possibility of a real multilateral approach to Sudan. Most probably, diplomatic energy at the UN Security Council will focus on obtaining French and Chinese support for pressure to stand up the hybrid force, possibly including cooperation with the tightening of sanctions.

44. An exclusive focus on short-term gains would be an opportunity missed. An effective multilateral approach to Sudan entails refocusing attention on the real centre of gravity of the country's problems, namely the twin questions of democratization and the status of Southern Sudan.

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