

Prospects for Peace in Sudan

Briefing: December 2006

Overview

1. The 31 December deadline for the GoS to agree to a hybrid AU-UN force for Darfur has turned into another trap that is obstructing the search for solutions to the crisis. The 16 November High-Level Meeting in Addis Ababa held out hope for a coordinated international approach to Darfur that put peacemaking before peacekeeping, but consensus in support of a sequenced plan for securing a workable peace is still elusive.
2. The NCP has no medium- or long-term political strategy. Among the civilian leadership, opinions are divided between those who want to secure NCP hegemony through manipulating the electoral process and those who want a more genuine democratization. In the meantime, the security cabal pursues its short-term military opportunities in Darfur and Chad and its divide-and-rule tactics in the South. This is militarily reckless (and in some cases ineffective) and is storing up serious trouble in the future.
3. The Darfuri Movements are continuing to fragment, due primarily to poor leadership and lack of the necessary infrastructure and mechanisms for attaining cohesion. Minawi's support base is reduced to almost nothing. Divisions in the mainstream SLM are more bitter than ever. JEM has gambled on a tactical but tight alliance with Idriss Deby. Meanwhile, middle-ranking commanders are openly expressing their disgust with their ostensible leaders.
4. 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. The Eritrean offer of mediation should not be taken seriously.
5. The fighting in Malakal is the most serious security incident in the South since the signing of the CPA. While the fighting was sparked by local issues and unplanned by the main parties, it is symptomatic of structural problems that will lead to major crisis if left unaddressed.
6. The AU is poised to present a plan for the political steps needed to secure peace in Darfur. Some of the necessary steps require painful compromises, implicitly admitting past mistakes, especially backing down from the insistence on UN forces. The capacity of the AU to implement such a plan depends upon international consensus and coordination and also a new funding mechanism for AMIS. Meanwhile, attention is urgently needed to the twin aims of democratization and stability in Sudan, to prevent a serious crisis in the second half of the CPA's Interim Period.

Groping for a Plan for Darfur

7. Most of the international response to the Darfur crisis has consisted of crisis management, with the AU, UN and key internationalists such as the US grasping at short-term measures and actions with chiefly symbolic value in the hope that these will impel the GoS to deal seriously with the crisis. The attempt to negotiate the DPA was the most serious engagement but this unfortunately did not succeed. For the most part, the international community has imposed one deadline after another, and when these deadlines have not been met, has simply issued a new set of demands. Some of the demands were impossible for the GoS to fulfill (for example they may have required the cooperation of the rebels or were simply unrealistic), and others were not enforced because no action was taken to follow through on threats. Perhaps the most systematic error has been to neglect the hard-earned lessons of peacemaking in Africa: (a) it must be patient and inclusive to work, (b) peacekeepers can only monitor and occasionally enforce an agreement, and cannot be a substitute for one, and (c) a failed peace agreement can be more dangerous than no peace agreement at all.

8. The focus on a UN force in Darfur was always a distraction from the two central issues of (a) a peace agreement and (b) the concept of operations for troops in Darfur. A UN force would have a number of notable advantages over the existing AMIS force, but these were never sufficient to make it the centrepiece of the international strategy. UNSCR 1706 created a dead end of confrontation with the GoS that provided President Bashir with an easy win. Current UN-AU efforts to extricate themselves from this impasse are showing promise. The Addis Ababa High-Level Meeting of 16 November put politics first, and the AU mission to Sudan headed by Dr Salim Ahmed Salim is reinforcing this message. However, the AU Peace and Security Council meeting in Abuja on 30 November failed to emphasize the need for a ceasefire and political process, leading again to indeterminacy. The UNSC in its meeting in December should not fall into the trap of simply berating Khartoum for its intransigence on UNSCR 1706 but should emphasize the primacy of the peace process and the necessity of a ceasefire.

9. Unfortunately, no serious progress on the ground will be possible before the UN Secretary General leaves office. His final weeks in post would be best spent emphasizing the need for a long term strategy for Sudan and a medium-term political plan for Darfur. The incoming SG will need to deal with Sudan throughout all ten years of his Secretary-Generalship: he would be well-advised to begin with a long-term approach.

The GoS in a Characteristic State of Indeterminacy

10. It is tempting to see Khartoum's rulers as superb Machiavellians, intent on imposing a long-term project of their own supremacy on Sudan, ruthlessly exploiting the divisions among their domestic adversaries and the disarray among their international critics. They are certainly masters of managing crisis. But Khartoum's perfidy is principally an outcome of the structural indeterminacy of Sudanese political life. Every government that has ruled Sudan, including the present one, is an unstable coalition of fractious elements,

in which any agreement and any plan is valid only for as long as the coalition that brought it into being holds sway. In the absence of an agreement among the various fractions in the GoS, the file for any war-affected area remain in the hands of security (including Military Intelligence), which pursues the military option and uses local proxies to do the fighting if at all possible.

11. The CPA was concluded and signed in a rare moment in which a majority within the NCP and security cabal could agree on a peace formula. It relied on the primacy of an alliance between Vice President Ali Osman Taha and SPLM Chairman John Garang. With the latter dead and the former sidelined, the spirit of the CPA—democratization and making unity attractive to Southerners—no longer commands majority support within the NCP-security coalition. The DPA only obtained conditional support from Khartoum, and as soon as Abdel Wahid Nur refused to sign, the NCP and security knew it could not work, and so used it merely as a means to gain credit with the international community, especially the US.

12. Another reason why the GoS pursued the CPA was that it was confident that the strategy of an NCP-SPLM diarchy ruling a united Sudan had the support of the international community, especially the US. As the Darfur crisis has unfolded, the NCP has reassessed its relations with the US, concluding that it cannot satisfy the US's appetite for making further demands on Sudan. President Bashir is back in survival mode, making tactical decisions, but deepening his country's crisis.

13. The NCP-security coalition has at least two parallel plans for both Darfur and the South. If the power alignments and incentives are right, the option of an inclusive peace in Darfur and quasi- good-faith implementation of the CPA can be revived. The door will never be shut entirely on these options. Meanwhile the military option will always be kept alive. The last few offensives in Darfur have been military disasters, however: the SAF is currently losing the war in Darfur (while its proxies are making headway in Chad and CAR).

14. President Bashir rarely enters the political fray, preferring to act as umpire to the different factions. He made the decision to reject UN troops personally. He will not readily back down on this. He sees it as a survival issue as well as a matter of pride.

The Darfur Movements in Chaos

15. Minawi does not possess the popular support or political skills to provide leadership for Darfur. He has lost almost of his support base in Darfur since May, less because he signed the DPA than because he has made such a poor showing of his position within the GoS. The latest defections were commanders from eastern Darfur who attacked oil installations in southern Darfur. With only Minawi, the DPA cannot progress. Minawi would be more comfortable abandoning Khartoum and returning to the bush.

16. Abdel Wahid Nur remains a force because he has name recognition and money, and because those who tried to oust him in July have failed to capitalize on the initial

enthusiasm for their move. Abdel Wahid had always enjoyed a reputation for civility, but the fact that he ordered the detention of four of his closest comrades in Asmara will undermine this. The four, including Babiker Abdalla, were severely beaten, and Eritrean security asked Abdel Wahid if they should be killed—they escaped this fate only because the letter was wrongly delivered to Ahmed Abdel Shafi. Abdel Wahid is trusted by no Darfurian leader including his own band of supporters.

17. Ahmed Abdel Shafi enjoyed the benefit of the doubt after “ousting” Abdel Wahid but has failed to take any significant action since then, in part because he was kept in Asmara against his will. He commands more support on the ground than Abdel Wahid, but must move fast to secure it now that he is out of Asmara. He wants to engage with a peace process but will not sign the DPA without significant additional concessions.

18. The G-19/SLM-Unity has the greatest popular support and control of territory and has also benefited from the SAF delivering large quantities of materiel to them through its failed offensives. The G-19 is in tactical alliance with JEM under the NRF but is politically distinct. Commanders from G-19 and other SLM groups tried to meet to organize themselves in November, but SAF air attacks prevented the meeting going ahead. The G-19 wants to reunify the SLM and engage with the peace process but is highly critical of the DPA.

19. JEM is militant and aggressive and is fighting in Chad as much as in Sudan (e.g. in the recent battle for Goreida). Many JEM cadres are unhappy with their leader’s close identification with Idriss Deby but will not break ranks.

20. The small signatory groups such as the SLM-Free Will of Abdel Rahman Musa have not enjoyed much support, and feel let down by the way they have been spurned by Minawi and neglected by the AU. There are small groups ready to move either way, including one fraction under a commander called Abul Gassim Imam, well-known for his poor human rights record, who signed up with the GoS in November.

21. The fractiousness of the Darfur Movements obscures the popular support for the SLM as an idea, including much sympathy among many Arab groups in southern Darfur. The proposed SLM commanders’ meeting (aborted once already) to be followed by a leadership conference is a necessary step for them to obtain some cohesion. Without such a step, there can be no functioning Ceasefire Commission and no serious peace can be negotiated or can hold. It is in the long-term interests of the GoS to allow these meetings to proceed, because it needs a credible partner to govern Darfur. But until a clear instruction to that effect is provided by the President, the airforce will continue to attack any such meetings.

Chad and CAR

22. 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.

23. The GoS Military Intelligence 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 JEM/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.

24. 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.

25. 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.

Eritrea

26. Eritrea has spent the last month following two parallel tracks. While it has tried to strengthen the NRF and Abdel Wahid, it has also offered to mediate between the GoS and the non-signatories.

27. The Eritrean mediation proposal is not credible. Having kept many SLM members in Asmara against their will and detained and tortured some of them, it is unlikely to attract them back to the city any time soon. The Darfurians will be looking for an international presence rather than a solo effort by Eritrea. Having considered the assurances provided by the US, UK and others in Abuja to be insufficient, the non-signatories are unlikely to be impressed by Eritrean guarantees. Asmara has also failed to make clear its position on the DPA and the AU.

A Pathway to Peace in Darfur

28. The recent AU mission to Sudan headed by Dr Salim has re-emphasized the importance of a properly-sequenced set of steps to obtain a ceasefire, broaden the DPA and set in motion the Darfur-Darfur Dialogue and Consultation. For diplomatic reasons

the AU plan of action may continue to include unrealistic deadlines and skipped steps, but the best sequence would be the following:

- a. Cessation of hostilities.
- b. Re-establishment of a Ceasefire Commission and Joint Commission that includes the non-signatories.
- c. Building the capacity of the CFC including AMIS's monitoring capabilities, especially its airfield inspection to enforce the ban on hostile military flights.
- d. SLM (non-signatory) commanders' meeting, leading to effective SLM (non-signatory) representation on the CFC and JC.
- e. SLM (non-signatory) leadership conference.
- f. Political re-engagement with JEM.
- g. Re-opening of negotiations around a text supplementary to the DPA.

29. This approach is possible only if the demands of an immediate transition to a UN force or an AU-UN hybrid are put on one side. This is a painful compromise for the AU and UN to swallow.

30. The GoS rejection of a UN force also raises the prospect that AMIS will (again) run out of money in January, as the donor financing package for AMIS was conditional on the GoS accepting all three stages of the transfer to a hybrid force. Most likely, the donors will agree some kind of short-term emergency funding package. However, one of the main problems with AMIS is that it has been locked into short-term planning which has (a) meant that there has been insufficient investment in AMIS's capacity and (b) not allowed for the development of a long-term strategy for stabilizing Darfur. There is not enough time to design such a long-term strategy before January, nor even to put in place a long-term funding strategy. However, the AU and UN should develop such plans during the first months of 2007.

The Malakal Fighting

31. The spark for the Malakal fighting in late November was a local dispute over a senior military post. It does not appear to have been planned by either side. The conflict is a direct legacy of the way in which Military Intelligence fought its war in Southern Sudan, using proxy militias, and the failure of the SPLA to find sufficient political accommodation for those militia. The likelihood of serious conflict as a result of these strategies was clear as the Naivasha talks progressed, and was insufficiently addressed in the CPA. Salva Kiir has taken steps to address the problem by accommodating the SSDF leadership, but the political and military integration of the Southern armed groups, leading to the disarmament of the militia, has not occurred..

32. The Malakal fighting highlights several issues of major concern. One is the continuing political fault line that aligns the militia with SAF against the SPLA. A second is the problems of command and control within the SPLA, which have allowed commanders to be de facto rulers of their own fiefdoms. Corruption is already a serious

problem in the GoSS and could eviscerate the SPLA as a fighting force. A third is the fact that while the past civil war was fought almost exclusively in the rural areas, any future conflicts will begin in the towns, with very serious humanitarian implications. If there is to be a serious breakdown in the CPA, high levels of violence including targeting of civilians in urban areas can be expected to explode very rapidly.

Other Big Issues in CPA Implementation

33. Among the CPA implementation failures, the most notable are:

- a. NCP refusal to accept the report of the Abyei Boundary Commission;
- b. Absence of a constitution for South Kordofan state;
- c. Lack of progress in establishing the mechanism for demarcating the North-South border;
- d. Slow progress in establishing the Joint Integrated Units;
- e. Slow progress in implementing the wealth-sharing provisions of the CPA;
- f. Slow progress in preparing for the census.

34. The lack of progress reflects many factors including limited implementation capacity on the SPLM side. The breakdown of the NCP civil strategy for Sudan, and the fact that almost two years after signing the CPA, there has been no progress at all in making national unity attractive to the Southerners, gives the security cabal the advantage in making its preparations for renewed conflict, either through sponsoring proxy forces or through using SAF.

35. The second half of the Interim Period includes two critically important and potentially polarizing events, namely the 2009 general elections and the 2011 referendum on self-determination in the South. Experience from other transitions indicates that it is preferable to obtain national consensus on the fundamentals of national identity and the rules of civil politics before proceeding to elections and referenda, which may otherwise become dominated by polarizing ethnic, racial or religious agendas. In Sudan, this sequence is not possible, because it would entail dismantling the CPA, which would lead to immediate crisis. The strategic challenge for Sudanese democrats and their international friends is to manage the run-up to the elections and referendum in such a manner that the risks of instability are minimized. Priorities should include addressing the likely flashpoints for conflict (Abyei, the North-South boundary, the Joint Integrated Units, the electoral roll) and establishing a forum in which Sudan's registered political parties can achieve pre-election pacts on key national issues, so that the fundamentals of the CPA are not disputed after an election. For this to work, Turabi's PCP must be part of the discussions.

36. 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, the militarization of displaced populations in the North, and the

presence of SAF, SPLA and militias in urban centres, any such contested partition would be a recipe for violence and humanitarian conflict on a huge scale.

Next Steps

37. 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.

38. 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 for the democratic transformation of Sudan and self-determination for the South using the CPA may soon be in grave peril. Serious attention must be paid to how these goals can be achieved while retaining political stability.

39. A political process is needed to ensure that Chad and CAR do not descend further into civil war. Although the prospects for a rapid political settlement in these countries are remote, a process should at least be started without delay.

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