Prospects for Peace in Sudan

Briefing: February 2007

Overview

1. December 2006 and January 2007 have seen several opportunities for significant movement forward on Sudan. In all cases, conflicting priorities and an emphasis on short-term action are impeding effectiveness.

2. The first opportunity is the combined efforts of Salim Salim and Jan Eliasson backed by Bill Richardson, who have agreed on a cessation of hostilities and a resumed political negotiation process as a mechanism for resolving the problems in Darfur. Important decisions on strategy and sequencing need to be taken soon. Most critical is investing sufficient time and energy in ensuring an inclusive process that has the confidence of a majority of Darfurians. This is complex and demanding but the effort required will yield greater outcomes.

3. The second opportunity is presented by the UNSG's report on the need for engagement in Chad and Central African Republic consequent to UNSCR 1706. Without efforts to ensure a political process towards stability in Chad, a solution to Darfur will remain elusive. (CAR is a slightly different configuration.) However, the outcome of this has been an impetus towards sending a "peacekeeping" force to countries in which there is no peace to keep. The UNSC has, fortunately, kept the door open on this.

4. Third, on the second anniversary of the signing of the CPA in Nairobi, First Vice President Salva Kiir has issued his most stark warning yet that the CPA is in deep trouble. In a remarkably frank speech he spoke explicitly about areas of ongoing confrontation between the SPLA and the Sudan Armed Forces and other serious failures of implementing the CPA. He said what everyone knows, which is that there has been no progress in making unity attractive for the Southerners. The chance for action on this issue is upon us. If nothing is done soon this opportunity will slide away.

5. Lastly, the Ethiopian invasion of Somalia and the military defeat of the Union of Islamic Courts opened up the possibility of a reconfiguration of the subregional peace and security architecture. Ethiopia intended its victory be primarily a defeat for Eritrea, the UIC's backer and a destabilizing force in both Ethiopia and Sudan. A stronger Ethiopia has the potential to play a stabilizing role in Sudan. However, the political strategy for addressing the Somali crisis exclusively through the Transitional Federal Government is flawed and the entry of the U.S. into the conflict through air raids has embarrassed Ethiopia, discredited the TFG, and swung the balance of forces back towards instability. Eritrea has suffered only a tactical setback, anti-Ethiopian and anti-U.S. forces will continue to emerge in Somalia, and Khartoum may realign itself in the subregion as a consequence.

Re-invigorating the Darfur Peace Process

6. A consensus has emerged that Darfur needs a new political initiative, including a ceasefire and a re-engagement with the non-signatory groups, in order to move forward. The AU and UN special envoys, Salim Salim and Jan Eliasson have re-launched a political engagement with all parties, with the public endorsement of Governor Bill Richardson from the US. Many of the right words have been spoken. Much work is needed to ensure that this translates into a peace process with real prospects of success.

7. For a new initiative to have a serious prospect of success, the following are required.

a. All the belligerent parties should be engaged.
b. The non-signatory SLA groups should be enabled to conduct their internal commanders' conference.
c. A robust ceasefire with confidence building measures needs to be implemented.
d. A decision on the status of the DPA needs to be taken and the implementation of the DPA needs to be sequenced properly, including suspension of allocation of positions.
e. The format of the talks needs to be agreed including location and agenda.
f. An articulation between the peace talks and the Darfur-Darfur Dialogue and Consultation should be agreed.

8. The most important precondition for serious progress in Darfur is engagement with all belligerent parties. One approach is to continue the formula adopted for Abuja, of recognizing JEM and two SLA factions. This makes for simplicity and will win ready agreement from the GoS. If the SLA is able to hold its commanders' and leadership conferences and reunite, this will be very helpful. But the reality is that this formula is no longer a fair representation of the Darfur belligerents.

9. An alternative approach is to recognize the reality on the ground and extend recognition to the NRF, the NMRD and the Popular Forces Army (the emergent Darfurian Arab rebel group) in addition to the SLA. This approach makes a quick fix more difficult. However, given that a rapid process leading to an agreement that is only signed by one or two groups is destined to fail, it is preferable to take the longer and more complicated route. Resistance can be expected from the GoS, especially to any recognition of the PFA. Another problem is that the position of the JEM-NRF is currently rejectionist and its stated objective is to dismantle the DPA without an alternative in sight.

10. The SLA remains the most important force in Darfur. Most of its field commanders, led by the G-19 (a.k.a. SLA-Unity, SLA-Non-Signatory) insist on a conference to select a new leadership and adopt a coherent platform as a precondition for engagement in a peace process. This is a legitimate demand and has been recognized as such by all concerned including the GoS. The NRF with Chadian and Eritrean backing has been

active in trying to win over SLA commanders to the NRF. The recent meeting in Abeche has however had modest success in this regard. While Adam Bakheit (formerly with the G-19) appears to be within the NRF orbit, the most significant SLA commanders (Suleiman Marajan, Jar el Nabi Abdel Karim) have resolutely refused to do so. Khamis Abbaker of the Masalit bloc is undecided. The Fur bloc is more divided than ever. The absence of Suleiman Jamous, the most effective mediator, under hospital arrest in Kadugli, is an impediment to progress. The most significant obstacle to this meeting going ahead is however the fact that, despite written assurances to the contrary, the GoS continues to attack the SLA conference location with aerial bombardment. The GoS actions are contradictory and most likely indicate a lack of clear instructions from the top.

11. Third, a robust ceasefire rather than a simple cessation of hostilities is needed. Each of the ceasefire agreements signed thus far by the parties has not included the measures necessary for it to be monitorable and robust. Key to this is a working Ceasefire Commission, measures such as the territorial demarcation of zones of de facto control by the parties, and simple measures for confidence building such as joint investigations of reported violations and joint patrols. Despite a commitment to reconstituting the CFC in November, thus far little has been done. Moreover, the proposed two-tier CFC will serve no purpose: a single CFC including all belligerents is needed. In order to identify locations for disengagement of forces, and confidence-building measures, a round of negotiation is needed. A visibly functioning CFC will not only perform essential tasks on the ground but will be a much-needed step towards building political confidence.

12. Fourth, the standing of the DPA needs to be clarified. Very little of the DPA has been implemented thus far. But the JEM-NRF proposal that negotiations resume at the point of the July 2005 Declaration of Principles promises a long and tedious process of revisiting the entire sixth and seventh rounds in Abuja. Intermediate options include suspending any further implementation of the DPA (especially apportionment of positions) while using the DPA text as the basis for a new round of negotiations, with the option of revising any provisions in the text that the parties can agree upon. Those parties that have already signed the DPA (Minawi) or a Declaration of Commitment (Abdel Rahman Musa and others) need to be included in any resumed negotiations as their standing will be affected.

13. Fifth, the location, agenda, format and timing of new negotiations remain to be decided. In this respect it is important to learn the lessons of Abuja. Location is politically sensitive but ultimately not the major determinant of outcome. The agenda is important: the three-track approach taken in Abuja proved workable and can be a basis for framing new discussions and focusing an agenda. Concerning format, there are two basic approaches. One is narrow: to insist on small, disciplined delegations in a closed-door format. This suits the needs of the mediators. The drawback is that any such talks will be the subject of disputes over the legitimacy of the rebel delegates as well as mischievous leaks and rumours which could easily discredit the talks. The other is broader and more transparent: to invite a wider set of rebel representatives and allow much greater public access and information. This will boost the credibility and acceptability of any outcome. But it demands that the mediation invest more effort in

managing the talks including public relations. Another lesson to be learned is that artificial deadlines stand in the way of workable mediation strategy. Given that it is most unlikely that any new negotiation process will garner the high level of international buy-in that was achieved at Abuja in May 2006, it is extremely improbable that a deadline-driven high-pressure mediation strategy will succeed. Any mention of deadlines is an invitation for one or more of the parties to distance themselves from the process or its outcome. A distinctly different approach based on a slower and more carefully sequenced pace of talks is therefore a viable alternative.

14. Lastly, a good articulation between the new negotiations and the DDDC is needed. Clearly, the DDDC cannot begin in earnest until there is a proper peace agreement in place. Running the two in parallel is a recipe for GoS manipulation, confusion and failure. However, preparatory activities can usefully be initiated including background consultations, research and establishment of the required institutions. In addition, if a broader and more inclusive approach to the renewed negotiations is adopted, elements of the DDDC-style approach can be incorporated into the talks. This could include an advisory committee of traditional leaders and a mechanism for agreeing that certain agenda items for the peace talks be agreed only in principle, with details to be worked out in the DDDC.

Engagement in Chad and CAR

15. UNSCR 1706 authorized an assessment mission to Chad and CAR to ascertain the possibilities of peacekeeping activities in those countries as an adjunct to the envisioned UN force in Darfur and to provide protection to refugees and IDPs in Chad. Although 1706 has in effect been abandoned and replaced by a hybrid AU-UN force, the assessment mission still went ahead, reported and had its report debated in the UNSC in January. This discussion was an option for putting the domestic political crises in those two countries on the UNSC agenda with a view to identifying political steps.

16. The political needs in the two countries are different. In Chad the priority must be a political dialogue that includes all armed groups and creates space in which civilian political parties can function. Civil politics briefly emerged in Chad in the late 1990s, partly as a result of the pressure for transparency and good governance associated with the international financing of the oil pipeline. In the last twelve months that civil space has vanished. Instead we have an all-too-familiar pattern of the emergence and fragmentation of military groupings, with their leaders making opportunistic deals as their fortunes rise and fall. The recent agreement between Mahamat al Nour and Idriss Deby is an example of a factional leader trying to salvage what he can as his star dims. It is unlikely that his rapprochement with the President will bring many of his followers back to N'djamena. Rather, they will associate themselves with another armed opposition group. The emergence of Mahamat Nouri as a principal opposition leader in his place suggests only that the carousel continues. Mahamat Nouri is much more experienced and well-connected, having served s a senior figure in Hissene Habre's military regime in the 1980s.

17. For the most part, the war in Chad is displaying a different pattern to the war in Darfur. The main show is a simple power struggle between factional leaders. While ethnicity is a mobilizing element, there is no significant ethnic ideology left among the leaders who are simply vying for power. Even though looting is common, leaders have sufficient command over their forces that they can direct most of their military actions. The rebel forces in eastern Chad have, for example, largely refrained from attacking refugee camps, even though many of these serve as recruiting and provisioning bases for JEM and SLA groups aligned with Deby. They know that such attacks would be unduly provocative to the international community. The recent record of violence does not justify an international protection force specifically for refugees.

18. There are, however, Arab militia/Janjaweed attacks in various parts of eastern Chad, motivated in part by land-grabbing. This is the exception. Chad's war is brutal and involves attacks on civilians, but for neither side is attacking and displacing civilians the principal motive for fighting. In short, the Chadian war is amenable to a political settlement.

19. The military threat faced by President Bozize in CAR is less substantial. There is undoubtedly discontent in various parts of the country and there was a small rebellion, almost certainly with Sudanese MI backing, in the north-east. But CAR's political problem is that the state is so weak that it can hardly stand by itself. In a pattern with strong continuities from the 19th century, state power derives from the shifting loyalties of armed groups that constitute a political-economic class in themselves. Bozize was installed in large part by Chadian troops and mercenaries (the latter recruited with promises of large booty) and remains in power because of French and Chadian military assistance. CAR's central African neighbors have been combining their efforts to try to keep the Bozize regime afloat. They have been paying CAR's debts so that it can receive new assistance and pay salaries. The CAR conflict is also amenable to a political settlement in the context, not so much of strengthening a state, but building one in the first place.

20. The governments of both Chad and CAR have good reason to welcome a UN force in their eastern borderlands. In both cases it would serve as a protection to the incumbent regime and a deterrent to cross-border activity by Sudan-based rebels. Deby was, for a while, reluctant to advocate a UN force for precisely this reason: it would be a direct provocation to Sudan and, insofar as it could be interpreted as a rear base for an invasion of Darfur, could serve as a pretext for escalated attacks on Chad. There is a standing danger that should a force be authorized, the time period between its authorization and its arrival would be the window in which the Chadian rebels, with Sudanese backing, would intensify their attacks. Notwithstanding these dangers, Deby seems to have changed his mind and begun to support the idea of a troop deployment.

21. A peacekeeping deployment in eastern Chad and northeastern CAR would not address the political problems in either country and neither would it bring an end to active hostilities in the affected region. Without a properly constituted ceasefire between the parties and a political process, such a force would be destined to fail.

Salvaging the Democratic Process

22. In the wake of the November clashes in Malakal and a number of other incidents in Southern Sudan, First Vice President Salva Kiir took the occasion of the second anniversary of the CPA and the first anniversary of the Juba Agreement that merged the SSDF into the SPLA, to issue his most stark warning about the future of Sudan. He made it clear that the answer to the question, has there been progress in making unity attractive to the Southerners, was a resounding "no." He spoke of zones of contest between SAF and SPLA, especially in sensitive areas such as the oilfields. His words should be taken as a direct challenge to the NCP and the international community, that Sudan will face a new North-South war in the coming years unless steps are taken soon.

23. In the absence of a realistic prospect of Southerners voting for unity, the integrity of the democratic process in Southern Sudan and the internal security arrangements in the South become ever more important. The Juba Agreement is Salva Kiir's major achievement to date. It has not only brought in the most important potential spoilers into the GoSS but has also created an atmosphere of Southern consensus that did not exist before, and which the late John Garang would have struggled to establish. However, MI is not letting this development pass unchallenged.

24. One step that could be taken now is planning in advance for a peaceful separation of Southern Sudan, to ensure that the future states of Northern and Southern Sudan remain good neighbours with their mutual interests fully accommodated.

25. A second step is to engage all Sudanese parties in discussions on Darfur. The separation of the Darfur peace process from Sudan's overall democratization process has been helpful to neither. The forthcoming visit of Salva Kiir to Darfur is an opportunity for bringing the Sudanese national debate and the Darfur debate together.

26. A third important step is to open up a public discussion in Sudan on the future of the nation/nations and the peoples of Sudan. To date there have been South-South dialogues and a Darfur-Darfur dialogue is planned. There has been no Sudan-Sudan dialogue and consultation, and the absence of any such process leaves most Sudanese citizens bewildered and skeptical. Such discussions should begin as soon as possible.

A New Sub-Regional Order?

27. Since the outbreak of the Ethio-Eritrean war in 1998, Khartoum has been distinctly closer to Addis Ababa than to Asmara. It is Eritrea that has been backing groups intent on destabilizing Sudan, as well as those trying to foment insurrection in Ethiopia. This has not prevented the governments in Khartoum and Asmara continuing to talk to one another and cut deals, notably on eastern Sudan. There has also been an unexpected convergence of interests on Somalia. While the more conservative, national interest-focused leaders within the GoS continue to identify Ethiopia as their most significant neighbour (along with Egypt), with whom they should maintain close relations, there are

others within the NCP who have a long history of backing militant groups across north-east Africa with the hope of creating, in the long term, sympathetic governments. The militants were in the ascendant from 1990-95 (between Gulf War I and the attempted assassination of Hosni Mubarak) and the national interest realists from 1996-2006. In the shadow of Iraq and Lebanon, with fears of a US-led invasion of Darfur, the militants are regaining their influence.

28. When the Union of Islamic Courts emerged as a powerful force in Mogadishu in early 2006, Khartoum therefore had two parallel policies towards the group—and hence two parallel and contradictory policies towards Ethiopia and Eritrea, given that Eritrea was providing arms and military advice to the UIC. Most of the security officers prefer Addis Ababa, while the Islamists sympathize with the UIC. Bashir, as usual, was the umpire. Khartoum also adopted a third set of interests when it took over as Chair of the League of Arab States and with it, the role of attempting to mediate a settlement between the UIC and the Transitional Federal Government.

29. The unexpectedly swift military defeat of the UIC at the hands of the Ethiopian army in December-January opened the prospect of a new sub-regional peace and security order. Ethiopia's most important motivation in invading Somalia was to show to Eritrea that it was (still) a force to be reckoned with, and that continued Eritrean meddling would be met with an assertive response. The Eritreans clearly underestimated Ethiopian resolve and capacity, and the message was duly dispatched, especially when the UIC made a stand at Kismayo and was soundly defeated.

30. For Ethiopia to capitalize on its military success, it needed to achieve three political and public relations goals. One was to convince the world—and its own Muslim population—that it was not a Christian power intent on subjugating a Muslim nation. The second was that it had to make it clear that the military action was undertaken for reasons of national interest and not at the behest of the U.S. Had it achieved this, Addis Ababa could then have solidified its axis with Khartoum and set to work on the problems on its western border, working to stabilize Sudan. This prospect is now receding.

31. Ethiopia's third task was to transform the TFG from a divided, feuding and incompetent façade into something more substantial. At present, Ethiopia is currently making little progress in achieving this goal. An immediate culprit for this is the U.S. airstrikes against the alleged locations of al Qaida suspects, an action that has embarrassed Ethiopia and—especially when TFG President Abdullahi Yousif backed the airstrikes—undermined the credibility of the TFG.

32. A longer-term issue is that the TFG is incapable of running the country. The TFG was established on the precepts that Somalia's major problem was the absence of a functioning government and that any such government had to be acceptable to Ethiopia given its national security concerns on its south-eastern border. This overlooked the fact that there were very good reasons why central government had collapsed in Somalia: the government had been over-centralized and reliant on external resources, which it had used to further the narrow agendas of certain clans and socio-economic groups. Any

Somali government that is seen to be indebted to Ethiopia will never win legitimacy. There is no indication that Abdullahi Yousif has learned any lessons from recent history. The only way he can stay in power is with Ethiopian military support, while any international funds that are channeled to his government will merely intensify factional strife within government ranks. The prospect in Somalia is not an Iraqi-style insurgency: it is simply civil war (with any "peacekeepers" caught in the middle). And it will be difficult to confine that war to Somalia: Ethiopia's south-east will be caught up in it as well.

33. Ethiopia now faces a real prospect of a long and debilitating conflict on its south-east marchlands, and possibly Muslim-Christian strife in the central parts of the country—a re-run of the Oromo and Somali-Abo insurgencies of the 1970s and 80s, only this time shorn of the rhetoric of national self-determination and dressed instead in religious language. Such a conflict will in turn will attract jihadis from abroad and push Ethiopia into portraying its domestic problems as a front in the "war on terror". Eritrea, previously the number one target of Islamist militants, will stay out of the direct line of attack, and feel some satisfaction at the unfolding chaos. Ethiopia's avowed aim of stabilizing Somalia can only be achieved by looking beyond the current exclusivist strategy of the TFG leadership, to ensure that the TFG is genuinely broad-based an inclusive, and especially that it includes substantial and credible leaders from the Islamists.

34. As this scenario becomes more probable, the prospects increase that the NCP will shift its strategy towards supporting political Islamism in Somalia and Ethiopia. It may see its interests as best served by weakening Ethiopia, challenging the US and aligning itself with the Arab world. Any such new subregional order may be the converse of what Addis Ababa hoped when it sent its army into Somalia last month.

Implications and Next Steps

35. There is a tendency among international policymakers and diplomats to make a neat distinction between peace negotiations and "normal" domestic politics, and therefore to try to push peace talks hard to reach a conclusion so that "normality" can resume. The experience of Sudan suggests that this distinction is blurred at best. Peace negotiations are an episode of political bargaining and the period of "normal" politics is in turn a continuation of peace negotiations. The international community is equally involved at each stage, whether as mediator, supervisor, arbiter or umpire. And in Sudan, no agreement is definitive: everything is up for renegotiation at all times.

36. The principal goals of international engagement in Sudan are to create stability on the ground so that people can resume their lives, and to establish a non-violent and democratic political process. It is important to be reminded that the texts of agreements are merely tools to help achieve these goals. In pursuit of these goals, we need to canvass the possibilities that (a) peace negotiations for Darfur will be extended over many months and (b) the realization of the goals of the CPA will require a new inclusive dialogue.

37. Stability in Sudan is possible only in the context of wider stability in the Horn. Ethiopi, Eritrea and Somalia are essential elements of this. With an adjustment of its strategy, Ethiopia can play a significant stabilizing role. Africa Union “peacekeepers” in Somalia can only play a role when there is an inclusive and agreed political strategy among all Somali groups. A precondition for this to occur is for the U.S. to reduce its engagement in the subregion and especially to bring an end to its military activities.

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