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Prospects for Peace in Sudan: July 2010

Overview

1. During the last two months, the Sudanese political leadership has been preoccupied with the aftermath of the elections and the formation of new governments in Khartoum and Juba. Both governments are substantially reshuffled with new ministerial posts added but no significant broadening of representation. The resurgence of armed conflict between JEM and the GoS in Darfur has also been a concern. As a consequence, there has been only very slow movement forward on key CPA implementation issues and a belated start to post-referendum negotiations.
2. The new Government of National Unity indicates the ascendancy of the Nafie Ali Nafie group within the NCP. Having engineered the sweeping NCP victory in the election, Nafie's position of establishing a government consisting only of the NCP and its close allies has prevailed. Northern parties that contested against the NCP (Umma and DUP) are not included and a number of prominent moderates are excluded.
3. The new Government of Southern Sudan reflects a comparable SPLM domination. Riek Machar keeps his position as Vice President of GoSS but his powers are noticeably reduced. The SPLM has received conciliatory overtures from some defeated independent candidates but others (Gen. George Athor) remain in armed rebellion.
4. CPA implementation stalled during the post-election period, leaving the parties with extremely little time to implement an ambitious agenda. Technically, it is almost impossible for the Southern Sudan Referendum Commission to meet its deadlines of voter registration. The chair of the Abyei Referendum Commission has yet to be agreed. Both parties are contemplating turning to the international community for assistance, including the UN for substantially assisting in the southern Sudan referendum and the AU for the Abyei Referendum Commission.
5. The post-referendum negotiations have begun, with agreement between the parties to organize the talks on a bilateral basis with the AU Panel as facilitator. The talks are characterized by contrasting negotiating styles and philosophies and mutual distrust. However there is a common recognition of the need for resolving key issues within a framework of long-term strategic cooperation.
6. The war in Darfur resumed in earnest in May, following the expiry of the GoS-JEM ceasefire. Although JEM has won some tactical victories, its overall position remains

weak with its leader trapped outside the country and a regional and international consensus that he should return to the negotiating table.

7. The approach taken by the Mediation is fast-approaching a caricature of the weaknesses of the Abuja talks of 2005-06 without any of its promise. Trying to craft a comprehensive agreement with a small minority of the key stakeholders in the room is not a recipe for success. The politics of the Doha talks is concerned with how to flatter the Qataris and the Mediator.

8. For the first time since the Naivasha talks, a coherent international strategy and mechanism for engaging with Sudan is emerging. This is an achievement of the AU Panel in partnership with the SRSB (UNMIS), and backed by the U.S., whose position in support of balanced and faithful implementation of the CPA has been clarified.

The Formation of the New Government of National Unity

9. In retrospect, it is clear that the elections were held in the shadow of fear: the NCP fear of an international conspiracy to remove it from power, and the SPLM fear that the NCP would betray the commitment to the referendum. Democratization was therefore to be allowed only within strict margins. In the NCP, Assistant President Nafie Ali Nafie organized an election campaign on the tried and tested principle of taking no chances and assuming the worst of one's adversaries. He was vindicated and President Omar al Bashir is leaning in his direction. In the SPLM, the party's electoral strategy was to consolidate the south and signal to the NCP that it was ready to threaten them in the north. The SPLM Secretary General Pagan Amum led this approach, which has clearly won him the confidence of GoSS President Salva Kiir.

10. The two months following the April elections were preoccupied with the task of forming a new government to the exclusion of much other business. The government that emerged reflected the success of Nafie's organizational and political approach. The outcome is that the GoNU reflects the consolidation of NCP power. This will be a practical and cohesive government.

11. The SPLM is the essential partner in the GoNU and maintains its presence at the previous level. The sectarian parties (Umma and DUP) which might have been expected to participate in a broad-based government, are not represented. Within the NCP, there is a substantially increased representation of Darfurians.

12. Lual Deng, one of the most capable SPLM leaders, has been moved from GoNU State Minister of Finance to be Minister of Petroleum (the most important of the three ministries created by breaking up the former Ministry of Energy and Mineral Resources; the other two ministries being dams/electricity and mining, both of which went to the NCP). Lual's position during the next six months will be crucial to the negotiation of a post-referendum agreement on oil.

13. The Juba Alliance parties have been left in the political wilderness. The security forces acted against Hassan al Turabi and his PCP, possibly because of links with JEM but also because their newspaper published revelations about Sudan-Egypt relations during the 1990s that were intended to embarrass Nafie Ali Nafie. There have also been a number of arrests of civil society and human rights activists, especially those linked to the ICC and/or wishing to travel to the ICC review conference in Kampala.

14. Government finances are in fairly good shape because of a steady oil price. But weaknesses in revenue collection, oil industry management, and agricultural policy, as well as overspending on defence and the “political budget” leave the Sudanese economy vulnerable to external shocks as well as the potentially disastrous consequences of a failure to agree the financial element of post-referendum arrangements.

The National Congress Party

15. The power of the government rests on three legs: party, security and finance. The post-electoral political environment has seen the strengthening of the security leg and the weakening of those in the party who had hoped for a broad-based government. The allocation of ministries is marked by continuity in the military/security sector and a shift to the hardline in the other ministries. Notably, neither Ghazi Salah al Din nor Mustafa Ismail has a ministerial post (both had wanted the Foreign Ministry) and Awad al Jaz is demoted from finance. In this respect, the Nafie group has proven ascendant over the Ali Osman Taha group.

16. Ali Osman Taha was re-appointed as Vice President, scotching speculation that he might move to become Speaker of the Assembly and make way for a Darfurian to be VP. He is expected to relocate to Juba for the coming months in order to head a last-ditch effort to make unity attractive through an accelerated programme of investment and service delivery. This could prove a mixed blessing. While many in the NCP will support his efforts, and it will facilitate his role as supervisor of the post-referendum negotiations, his absence from Khartoum may weaken his influence (as occurred during the Naivasha talks).

17. President Bashir emerges from the election with a strong personal mandate. He continues to be at the exact centre of power and the election has consolidated his authority. At present, he appears to be shifting towards a political approach informed by security calculus, which in turn implies that he will make tactical and defensive decisions. International (especially African) engagement may be able to reorient his thinking towards a more strategic approach.

The Government of Southern Sudan

18. As expected, the SPLM has brought almost all of its senior figures to Juba, leaving few in Khartoum. The GoSS is expanded, with the major ministries going to familiar faces, and a new ministry for CPA Affairs and Peace created, headed by Pagan Amum (who also continues as Secretary General of the SPLM). This choice illustrates the

importance to the SPLM leadership of sustaining a strong anti-NCP posture. Meanwhile, Riek Machar emerged from the last three months significantly weakened. Although he remains Vice President, he has been stripped of his major responsibilities including leading negotiations with the NCP.

19. Some independents are coming back to the fold, including Alfred Ladu Gore who stood as an independent candidate for Central Equatoria and is widely regarded as having been cheated of electoral victory. The rebellion of George Athor, the defeated gubernatorial candidate for Jonglei, has passed out of the headlines. This is partly due to the rainy season hampering movement. However, Athor succeeded in his immediate objective of withstanding the SPLA counterattack before the rains set in, so his rebellion is still alive. The GoSS has a window of about four months to negotiate a settlement, or face new fighting towards the end of the year (which would be very unfortunate timing given the referendum schedule). Action is being taken against SPLM-DC members of the Southern Sudan Legislative Assembly in conjunction with homicides that occurred during the election campaign, but the SPLM-DC leadership alleges that this is a pretext for trying to uproot them politically.

20. The SPLM was taken aback by the harsh international verdict on the elections in southern Sudan, and is realizing the implications of the “failure to meet international standards” grade for the referendum. For this reason it is interested in maximizing the UN role in organizing and certifying the referendum.

CPA Implementation

21. CPA implementation involves many tasks over a very short period of time, with little trust between the parties. The de facto deadline for completion of the main tasks is November, when the referendum campaigns are due to begin. It is probable that some issues will be resolved in a last-minute rush while others will remain hanging into the post-referendum period.

22. The challenge facing the Southern Sudan Referendum Commission is technically unsurmountable. It has yet to hold its first meeting and occupy its offices. It is scheduled to begin voter registration on 9 July and to conclude within three months, including registering the eligible voters in the south, the north and the diaspora, publishing the voters’ roll, hearing all appeals against alleged unfair exclusion or inclusion, and gazetting the final register. With the rainy season leaving many locations inaccessible, this cannot be achieved. Bringing in the UN to run parts of the referendum does not solve this problem.

23. The Abyei Referendum Commission faces a logistically simpler task but a politically polarizing one, because determination of voter eligibility, which should be based on a definition of “residence” for non-Ngok Dinka Sudanese, will decide whether there is a majority in favour of joining Abyei to the south, or not. The chair of the ARC will possess the casting vote should the nine-member commission be split evenly on this question, which is probable. The Abyei issue can only be resolved if the post-referendum

arrangements are such that the interests of both Ngok and Missiriya communities are taken into account.

24. The popular consultations in South Kordofan and Blue Nile are also challenging. The parties have given less attention to these than to the referenda. The timing is becoming extended into the immediate post-referendum period. While the NCP sees the popular consultations as strictly an exercise dealing with local issues, some in the SPLM (correctly) argue that the problems facing these communities can be addressed only in the context of a new national constitutional process (as indeed will be the case for Darfur and eastern Sudan). To date, such a process remains over the political horizon because it is a post-CPA issue.

Post-Referendum Issues

25. The first and biggest, and most taboo post-referendum question is: what if the referendum fails to meet “international standards”? The recognition of a new state is primarily a political act by the state extending the recognition, but that decision will be informed by legal considerations, including (in this case) an assessment of the standard of the referendum. There is a need to plan for the contingency of regional and global controversy on this question.

26. The post-referendum arrangements negotiating agenda is underway. The atmosphere is cordial and constructive. However, there are underlying problems. There is the usual asymmetry between the parties in capacity and style. Both approach the issues from a starting point of distrust and gaining a tactical advantage. The NCP approach is more strategic, and it is ready to make compromises and entertain ambiguities, confident that it will be able to regain the initiative. The SPLM prefers to specify every detail, but in doing so may lose sight of the larger picture, slow down the process and find itself encumbered with complex mechanisms.

Darfur

27. Darfur remains as it has been for the last five years, which is a multi-layered political conflict superimposed on a security breakdown. The prevailing reality is one of a collapse in local governance and law and order, which both feeds into, and is worsened by, political conflict and marginalization.

28. The elections in Darfur left the NCP dominant throughout, but with a substantial minority vote for the DUP (especially in West Darfur), the PCP and the SPLM. Each of the governors faces serious internal difficulties, but none sufficiently serious to imperil their positions. For example, Yousif Kibir, the governor of North Darfur, appeared shaky after he was implicated in the Suq al Mawasir pyramid scheme, but he seems to have weathered the political storm. The NCP has rewarded its Darfurian followers with an increased representation in the central executive. Henceforth, the rebels and any international mediators will need to deal with the elected officials of Darfur as a power in their own right.

29. Following from the Sudan-Chad agreement, JEM had an opportunity to engage politically, but failed to take it. As the GoS had repeatedly warned, the door closed after the elections. Anticipating GoS military action against its base area in north-west Darfur, JEM took the offensive, to considerable immediate effect. The JEM strategy included trying to penetrate into Kordofan to ignite insurgency there, and to link up with the SLA to establish a base in Jebel Marra. Although JEM held its own militarily, it is on the strategic retreat, due to its isolation from external bases of support (dramatically manifest in the inability of its leader, Khalil Ibrahim, to return to the field), its lack of community support in Darfur, and the imbalance of resources it faces in confronting the GoS.

30. The Sudan Armed Forces, having behaved with considerable restraint over the previous year or so, responded to the JEM offensive with a large-scale counter-attack. May saw the highest number of fatalities from violence in Darfur since 2006. Having halted JEM's offensive, at least for now, the SAF will probably try to grind down JEM until it runs out of fuel and ammunition.

31. UNAMID has been a spectator to developments in Darfur, except when its own personnel and assets come under attack.

32. This crisis requires an inclusive political process. The Darfur Mediation is treating Darfur as a war between organized belligerents in which all other issues are ancillary and consequently is contributing to its intractability. This is precisely the wrong methodology. It is privileging the rebels by giving them a veto over the process (which they do not hesitate to lose), and giving the unrepresented stakeholders the unenviable choice of joining a rebel group or remaining spectators (a choice that divides and weakens them). The sooner the current Darfur Mediation can be terminated the better.

International Dimensions

33. Since the completion of the CPA negotiations and the establishment of UNMIS in 2005, international engagement in Sudan has been ineffective both at the field level and in terms of international policy. Divergent goals, multiple interests, and the priority given to the institutional interests of external players (e.g. sustaining a large peacekeeping operation, establishing the profile of the ICC, among others) over Sudanese needs, meant that by 2009 the international engagement was hindering rather than helping Sudan. In the last six months, this has changed, and for the first time since 2003 there is a dominant international policy and mechanism.

34. At the field level, this coordination exists because of the leadership of the SRSG, Haile Menkerios and his readiness to work collaboratively, especially with the AU Panel, and with a focus on the political objectives. More work is needed before the same coordination can be said to exist in Darfur. The AU-UN high-level meeting of 7 May in Addis Ababa has established the principle of coordination, but some institutional jealousies exist in both headquarters.

35. The Sudan Consultative Forum, convened on 8 May, provides a mechanism for regional and international coordination. It enjoys strong backing from across the international spectrum but remains to be tested. The UN Security Council is becoming deeply concerned about the potential for major trouble in Sudan and is grasping at the AU-UN mechanism and the AU Panel as its mechanism of preference or (at least) necessity.

36. U.S. policy towards Sudan has failed to promote its objectives in significant part because of internal divisions within the U.S. government. The outstanding achievement of the U.S. activist campaign on Sudan has been to make the U.S. impotent for the last five years. A clear U.S. policy objective has now emerged, which is to ensure that a newly-independent southern Sudan is not an American-owned problem. To this end, the U.S. administration is prioritizing CPA implementation and the joint AU-UN mechanism, with the AU Panel at its centre. The Special Envoy, Gen. Scott Gration, has faced severe punishment in the domestic U.S. arena, for his stand, but has succeeded in transmitting the message to the SPLM that it cannot count on unconditional support from the U.S. administration.

37. The AU Panel on Sudan has had several discernible impacts. It has compelled the Sudanese parties to be more consistent and strategic in their thinking, shifting them away from their accustomed tactical approach. Linked to this, it has introduced a new level of rigour and consistency in analyzing Sudan's problems. The Panel has also created a centre of gravity for international policy and the necessary coordination mechanisms. It has not yet had a major impact on Darfur, a shortcoming that will need to be remedied if it is to maintain its leverage.

Implications

38. Sudanese politics remains a turbulent affair, with the parties operating in tactical mode, tending to assume the worst of one another and act on that assumption. The leaders who have been ascendant in recent years have been those who have wagered on adverse outcomes to all of the initiatives intended to resolve Sudan's crises. Nafie was a CPA skeptic. Khalil rejected the DPA. The electoral skeptics in NCP and SPLM (Nafie, Salva) have emerged stronger. Those who have a vision of peace, democracy and coexistence (Ali Osman Taha, Ghazi Salah el Din, Riek Machar) tend to lose out.

39. The elections have consolidated the NCP and SPLM as the dominant parties in their respective domains. This domination should last through several electoral cycles. The future lies in their hands. The undisputed positions of the NCP and SPLM, and the personal mandates of President Omar al Bashir and President Salva Kiir should enable the two leaderships to use some of their political capital in taking risks and making strategic long-term commitments. However, the referendum in January hangs over north and south alike, so that neither feels sufficiently secure to be able to turn their political supremacy to good effect.

40. The AU Panel has positioned itself at the centre of international engagement with Sudan. It has immense access and leverage. While focusing on achieving the goals of CPA implementation, post-referendum arrangements and a resolution of the Darfur crisis, it will also need to position itself as a conflict prevention mechanism in case the last stages of the CPA go seriously wrong.

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