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Countdown in Sudan

Between Compromise and War – Scenarios until 2011

Wibke Hansen and Annette Weber

With barely a year until the crucial vote on independence for Southern Sudan in January 2011, the peace process is in trouble. The independence referendum is supposed to mark the end of a six-year interim period that began in 2005 with the signing of the Comprehensive Peace Agreement (CPA) between the central government in the North and the rebel movement in the South. But patchy implementation of the peace agreement, festering mistrust between the parties and worsening political tensions in the run-up to the April 2010 elections are endangering stability in the country and reducing the chances that the referendum can pass off peacefully. If the peace process fails, the humanitarian consequences could be even graver than in Darfur. The international community must act decisively and in partnership to create the preconditions for a peaceful referendum and a minimum of stability thereafter – whether that is in one country or two.

The signing of the CPA in 2005 ended Africa's longest-running civil war and was welcomed with international applause and a sense of relief. As well as ending the military conflict, the agreement provides for a redistribution of political power and state resources between the North and South of the country. "Making unity attractive" is the motto of the CPA and its provisions are designed to further that goal. During the six-year interim period a Government of National Unity (GNU) – dominated by President Omar al-Bashir's National Congress Party (NCP) – has governed in Khartoum. The former rebel movement – the Sudan People's Liberation Movement (SPLM) – runs the autonomous

Government of Southern Sudan (GoSS) in Juba. Oil revenues are divided equally between North and South and, in a unique construction, each part of the country keeps its own army.

Five to Midnight for the CPA

There have certainly been successes in the implementation of the agreement. Despite serious violations – most recently in May 2008 in the crisis-torn border region of Abyei – the cease-fire in particular has largely held. As a whole, though, progress in implementing the CPA has been slow. Central provisions have been repeatedly postponed due to political differences. As

a consequence, there is now a backlog of highly complex measures needing to be implemented in a tight timeframe. The magnitude of this challenge would test any country to its limits, let alone one so wracked by civil war.

Even before the independence referendum, the first multi-party elections for more than twenty years are scheduled for April 2010. The preparations are taking place under considerable time pressure and the rules for the simultaneous presidential, parliamentary and regional elections are complicated. Some citizens will have to cast twelve ballots; many of them are first-time voters, many are illiterate. The sheer size of the country and infrastructure deficits make the elections a logistical nightmare. Politically the situation is tense. The SPLM rejects the census figures on which the constituency boundaries are based, and SPLM members of parliament boycotted the national parliament in Khartoum in protest at delays in passing important legislation.

One year before the referendum date some of the fundamental preconditions for a peaceful ballot are not yet in place. The referendum law was not passed until December 2009, and the parties have not yet agreed on the composition of the referendum commission. Furthermore, there is no mutually recognised border between North and South Sudan. Unless speedy progress is made on these matters, the referendum date might end up being endangered by banal technical issues. But the SPLM would find it almost impossible to justify any postponement to its base, and could even consider a unilateral declaration of independence (UDI) if the date was threatened.

If the referendum were to be held today, a majority of the Southern population would probably vote for independence. But provisions for “the day after” seem to be lacking – in the north, the south and the international community. An unstable security situation and fragile structures of governance could debilitate any new state in South Sudan and endanger the unity of

the South. In 2009 tribal clashes in southern Sudan claimed more civilian victims than the conflict in Darfur during the same period. The SPLM claims that the North is responsible because it arms Southern tribes, while the NCP blames the Southern government’s lack of authority.

The Positions of the Parties

Both sides publicly support the CPA, but for opposing reasons without any shared vision of a united Sudan. For the NCP, the agreement guarantees its hold on power in Khartoum during the transitional phase, as well as 50 percent of the oil revenues. If the South, where most of the oil fields are located, were to break away, the North would have little hope of gaining such a lucrative arrangement. Thus for the NCP unity is preferable to separation and retaining power in a united Sudan is its top priority. Given that its second-best option would be to retain power in North Sudan, the NCP would prefer to allow the South to secede (especially if an agreement over the distribution of oil revenues could be reached beforehand) rather than risk a military conflict over oil fields and border demarcation. In the April elections the NCP, aided by the demographic structure, hopes to win a clear majority over the SPLM and Northern opposition parties and legitimise the ICC-indicted President al-Bashir.

For the SPLM the referendum is the most important provision of the CPA. Cooperation with the NCP in implementing the agreement is a means to safeguard the independence vote. If the referendum is endangered the SPLM has little reason left to cooperate. Although the SPLM has traditionally encompassed currents calling for a united Sudan as well as those determined to gain full independence, support for full separation currently seems to be gaining the upper hand. This shift is driven by the hope that secession would lead to a larger share of the oil revenues remaining in the South, and that the South would be able to engage Khartoum as an equal rather than a

powerless junior partner. In the April elections the SPLM is concentrating on winning at least one third of the seats in the national legislature, which would allow it to block any constitutional amendment aiming to undermine or circumvent the referendum.

Considering the positions of the two sides, there are three plausible scenarios for the coming twelve months.

Scenario 1: Compromise and Coexistence

Seeking to avoid the great costs of a military conflict, both parties seek to pursue their interests on the path of compromise. Largely free and fair elections in April 2010 strengthen the confidence of the CPA partners for further negotiations. A “roadmap” is drafted with the support of the international community, setting out a timetable for the steps leading up to a referendum and outlining a negotiating framework for post-2011 arrangements. International political, technical and financial assistance for implementing the roadmap allows speedy demarcation of the north-south border. Whatever the outcome of the referendum, NCP and SPLM agree to staged implementation in order to gain more time for agreements on post-referendum arrangements.

Scenario 2: Secession and Collapse

No solution is found for points of disagreement in CPA implementation. The elections are postponed again, opportunities for political opening and reforms are lost in both North and South. Excessive military spending ties up financial resources. Under considerable pressure from the international community the referendum takes place, but without adequate preparation at the national and local level. The South secedes. Worries about what will happen to water and grazing rights and the seasonal migration

routes of nomadic cattle herders inflame tribal tensions in the border region. South Sudan’s oil revenues collapse for lack of agreement concerning the pipeline running through the North. Basic needs of the population have to be supplied by international organisations. Confidence in the government decreases, local tribes take their interests into their own hands. Tribal conflicts exacerbate the security situation, leading to massive refugee movements and increasingly destabilising the South. A humanitarian crisis is the outcome.

Scenario 3: Secession and Civil War

The peace process becomes deadlocked. Disputed elections lead to political conflict between the NCP and the SPLM. Both sides arm their own forces and loyal tribes. The South accuses the North of deliberate delaying tactics, the North responds by breaking off negotiations. Responding to the demands of broad sections of the population, the South unilaterally declares independence – within a territory whose borders are ill-defined. Troops from both sides attempt to occupy oil installations in the border region. A border war ensues, with immense humanitarian costs. The achievements of the six-year transitional phase are lost and investments in development and peace destroyed. The stability of the whole region is threatened.

Outlook and Recommendations

Over the coming twelve months Sudan could become the central challenge in Africa for the EU and the new structures of the CFSP. For humanitarian and security reasons the EU has a central interest in stability in the region. Coordination among the member states is crucial if the EU is to effectively exert influence on the progress of the peace process. The EU member states need to combine together to develop a coherent concept for dealings with Sudan, aligned on criteria of stability.

First of all, the EU should demand full and complete implementation of the CPA, and critically supervise and actively support that process. A quick agreement on the census results is important for the acceptance of the elections

The Sudanese presidency should set a realistic timeframe for complete physical demarcation of the border – and keep to it. Consultation with the population in the three border regions of Abyei, Southern Kordofan and Blue Nile will be important in this process in order to defuse local tensions.

Finally, negotiations between the parties about arrangements and cooperation after 2011 represent a key factor for further stability. The central issues here are the division of oil revenues and state assets, citizenship, minority protection, and future security agreements between North and South. Supplying legal expertise and transferring experience of peaceful secessions and successful autonomy arrangements could help the parties to come to informed decisions.

Development cooperation remains important and should be strengthened, especially in areas that promote stability. These include disarmament, demobilisation and reintegration of ex-combatants (DDR), and establishing basic infrastructure, public services and an effective security sector in South Sudan.

The conditions for complete implementation of the CPA, a peaceful referendum and lasting stability can only be created by a joint effort. The EU Special Representative should take the initiative for a European roadmap, to be coordinated and agreed with the main actors in the region. Economically China is a key player, while the regional actors, the African Union, the United Nations and the Arab League have the political weight to back up the provisions for post-2011 stability. The United Nations Mission in Sudan (UNMIS) and the United States are central factors in the dialogue between SPLM and NCP. Since 2009 the United States has been organising a tri-

lateral dialogue led by Special Envoy Scott Gration, seeking to make progress on stalled CPA issues. The EU cannot replace these actors, but can provide active support and by its own make an effective contribution to conflict prevention in Africa. Otherwise we could face the collapse of yet another African state.

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