

A STRATEGY FOR COMPREHENSIVE PEACE IN SUDAN

Africa Report N°130 – 26 July 2007

TABLE OF CONTENTS

EXECUTIVE SUMMARY AND RECOMMENDATIONS.....	i
I. INTRODUCTION.....	1
II. THE CPA: FOUNDATION FOR PEACE.....	2
A. FUNDAMENTAL POLITICAL CHALLENGES.....	2
B. THE NCP-SPLM PARTNERSHIP.....	3
C. IMPLEMENTATION AT THE NATIONAL LEVEL.....	4
D. IMPLEMENTATION IN THE SOUTH.....	5
E. INCLUSIVENESS AND SUPPORT IN THE NORTH.....	7
III. OTHER CONFLICT AREAS.....	8
A. DARFUR.....	8
B. THE FAR NORTH: THE NEXT CONFLICT?.....	10
C. KORDOFAN AND THE EAST: URGENT ATTENTION REQUIRED.....	12
IV. BUILDING AN INTERNATIONAL STRATEGY.....	13
V. CONCLUSION.....	16
APPENDICES	
A. MAP OF SUDAN.....	17
B. GLOSSARY OF ACRONYMS.....	18

A STRATEGY FOR COMPREHENSIVE PEACE IN SUDAN

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Lasting peace in Sudan requires a new strategy, one which tackles its multiple conflicts and potential conflicts in a consistent manner. The overwhelming international concentration on Darfur has come at the expense of the broader quest for peace in the country. Unless a more balanced approach is developed, Darfur will continue to suffer, and new wars are likely. The 2005 Comprehensive Peace Agreement (CPA), which ended Africa's longest-running civil war, contains the detailed provisions and schedule for governmental reforms and a democratisation process leading to national elections in 2009 which can be the building blocks for peacemaking in Darfur and elsewhere. It is in danger of collapse, however, due to government sabotage and international neglect, the latter a cruel irony in that preoccupation to conclude the CPA negotiations led to initial reluctance to address the developing Darfur crisis in 2003-2004. Urgent efforts are needed to build consensus among the main international players on a strategy for obtaining implementation of key CPA benchmarks.

While Darfur is Sudan's most pressing regional issue, additional attention is also needed in Kordofan, where armed groups unhappy with CPA implementation threaten new conflict and may link up with insurgents in Darfur; in the far North, where the construction of dams has displaced and angered several communities, and the risk of major conflict is increasing; and in the East, where the 2006 peace agreement has only just begun to be implemented and could easily still fall apart.

If implemented, the CPA would help transform the oppressive governmental system that is at the root of all these conflicts into a more open, transparent, inclusive and democratic one. The ruling National Congress Party (NCP) resists this because it views full implementation as a threat to regime survival. It is undermining the reforms critical to democratisation, as well as the ones that would allow for the promised self-determination referendum in the South in 2011. If the CPA fails – which is increasingly likely – Sudan can be expected to return to full-scale war, with dire implications not only for its own people but for all its neighbours as well.

International efforts over the last three years have lacked consistent leadership and been weakened by disagreements, particularly between Western donor countries and China, Russia and the Arab world. An informal contact group of these major actors, and including the European Union (EU), France, the African Union (AU), the UN and regional countries, is slowly beginning to cooperate more effectively on Darfur, however, and has made some progress over the past four months towards renewing negotiations for a political settlement.

This cooperation needs to be expanded to prioritise core elements of the CPA but growing problems with that agreement are receiving little attention, even though peace in Darfur and elsewhere can only be built on its foundation. The first major implementation deadline – withdrawal of the Sudan Armed Forces (SAF) from the South by 9 July – was missed without an international response. Much of the implementation that has taken place is on paper only; many commissions and other bodies still do not function. The former rebels, the Sudan People's Liberation Movement (SPLM), were expected to be an agent of change in Khartoum but have focused most of their energy on internal southern issues, at the expense of the national agenda.

Consistent international engagement and vigilance is needed. Monitoring the CPA is the primary mandate of the UN Mission in Sudan (UNMIS) but it has been without a chief for more than half a year. The Secretary-General must immediately correct this, and UNMIS should refocus on overseeing CPA implementation. The enlarged contact group on Darfur is to meet again in September. It should agree on holding the parties, especially Khartoum, to key CPA benchmarks. The Secretary-General should work with the AU to organise a broad-based international conference at which a comprehensive roadmap for peace in Sudan would be laid out, including those benchmarks, the AU/UN plan for reviving the Darfur political process, and consensus on the diplomatic and economic rewards and punitive measures to be taken with respect to the parties in proportion to action on that roadmap.

RECOMMENDATIONS

To the Government of Sudan:

1. Cease harassment of journalists, remove restrictions on local media, release political prisoners, reform the National Security Act and other laws that continue to contradict the CPA and constitution, respect political freedoms and otherwise implement in a full and timely manner the commitments undertaken in the CPA.

To the UN Security Council, the AU, EU, Arab League, Neighbours of Sudan and Donors:

2. Devote increased attention to implementation of the CPA and demand of the NCP in particular that the following benchmarks be met within that agreement's timelines so as to prepare for free and fair national elections in 2009 and reform central government operations:
 - (a) the national census take place in January 2008, as planned. The latest pledge from the central government of \$30 million between June and September is late and should be released immediately;
 - (b) the parliament pass the electoral bill by October 2007, after wide consultations with political parties and civil society;
 - (c) the ad hoc North-South Boundary Commission complete work by February 2008, after which at the latest the SAF be immediately and fully redeployed out of the South;
 - (d) the National Civil Service Commission be operational within three months; and
 - (e) the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) begin to operate freely, according to its CPA mandate and with support and guidance from the World Bank, and the finance ministry respect its directives.
3. Develop a comprehensive roadmap for peace in Sudan that includes:
 - (a) agreement on supporting implementation of the above five CPA benchmarks;
 - (b) the existing AU/UN roadmap for reviving the political process on Darfur;
 - (c) consensus on the diplomatic and economic rewards and punitive measures to be taken with respect to the parties in proportion to action on the roadmap; and

- (d) increased attention to Sudan's other regional issues which threaten to become deadly conflicts, including in Kordofan, the far North and the East.

To UN Secretary-General Ban Ki-moon:

4. Appoint immediately a new special representative to fill the vacancy as head of UNMIS.
5. Organise, with the African Union as a follow-up to the Tripoli process, a broad-based international conference as the vehicle for developing and pursuing the comprehensive roadmap for peace.

To UNMIS:

6. Refocus activities on the core mandate of overseeing CPA implementation.
7. Start an urgent dialogue with the government on risks of new conflicts in Kordofan, the far North and the East.

To Diplomatic Missions in Khartoum:

8. Establish a shadow CPA Assessment and Evaluation Commission (AEC).

To the SPLM:

9. Balance focus on governance issues in the South with increased attention to obligations in the Government of National Unity, in particular those relating to CPA provisions for national reforms and a democratisation process leading to free and fair elections in 2009.

Nairobi/Brussels, 26 July 2007

A STRATEGY FOR COMPREHENSIVE PEACE IN SUDAN

I. INTRODUCTION

A lasting and comprehensive peace in Sudan requires a fundamental shift in the way the country is governed. The approach of the ruling National Congress Party (NCP) has triggered new wars in Darfur and eastern Sudan, with fresh conflicts brewing in Kordofan and the far North.¹ The common theme among these is disenfranchised peripheral communities taking arms against a central government that is perceived as unfairly controlling the state's power and wealth. The responses of the government and the international community have reinforced the idea for many that political gains can only be achieved through the gun.

For the CPA to live up to its billing as a truly "comprehensive" peace agreement, it must overcome the perception that it is a two-party deal, which gives the NCP control of the North and the Sudan People's Liberation Movement (SPLM) control of the South. To settle the many grievances against the government and bring sustainable peace, the national reforms and democratisation process leading up to elections it promises must be implemented in good faith. However, those reforms pose a threat to the NCP, as they would break its monopoly over structures it has used to control the country. The ruling party considers that its very survival is threatened by full CPA implementation. Whether Sudan is to know real peace depends on the outcome of the struggle between the regime's efforts to maintain its authority and attempts to make government more inclusive, transparent and democratic, which must at least involve a change in how the NCP governs. A Sudanese political analyst argues:

[The NCP] is a wounded beast that has lost all ideological and religious credibility and is surviving on manipulating ethnicities across the country to survive in power...[The] threat comes from the fact that it is a militarised party. Not only has it

taken control of the state's security agencies, but it has well hidden parallel ones that are armed to the teeth....It will respond ruthlessly.²

The same calculations drive the NCP to pursue a divide-and-rule strategy in Darfur, risk a new conflict with the Manassir and Nubians in the far North in order to build dams that will greatly benefit a select few at the expense of the local populations, and refuse genuine dialogue in the East and with the northern opposition parties. A common set of problems drives conflict throughout the country, a dynamic that must change if peace is to be built. Continuation of the NCP's current approach would mean further war in Darfur, the possibility of new war in other parts of the North, the inevitable collapse of the CPA and the prospect of a new, possibly deadlier war in the South and centre, with spill-over effects on neighbouring countries at least as devastating as those that were common during the long civil war.

¹ The National Islamic Front (NIF) came to power via a bloodless coup in June 1989, the day before parliament was to vote on freezing Sharia (Islamic law) as part of a peace deal with the rebel Sudan People's Liberation Army (SPLA). It split in 2000 between the NCP and the Popular Congress of the NIF's former chief ideologue, Dr Hassan el-Turabi.

² Crisis Group correspondence, 15 July 2007.

II. THE CPA: FOUNDATION FOR PEACE

There are a growing number of warning signs that the CPA is failing. It offers the basis for national transformation but is not a magical solution to all the country's problems. It has been criticised by opposition groups throughout the North for giving too much power to the NCP there, and its power-sharing provisions – which grant 52 per cent of government and parliamentary positions to the NCP ahead of elections – have been and will likely continue to be an obstacle to a peace deal in Darfur. The implementation report card is mostly negative and unchanged from what Crisis Group described in March 2006.³ The NCP has the capacity but not the political will to implement the agreement; the SPLM has the political will but not the capacity; and the international community remains largely disengaged.

The Darfur conflict is further complicated by the active involvement of regional actors such as Eritrea, Chad, Libya and Egypt, each of which is heavily involved. The benefit of the CPA is twofold: first, it addresses some of the root causes at the national level of government which have contributed to the resurgence of conflict throughout the country; secondly, it has already been agreed and need only be implemented. Important measuring sticks for gauging the health of the CPA are analysed below.⁴

A. FUNDAMENTAL POLITICAL CHALLENGES

Though the CPA was primarily focused on southern Sudan and has important shortcomings such as the national power-sharing distribution, it includes provisions at the national level designed to reform government systematically and lead to national elections that are now part of the interim constitution. These contain the seeds for a sustainable peace. Their stated purpose is to “make unity attractive” to southern Sudanese prior to the 2011 self-determination referendum. An equally important and perhaps more realistic goal is to help prevent or resolve multiple conflicts throughout the rest of the country.

Nevertheless, the CPA has not yet evolved beyond a political agreement between the SPLM and the NCP. Its various elements – focusing on the South, the central government and the transition areas of Abyei, Southern Kordofan and Blue Nile – carry different risks and benefits for each side. The NCP has shown general willingness

to implement those that deal exclusively with southern Sudan but resistance to those on the transition areas and the national level that would challenge its power. It continues to delay key legal reforms essential for democratic transformation, such as the National Security Act, and maintains tight media restrictions. It undermines implementation affecting the North-South border, delays funding to the ad hoc North-South Boundary Commission and the national census,⁵ refuses the “final and binding” Abyei Boundaries Commission report and prevents oil sector transparency, leading to suspicions about fair revenue sharing with the Government of Southern Sudan (GoSS). Without a properly demarcated border and clarity on residency (and, by extension, the right to vote), there cannot be a fair and peaceful self-determination referendum.

The CPA's most transformative element is the national elections, scheduled for 2009.⁶ They pose perhaps the single greatest threat to the NCP, which is increasingly unpopular in most of northern Sudan, where Darfur has affected public opinion in a way the war in the South never did. The census, the first step in preparing the elections, has been delayed repeatedly by lack of funding and is now scheduled for January 2008. The Political Parties Act was passed by the national assembly in January 2007 but is not being implemented. The electoral law has yet to be presented to the assembly and must be passed by October 2007, at the latest, if the electoral timetable is to be maintained.⁷ It is to establish the parameters for the commission which will guide the actual process. Major questions remain, however, such as the nature of the electoral system. Politicians are actively debating the merits of various types. A broad range of opinions should inform this debate, which should not be a closed-door affair between the NCP and SPLM.⁸

Electoral calculations increasingly play a role in day-to-day political manoeuvring in Khartoum but are most visible in the NCP's actions. In the past several months, it has opened a channel to the major northern opposition parties – Umma, Democratic Unionist (DUP), Popular

³ Crisis Group Africa Report N°106, *Sudan's Comprehensive Peace Agreement: The Long Road Ahead*, 31 March 2006.

⁴ A subsequent Crisis Group report will assess CPA implementation in greater depth.

⁵ The central government committed to provide \$30 million to the census between June and September 2007, at the rate of \$7.5 million per month. Only \$2.5 million has been delivered to date. “Without this money, there's no way the census can happen in January 2008”, a donor warned. Crisis Group interview, 8 July 2007.

⁶ The timetable for elections was agreed during the CPA negotiations. The power-sharing protocol, signed by the NCP and SPLM in May 2004, originally called for elections at all levels of government by 2008. The CPA's implementation modalities, the final chapter in the peace deal, pushed the date back to 2009.

⁷ Crisis Group interview, international observer, 8 July 2007.

⁸ A subsequent Crisis Group briefing will examine the elections more closely.

Congress (PC) and Communist – to explore an alliance of the traditional northern political groups.⁹ At the same time, it has sought to revive its quest for a partnership with the SPLM, including a joint electoral list, an idea first raised during the CPA negotiations.

While free and fair elections may worry the NCP, it would welcome quick and dirty ones with a pre-arranged outcome. The party controls the financial resources and state machinery necessary to manipulate electoral outcomes. Khartoum's constant backtracking and foot-dragging on the Darfur process seem designed to perpetuate the region's instability and so preclude its genuine participation in the 2009 elections. The SPLM, as a party, is disorganised and must decide the degree to which it will devote resources to developing a national political agenda or remain focused on the South.

The CPA addresses in a generous manner most of the grievances of the former rebel SPLM. Yet, that movement has had trouble maintaining focus on both national issues and the many challenges facing the GoSS. Historically southern-dominated, the SPLM has long been divided between the New Sudan ideology of its late leader, John Garang – a call for a united, secular, democratic country which, over the course of the war, attracted many northern Sudanese – and the southern Sudanese demand for self-determination.¹⁰ The CPA theoretically appeases both camps, offering a self-determination referendum to the South after a six-year interim period in which the central government is to “make unity attractive” by reforms and elections. However, the SPLM's track record is short of expectations. It has focused primarily on issues in the South, at the expense of the national agenda.

The two most prominent northern SPLM officials in Khartoum, Abdalaziz al-Hilu and Yassir Arman, have left for the U.S. to study without a return date, weakening SPLM credibility in the North and increasing the frustration of those interested primarily in reforming the central government. A further blow to the SPLM's northern base and national appeal came recently when Malik Agar, the former SPLM-appointed investment

minister, transferred to Damazin as governor of Blue Nile state.¹¹ Despite these setbacks, the SPLM has had surprising success at mobilising support throughout the northern states.¹²

An NCP-SPLM partnership, discussed in more detail below, could only succeed if there is a firm understanding on CPA implementation. The ruling party's systematic undermining of the agreement provides little basis for a lasting arrangement, despite modest progress in recent discussions. Some hope that a fragile partnership might be preserved until the southern referendum in 2011 even if the NCP undermines the national reform agenda. This is conceivable, provided there is tacit agreement between the parties, but is made improbable by the NCP's unwillingness to implement the areas that would facilitate that referendum: Abyei, border demarcation, genuine implementation of the security protocols, the census, and oil sector transparency. Even if such a partnership were to be formed, continued NCP dominance in the North on an unchanged basis would spur new conflict throughout northern Sudan and could well end up undermining the CPA and the self-determination referendum all the same.

B. THE NCP-SPLM PARTNERSHIP

The CPA implementation record closely matches the status of the relationship between the two parties that concluded the agreement. The partnership notion, including an electoral arrangement, was broached by the NCP during the Naivasha negotiations.¹³ Originally it rested heavily on the strong personal ties that developed in Naivasha between Vice President Ali Osman Taha and Garang. The SPLM leader's death in a helicopter crash in July 2005 changed the dynamic of both the peace agreement and the partnership¹⁴ but the biggest blow to the relationship was the NCP's decision to actively undermine core CPA elements and try to divide the SPLM.

In mid-2006, the parties held their first round of high-level talks on problems with CPA implementation, culminating in a meeting chaired jointly by President Bashir and Garang's successor, Salva Kiir. Three high level sub-committees, on security, wealth sharing and political affairs, met periodically but achieved no significant breakthroughs on major issues, as the SPLM accused the NCP of systematically violating, ignoring or undermining

⁹ The committee tasked with national reconciliation (*Jam al Saf*), headed by the ex-president of Sudan's Transitional Authority (1985-1986), Sowa el-Dahab, organised a dinner in April 2007 for the heads of the major northern political parties as the first attempt at beginning a new national dialogue. It was attended by President Bashir and Mustafa Osman Ismail from the NCP, Sadiq al-Mahdi from the Umma Party, Ahmed el-Mirghani from the DUP, Dr Hassan el-Turabi from the PC and Mohamed Ibrahim Nugud from the Communist Party, among others.

¹⁰ The demand for southern self-determination grew over the course of the war. Garang long opposed making it the rebellion's political aim, which was one of the factors behind the SPLM's split in 1991.

¹¹ “Sudanese president names SPLM's Agar as governor of Blue Nile”, *Sudan Tribune*, 2 July 2007.

¹² Crisis Group interviews, diplomats, SPLM officials, northern and eastern Sudanese, Khartoum, May 2007.

¹³ For more on this, see Crisis Group Report, *Sudan's Comprehensive Peace Agreement*, op. cit.

¹⁴ See *ibid* and Crisis Group Africa Briefing N°30, *Garang's Death: Implications for Peace in Sudan*, 9 August 2005.

aspects of the agreement. A second high-level round, in late April 2007, had a noticeably different dynamic. The NCP offered to implement some key CPA areas if the SPLM would commit to an electoral partnership.¹⁵

The NCP strategy is twofold: partnering with the SPLM would strengthen its chances to survive democratic elections and, perhaps more importantly, eliminate the possibility of an SPLM-led alliance of marginalised political groups, including from the South, Darfur, the East, the Nuba Mountains and Blue Nile, which could challenge its supremacy. Though the SPLM is resisting an electoral arrangement, the parties agreed on some lesser implementation issues.¹⁶ The most important involves oil concessions in the South, blocks B and 5a, where – in violation of the CPA – the SPLM had signed agreements with companies for areas that Khartoum had already sold.¹⁷ The parties agreed to allow Nile Petroleum, the GoSS petroleum parastatal, and one GoSS-appointed oil company to participate in the consortiums in each concession area.¹⁸ Talks are continuing on Abyei, the single most volatile element of the CPA, because the NCP rejects the “final and binding” Abyei Boundary Commission report. A public war of words between senior SPLM and NCP officials has erupted following SPLM Secretary General Pagan Amum’s suggestion that the U.S. establish a temporary administration in Abyei.¹⁹ A serious internal contradiction in its view of the CPA affects the SPLM’s ability and willingness to consider a real partnership. For its northern members and supporters of Garang’s New Sudan vision, the central purpose of the peace deal is to dismantle the NCP government and reform the centre. This requires a program focusing

primarily on national reforms and is inconsistent with a partnership with the ruling party. Instead, the natural choice would seem to be an alliance with the other marginalised regions and opposition parties.

For its predominantly southern majority, however, the primary purpose is to deliver the self-determination referendum. This opens a possibility for a political deal with the NCP, including even an electoral partnership, since many SPLM members believe the best way to protect the referendum is to allow the NCP to keep control of the North, while their party focuses on the South. They also believe the NCP is more likely to safeguard the CPA than other northern parties – such as the Umma or the Communist – which complain about that agreement’s exclusive nature. SPLM leaders seem inclined to this second line, though the latest inter-party talks did not achieve a breakthrough, and the many CPA implementation problems pose obvious obstacles to a successful partnership.

C. IMPLEMENTATION AT THE NATIONAL LEVEL

The CPA can be divided into three parts: provisions on the South, provisions on the transitional areas of Abyei, Southern Kordofan and Blue Nile and provisions on the national government. The national-level agenda and national elections are the key link between the elements on the transitional areas and those on the South and have the most relevance to the other conflict areas in the North. They are what makes the agreement “comprehensive”, and are the most important elements for resolving the structural problems that continue to cause new conflicts throughout the country.

One of the most important of these provisions involves national civil service reform, including incorporation of 20-30 per cent qualified and trained southern Sudanese, to “fairly represent all the people of the Sudan and...utilise affirmative action and job training to achieve equitable targets for representation within an agreed time frame”.²⁰ Little has been done. Parliament passed the bills authorising creation of the national civil service commission and the national civil service in January 2007. However, the bill which set out terms and conditions for the civil service was rejected by the SPLM and other opposition parties and passed solely by the NCP majority – the first time the new parliament has not approved a law by unanimity or consensus.²¹ It was prepared in the Council of Ministers, not the National Constitutional Review Commission

¹⁵ Crisis Group interview, senior SPLM official, 16 May 2007.

¹⁶ Clarifications and agreements were reached on technical issues related to CPA implementation, such as concurrent and exclusive powers, telecom, aviation, river transport, *Zakat* and non-Muslims, and regional and international cooperation. Crisis Group interview, senior SPLM official, 15 June 2007. *Zakat* is a religious levy on wealthier Muslims to benefit the poor that has been institutionalised in the tax system.

¹⁷ For background, see Crisis Group Report, *Sudan’s Comprehensive Peace Agreement*, op. cit., pp. 7-9.

¹⁸ The National Petroleum Commission rejected the SPLM-appointed company, White Nile, as part of the consortium in block B. It remains unclear who if anyone will compensate White Nile, particularly given the GoSS’s financial limitations. The commission was favourable to including Ascom, an SPLM-appointed company, in block 5a. Resolutions from the commission meeting are available online from the European Coalition for Oil in Sudan, at www.ecosonline.org. For more on the background of these agreements and broader problems in the oil sector, see Crisis Group Africa Report N°96, *The Khartoum-SPLM Agreement: Sudan’s Uncertain Peace*, 25 July 2005, and Crisis Group Report, *Sudan’s Comprehensive Peace Agreement*, op. cit.

¹⁹ A subsequent Crisis Group briefing will focus on Abyei.

²⁰ Article 2.6.1.5, Power Sharing Protocol, Comprehensive Peace Agreement, signed 9 January 2005.

²¹ The CPA Monitor, May 2007, at www.unmis.org.

(NCRC), the body tasked with drafting all legislation to ensure compatibility with the CPA and the interim national constitution.²² There is no noticeable change in the recruitment or formation of the national civil service, beyond appointment of a handful of SPLM and NDA²³ officials to national and state ministerial positions.

Another major reform goal is greater fiscal transparency and accountability for transfers from the centre to the states. The CPA created the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) to handle such transfers based on mutually agreed criteria.²⁴ Though set up by presidential decree in late 2005 and meeting regularly, it is not effective. According to the UN mission (UNMIS), the main obstacle is that the finance ministry continues to divert funds intended for the states, in contradiction of FFAMC directives.²⁵ The World Bank has developed some useful ideas for improving FFAMC effectiveness and should pursue them in cooperation with the parties, UNMIS and other international actors.

On the security side, the parties missed their first major deadline, 9 July 2007, by when all Sudan Armed Forces (SAF) troops other than those in the Joint Integrated Units (JIUs), were to redeploy from the South.²⁶ Only 66.5 per

cent redeployed on time, according to UNMIS.²⁷ The SAF and SPLA recommitted to the withdrawal at a recent Joint Defence Board (JDB) meeting but the SAF is keeping large forces in the oil areas of Bentiu, Faloj and Heglig, which may lead to insecurity there.²⁸

Demarcation of the North-South border would unlock progress on several other fronts. The ad hoc border commission has announced it will deliver its technical, legal and administrative reports to the presidency by February 2008. Before then, it will have to assess the conflicting information, documents and maps it has collected, and slow funding from the central government as well as political sensitivities have delayed progress. The implications of the reports for sharing of oil revenue have caused some SPLM members of the commission to speculate that the NCP may reject them, as it did the Abyei Boundary Commission report.²⁹

D. IMPLEMENTATION IN THE SOUTH

The situation in the South is increasingly troubling, with the challenges facing the GoSS compounded by a growing financial crisis. The GoSS 2007 budget was based on assumptions about oil revenue derived from the 2006 figures. A corruption scandal in its finance ministry led to suspension of the minister, Arthur Akuein, in March 2007, which coincided with a steady decrease in the transfer payments from Khartoum as the South's share of the oil revenue. Salva Kiir appointed Gabriel Changson Chang, the parliamentary affairs minister, as interim finance minister.³⁰ He immediately froze payments from GoSS

²² Ibid.

²³ The National Democratic Alliance (NDA) is an umbrella grouping of mostly northern opposition parties which fought alongside the SPLM/A after the NIF coup. Following the CPA, most of its remaining parties signed a separate agreement with the NCP in June 2005 so as to participate in the Government of National Unity.

²⁴ The agreement on Southern Kordofan and Blue Nile states establishes the following criteria for determining transfers from the central government to the war-affected and least-developed areas of the country: population; minimum expenditure responsibilities; human development index/social indicators; geographical area; fiscal effort; and the effect of war. Article 8.8, The Resolution of the Conflict in Southern Kordofan and Blue Nile States, Comprehensive Peace Agreement.

²⁵ The CPA Monitor, May 2007, op. cit.

²⁶ The CPA established two equal national armies for the interim period ahead of the 2011 referendum: the SAF, which is to maintain security in most of the North, and the former rebel SPLA, which is to do the same in most of the South. The parties agreed to establish Joint Integrated Units (JIUs), composed equally of SAF and SPLA. The SAF was to have withdrawn all its troops from the South by 9 July 2007, other than 12,000 who will remain as part of the JIUs. The SPLA is to withdraw all its troops from the North, other than 3,000 for the JIUs in Southern Kordofan and Blue Nile and a JIU infantry battalion in Abyei. However, the SPLA transfer to the South from Southern Kordofan and Blue Nile is due to be carried out within six months of the JIU deployments. As the JIUs have not yet been fully deployed, the SPLA is not yet required to move its excess forces. The weeks since the 9 July deadline have brought exchanges of accusations over redeployment. The SPLA has

claimed all its excess troops have already been redeployed from Southern Kordofan and Blue Nile, while the SAF accuses it of keeping thousands of extra troops there. UNMIS confirms that the SPLA has begun withdrawing but says excess forces remain. "UN says SPLA still maintains troops in Sudan's Blue Nile and Nuba Mountains", *Sudan Tribune*, 23 July 2007.

²⁷ This figure was provided by the UN-led Ceasefire Joint Monitoring Committee (CJMC), a body created by the CPA for the SPLA, SAF and UN to oversee implementation of the security arrangements. "Press statement by the ceasefire joint monitoring committee on the redeployment of forces north and south of line 1-1-56 on the 9th July 2007-07", 9 July 2007, at www.unmis.org.

²⁸ The SAF peacefully withdrew from Malakal, handing over its garrison to the JIUs. SAF forces in Malakal were predominantly southerners, and many opted to quit the army and become civilians in Malakal rather than go to the North. The SAF commander in Bentiu claims not to have received a withdrawal order from Khartoum. The SAF remains heavily armed there, surrounding Bentiu town. Crisis Group interviews, July 2007.

²⁹ Salva Kiir, however, recently said the border could be fully demarcated by the end of 2008. "Sudan to mark North-South border by end 2008 – Kiir", Reuters, 20 July 2007.

³⁰ He was replaced on 2 July 2007 by Kual Athian.

line ministries and reviewed all contracts. The transfer of oil revenue to the GoSS fell in March to \$44 million from more than \$90 million just a few months earlier, while salaries and operating costs for the SPLA, the GoSS and state civil services were some \$60 million per month. The resulting cash flow problem is limiting the operating ability of the GoSS, which has spent its reserves and is struggling to complete accurate civil service and military headcounts and reviews.

The greatest danger is in the security sector, where the SPLA has struggled with its own reorganisation process. Delays in completing headcounts and demobilising troops are becoming magnified, as the SPLA recently agreed to incorporate 31,000 to 51,000 fighters from the former Khartoum-aligned "other" armed groups, which joined it pursuant to the January 2006 Juba Declaration, under the banner of the South Sudan Defence Forces (SSDF). The most immediate challenge is to maintain such a large force, but problems are also likely with the allocation of SPLA leadership positions to top SSDF officers. There is pressure for the GoSS to cut expenditures but the priority is to maintain stability in the South. Some relief may come with the recent cabinet reshuffle, discussed below, which was meant to minimise corruption in the GoSS. In the longer term, some observers argue the crisis may prove a blessing in disguise. "It's better that it happens now, and the GoSS is forced to get its spending and finances under control", a senior Western official said.³¹

Increased insecurity in parts of the South, particularly since late 2006, is another danger. Attacks on civilians in and around Juba in October-November 2006 were meant to look like they were carried out by the Lord's Resistance Army (LRA), the northern Uganda rebels who are participating in GoSS-mediated talks with the Ugandan government. The SPLA eventually arrested demobilised SAF officers but questions remain about the well-planned and coordinated operations. Some have pointed to disgruntled elements within the SPLA, perhaps unhappy with salary delays, though there is a general sense in Juba that the SAF and the NCP are working to undermine security in the South.³² The bloody clash between the SPLA and SAF in Malakal in late November 2006, the worst incident to date, was quickly contained by both armies, with UNMIS help, but showed the fragility of the situation.

Mistrust within the SPLA/M leadership, in addition to financial constraints and an inadequate, UN-led disarmament, demobilisation and reintegration (DDR) program, has hampered military reorganisation. Delay in SSDF integration has caused repeated problems and

heightened tensions in Juba, though Deputy Commander in Chief Paulino Matiep³³ has helped calm matters. The April arrest of Deputy Chief of Staff Isaac Obutu Mamur, an Equatorian general, has put people on edge and increased anti-Dinka rhetoric in and around Juba.³⁴ The appointment of Dominic Dim as minister for SPLA affairs fills a key position essentially vacant since the GoSS was formed.³⁵ A senior SPLA officer and Bahr el-Ghazal Dinka with ties to Salva Kiir, he had been proposed repeatedly by the SPLM leader since late 2005 to replace Oyai Deng Ajak as chief of staff, but Oyai refused the move. It remains to be seen whether the appointment will improve the SPLA's effectiveness in face of the immense challenges tied to SSDF integration or worsen leadership mistrust.

One positive development is that the U.S. has finally begun to implement its programs in support of transforming the SPLA into a professional army, as promised in the final stages of the Naivasha negotiations.³⁶ Rapid progress is crucial because a more professional force is needed both as leverage to persuade the NCP to implement the CPA and to provide better security in the South.

On 2 July, Salva Kiir announced long-awaited cabinet changes. The GoSS has been racked by corruption allegations and failed to provide the immediate peace dividends many southerners, perhaps unrealistically, anticipated. Dr Riek Machar, Rebecca Garang and Dr Justin Yaac lost ministerial positions, though the latter two were renamed presidential advisers and Riek remains GoSS vice-president. The new appointees give Salva Kiir a circle of more trusted ministers, though critics note the prevalence of Bahr el-Ghazal Dinka. Ultimately, the GoSS must stand on its own record, regardless of problems with the NCP and the national debate. Devolution of power to southern states is being questioned, because of Salva Kiir's increasingly regular practice of reshuffling state governments, a disturbing trend that bears further attention. The GoSS and SPLM must act with a new sense of urgency, as the clock ticks on the CPA timetable. At both state and GoSS level, government credibility is being damaged by delays in providing services. The southern legislature has adopted only four laws in 2006 and one thus far in 2007; nine draft bills are waiting to be examined.

³¹ Crisis Group interview, Washington DC, 29 June 2006.

³² Crisis Group interviews, Juba, May 2007.

³³ Matiep, formerly head of the SSDF, was appointed deputy commander in chief as part of the January 2006 Juba Declaration.

³⁴ No charges have yet been brought against him.

³⁵ Salva Kiir formally held the portfolio as one of his many responsibilities.

³⁶ Crisis Group interviews, SPLA and U.S. officials, Juba and Washington DC, May-July 2006.

E. INCLUSIVENESS AND SUPPORT IN THE NORTH

The CPA has been much less welcomed in the North than in the South because it legally confirmed the unpopular NCP's domination of government structures there. Many northern political parties are also uncomfortable with the self-determination referendum granted to the South. Without Garang as an agent of change in Khartoum, and with Salva Kiir unwilling to confront it strongly on northern issues while he has so much to do in the South, the NCP has systematically maintained near total control throughout the North. This has been accomplished by legal and legislative manipulation, the selective avoidance of constitutional oversight bodies such as the National Constitutional Review Commission and simple inertia. The SPLM's failure to focus consistently on national issues and the failure of international actors – prominently UNMIS, the Intergovernmental Authority on Development (IGAD)³⁷ and the U.S., UK, Norway and Italy – to hold the parties to the letter of the agreement, has meant that the NCP has succeeded rather painlessly in avoiding the reforms it signed on to in the CPA.³⁸

Many northern parties have taken the opportunity provided by the CPA to join the Government of National Unity. Several small splinter factions from the mainstream DUP and Umma Party have joined the NCP and are part of its 52 per cent controlling bloc in parliament. Other groupings, such as the mainstream DUP of Mohamed Osman el Mirghani and the Communist Party, have entered parliament as part of the 14 per cent set aside for northern opposition parties. The mainstream Umma Party of Sadiq al-Mahdi and the Popular Congress have remained outside the government and in opposition to the NCP.

Though there is now more freedom for all parties to work openly, the NCP can still use unreformed laws and law enforcement agencies for partisan purposes. Political space has been noticeably narrowed lately by its security and intelligence apparatus without significant opposition from the SPLM or smaller partners in the Government of

National Unity. The last three months have seen an increase in arrests of editors and column writers, who are often detained without charges, while newspapers are confiscated by intelligence and security agencies if believed to have published anti-NCP articles or otherwise to have crossed the undeclared red lines maintained especially for the widely read national press.³⁹ The security and police continue to operate with impunity. No police officer was charged or even questioned after the attack on civilians at the peaceful protest in Kajbar against the construction of the proposed dam (see below).

³⁷ IGAD foreign ministers meeting in Nairobi on 13 April 2007 expressed concern at CPA problems and recommended they be considered by an extraordinary summit. Their communiqué urged IGAD to remain seized with monitoring CPA implementation and encouraged the wider international community to re-engage politically and fulfil their aid pledges. The IGAD summit, planned for July, has not yet been held. "Communiqué: 26th Ordinary Session of the IGAD Council of Ministers", 13 April 2007; Crisis Group interviews, Kenyan officials, Nairobi, May 2007.

³⁸ The Assessment and Evaluation Commission (AEC), a joint international/Sudanese body formed in the CPA to monitor implementation has also not been sufficiently active (see below).

³⁹ The latest media blackout was imposed on stories related to the 14 July 2007 arrest of Mubarak al-Fadl, chairman of the Umma Party for Reform and Renewal faction, and a close associate, charged with plotting a coup to be staged from Kordofan. The government first announced it had received a tip on al-Fadl's intentions from Libya and later said he was receiving support from the U.S., a claim it backed away from before banning all media coverage. In May, the government temporarily banned all media coverage related to the Darfur rebel movements.

III. OTHER CONFLICT AREAS

Many conflicts were not automatically resolved by the CPA. Darfur is the most acute and prominent but others loom just below the surface. The far North is on the verge of explosion because of dams the government is building at the expense of residents. The East has been quiet since the Eastern Sudan Peace Agreement (ESPA) was signed in October 2006 but there has been minimal implementation, in part because the Eastern Front rebels have splintered badly, and particularly the Beja are increasingly frustrated. Multiple problems loom in Kordofan, where the Misseriya are increasingly unhappy with treatment by the NCP, and several thousand have joined the SPLA. A new movement with an agenda for more local development, the Kordofan Alliance for Development (KAD), is threatening to take up arms. There is risk of both areas joining elements of the rebellion in Darfur. Also in trouble is the agreement on Southern Kordofan, where there is a dangerous rise in clashes between Nuba and nomadic groups. Renewed conflict in either Blue Nile or Southern Kordofan would likely spread quickly to the other.

These conflicts all have a similar root cause: poor governance and a belief that the central government does not act on behalf of, or represent the interests of, these areas. This gives them shared grievances with each other as well as with southern Sudanese and the SPLM. Each situation has a unique local component which requires a local solution but implementation of the CPA's key provisions for reforming the national government would go far towards addressing the common causes of conflict that emanate from the centre. Most importantly, the 2009 national elections offer a peaceful mechanism for aggrieved communities.

A. DARFUR

The Darfur conflict challenges the CPA on many levels. The SLA rebel group received military and political help from the SPLA/M in 2003-2004, and some SLA leaders had hoped to be included in the Naivasha negotiations. The SPLM sought to open another front in Darfur in order to increase pressure on the NCP to negotiate in good faith, a strategy that long ago spun out of control and was overtaken by a local, Darfurian agenda. The international community kept the focus of the Naivasha talks on the North-South conflict, rather than broadening participation. There was optimism at the time that the SPLM's entry into government and Garang's appointment in the presidency would help resolve Darfur and other regional conflicts. This did not happen, in part due to Garang's death and the SPLM's limited attention to national issues, but more importantly because of NCP decisions.

The NCP hoped it could quickly resolve the Darfur situation by military means, without having to resort to the kind of power-sharing and wealth-sharing deal it was making for the South. As the crisis wore on and international attention grew, it became clearer that the Government of National Unity would have to make a deal with the Darfur movements. One of the challenges for it and the African Union (AU) mediators then became how to negotiate a settlement that would satisfy Darfur's demands for a greater slice of power without upsetting the delicate balance the SPLM and NCP negotiated in the CPA.

The Darfur Peace Agreement (DPA), signed in May 2006, was the result of those negotiations. Rejected by two of the rebel movements and with weak power-sharing arrangements, inadequate compensation provisions and unimplemented security arrangements, the DPA has not moved the region towards peace. Rebel movements have fragmented, violence has increased, and even greater numbers of civilians have been displaced. The movements have also increased their demands, with many seeking the same semi-autonomy won by the South.

Resolving the conflict requires internationals to refocus urgently on reviving the political track. Since the DPA was signed, efforts have focused almost exclusively on deployment of first a UN force and then the AU/UN hybrid force, at the expense of political negotiations. A common international approach, particularly between the U.S. and China, is necessary for substantial progress.⁴⁰ Crisis Group has called on the joint AU/UN mediation team to pursue three prerequisites for peace ahead of a resumption of talks: prioritising unification of the rebel movements; broadening participation in negotiations by creating a reference group from key Darfur constituencies, including Arab groups, internally displaced person (IDP) communities, civil society and women; and strengthening the negotiating structures. There has been some progress on both the political and peacekeeping fronts since early May 2007, but the general prognosis remains grim.

On 8 June, UN Special Envoy Jan Eliasson presented the three-phase Joint AU/UN Roadmap for the Darfur Political Process to the Security Council. Proliferation of initiatives and "forum-shopping" by the involved parties has plagued the political process, and the first phase called for a convergence of the initiatives. There has been some success on this. A conference in Tripoli in late April, a high-level meeting in Paris in late June and a further Tripoli meeting in mid-July firmly supported the AU/UN initiative as the sole forum for peace talks. The first phase, which was formally completed in July in Tripoli,

⁴⁰ See Crisis Group Africa Report N°125, *Darfur: Revitalising the Peace Process*, 30 April 2007.

was also to involve consultations with a broader range of Darfurians through the preparatory framework for the Darfur-Darfur Dialogue and Consultation⁴¹ and convergence of rebel unification efforts (discussed below). The second, pre-negotiation phase envisions a shuttle by the mediators between the government and non-signatory factions. Some of this has taken place, and a meeting in Arusha between the special envoys and non-signatories has been announced for 3-5 August. Eliasson has suggested the third negotiation phase could begin in August.⁴²

These small steps have been accompanied by another NCP commitment to accept unconditionally the AU/UN hybrid force, first at a meeting with the AU and UN in Addis Ababa on 12 June,⁴³ and again during a visit of Security Council ambassadors a week later.⁴⁴ However, there still appears to be disagreement on whether final command and control of the hybrid force lies with the AU or the UN and whether Khartoum is ready to accept non-African troops in the mission. Officials have sent conflicting messages, including a statement by President Bashir, just days after the Security Council delegation departed, refusing UN command and control.⁴⁵

Despite AU and UN optimism, there is every reason to expect the regime will continue to delay the actual deployment of a hybrid force. The NCP seeks to avoid political and security challenges by keeping the peacekeeping mission weak, underfunded, and frustrated. A more powerful and effective force might be able to help stabilise Darfur and create political space for its residents to unite behind a platform that would challenge the NCP in the 2009 elections. A stable Darfur with an enforced ceasefire would also facilitate investigations into atrocity crimes by the International Criminal Court (ICC), something the regime also seeks to avoid. President Bashir reiterated his opposition to the AU/UN hybrid force during his recent tour of Darfur, denying there was a serious humanitarian crisis and stating that “most of Darfur enjoys peace and security, and people are leading normal lives”.⁴⁶

Around the same time, the interior minister said an AU/UN mission could not use force, and Sudanese state-run television began airing reports that the hybrid force would spread infectious diseases in Darfur.⁴⁷

Rebel unification is likewise lagging behind Eliasson’s ambitious schedule. The AU/UN mediators and broader international community pinned great hopes on an SPLM-led initiative to bring the factions together in Juba. It encountered difficulties, however. After several factions refused to take part, the SPLM delayed the mid-June meeting until at least July. It was hampered in part by lack of consistent focus: the concept expanded from a meeting exclusively for non-signatory factions to one bringing the non-signatories together with a broader cross section of Darfurian society. It has also been hurt by the organising committee’s loss of its two best informed members on Darfur.⁴⁸

The situation has been further complicated by three other initiatives, which continue to compete on rebel unification. The first is a series of meetings organised by Eritrea, first in N’djamena, then in Asmara, to reform the National Redemption Front (NRF). The five groups which took part formally launched a new umbrella group, the United Front for Liberation and Development (UFLD), on 14 July.⁴⁹ The second is a conference for SLA commanders organised by the Centre for Humanitarian Dialogue (CHD), a Geneva organisation that was crucial in 2004, in the early stages of the conflict, in organising the first internationally-monitored negotiations in N’djamena. Its efforts, supported by the U.S., were complicated by European Union (EU) support for an initiative of the Community of Sant’Egidio, a Rome-based group which sought to bring rebel commanders to Europe for talks.⁵⁰

⁴¹ The AU/UN mediation team consulted with various sections of Darfur civil society but nothing specific has yet been done to involve other constituencies.

⁴² “Joint AU-UN Road-map for Darfur Political Process”, reprinted by *Sudan Tribune*, 28 June 2007, at www.sudantribune.com/spip.php?article22597.

⁴³ “Sudan accepts AU-UN force in Darfur”, Agence France-Presse, 12 June 2007.

⁴⁴ “Sudan accepts unconditionally Darfur hybrid force – UN”, Associated Press, 17 June 2007.

⁴⁵ “Sudan denies acceptance of UN command of hybrid force in Darfur”, Xinhua, 19 June 2007.

⁴⁶ Wasil Ali, “Feature: Sudan President delivers ‘State of Denial’ speech in Darfur”, *Sudan Tribune*, 22 July 2007. Bashir also announced a new three-step strategy for Darfur, designed to prove that international forces are not needed there. The elements

are: first, implementation of security measures, to consolidate state control; secondly, support for voluntary returns of internally displaced persons; and thirdly, negotiations with the non-signatory movements (while indicating that contacts are already underway with some elements).

⁴⁷ See Rashid Abdi, “Hybrid force to spread ‘infectious diseases’ in Darfur – Sudan TV”, BBC Monitoring, 21 July 2007, available at www.sudantribune.com/spip.php?article22960; and “Sudan rejects use of force by UN-AU Darfur mission”, Reuters, 22 July 2007.

⁴⁸ Abdalaziz al-Hilu and Yassir Arman, who have remained in the U.S. (see above).

⁴⁹ “Text: Darfur rebels form new umbrella to negotiate with Sudan”, *Sudan Tribune*, 14 July 2007. The five include two SLM groups, led by Khamees Abdallah Abaker and Sharif Harir respectively, the RDF of Salah Mohamed Abdulraman Musa (“Abu Surrah”), the NMRD and persons representing Ahmed Diraige. A key founding group of the original NRF, the JEM, has not participated and appears to have internal problems. Crisis Group interviews, 2-3 July 2007.

⁵⁰ Crisis Group interview, 29 June 2007.

Though disagreements between the two organisations were worked out, the CHD cancelled its plans for an SLA conference when it was unable to secure Chadian governmental agreement for the commanders to fly over its territory.⁵¹ The SPLM's plan to revive its efforts at a unification conference, this time in Rumbek, appears to be on hold as well, given the new AU/UN plan to bring the non-signatories together in Arusha. Current thinking seems to be that a unified SLM/A is probably unrealistic. The AU/UN mediators seem poised to move forward with negotiations, despite the failure to achieve a bare minimum of rebel unity.

Assuming that the AU/UN mediation, along with the countries acting as the informal "contact group" – the U.S., EU, Arab League, Libya, Chad, Eritrea, Egypt and other donor countries who participated in the Tripoli and Paris meetings – can bring the rebel movements to the table and all sides are ready to negotiate in good faith, it will be necessary to work out with the NCP and the SPLM a way to accommodate the demands for greater autonomy and power sharing within the CPA framework. This does not mean scrapping the CPA – the demand of many of the traditional political parties – but rather finding a creative way to work within its ceilings and structures to enable Darfur to enjoy the self-government and development it seeks. As argued above, the core structural problems driving the Darfur conflict are the same as those in the South and other peripheral areas of Sudan and would be significantly ameliorated by implementation of the CPA's reform and democratisation agendas.

B. THE FAR NORTH: THE NEXT CONFLICT?

A new threat is rapidly emerging in two areas of northern Sudan where the government is building hydro-electric dams that will displace local communities. The older project, the Merowe dam along the fourth cataract of the Nile, begun in 2003 and due to become operational as early as 2008, is to be the second largest in Africa and significantly boost national energy production. It has been hotly contested by the Manassir tribe and, to a lesser degree, the neighbouring Amri and Hamadab. All three tribes will lose their traditional homelands but are being refused access by the government to the new waterfront land. Though they are not entirely opposed to the dam, numerous negotiations have failed to address adequately their demands for resettlement and compensation, leading to tension and clashes in which civilians have been killed and arrested by security forces.

The second project is further north, in the area of Kajbar, and threatens to submerge parts of the ancient Nubian

homeland, much of which was already lost when Egypt opened the Aswan High Dam in 1964. It faces near unanimous opposition from the Nubian community. Originally proposed in 1995 then cancelled in 1999, it was revived in early 2007. There have already been several violent clashes between the Nubians and the government, and the risk of more is very real. Both projects are overseen by the Dam Implementation Unit, an autonomous government body headed by senior NCP official Osama Abdallah Mohamed el Hassan, who was appointed director general, with ministerial status, by an October 2005 presidential decree.⁵² The unit is said to have its own army, security force and secret accounts and to operate outside regular government processes.⁵³ It is reported to be comprised primarily of Shaygiya, the tribe of Osama Abdallah, Vice President Taha, and many other senior NCP officials, which is a neighbour to the Manassir and the Nubians and stands to benefit greatly from the dams.⁵⁴

A civil society activist alleged that the grid planned for the Kajbar dam is to send power directly to the Shaygiya homeland south of Kajbar and west of Merowe.⁵⁵ A recent report by the UN Environment Programme (UNEP) said only a limited environmental impact assessment had been done for the Merowe dam, which was authorised more than two years after construction started. UNEP also argued that, as envisioned, Merowe's negative effects for the region would include riverbank erosion, reduced river valley groundwater recharge, blockage of fish migrations and, possibly, damaged downstream agriculture.⁵⁶

Negotiations around the Merowe dam have gone on for several years, producing agreements for compensation and resettlement of a small part of the communities in model villages. Yet, after visiting desert resettlement sites away from the waterline, the Manassir have largely rejected the model villages and compensation, claiming broken promises.⁵⁷ In March 2007, angry residents surrounded a security force sent to the area. The government flew in six senior Manassir leaders from Khartoum to negotiate its safe passage but immediately afterwards imprisoned the six for three months, until late June.⁵⁸ In April, government forces fired on a peaceful protest in Amri, killing three

⁵² See the Dams Implementation Unit website, www.merowedam.gov.sd/en/news.html.

⁵³ Ali Askouri, "Sudan: Another Darfur in the Making", *Sudan Tribune*, 6 May 2007.

⁵⁴ Crisis Group interview, 11 June 2007.

⁵⁵ Crisis Group interview, 25 June 2007.

⁵⁶ "Sudan: Post-Conflict Environmental Assessment", UN Environment Programme, June 2007, p. 228, available at <http://postconflictunep.ch/publications.php?prog=sudan>.

⁵⁷ Crisis Group interviews, civil society and community activists, May-June 2007.

⁵⁸ Ali Askouri, op. cit. Crisis Group interview, leading community activist, 11 June 2007.

⁵¹ Crisis Group interview, July 2007.

civilians. The government plans to flood the reservoir as early as August, which could displace as many as 7,500 families.⁵⁹ The community is increasingly militant. Some younger Manassir have reportedly joined the SPLA; several hundred others have gone to Eritrea for military training; others joined the Northern Front, a small armed group that initially took part in the Eastern Front rebel alliance in 2005.⁶⁰

The government has not negotiated over the Kajbar dam, though the mass Nubian objections have led to numerous promises to freeze the project. During an April 2007 visit in which he was met by a huge public protest, a dam unit official, Mohamed Sadiq Karuri, said it would not proceed against the popular will and all construction equipment would be withdrawn within 72 hours. Instead, riot police and unit security officials were sent in.⁶¹ Mirghani Salih, the governor of Northern state, has similarly said construction would not proceed without the people's support, though he has contradicted himself several times and the government's actions show continued commitment to the dam. The government has mobilised pro-NCP members of the Manassir and Nubian communities in Merowe and Kajbar, respectively, to support the project. At a protest in Kajbar on 13 June, police and security forces fired on unarmed civilians, killing four.⁶² On 20 July, Osman Ibrahim, the spokesperson of the committee opposing the Kajbar dam, was arrested, joining at least eight other Nubian leaders who are being held incommunicado.⁶³ The Nubians are mobilising, and some have hinted at plans for serious escalation.⁶⁴

The Merowe dam is being built by Chinese firms, with involvement of a German company, Lahmeyer International.⁶⁵ It will bring new economic opportunities but the communities fear these will benefit not those who bear the burden of the development but only foreign investors and government-linked financial interests and

companies, including those with close ties to the NCP and, specifically, to Osama Abdallah and the dams unit. According to the official website, the \$2 billion project is being funded by a mix of government money (\$570 million) and loans from China (\$520 million) and various Arab countries and development funds.⁶⁶

The government's lack of transparency and heavy-handed approach fuel conspiracy theories among Nubians, which – even if unproven – could lead to more conflict.⁶⁷ The first is that the dams are part of a deal for Egypt's support on Darfur. The Aswan High Dam is clogged by sediment. A solution would be to build feeder dams to filter the silt, and some argue Merowe, Kajbar and a third dam – the Dal, to be between Kajbar and Wadi Halfa – are to serve this purpose.⁶⁸ Some Nubian activists fear Kajbar is part of a larger effort by the two governments to eradicate their traditional culture and Arabise the region – an NCP goal in other parts of the country in earlier years – and that the land the dams create will be settled by Egyptian farmers. Egyptians are entitled to circulate, work and own property in Sudan under the “four freedoms” agreement signed in 2004.⁶⁹ A leading Sudanese intellectual dismisses the theory, however, saying this “is just the classical authoritarian insensitivity of the regime towards all citizens when it comes to implementing what it sees as plans to achieve economic objectives.”⁷⁰

The second theory relates the dams to a leaked paper by former national finance minister Abdel Raheem Hamdi, which suggests the government prioritises development within the triangle known as the Dongola-Sinar-Kordofan axis, in central Sudan. It argues that this area is more harmonious than the rest of the country and open to the idea of an Arab, Islamic Sudan and calls on the NCP to facilitate political alliances accordingly. The area can develop economic ties with Darfur at any time, it argues, but can also continue as a viable state if the South decides to separate or Darfur is lost.

These theories imply that people in the affected communities perceive the dams not only as poorly executed development projects designed to create national energy security, but also as threats to distinct cultures and traditions. Their prevalence raises the risk of serious new conflict, and the actions of the government are only

⁵⁹ Ali Askouri, op. cit.

⁶⁰ Crisis Group interview, leading Sudanese intellectual from the Merowe area, 11 June 2007.

⁶¹ Crisis Group interview, Nubian community leader, 25 June 2007.

⁶² “Four dead in Sudan Kajbar dam protest”, Agence France-Presse, 14 June 2007.

⁶³ “New arrest follows Kajbar Dam incident – Human Rights Alert”, Sudan Organisation against Torture (SOAT), 20 July 2007.

⁶⁴ Crisis Group interview, Nubian community leader, June 2007.

⁶⁵ Andrew England, “Barren idea? How Sudan's dam will harness the Nile but widen discord”, *Financial Times*, 9 March 2007. Additional reporting on the human rights abuses and environmental problems associated with the Merowe dam is available from the International Rivers Network, at www.im.org/programs/merowe/.

⁶⁶ www.merowedam.gov.sd/en/funding.html.

⁶⁷ The conspiracy theories can be found on Nubian community websites, such as www.thenubian.net.

⁶⁸ Crisis Group interview, Nubian community leader, June 2007.

⁶⁹ The “four freedoms” agreement was signed by Presidents Bashir and Mubarak in Cairo on 18 January 2004 and ratified by the parliaments of both countries that July. It grants Sudanese and Egyptians freedom to move about, reside, work and own property in both countries but has not been implemented.

⁷⁰ Crisis Group correspondence, 2 July 2007.

increasing community fear and suspicion. CPA implementation alone is not the answer but it could improve the perception of government and help change the culture in which it operates. "Terrible things will happen unless people move to avert the crisis", a leading Sudanese intellectual from the Merowe area warned.⁷¹

C. KORDOFAN AND THE EAST: URGENT ATTENTION REQUIRED

The risk of new armed conflict is steadily increasing in Kordofan, as well as in the East, where the 2006 peace deal requires urgent attention if it is to hold.

Divergent trends are playing out in greater Kordofan, both of which raise the risk of fighting but are receiving minimal attention from UNMIS and other internationals. A CPA shortcoming is its treatment of Southern Kordofan and Blue Nile states, areas that fought beside the SPLA during the war but were separated from the South during negotiations and received agreements which did not satisfy their demands. Implementation is far behind schedule. Renewed conflict threatens in the Nuba Mountains, below Southern Kordofan, due to a rise in disputes between the Nuba and nomads. The widespread belief there is that the NCP is arming the local Popular Defence Forces (PDF) and encouraging its attacks in order to prevent an alliance between the Nuba, Misseriya and Hawazma.⁷² The situation is calmer in Blue Nile, though the SPLA is concerned about the numerous NCP-armed local militias.⁷³

The Misseriya, a pastoralist border tribe that fought for Khartoum against the SPLA, has fared the worst. They feel they have lost from the agreements on Southern Kordofan – which merged the Misseriya-dominated Western Kordofan state into Southern Kordofan state – and on Abyei, which includes a referendum for residents there on whether to shift traditional Ngok Dinka home areas (and Misseriya grazing land) to the South. There is growing frustration with the NCP, which many Misseriya say used them against the SPLA but then sold out their interests. Extensive oil exploration in Misseriya areas has damaged the environment but scarcely benefited the communities; the 2 per cent of oil revenue promised them in the Abyei agreement has not been delivered.

There have been reports of growing links between Misseriya elements and the Darfur rebel groups, and when an NRF faction attacked the Abu Gabra oil installation in a Misseriya area of Southern Kordofan/South Darfur,

they were reportedly greeted as liberators.⁷⁴ As many as 10,000 Misseriya Humr have offered to join the SPLA and are now based in Debab.⁷⁵ It remains unclear if they want to fight Khartoum due to frustration with the NCP or merely to protect the Misseriya during talks on Abyei by gaining influence with the Ngok-Dinka dominated SPLM. The NCP-SPLM discussions on Abyei are focusing predominantly on oil issues, with limited input from the Misseriya, a trend that could worsen an already tense situation.

The Misseriya have organised several movements. The Shahamah include the elements that joined the SPLA and, reportedly, a faction that recently aligned with JEM (Justice and Equality Movement).⁷⁶ The Shab Mantillat Misseriya (The People for Misseriya Areas, SHAMAM) are mobilising around the lack of development and opportunities, thus far non-violently.⁷⁷

Northern Kordofan state has seen the emergence of the Kordofan Alliance for Development (KAD), which is said to include representatives from several tribes, including the Hamr, Kababish, Nuba and Juhama.⁷⁸ It demands greater development and threatens to take up arms, though little is known about its true intentions. An attack was reported in the Obeid and Dardoug areas on 8 July 2007, though local media attributed it to JEM.⁷⁹ There have been sporadic attacks by Darfur rebel groups in Northern Kordofan over the past three years, the largest of which was by the NRF on Hamrat el-Sheikh in July 2006. The growing unease in both Northern and Southern Kordofan suggests significant risk of increased conflict; stronger links with armed groups in Darfur seems inevitable, barring a drastic change in the government's approach.

Eastern Sudan also bears close attention. There was no implementation of the October 2006 agreement that formally ended the conflict with the Eastern Front until very recently. On 30 May, President Bashir appointed three senior Eastern Front officials to new positions in the Government of National Unity, and Eastern Front representatives were subsequently sworn into parliament. The Eastern Front fighting force has also begun to integrate into the SAF.⁸⁰ The delay in the appointments

⁷¹ Crisis Group correspondence, 24 May 2007.

⁷² Crisis Group correspondence, regional expert, 14 July 2007.

⁷³ "Sudan's Blue Nile governor urges disarmament of militias", *Sudan Tribune*, 15 July 2007.

⁷⁴ Crisis Group interview, Western diplomat, May 2007.

⁷⁵ Crisis Group interviews, SPLA, donor and UN officials, March-July 2007.

⁷⁶ Crisis Group interviews, JEM officials, July 2007.

⁷⁷ Crisis Group interview, Khartoum, 14 May 2007.

⁷⁸ Ibid.

⁷⁹ "Armed raid in North Kordofan", *Alwan*, 9 July 2007, reported in the UNMIS media monitoring report for 9 July, at www.unmis.org/english/2007Docs/mmr-jul09.pdf.

⁸⁰ "Sudan President appoints ex-Eastern Front rebels to government posts", *Agence France-Presse*, 30 May 2007;

was largely due to fragmentation within the Front, manipulated by the NCP, which continues to prevent the ex-rebels from agreeing on nominees for the remaining posts due them under the peace deal.⁸¹ There does not appear to be immediate risk of renewed fighting but more international attention is needed to guard against a slow return to war. As in Sudan's other conflict zones, the fundamental issues of exclusive governance which have fuelled bloodshed in the East can be significantly addressed through the national reforms set out in the CPA.

IV. BUILDING AN INTERNATIONAL STRATEGY

The international response to the Darfur crisis has been weakened by lack of consensus, common strategy and political will and has often ignored or misunderstood the broader national context. Moral outrage at the crimes being perpetrated has not been enough to compel a strong response. Western governments and UN officials have condemned the NCP's ethnic cleansing campaign but action has rarely matched the rhetoric and threats. An informal coalition, including governments with economic investments in Sudan such as China and Russia and much of the Arab world, has consistently supported Khartoum, resisting pressure for stronger action and arguing for more time for dialogue with the NCP irrespective of facts on the ground. The AU, the organisation with the best access to information on Darfur, has been unable to provide clear, consistent leadership, while becoming a convenient scapegoat to explain international failure. These factors have rendered the international response largely impotent, played into the NCP's divide-and-rule strategy and distracted attention from CPA implementation.

The core UNMIS mandate is to monitor CPA implementation but Darfur has gradually monopolised its attention. Former UNMIS chief Jan Pronk spent more time on Darfur than on the South or the CPA. He was expelled from Sudan in October 2006, and his mandate officially ended in December, but the UN has not yet appointed a replacement.⁸² This coincided with the October departure of the chief of the AU mission (AMIS), Baba Gana Kingibe, whose position remained empty until Rodolphe Adada was appointed in May 2007 as the Joint AU-UN Political Representative for Darfur, in charge of the hybrid force. This vacuum further hampered international engagement on Darfur. The CPA monitoring done by UNMIS and embassies is valuable but rarely leads to follow-up action. The Assessment and Evaluation Commission (AEC), a joint international and domestic body formed under the CPA to monitor implementation, has not taken up the slack.

The AEC, chaired by Norwegian diplomat Tom Vraalsen and including representatives from the NCP, SPLM, IGAD and donor countries chosen during the CPA negotiations, has allowed itself to be neutered by procedural issues raised by its NCP members. It has too often remained silent in the face of obstruction on CPA implementation. All reports must be signed by all parties, and none are allowed to be circulated outside the commission. Violations, delays and

"Eastern Sudan ex-rebels enter government camps", Agence France-Presse, 2 July 2007.

⁸¹ Crisis Group interview, Sudanese political analyst, June 2007.

⁸² The job has been filled on an interim basis by his deputy, Taye Brook Zerihoun.

obstruction by the parties rarely if ever lead to action by either the AEC or the broader international community.⁸³ Embassies and the UN should form a shadow AEC, without the procedural limitations associated with the parties. UN headquarters and major capitals remain focused on Darfur. Without international leadership in Khartoum and political responses to the reporting and monitoring, the challenges to implementation are growing steadily. For example, when the 9 July deadline for SAF re-deployment from the South was missed, there was not a single public statement of international concern.

The consensus emerging on Darfur must expand to cover the CPA implementation that can enable democratic transformation of the country. The high-level meeting in Paris in June developed common U.S., France, EU, China and Arab League (among others) support for AU/UN mediation in Darfur and the hybrid force. A similar agreement came from the April Tripoli meeting and was reinforced there in July, when the start of pre-negotiations was decided. In September, when it next meets, this group should broaden its demands on the government to include timely implementation of key CPA elements which can help produce free and fair elections and support national-level reforms:

- that the national census take place in January 2008, as planned. The government's latest pledge of \$30 million between June and September is late and should be released immediately;
- that the National Assembly pass the electoral bill by October 2007, after wide consultation with political parties, civil society and women;
- that the ad hoc North-South Boundary Commission be properly funded so it can finish work by February 2008 and that the SAF, if it has not already left, be then immediately and fully redeployed out of the South per the border demarcation;
- that the National Civil Service Commission be operational within three months; and
- that the Fiscal and Financial Allocation and Monitoring Commission (FFAMC) begin to operate freely, according to its CPA mandate and with support and guidance from the World Bank, and the finance ministry respect its directives.

Darfur has shown the difficulty of building support for punitive measures without agreed benchmarks. Given the NCP's resistance to national-level reforms and free and fair elections, this informal contact group should agree up front on punitive measures if the above steps are not taken.

Failure to change the NCP's position would mean continued war in Darfur, new conflicts in northern Sudan and the eventual collapse of the CPA. Merely having a common approach would significantly restrict the NCP's ability to divide the international community; a common approach that includes firm pressure points might force it to implement the major CPA commitments.

Unfortunately there is still little stomach to impose punitive measures on Khartoum, despite ample evidence that it continues to pursue its deadly strategies precisely because it does not fear international repercussions.⁸⁴ On 29 May, the U.S. imposed additional economic restrictions on 31 NCP-associated businesses and targeted sanctions against three individuals – a rebel leader and two medium-level NCP officials. However, the U.S. has had a robust sanctions regime against Sudan for more than ten years, and these further measures will not much affect the NCP.

Multilateral support, at least through the EU⁸⁵ and ideally through the Security Council, has been called for numerous times by the panel of experts of the Council's Sudan sanctions committee.⁸⁶ But the NCP's protectors on the Council have quashed any forceful action, while European countries have failed to back their rhetoric with action. "No one in Europe is with us on sanctions....we have no leverage over the government", a senior U.S. official admitted.⁸⁷ Building a consensus that includes China, Russia and the Arab League for CPA implementation would correct some of the past mistakes but words alone are unlikely to bring the NCP to act against its will. Punitive economic and diplomatic measures must be pursued if it persists in undermining CPA implementation and fails to implement the five core benchmarks listed above.⁸⁸ Otherwise, the international community will watch hopelessly as the country drifts back to war, bringing the wider region along with it.

It is also urgent for the UN to appoint a new special representative to lead UNMIS and refocus on its core mission of CPA implementation. UNMIS should at the same time heed the signals coming from Kordofan and

⁸³ Crisis Group interviews, international observers, Khartoum and Juba, May 2007.

⁸⁴ See Crisis Group Africa Briefing N°41, *Getting the UN into Darfur*, 12 October 2006.

⁸⁵ Ambassador Torben Brylle was appointed the EU Special Representative for Sudan on 19 April 2007, replacing Pekka Haavisto, who has since joined the UN as the senior assistant to Special Envoy Jan Eliasson.

⁸⁶ The Panel of Experts reports, which document violations of the arms embargo in Darfur and obstruction of the peace process, can be found at www.un.org/sc/committees/1591/reports.shtml. Each report includes a list of individuals recommended to be the target of sanctions. For more on UN recommended sanctions, see Crisis Group Briefing, *Getting the UN into Darfur*, op. cit.

⁸⁷ Crisis Group interview, Washington DC, June 2007.

⁸⁸ Crisis Group Briefing, *Getting the UN into Darfur*, op. cit.

the far North and push for rapid, fair resolutions of these situations before they erupt into full-scale conflict. Secretary-General Ban Ki-moon has come under justified criticism in recent months for his soft approach towards the NCP – always ready to make promises it knows it may not have to implement – especially as demonstrated in an unfortunate 16 June 2007 article in *The Washington Post* blaming Darfur's woes on environmental stress in part due to climate change without mentioning the behaviour of the ruling party.⁸⁹ He should lead in organising, with the AU, a follow-up to the recent Tripoli meeting, to convene as soon as possible, certainly before new Darfur negotiations, with two main aims:

- to develop a comprehensive roadmap whose pillars are an agreement between key regional and international partners on the above five CPA-related benchmarks and the existing AU/UN plan for reviving the Darfur political process; and
- to build consensus on diplomatic and economic rewards and punitive measures to be taken with respect to the parties in proportion to their actions on the comprehensive roadmap.

Chad, Eritrea, Libya and Egypt, which have been playing large roles in Sudan, principally in Darfur, over the past several years, must also cooperate with a common approach if it is to succeed. Chad's involvement is linked exclusively to Darfur, where it has been supporting rebel groups, particularly the Zaghawa, since the conflict began. Eritrea has a history of support for Sudanese opposition groups, was intimately involved in the IGAD negotiations which led to the CPA and provided a base for the SPLA and NDA throughout the 1990s. Since the CPA, it has helped various Darfur factions but has also improved relations with the NCP over the last year and a half, for example by brokering the Eastern Sudan peace process. It can frustrate any initiative it considers against its interests, as it has shown with several attempts to unify the Darfur rebels.

Libya's Darfur involvement has been at times constructive, at times negative. It has alternated between helping the rebels and Khartoum, and in 2007 has become central to a more coordinated international approach, usually able to bring Chad along and at times Eritrea. Egypt is increasingly involved in Darfur, opening new channels to rebel factions while generally supporting the NCP with Western governments. It has serious concerns, related to Nile water implications, about the CPA's southern self-determination referendum. Bringing these regional actors together is critical to any successful strategy. Though they tend to be more heavily involved with Darfur than the

CPA, they have the capacity to act as spoilers if their national interests are not acknowledged.

The expected deployment of the AU/UN hybrid force, with its own political representative and force commander, risks further bifurcating international efforts between Darfur and the CPA. While it is understandable that those working on Darfur should focus on that problem, they can succeed only as part of an all-Sudan strategy that includes CPA implementation. At present there is still no such common national strategy upon which to base Darfur efforts, and the CPA is in danger of collapsing. There is urgent need to put a new special representative at the head of UNMIS, back him or her with a broad contact group and refocus attention on core CPA elements.

⁸⁹ Ban Ki-moon, "A Climate Culprit in Darfur", *The Washington Post*, 16 June 2007.

V. CONCLUSION

Peace in Sudan is being frustrated on all fronts by the NCP regime, which views the transformation of the country as a threat to its survival. Obstacles to CPA implementation continue to grow, and a collapse of the agreement is a real possibility. International efforts have become so concentrated on Darfur, albeit without much success, that CPA implementation – the bedrock for peaceful transformation in the country – is being ignored, in effect a reversal of the situation in 2003-2004, when the focus on ending the North-South war led to diplomatic reluctance to address the unfolding catastrophe in Darfur. The international community is unwilling to hold the parties responsible for violations, or even to speak out about them, lest it imperil already problematic NCP cooperation on Darfur. The situation is complex, the threat of additional conflicts elsewhere in the country very real, but the core of lasting peace is already entrenched in the CPA and the interim national constitution – it does not need to be renegotiated or facilitated, merely enforced and implemented, with emphasis on the core national reforms and the democratisation process.

The CPA's collapse would mean return to large-scale war in much of Sudan. Since the Khartoum-SPLA war ended in 2005, both sides have been rearming and preparing for possible resumption of hostilities. Uganda, Kenya, Ethiopia and Eritrea were all destabilised to various degrees by the earlier war, just as Darfur is producing deadly spill-over effects in Chad and the Central African Republic. Unlike the last war, however, this one would probably not be limited to the South, Abyei, the Nuba Mountains and Blue Nile. It could easily connect with the conflict in Darfur and spread to other disaffected areas of the North, leading to Sudan's first truly national civil war. The impact on at least all nine neighbouring countries would be devastating. The threat is very real and requires an urgent international response.

Nairobi/Brussels, 26 July 2007

APPENDIX A
MAP OF SUDAN



APPENDIX B

GLOSSARY OF ACRONYMS

AEC	Assessment and Evaluation Commission
AU	African Union
CPA	Comprehensive Peace Agreement
DDR	Disarmament, demobilisation and reintegration
DPA	Darfur Peace Agreement
DUP	Democratic Unionist Party
ESPA	Eastern Sudan Peace Agreement
FFAMC	Fiscal and Financial Allocation and Monitoring Commission
GoSS	Government of Southern Sudan
ICC	International Criminal Court
IGAD	Inter-governmental Authority on Development
JDB	Joint Defence Board
JEM	Justice and Equality Movement
JIU	Joint/Integrated Units
KAD	Kordofan Alliance for Development
LRA	Lord's Resistance Army
NCP	National Congress Party
NCRC	National Constitutional Review Commission
NDA	National Democratic Alliance
NIF	National Islamic Front
NRF	National Redemption Front
PC	Popular Congress
SAF	Sudan Armed Forces
SPLA/M	Sudan People's Liberation Army/Movement
SSDF	South Sudan Defence Force
UFLD	United Front for Liberation and Development
UNEP	UN Environment Programme
UNMIS	United Nations Mission in Sudan