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Field Dispatch: South Kordofan and Blue Nile

The Key to Peace Between the Two Sudans?

Jenn Christian June 2012

The Negotiation Process Two Years On

Nearly two years have passed since the governments of Sudan and South Sudan started negotiations on post-secession issues. Today, the two sides remain much as they were in July 2010, when the full negotiation teams first met for an initial exposure session and signed the guiding principles for the process. While no one expected the talks to be easy, the general expectation was that, at the very least, provisional agreements on the major outstanding post-secession issues could be reached before the Southern Sudan referendum in January 2011, or, at the latest, by South Sudan's independence day in July 2011. The parties then could have concluded further modalities elaborating on the provisional agreements in the future and as necessary.

Two years on, the stalled negotiation process threatens the peace and stability of the two Sudans and the region at large. Therefore, its successful conclusion should be a priority for the two parties and the greater international community.

In retrospect, the fact that the process has dragged on for nearly two years is not surprising, given the manner in which dynamics have unfolded around the negotiation table and events have developed within Sudan and between the two Sudans. In particular, the outbreak of violence in South Kordofan in June 2011, and in Blue Nile in September 2011, has undermined the already tenuous security environment and blocked progress on critical outstanding negotiation issues. Khartoum's call for South Sudan to cease its alleged support of the Sudan People's Liberation Movement-North, or SPLM-N — and for security modalities for the border to be concluded prior to negotiating further on other outstanding issues, including those related to the oil sector and citizenship — only further underscores the importance of the conflicts in South Kordofan and Blue Nile in the North-South negotiation process. North-South negotiations will continue to be stuck until the parties make progress on a ceasefire, humanitarian access, and

transitional political arrangements related to continued fighting between the Sudanese government and the Sudan Revolutionary Front, or SRF, which includes forces from South Kordofan, Blue Nile, Darfur, and Beja.

Juba and Khartoum's Current Positions: A Security-First Approach

The current positions of the two parties underscore the importance that South Kordofan and Blue Nile now hold for the North-South negotiation process. For Juba, security has been a high priority since the start of negotiations. In this context, South Sudan defines security as the conclusion of agreements that provide for the contested border areas and the Abyei area to become part of its territory. In addition, obtaining assurances from Khartoum that it will respect South Sudan's territorial integrity and sovereignty over its land and natural resources, as well as cease its support for militias operating in the South, has been a critical component of Juba's overall negotiation strategy. With the commencement of conflict in South Kordofan and, later, Blue Nile, this approach has been put to the test as South Sudan's former brothers in arms, the SPLM-N, fight against Khartoum's political, social, and economic marginalization, the same marginalization that fuelled South Sudan's own armed struggle against the Sudanese government.

The conflicts in South Kordofan and Blue Nile not only pose a risk to South Sudan's security, as battles rage close to South Sudanese territory and hundreds of thousands of refugees flood across the ill-defined North-South border, but the conflict also provides Juba a perceived mechanism through which it believes it can destabilize the regime in Khartoum by providing support to the SPLM-N, and, by extension, the SRF. Despite Juba's perceptions, however, on-going fighting in South Kordofan and Blue Nile appears to have galvanized President Bashir's power base in Khartoum against the rebels and, by extension, South Sudan. While Southern officials continue to deny their support of the SPLM-N and the SRF, most observers believe that they are providing some assistance. Given historic and political ties, it is very likely that any support that Juba is funneling to the SRF will continue until the conflict in South Kordofan and Blue Nile ceases.

For Khartoum, the conflict in South Kordofan and Blue Nile has provided an opportunity to further delay the negotiation process while increasing domestic political support for President Bashir and his National Congress Party, or NCP. Sudan's current security-first approach to the negotiation process conditions the recommencement of negotiations on other outstanding issues — among them, transitional financial arrangements, inclusive of oil-related issues, and issues related to citizenship and nationality — on Juba's cessation of support to the SRF and the conclusion of security modalities related to the border. Khartoum views the SRF rebellion as a threat to the NCP regime's domestic stability and characterizes Southern support for the insurgency as the underlying cause of the violence.

Next Steps: A Two-Track Approach to the Negotiation Process

In light of the overall lack of success to date in North-South negotiations, coupled with the parties' security-first approaches, both of which are linked to the conflicts in South Kordofan and Blue Nile, a two-track negotiation process is necessary to consolidate peace within Sudan and between the two Sudans. The current North-South negotiations should comprise one track of this process, while a yet-to-be-established North-North process should comprise the other track.

Specifically, the North-North track should address current conflicts within Sudan by initiating negotiations between the Sudanese government and the military and political components of the SRF. The goal of this track should be the conclusion of a ceasefire agreement between government forces and the SRF, guarantees of unrestricted access for international humanitarian aid agencies throughout all regions of Sudan, and transitional political arrangements that pave the way for a transparent, all-inclusive, and participatory constitutional process and democratic elections. The African Union High Level Implementation Panel, or AUHIP, the chairman of the Intergovernmental Authority on Development, or IGAD, the U.N. Special Envoy for the two Sudans, Haile Menkerios, and other influential international actors, including the U.S., China, Ethiopia, and Qatar, should prioritize the commencement of this North-North negotiation process through the application of appropriate, consistent, and concerted diplomatic pressure on Khartoum to come to the negotiation table. To date, Khartoum has publicly refused to negotiate with the SPLM-N and other members of the SRF.

Measurable progress on the North-North negotiation track is critical to creating the political space for Khartoum and Juba to make progress within the North-South negotiation track, which has been underway for nearly two years. Indeed, it is difficult to imagine Khartoum and Juba progressing much further down this track without the North-North negotiation track coming online and demonstrating some modicum of success. But in light of lessons learned over the past two years, the parties' current security-first approaches, and the severe economic crises that both countries currently face because of the oil shutoff, an opportunity now appears for them to discuss security-related issues within the Joint Political and Security Mechanism, or JPSM, and the Joint Border Verification and Monitoring Mechanisms, or JBVMM.

Unlike other working groups created within the context of the AUHIP-facilitated process — for instance, those concerning financial, economic, and natural resources issues or citizenship and nationality — the security-related mechanisms established throughout the negotiations have proven relatively successful in concluding agreements that Khartoum in particular has not subsequently repudiated. As well, security-related discussions in the negotiation process have been relatively less politically-charged, as they are conducted between military and security technocrats with comparable capacity

and caliber. Over the past two years, these factors have contributed to the conclusion of some of the few agreements that the North-South negotiation process has yielded.

In sum, the North-South track might benefit in the short term from a focus on conducting negotiations within the JPSM and the JBVMM, an approach the AUHIP appears to now be assuming. These less politicized, more technical mechanisms might provide a venue in which the two sides may address the security issues on which they both place a premium and deter further violence along the North-South border, at least temporarily. President Bashir's reportedly tenuous relationship with generals in the Sudan Armed Forces, or SAF, might also lessen the likelihood that he repudiates agreements that those same generals conclude with their Southern counterparts within the context of these mechanisms. The JPSM and the JBVMM might also be appropriate venues for the two sides to address issues related to the South's support of the SRF, as well as the North's support of militias operating in South Sudan, in a less politically-charged environment.

Lasting peace between the two Sudans will not occur without the conclusion of a comprehensive agreement on all outstanding post-secession issues. However, in the interim and until there is measurable progress on North-North issues, especially in South Kordofan and Blue Nile, a focus on security mechanisms and related arrangements within the context of the North-South negotiation process may be the most appropriate and constructive way forward to prevent a return to North-South war.