



**enough**

The project to end genocide and crimes against humanity

# President Mbeki's Moment

## A Stand for Peace in the Two Sudans

Jennifer Christian, Omer Ismail, and John Prendergast

October 22, 2012

*This is the first in a series of Policy Briefs focusing on the international community's extraordinary opportunity to help support peace within Sudan and between the two Sudans.*

President Thabo Mbeki's leadership of the peace process, which led to the signing of critical agreements between the governments of Sudan and South Sudan late last month, cannot be underestimated. Had those agreements not been signed, it is likely that the two countries would have gone back to war in the coming year. While they still could, the chances of war will diminish further if President Mbeki and the African Union, or A.U., are willing and able to take bold and specific actions in the coming week to marshal the parties closer to a more comprehensive peace.

The signed agreements, if fully implemented, will go far in consolidating peace and security within and between the two Sudans and creating two viable African States. However, certain key issues remain:

- The final status of the Abyei area,
- The definition of the disputed and claimed areas along the North-South border,
- International humanitarian access to the Sudanese states of South Kordofan and Blue Nile, and
- Direct political negotiations between the government of Sudan and the Sudan People's Liberation Movement-North, or SPLM-N, on the basis of the unimplemented June 28, 2011 agreement between the Sudanese government and the SPLM-N.

If left unaddressed, these issues will not only further compound the burgeoning humanitarian crisis in Sudan and in northern areas of South Sudan, but they will also risk untold further civilian casualties and allow the slowly escalating war in Darfur to intensify. Moreover, ignoring these key issues would undermine economic growth in the Sudans and pose an ongoing risk to regional stability. Finally, there is an urgent need to

devise internationally-backed implementation mechanisms for the agreements already signed between Khartoum and Juba.

In short, while much progress has been made, there remains critical work yet to be done.

President Mbeki holds the most important card right now. His upcoming report to the A.U. Peace and Security Council offers him the unparalleled opportunity to provide his recommendations on possible resolutions to the outstanding issues and implementation mechanisms for those agreements already concluded. These recommendations will, in turn, inform future actions of both the A.U. and the United Nations Security Council, or U.N., on these issues and be influential in shaping future international policy vis-à-vis the two Sudans. The report to the A.U. Peace and Security Council provides a significant opportunity for President Mbeki to do the following:

1. Table the Panel's proposal on the Abyei area, which President Mbeki offered to Presidents Bashir and Kiir during their September summit. The Panel's proposal adheres to the spirit of the 2005 Comprehensive Peace Agreement and the ruling of the Abyei Arbitration Tribunal, and holds the governments of Sudan and South Sudan to their respective obligations under both. It further provides a sound basis upon which Sudan and South Sudan can finally settle the area's final status and work together to ensure that the rights of local communities are protected, no matter the outcome of a referendum in Abyei. These aspects of the Panel's proposal should be emphasized. It may, as well, be appropriate to use the report as an opportunity to remind the international community of Abyei's historic role as a catalyst for North-South tensions and to note the suffering of local communities, particularly the Ngok Dinka, in recent years when conflict has erupted in the area.
2. Request that the A.U. demand immediate and unfettered international humanitarian access into all areas of South Kordofan and Blue Nile states pursuant to the August 5, 2012 memorandum of understanding that Khartoum signed with the U.N., the A.U., and the League of Arab States, known collectively as the "Tripartite Partners." President Mbeki was forceful in his messaging to the government of Sudan on this issue during the September presidential summit. If President Mbeki remains firm in his report, particularly given the Sudanese government's persistent refusal to negotiate the terms for international humanitarian access into the two states, the chances improve that Khartoum will acquiesce in the face of united international will and pressure. While a negotiated agreement on access, coupled with a cessation of hostilities between the government of Sudan and the SPLM-N, remains the best option for ensuring effective aid delivery, time is running out for those civilians trapped in the two states. President Mbeki has the opportunity to call on the international community to develop alternative mechanisms for the delivery of aid into South Kordofan and Blue Nile, with or without permission from the government of Sudan, if Khartoum chooses to continue to block aid access.

3. Emphasize the need for the immediate initiation of direct political negotiations between the government of Sudan and the SPLM-N based on the June 28, 2011 agreement. While the humanitarian crisis in the two states is, of course, of paramount concern in the short-term, a process must also be initiated immediately to address the underlying issues fomenting unrest in South Kordofan and Blue Nile, as well as in other peripheral regions throughout Sudan, including Darfur and the East. The June 28 agreement, which President Mbeki, the late President Meles Zenawi, and the Panel facilitated, offers a foundation upon which the government of Sudan and the SPLM-N may initiate talks on a ceasefire agreement and a broad and inclusive political process to address the underlying issues of social, political, and economic marginalization fueling conflict within Sudan. Until these issues are addressed holistically, the potential for further violent unrest in Sudan is great. Such unrest, in turn, poses a great risk to the economic and political viability and stability of both Sudan and its neighbors, particularly South Sudan. The conflict in South Kordofan and Blue Nile must not be treated in isolation from the greater issues of marginalization in Sudan. That has been the international community's failed approach to Darfur, which has only proven to yield unimplemented and piecemeal agreements. The A.U. is well-positioned to correct this approach and lead international efforts designed to facilitate a holistic political process in Sudan designed to culminate in an inclusive and transparent constitutional process and democratic elections. It all starts with a strong report from President Mbeki to allow for meaningful subsequent steps along the international continuum.
  
4. Request that the A.U. and, subsequently, the U.N. Security Council, develop measures designed to ensure Sudan and South Sudan's implementation of all signed agreements. Given the demonstrated tendency of the government of Sudan, in particular, to avoid implementation of agreements that it signs, either through outright refusal or, more commonly, endless delays, internationally-backed implementation mechanisms will be critical to ensuring the success of all North-South agreements. More specifically, consequences must await either party that significantly obstructs implementation of these proposals, including sanctions and other measures under Chapter VII of the U.N. Charter.