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# The Broken Approach to Peace Between the Sudans

A Proposal to End the Cycle of Incremental Progress and  
Dangerous Delay

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March 2013

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## Introduction

The international community's current approach to brokering peace between the two Sudans—a process that has been crawling since South Sudan's secession in July 2011—is caught in a counterproductive cycle. Repeatedly, incremental progress is followed by dangerous delay, usually due to Khartoum's intransigence. Then, "new" agreements, which simply reproduce existing commitments with revised timelines, are hailed as breakthrough moments. This broken approach has hindered the international community's peace efforts in Sudan for decades—a dynamic vividly illustrated by efforts by the African Union High-Level Implementation Panel, or AUHIP, to lead bilateral negotiations between the two Sudans.<sup>1</sup> This paper argues that the issues troubling the most recent negotiations are symptomatic of broader problems with the international community's efforts to broker peace in the Sudans, identifies the underlying reasons why the process has failed to move forward, and proposes three recommendations for a more viable strategy.

After months of intense negotiation, Sudan and South Sudan reached nine cooperation agreements in September 2012.<sup>2</sup> These agreements should have resulted in the formation of a demilitarized buffer zone between the two countries, the restart of oil exports through a cross-border pipeline, and the establishment of 17 committees to negotiate and implement joint initiatives on significant issues including pensions, banking, and citizenship rights.<sup>3</sup> Six months later, none of these things have happened.

Instead, in the intervening months, the government of Sudan successfully avoided fulfilling commitments made in the binding September 2012 agreements by raising three counterproductive preconditions to further progress without censure. Then, Sudanese President Bashir derailed two presidential summits in January 2013. When the international community should have been holding both sides to their obligations and helping them find equitable solutions on other outstanding issues troubling their bilateral

relationship, including Abyei and border delimitation, it allowed the process to stall. In March 2013, after months of dangerous delay, the two Sudans committed to an implementation timeline for fulfilling the obligations originally outlined in the September 2012 agreements.<sup>4</sup> These types of incremental steps forward after months of delay have been Khartoum's standard operating procedure for years. Sudan successfully crippled implementation of the many provisions of the Comprehensive Peace Agreement, which ended Sudan's second civil war, in exactly the same way. To a casual observer, the announcement in March 2013 appeared as though the parties had achieved a new breakthrough on the substantive issues troubling their relations. In reality, however, these new documents simply reflect a "renewed" willingness to make good on previous commitments. After repeatedly moving the goalposts, these small steps are now being characterized as groundbreaking developments.<sup>5</sup> This is a mistake. If the root causes go unchecked, the cycle of incremental progress and dangerous delay will persist.

The government of Sudan is the main culprit for the slow progress toward a durable peace. However, the AUHIP's poor facilitation of summit-level negotiations and the international community's continued tolerance of Khartoum's repeated repudiation of signed agreements have also become major obstacles to securing peace. To rebalance this equation, the Enough Project proposes:

- Leveraging international pressure on the two Sudans
- Using technical discussions to lay the groundwork for high-level negotiations
- Building the capacity of the Sudanese opposition to make space for increased dialogue around these issues

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### Delay and no implementation: Late 2012 to early 2013

The September 2012 agreements raised expectations that South Sudan and Sudan were on the path to peace.<sup>6</sup> Reflecting these high hopes, in January 2013, the AUHIP hosted a series of meetings in Addis Ababa, the capital of Ethiopia, including two presidential summits,<sup>7</sup> a round of meetings of the senior-level lead negotiation panel,<sup>8</sup> a Joint Political and Security Mechanism plenary session,<sup>9</sup> and an Abyei Joint Oversight Committee meeting.<sup>10</sup> Despite the participation of senior decision makers, these meetings did not result in any progress on the issues that are destabilizing the countries' relationship. Instead, the government of Sudan used them as opportunities to back away from previously agreed-upon commitments.

The AUHIP negotiation process has traditionally involved extensive technical-level meetings. In January, however, it chose to bypass that approach and emphasize presidential summits and high-level panel meetings instead. Although there is utility in bringing the presidents of the two nations together, high-level summits should be used sparingly, and then only when basic agreements have been reached and adequate preparation has

occurred. When the presidents fail to agree—as they did twice in January 2013—there is no court of last resort or higher entity to get the negotiations back on track. In the absence of political will in the international community to impose consequences for noncooperation, the presidents have little incentive to return to the negotiating table. As a result of the delays in January 2013, the process was stalled until March 2013, when meetings at the technical level secured both sides’ approval of an implementation matrix outlining deadlines for compliance with the September 2012 agreements.

Due to significant international pressure, Presidents Bashir and Kiir Mayardit met on January 4 and January 5, 2013.<sup>11</sup> After the meetings, the AUHIP circulated a list of summit outcomes signed by AUHIP head and former South African President Thabo Mbeki and Ethiopian Prime Minister Hailemariam Desalegn.<sup>12</sup> This backfired. Since neither President Bashir nor President Kiir signed the outcome document, it is not binding on either party. In fact, President Kiir has since intimated that he disagrees with its contents.<sup>13</sup> Nevertheless, observers expect that the AUHIP will attempt to use the outcome document to structure future negotiations, even though many of its provisions are poorly drafted. If it is used to guide the process, this outcome document could lead to misunderstanding and competing, contradictory interpretations. In this instance, the AUHIP’s approach actively allowed further delay and became a roadblock to progress.

The January 25, 2013 presidential summit coincided with the AU Heads of State meeting in Addis Ababa. In addition to meetings with each other and with President Mbeki, the presidents each addressed the A.U. Peace and Security Council on the status of their countries’ relationship.<sup>14</sup> This second round of meetings, taking place just 20 days after the first summit, did not yield any notable progress either.

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## Counterproductive preconditions

Sudan has set down three preconditions on the implementation of the September 2012 agreements and further progress on the Abyei issue. Improbably, the international community allowed Khartoum to recycle these preconditions and apply them to the September 2012 agreements, which are legally binding on both sides without any conditions. The international community’s tolerance for this behavior enabled the Sudanese government to further delay implementation.

### 1. Administrative structures before discussing final status of Abyei

Although Abyei remains the issue most likely to spark a war between the two countries, the presidents have been unable to agree on any of the outstanding questions related to the contested area’s final status.<sup>15</sup> The unsigned outcome document from the January 4–5 summit suggests that the two presidents postpone discussion of Abyei’s final status

until certain other actions occur. The clause defining those preconditions, however, is too muddled to be useful.<sup>16</sup>

In addition to delaying further discussions on Abyei until the promulgation of a comprehensive implementation matrix for all of the September 2012 agreements, the outcome document appears to condition discussions of Abyei's final status on the creation of three administrative and security bodies for the disputed area.<sup>17</sup> During the latest round of negotiations, the government of Sudan sought to change the standing power-sharing agreement for these administrative bodies.<sup>18</sup> Under the terms of the January 2011 agreement on Abyei, the area's governing structures are to be split between South Sudanese and Sudanese appointees on a 60-40 percentage basis.<sup>19</sup> Sudan is now demanding 50-50 representation in these institutions. The Sudanese government's attempt to renegotiate this issue, notwithstanding the terms of a binding written agreement, led to the collapse of the Abyei oversight committee talks in January 2013. Since then, there has been no notable progress on the creation of these administrative bodies.

The presidents have not met to discuss the area's final status since January 2013. Problematically, the March 2013 implementation matrix does not require them to do so. Although the matrix lays out deadlines for 68 other steps, it does not provide a deadline for even meeting on the final status of Abyei and agreement on the formation of the Abyei Referendum Commission.<sup>20</sup> Instead, the matrix leaves the two presidents responsible for agreeing to a deadline on their own.

## 2. Assurances of disarmament of the Sudan People's Liberation Movement-North

President Bashir has also insisted on a letter confirming South Sudan's complete disengagement from Sudan's South Kordofan and Blue Nile states before engaging in further discussions on the implementation of the September 2012 agreements.<sup>21</sup> Sudanese negotiators had raised this precondition as early as October 2012, but President Bashir reinforced the demand for a formal letter of disengagement during the January summits.<sup>22</sup> The unsigned and nonbinding outcome document from the first January summit asserts that President Kiir promised to deliver a letter to the AUHIP confirming disengagement.<sup>23</sup>

In January 2013 President Bashir also demanded that the South Sudanese government disarm the Sudanese Peoples Liberation Movement-North, or SPLM-N, a rebel militia operating in the Sudanese states of South Kordofan and Blue Nile. Although the rebels were undeniably associated with the South Sudanese armed forces prior to that country's July 2011 independence, the South Sudanese government has repeatedly assured both the government of Sudan and the international community that it no longer has any connection to the rebels. Many in the international community doubt that the South has completely disengaged from the rebel movements operating in Sudan's

periphery. However, even these skeptics would not consider disarming rebels operating on Sudanese territory a South Sudanese responsibility.

Even after the implementation matrix was promulgated in early March, Sudan successfully hijacked the next meeting of the Joint Political and Security Mechanism to raise this issue again. On March 19, 2013, the body announced that both sides had agreed to create a new joint committee dedicated to handling concerns and complaints about harboring and supporting rebel movements.<sup>24</sup>

### 3. Security arrangements and the 14-mile area

The Sudanese government has also tied implementation of all nine cooperation agreements to the implementation of security arrangements outlined in one of the agreements, and specifically to the creation of a safe demilitarized border zone along the Sudan-South Sudan border. The two Sudans signed eight different subject matter agreements in September 2012, along with a governing “cooperation” agreement. The AUHIP adopted this approach in hopes of preventing a lack of progress on one specific issue from preventing progress on all of the other bilateral issues. The Sudanese government has undermined that approach by preconditioning progress on the seven other subject matter agreements on the implementation of security arrangements.

Reaching an agreement on troop positions around the hotly contested border zone referred to as the 14-mile area has been especially difficult.<sup>25</sup> In February 2013, a member of the South Sudanese negotiation team revealed that President Bashir demanded an expansion of the 14-mile area during the talks in early January.<sup>26</sup> Despite Sudan’s ostensible acceptance of the way in which the AUHIP delineated the area last September, President Bashir asked that the special security arrangements for the 14-mile area be extended 284 kilometers, all the way to Abyei.<sup>27</sup> According to the South Sudanese account, President Mbeki refused to accept this new demand.<sup>28</sup> In a January 31, 2013 press release, the Republic of South Sudan explained that both sides continued to differ “on how to apply the ‘special arrangements’ provided for in the security agreements specific to the 14-mile area along the border.”<sup>29</sup> As long as the international community tolerates preconditions on security arrangements, the implementation of the other seven issue-specific September 2012 agreements, including the oil export agreement, will be held hostage to disputes regarding a solution to the tricky 14-mile area problem. In early 2013 both sides had begun to amass military capacity in the border zone, escalating the risk of conflict.<sup>30</sup>

By early March, however, the two Sudans’ Joint Political and Security Mechanism reached agreement on a timeline for setting up the safe demilitarized border zone along their shared border.<sup>31</sup> Although this development is promising, the parties have made and ignored similar agreements in the past. In December 2012 the two sides identified December 19, 2012, as the deployment “D-Day” for the security arrangements.<sup>32</sup>

Neither side fulfilled the terms of that agreement. In January 2013 both sides again issued press releases setting out plans to establish the buffer zone. These announcements did not translate into progress on the ground.<sup>33</sup> Under the terms of the new matrix, both sides should have been out of the buffer zone by March 17.<sup>34</sup> South Sudanese President Kiir formally ordered his troops to withdraw immediately from the border on March 10, 2013.<sup>35</sup> On March 20, 2013, AU Commission Chairperson Dr. Nkosazana Dlamini Zuma issued a press release confirming that both sides “met their obligations” on withdrawal.<sup>36</sup> However, on March 22, the South Sudanese government officials were quoted accusing Sudan of failing to begin withdrawal on time.<sup>37</sup>

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## Why is the process broken?

The September 2012 agreements should have resulted in a major shift in the two Sudans’ relationship. Instead of implementing these agreements, however, Sudan advanced counterproductive preconditions and stalled bilateral implementation. Three fundamental problems have thwarted progress:

- The inability or unwillingness of the international community to put a stop to Sudan’s continuing intransigence and bad faith
- The ineffectiveness of the AUHIP’s strategy of presidential summit diplomacy
- The internal political dynamics within each country that encourage delay over conflict resolution

### 1. The international community’s tolerance of Sudan’s bad-faith negotiation behavior

The government of Sudan has repeatedly failed to abide by obligations arising from binding international agreements. The international community’s tolerance of this behavior and its consistent unwillingness to censure Sudan for its breaches of international obligations has crippled the bilateral negotiation process. In May 2012, the U.N. Security Council adopted Resolution 2046, requiring the Sudans to agree on four issues by August 2012.<sup>38</sup> The September 2012 agreements led to agreement on two of these four issues—arrangements for restarting oil exports and the status of nationals of either country in the other country. The other two issues—Abyei and border delimitation—remain unresolved. Resolution 2046 threatens U.N. enforcement action on the noncompliant party or parties in the absence of agreement on all four issues. Seven months after the negotiation deadline expired, the Security Council has been unable even to issue a press statement on the topic.

At the regional level, despite the lack of agreement or forward progress in the peace process, the AU Peace and Security Council’s January 25, 2013 resolution on the status of negotiations did not censure the parties. Instead, it requested the AUHIP to report



back on implementation of the September 2012 agreements within three months, without defining repercussions for continued noncompliance.<sup>39</sup> The AU Peace and Security Council also declined to impose the September 21, 2012 proposal for Abyei on the parties—as it had previously threatened to do—or even to object to the new preconditions on discussions around Abyei. Instead, the January 2013 resolution merely “urged” the presidents to continue negotiations on Abyei, and “requested” a report from the AUHIP in March 2013.<sup>40</sup> Worryingly, the March 2013 implementation matrix fails to provide a deadline for the resolution of the final status of the disputed Abyei area.

## 2. Flawed emphasis on presidential summit diplomacy

The AUHIP’s current approach, particularly its emphasis on presidential summit diplomacy, has enabled Khartoum’s manipulation of the process. Simply putting the presidents in a room with one another without the necessary preparation is not going to secure a lasting agreement, especially when dealing with a bad-faith actor such as President Bashir.<sup>41</sup> The decision to distribute the muddled January summit outcome document—notwithstanding the parties’ refusal to sign it—was a tactical error. The document is not binding, and its vague preconditions could perpetuate conflicts by advancing new commitments without consent from the parties. Similarly, allowing the promulgation of an implementation matrix with no deadline for resolution of the final status of Abyei or border delimitation further enables delay.

## 3. Internal political dynamics within the two Sudans

AUHIP meetings in Addis Ababa continue to offer both sides a platform to posture publicly and pander to hardliners back home. When facing internal political turmoil, President Bashir frequently uses intransigence at the negotiating table to project strength at home.<sup>42</sup> To his credit, President Kiir appeared open to negotiations in January 2013. Still, increasing scrutiny and criticism in South Sudan, makes it difficult for him to accept Khartoum’s escalating and multiplying demands, even if it were wise to do so. South Sudan’s concessions on the 14-mile area in the September 2012 agreements and the promised \$3.028 billion payment to Sudan for transitional financial assistance have provoked a significant backlash in South Sudan.<sup>43</sup>

These internal political dynamics shape the leaders’ willingness to reach and implement agreements. Both sides are waiting for the other to blink first. Sudan is convinced that dollar-starved South Sudan cannot remain economically viable without oil exports. South Sudan seems to be waiting for a fundamental change in governance in Khartoum. Although the international community’s tolerance for delay facilitates the cycle, the lack of political will to implement these agreements inside both Sudans remains the biggest stumbling block to a durable peace.

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## Recommendations for rebalancing the equation

The AUHIP and the international community need to re-evaluate their approach to brokering peace between the Sudans. The following steps could move the process forward.

### 1. Leverage international pressure

Building political will for meaningful censure when the parties fail to make progress could be an effective coercive tool when the international community seeks to extract concessions from either side. Although the Ethiopian government still has a role in the process, the death of Ethiopian Prime Minister Meles Zenawi, who was able to wield carrots and sticks convincingly, was a major blow.<sup>44</sup> Other regional governments—including Qatar, Nigeria, and Rwanda—could and should play larger roles. The international community cannot continue to allow President Bashir to renege on binding agreements, change the rules of the game and then redefine progress.

### 2. Lay the groundwork and opening the lines of communication

More meetings at the technical level could help improve the chances of agreement when the presidents of Sudan and South Sudan come together in an official capacity. In March 2013 technical-level negotiations resulted in consensus on a comprehensive implementation matrix for all the September 2012 agreements, and the implementation modalities for creating the safe demilitarized buffer zone. The AUHIP should revive some of the elements of its September 2012 technical committee model, where the substance of most subjects had already been discussed in advance of ceremonial summits. During the period following the 2005 Comprehensive Peace Agreement, representatives from the northern and southern parts of Sudan maintained an open dialogue. Developing stronger channels of communication and respect between the principals in Juba, the capital of South Sudan, and Khartoum will be critical in the coming months.

### 3. Strengthen the Sudanese opposition

Shifting the political dynamics within Sudan will be the key to securing a just peace with its southern neighbor. Until now, mounting internal political pressure has been counterproductive to the negotiations, causing President Bashir to pander to Sudanese hardliners by continuing to block progress. Fostering political will within both Sudans to implement the September 2012 agreements and the March 2013 timeline for security arrangements will be critical. If given more political space, a stronger and more coordinated opposition and civil society could advance an alternative vision for the Sudan-South Sudan relationship. Carving out political space will require the United States and



other interested parties to increase their engagement with Sudanese opposition and civil-society entities and dialogue with potentially cooperative factions within the ruling National Congress Party.

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## Conclusion

The international community's current approach to the Sudans is misdirected. However, it can be put back on track. Many are celebrating the steps forward in March 2013 as a breakthrough. If oil export restarts and a safe demilitarized buffer zone is established, some of the promise of September 2012 will be fulfilled. However, this incremental progress should not distract from Sudan's delay tactics and intransigent refusal to fulfill binding obligations. A new approach, which effectively leverages international pressure and shifts the focus away from high stakes summits, is much needed. Still, since an internal lack of political will is the root cause of much of the trouble, support for the Sudanese opposition's efforts to widen the political space is essential.

## Endnotes

- 1 The Enough Project Advisor, Omer Ismail, traveled to Addis Ababa, Ethiopia, from January 19 to January 29, 2013. This paper draws on insights from that trip and close consultation with parties close the Addis Ababa negotiations.
- 2 Embassy of the Republic of South Sudan, "South Sudan & Sudan sign a Comprehensive Cooperation Agreement," Press release, September 27, 2012, available at <http://www.gossmission.org/goss/images/cca.pdf>. For the full text of all of the nine agreements, see Republic of South Sudan Negotiation Team, "Historic September 27 Peace Agreement" (2012), available at <http://www.rssnegotiationteam.org/historic-september-27-peace-agreement.html>.
- 3 Jenn Christian and Akshaya Kumar, "Peace By Committee: The 17 Committees and Commissions Responsible for Making Peace between the Two Sudans" (Washington: Enough Project, 2013), available at <http://www.enoughproject.org/reports/peace-committee-17-committees-and-commissions-responsible-making-peace-between-two-sudans>.
- 4 "Implementation Matrix for Agreements Between The Republic of the Sudan and the Republic of South Sudan," March 12, 2013, available at [http://www.rssnegotiation-team.org/uploads/1/2/8/8/12889608/implementation\\_matrix\\_on\\_cooperation\\_agreements\\_120313.pdf](http://www.rssnegotiation-team.org/uploads/1/2/8/8/12889608/implementation_matrix_on_cooperation_agreements_120313.pdf). This document is hereinafter known as the Implementation Matrix.
- 5 U.S. Department of State, "Sudan and South Sudan Security Agreement," Press release, March 9, 2013, available at <http://www.state.gov/r/pa/prs/ps/2013/03/205896.htm>; *Sudan Vision*, "AU Welcomes Signing of Implementation Matrix for the Agreements Signed between the two Sudans," Press release, March 12, 2013, available at <http://news.sudanvisiondaily.com/details.html?rsnpid=220410>; European Union, "Statement by EU High Representative Catherine Ashton on the agreement between Sudan and South Sudan on a timetable for implementing the Addis Agreements," Press release, March 13, 2013, available at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/136058.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/136058.pdf).
- 6 African Union Peace and Security Council, "Communiqué of the Peace and Security Council of the African Union (AU) at its 349th meeting" (2012), available at <http://www.au.int/ar/sites/default/files/psc-com-sudan-south-sudan-14-12-2012%20Copy.pdf>.
- 7 The AUHIP hosted summits between Presidents Bashir and Kiir on January 4–5, 2013, and again on January 25, 2013.
- 8 The AUHIP hosted meetings with the lead negotiation panels of both sides on January 17, 2013.
- 9 The Joint Political and Security Mechanism plenary session began on January 14, 2013. Security consultations continued on January 15. For more information, see A.U. Peace and Security Council, "Sudan and South Sudan meet in Addis Ababa to discuss implementation of agreements they have signed," Press release, January 19, 2013, available at [http://www.peaceau.org/frontend\\_dev.php/en/article/au-hip-press-release-sudan-and-south-sudan-meet-in-addis-ababa-to-discuss-implementation-of-agreements-they-have-signed](http://www.peaceau.org/frontend_dev.php/en/article/au-hip-press-release-sudan-and-south-sudan-meet-in-addis-ababa-to-discuss-implementation-of-agreements-they-have-signed).
- 10 The Abyei Joint Oversight Committee met in Addis on January 13, 2013.
- 11 See Al-Jazeera Center for Studies, "Al-Bashir and Kiir's Agreement to Overcome Obstacles" (2013), available at <http://studies.aljazeera.net/ResourceGallery/media/Documents/2013/1/24/201312494229112580AlBashir%20and%20Kiir%20Potential%20Agreement.pdf>; African Union Commission on Peace and Security, "The African Union looks forward to the outcome of the summit meeting between the presidents of Sudan and South Sudan," Press release, January 4, 2013, available at [http://old.peaceau.org/frontend\\_dev.php/fr/article/the-african-union-looks-forward-to-the-outcome-of-the-summit-meeting-between-the-presidents-of-sudan-and-south-sudan?siteversion=standard&](http://old.peaceau.org/frontend_dev.php/fr/article/the-african-union-looks-forward-to-the-outcome-of-the-summit-meeting-between-the-presidents-of-sudan-and-south-sudan?siteversion=standard&).
- 12 African Union High-Level Implementation Panel for Sudan and South Sudan, "Report on the Outcomes of the Summit Meeting Between the Presidents of Sudan and South Sudan, H.E. Omar Hassan al-Bashir and H.E. Salva Kiir Mayardit" (2013), available at <http://www.peaceau.org/uploads/report-on-the-outcomes-of-the-summit-meeting-between-the-presidents-of-sudan-and-south-sudan.pdf>. This document is hereinafter known as the January Summit Outcome.
- 13 Official close to the negotiations, interview with author, Addis Ababa, Ethiopia, January 2013.
- 14 H.E. Gen. Salva Kiir Mayardit, "Statement to the African Union Peace and Security Council Heads of State and Government Meeting on Sudan and South Sudan," January 25, 2013, available at [http://www.goss-online.org/magnoliaPublic/en/news/mainColumnParagraphs/0113/content\\_files/file/statement%20public.pdf](http://www.goss-online.org/magnoliaPublic/en/news/mainColumnParagraphs/0113/content_files/file/statement%20public.pdf).
- 15 Renata Rendón and Amanda Hsiao, "Resolving the Abyei Crisis: Preventing Violence and Promoting Peace" (Washington: Enough Project, 2013), available at [http://www.enoughproject.org/files/Abyei\\_Report.pdf](http://www.enoughproject.org/files/Abyei_Report.pdf).
- 16 January Summit Outcome at 1.4 reads: "The Presidents will reconvene to discuss the Final Status of Abyei after the ACTION under 1.2 above and ACTION under 2.1 below have been implemented. In this regard, among others, they will consider matters relevant to the formation of the Abyei Area Referendum Commission."
- 17 Ibid.
- 18 "Al-Fahim: Sudan Sticks to 50% Representation in Abyei Council," *Sudan Vision*, January 16, 2013, available at <http://news.sudanvisiondaily.com/details.html?rsnpid=218405>; "S. Sudan rejects Sudan's demands for 50:50 power sharing of Abyei council," *Sudan Tribune*, January 14, 2013, available at <http://www.sudantribune.com/spip.php?article45171>.
- 19 "Agreement Between the Government of the Republic of Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area" (2011), available at [http://www.rssnegotiationteam.org/uploads/1/2/8/8/12889608/03\\_abyei\\_addis\\_temporary\\_arrangements\\_agreement\\_20\\_june\\_2011.pdf](http://www.rssnegotiationteam.org/uploads/1/2/8/8/12889608/03_abyei_addis_temporary_arrangements_agreement_20_june_2011.pdf).
- 20 Implementation Matrix at obligation 1.4.
- 21 "New setback for AU mediated talks between north & south Sudan," *Sudan Tribune*, January 20, 2013, available at <http://www.sudantribune.com/spip.php?article45245>.
- 22 Sudan's Defense Minister Abdel-Rahim Hussein said that the security agreement with South Sudan includes a provision on the disengagement between the South Sudanese army and its "ninth and tenth divisions" in South Kordofan and Blue Nile, a mention to the rebels of the Sudan People's Liberation Movement-North. See "No talks with SPLM-N rebels before disengagement with Sudan – Khartoum," *Sudan Tribune*, October 3, 2012, available at <http://www.sudantribune.com/spip.php?article44090>.
- 23 January Summit Outcome at 2.3.
- 24 Joint Political and Security Mechanism Between Sudan and South Sudan, "Formation of an Additional Committee," Addis Ababa, March 19, 2013, on file with author.
- 25 The 14-mile area south of the Bahr el Arab—or River Kiir—became a hot-button issue during the September presidential summit that led to the September 27, 2012, cooperation agreements. The citizens of South Sudan's Northern Bahr el Ghazal state, a vocal constituency, were strongly against the demilitarization of the entire area, which was under South Sudanese control.

- 26 Justice Deng Biong, "What makes Bashir speak for South Sudan," *Sudan Tribune*, February 20, 2013, available at <http://www.sudantribune.com/spip.php?article45590>.
- 27 Ibid.
- 28 Ibid.
- 29 Embassy of the Republic of South Sudan, "Sudan Continues to Introduce New Conditions in the Implementation of the September 27th Agreements," Press release, January 31, 2013, available at <http://www.gossmmission.org/goss/images/press%20release%2027th.pdf>.
- 30 Charlton Doki, "Juba Says Sudan Massing Troops on Border," *Voice of America*, February 12, 2013, available at <http://www.voanews.com/content/juba-says-sudan-massing-troops-on-border/1602181.html>; "S. Sudan accuses Sudan of amassing troops in Abyei region," *Sudan Tribune*, February 10, 2013, available at <http://www.sudantribune.com/spip.php?article45469>.
- 31 "Implementation Modalities for Security Arrangements agreed on 27<sup>th</sup> September 2012 Between The Republic of the Sudan and The Republic of South Sudan," March 8, 2013, available at [http://www.sudantribune.com/IMG/pdf/sudan\\_south\\_sudan\\_implementation\\_modalities\\_for\\_security\\_080313.pdf](http://www.sudantribune.com/IMG/pdf/sudan_south_sudan_implementation_modalities_for_security_080313.pdf). This document is hereinafter known as the *Implementation Modalities*.
- 32 Ibid.
- 33 U.N. Security Council, "Letter dated 18 January 2013 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council," January 18, 2013, available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2013/34&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/34&Lang=E); Republic of South Sudan, "South Sudan started the withdrawal of its troops for the establishment of a demilitarized border zone between South Sudan and Sudan," Press release, January 18, 2013, available at <http://www.sudantribune.com/spip.php?article45222>; Hereward Holland, "South Sudan fails to withdraw troops from Sudan border," Reuters, February 4, 2013, available at <http://uk.reuters.com/article/2013/02/04/uk-sudan-south-idUKBRE9130XH20130204>; Hereward Holland, "South Sudan accuses Sudan of bombing: Khartoum denies," Reuters, February 3, 2013, available at <http://www.reuters.com/article/2013/02/03/us-sudan-south-idUSBRE91208P20130203>.
- 34 *Implementation Modalities*.
- 35 "S. Sudan's Kiir orders army pullout from border areas," *Sudan Tribune*, March 10, 2013, available at <http://www.sudantribune.com/spip.php?article45781>.
- 36 Chairperson of the Commission of the African Union, "The African Union welcomes the continued progress in the situation between the Sudan and South Sudan," Press release, March 21, 2013, available at <http://www.newstimesafrica.com/archives/31313>.
- 37 "South accuses Sudan of failing to withdraw troops from border" *Sudan Tribune*, March 23, 2013, available at <http://www.sudantribune.com/spip.php?article45932>.
- 38 U.N. Security Council, "Resolution 2046" (2012), available at <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20S%20RES%202046.pdf>.
- 39 A.U. Peace and Security Council, "Communiqué of the 353rd Peace and Security Council meeting on the situation between Sudan and South Sudan" (2013), available at <http://www.peaceau.org/en/article/communique-of-the-353rd-peace-and-security-council-meeting-at-the-level-of-heads-of-state-and-government>.
- 40 Ibid.
- 41 Analysts from the Crisis Group argue that, "From Khartoum's perspective, new demands (some more realistic than others) and sequencing the different parts of the agreement are efficient tactics to delay its implementation and the process as a whole. Creating a micro-crisis within the negotiations prevents the AU mediation team and other international players from moving to the more substantive issues on which Khartoum would likely have greater difficulties making concessions." See International Crisis Group, "Sudan's Spreading Conflict (I): War in South Kordofan" (2013), available at <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/198-sudans-spreading-conflict-i-war-in-south-kordofan.pdf>. This document is hereinafter known as the Crisis Group report.
- 42 In January 2013 Sudanese opposition political parties, Islamists, and rebel-armed movements came together and signed the New Dawn Charter, unifying forces against the regime. In December 2012 security forces arrested Salah Gosh and a dozen other high-ranking military officers for allegedly planning a coup against President Bashir. Analysts see this as further evidence of fissures in the ruling National Congress Party's already weakened power base. The International Crisis Group has found that, "discontent is rising" within Sudan as "internal divisions are spilling into the open." For more on the evolving political dynamics in Sudan, see International Crisis Group, "Sudan: Major Reform or More War" (2012), available at <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/194-sudan-major-reform-or-more-war>; Paul Mutter, "Sudan Claims to Have Foiled Coup, But Arrests Expose Growing Islamist Discontent," *The Arabist*, December 7, 2012, available at <http://www.arabist.net/blog/2012/12/7/sudan-claims-to-have-foiled-coup-but-arrests-expose-growing-islamist-discontent>.
- 43 South Sudanese civil society remains concerned about concessions made in negotiations with Sudan. See Jok Madut Jok, "Contextualizing the Cooperation Agreements Between the Two Sudans" (Juba: Sudd Institute, 2012), available at <http://www.suddinstitute.org/assets/Publications/Sudd-Policy-Brief-2.pdf>; Aweil Today-US Media Team, "Advice to South Sudan Negotiators: Stand Your Ground," Press release, January 26, 2013, available at <http://www.sudantribune.com/spip.php?article45302>.
- 44 Meles was "often described as the only person having equally good relations with, and able to exert pressure on, both Sudan and South Sudan, as well as with other regional governments and the SPLM-N." According to an Ethiopian official, "Meles's death is a major loss for the Sudan talks, because President Bashir trusted him to some extent." See Crisis Group report, p. 38.