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# Sudan-South Sudan Field Dispatch: Good News and Bad News from Negotiations in Addis Ababa

Amanda Hsiao

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For nearly three weeks, from September 4 to 27, 2012, representatives of Sudan and South Sudan met in Addis Ababa, Ethiopia to negotiate a comprehensive peace agreement under the auspices of the African Union High-Level Implementation Panel, or AUHIP, and the pressures of an internationally-imposed deadline. They fell short, agreeing on key economic and security issues, but they were unable to resolve disputes on Abyei and their common border, leaving unaddressed sharp points of disagreement between the two countries. In addition, little progress on peace talks between Sudan and the Sudan People's Liberation Movement-North, or SPLM-N was made, and the lack of humanitarian access into conflict zones in Sudan was left unaddressed.

The good news from Addis Ababa is that the parties reached agreement on the resumption of the flow of oil from South Sudan to Sudan, cross-border trade, the guarantee of certain freedoms for nationals of one country resident in the other, and the creation of a demilitarized buffer zone on the countries' 2,100 mile-long border. The oil deal will enable each country to add to its depleted coffers and could contribute to economic growth. The agreements on citizenship, a buffer zone, and a soft border could defuse long-standing tensions between Juba and Khartoum.

The bad news is that the unresolved issues of Abyei, border disputes, and the ongoing conflicts in South Kordofan and Blue Nile remain the greatest threats to peace and security between the two countries. As long as these border conflicts remain unaddressed, the implementation of the agreements signed—and with it, the improvement of North-South relations—can be undermined.

Implementation of the signed agreements, as well as a resolution of Abyei, Southern Kordofan, and Blue Nile should be the focus of the international community going forward. Next steps will hinge heavily on the substance of the A.U. High-Level Implementation Panel report, due for submission in late October to the A.U. Peace and

Security Council. According to the April 2012 A.U. Roadmap, AUHIP proposals on outstanding issues are “to be endorsed as final and binding solutions.” Whether a comprehensive agreement is ultimately secured via this process will depend on the level of consensus that can be found among the international community in support of such a deal.

Throughout this round of negotiations, Enough Project staff in Addis Ababa conducted interviews with representatives of the two states, A.U. personnel, and diplomats in attendance. This report is based on those interviews and the insights of participants in the negotiations.

On September 22 and 23, Presidents Salva Kiir and Omar al-Bashir arrived for a summit and stayed five days past the deadline of September 22. “I came [to Addis Ababa] to be surprised that things were really very difficult,” said South Sudan President Salva Kiir, in reference to his decision to cancel his trip to the U.N. General Assembly in order to finish the prolonged negotiations in Addis.

To observers outside of the negotiating rooms, the probability of an agreement swung between extremes in the final week of the talks; a deal seemed both imminent and elusive. Members of the SPLM-N delegation sat among the expectant international audience in the lobby, waiting to participate in a parallel process on South Kordofan and Blue Nile that was increasingly sidelined by the North-South talks.

“The differences are small and negotiable,” was a common, self-assuring refrain among the diplomats, journalists, and NGOs, as long afternoons passed with no movement. In the last days of the talks, the focus was largely on security arrangements along the common border. Smaller differences related to the oil deal and border disputes and claims appeared negotiable, especially if security arrangements were unlocked. Rumors of breakthroughs were rife in the Sheraton lobby.

The exception was the issue of Abyei. This contested territory was the elephant in the room that would reintroduce a gaping divide between the two parties when finally raised. The AUHIP made the strategic decision to leave discussion on Abyei until after sufficient agreement was reached on the other issues. They calculated that the momentum of nearing a comprehensive deal, and the full weight of the international community, would push the two parties over the line. This strategy also left little with which to bargain when Khartoum responded with an emphatic “No” to the AUHIP’s proposed solution on Abyei.

Compounding frustrations in the eleventh hour was the sudden hardening of positions on security arrangements, after a compromise solution seemed a small step away. When the two sides were brought back to a deal on security, and continued negotiations on Abyei saw no progress, the general sentiment was, “Better a partial deal than no deal at all.” The view was that a final push from the African Union Peace and Security Council,

ideally backed by the U.N. Security Council, may just get the two sides past the finish line for a comprehensive deal in the coming weeks. Completely failing to reach any deal at all would come at a huge political cost to everyone involved and cause economic turbulence for the two states.

The partial quality of the agreements raises several issues about the nature of the negotiations. The parties were only able to reach agreement, by and large, on issues on which Khartoum was willing to negotiate. Do the results of this final round show the limits of the international community's ability to influence decision-making in Sudan?

The differences in internal dynamics, in particular the military-political divide, were also on display on both sides. Though generals from South Sudan and Sudan were similarly adamant in their dismissal of compromise solutions on security arrangements along the border, South Sudan's politicians were able to convince its military elements of a solution that called for more compromise on Juba's part than Khartoum's.

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## The Details

**Oil** The oil agreement detailed the fees South Sudan would pay to Sudan for the transportation of oil includes a \$3.028 billion financial assistance package from Juba to Khartoum. The negotiation was prolonged by two details: 1) a \$1.2 billion lawsuit filed by Khartoum against Juba for the revocation of Sudapet shares in southern oil blocks and 2) disagreement over which party should receive payment for the sale of two vessels of oil shipments diverted by Khartoum in early 2012.<sup>1</sup> According to the final oil agreement, payments from the cargo on the two vessels are to be delivered to South Sudan, but the issue of Sudapet was left for further discussion "within a period of two months."

**Disputed and claimed border areas** The two parties largely agreed on a mechanism for resolving the five disputed territories along the North-South border. The mechanism would refer the disputes to a panel of border experts who would issue an informal, written opinion on the disputes. After the opinion, should the two sides remain unable to reach agreement, the disputes could be taken to arbitration. South Sudan conditioned their acceptance of a disputes mechanism on an additional agreement for resolving claimed areas along the border. In addition to negotiating a process regarding the disputed areas, the parties also discussed claimed areas. South Sudan formally claimed four areas along the border in a July 2012 proposal, including Heglig/Panthou.<sup>2</sup> While initially engaging in discussion on a mechanism to resolve the claimed areas, Khartoum later shifted its position, saying it did not recognize the legitimacy of these additional, claimed areas.

**Security arrangements (14-Mile area)** The establishment of a Safe, Demilitarized, Border Zone, or SDBZ, was delayed by Khartoum's long-held position that it would not accept the A.U.-proposed centerline from which the 20 km-wide demilitarized zone

would be drawn. Although U.N. Resolution 2046 states that both Sudan and South Sudan should unconditionally accept the A.U. centerline, South Sudan entered into negotiations with Sudan on special arrangements for the area between South Sudan's Northern Bahr el Ghazal state and Sudan's Darfur region colloquially known as 14-Mile. This was spurred in part by international encouragement that pointed out that although Juba accepted the A.U. centerline, SPLA forces remained north of the centerline at the 14-mile area, or the Kiir River.

Sudan's disagreement stems from the map's placement of the 14-mile area in the South, which Khartoum saw as an indefinite annexation of a piece of northern territory to South Sudan. Though Khartoum raised the specter of tribal conflict, stemming from what it presented as a threatened Rizeigat community, its real concerns over 14-mile appeared to be more related to security and territory, than an existing political threat. Going forward, the 14-mile area and its affected constituencies may continue to be politicized by both governments, thus creating a new flashpoint along the North-South border.

Several compromise solutions were tabled, centered on seeking equilibrium between the positions of the two militaries and an administrative set-up that would satisfy communities on both sides and existing administrative arrangements.

Under the final agreement on security arrangements, the SDBZ in the 14-mile strip of border constitutes the entirety of the 14-mile area; the rest of the border would demilitarize 10 km on each side of the A.U. centerline. On the ground, this agreement will result in the SPLA pulling back significantly from their current positions and releasing their foothold within the 14-mile disputed area. Alternatively, the SAF will be allowed to move up to the Kiir River, a significant advance from their current positions.

**Abyei** Days before the presidential summit, the AUHIP tabled a proposal on Abyei that calls for a referendum by October 2013 in which Abyei residents would be allowed to vote. Residents would be defined as including Ngok Dinka as well as "other Sudanese residents." The qualification for the latter "shall be [having a] permanent abode within the Abyei Area." The proposal calls for the establishment of a referendum commission comprised of two representatives appointed by Sudan and South Sudan, respectively, headed by an African Union-appointed chairperson "of international stature." The proposal also creates a secondary body, consisting of three individuals of "international stature," that would resolve disagreements that may arise within the referendum commission during the planning and conduct of the vote.

Importantly, the proposal includes several provisions aimed at correcting the perception that a referendum vote under these terms, likely resulting in Abyei going to the South, will be a zero-sum game for the local communities, namely, the Ngok Dinka and the Misseriya. The proposal holds South Sudan accountable for guaranteeing pastoralist rights to migrate and ensuring the security of the population. The proposal also cre-

ates mechanisms that would enable the Misseriya population to benefit from Abyei's resources. The two governments would jointly create an economic development plan for the Abyei area. After a referendum vote, oil revenues from Abyei would be split as such under the AUHIP proposal: 30 percent to Abyei, 20 percent to adjoining localities of Southern Kordofan for at least five years, and 50 percent to the government where Abyei ultimately resides.

Negotiations took place largely at the presidential level, with the involvement, in particular, of South Sudan Minister Deng Alor Kuol and senior NCP official Didiri Mohamed Ahmed. South Sudan accepted the AUHIP proposal. In its rejection letter, Sudan called instead for a partition of Abyei and for the implementation of the Abyei agreement signed in June 2011 (which calls for the establishment of interim administrative and security arrangements in the area until its final status is decided) as a necessary step before a referendum could be held. In subsequent discussions, the AUHIP attempted to broker an agreement between the two parties on a referendum commission that would be headed by an A.U.-appointed chairperson, under the assumption that such a chairperson would ultimately decide on a voter eligibility that is similar to the details in the AUHIP proposal. The round ended without resolution on a process to decide Abyei's final status despite South Sudan's consistent public position that it would only sign a comprehensive agreement that includes Abyei. The AUHIP is expected to present its recommendations to the African Union Peace and Security Council in the next weeks.

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## The Other Negotiations

Little progress was achieved in a parallel track of talks between the rebelling Sudan People's Liberation Movement-North and the Khartoum government aimed at initiating direct talks between the two parties and opening humanitarian access into Southern Kordofan and Blue Nile states. Both parties raised conditions for entering into talks. In particular, Khartoum wanted the SPLM-N to declare publicly their disengagement from South Sudan and their forfeiture of regime change before entering into talks. The SPLM-N would only negotiate with the June 28 Framework Agreement as their starting document. U.N. Resolution 2046 calls on the two parties to negotiate on the basis of this agreement.

A framework proposal tabled by the AUHIP during this round preserved much—but not all—of the language found in the June 28 agreement. The SPLM-N argued that because the document placed undue emphasis on security arrangements (including discussion of a ceasefire), did not clearly separate the humanitarian and political tracks, and did not restore SPLM-N's legal status, it was not an appropriate framework document for direct negotiations.

The arrival of Southern Kordofan governor, and International Criminal Court indictee, Ahmed Haroun with the presidential entourage appeared to be a quiet signal of

Khartoum's willingness to talk. Haroun engaged in several one-on-one conversations publicly with SPLM-N leader Yasir Arman. In these conversations, the SPLM-N conveyed the message that a cessation of hostilities and humanitarian access should commence before political talks can begin. The SPLM-N also made clear that the political talks should be on the basis of the June 28 framework agreement, according to Arman.

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## Endnotes

1 Sudapet is Sudan's state-owned oil company.

2 These areas are "claimed" because they are outside of the five agreed-upon "disputed" border areas on which the Ad-hoc Technical Boundary Commission decided during the Comprehensive Peace Agreement Interim Period.