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## two views on the crisis in sudan

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## SUDAN AT A CROSSROADS

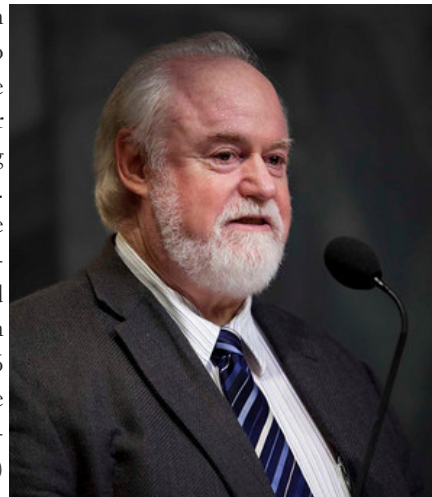
**UPDATE:** During the first week of August, at a high level U.S. Government meeting on Sudan, tensions erupted between senior administration officials over disagreements on the issues of Darfur, management of the referendum, and incentives and pressures on the Bashir government, which are the focus of this report. Foreign Policy Magazines Blog, the Cable, written by Josh Rogin, reported the clash on August 13, 2010, saying a memo had been sent forward to President Obama for determination, but the end result could be the reassignment of Special Envoy Scott Gration.

The Woodrow Wilson International Center for Scholars, under its Africa Program and Project for Leadership and Building State Capacity, has been, with the support of the Open Society Institute, conducting an on-going effort to engage and inform policy makers on issues important to U.S. national interests. This takes the form of open public conferences or presentations, closed policy working groups, and occasional publications.

Sudan is one such issue. In the wake of the April 2010 national elections, which were flawed at best, and with the referendum on unity between North and South looming less than 6 months away, the likelihood that the mandated actions of the 2005 Comprehensive Peace Agreement (CPA) will be accomplished in time are slim and the hopes of a peaceful outcome to the referendum are diminishing. As head of the Africa Program, I began an Expert Policy Working Group on Sudan in November 2009, to begin to look at the issues of implementation of the CPA as the elections, and now the referendum, approached. I have periodically convened this group of senior U.S. Government officials, United Nations representatives, NGO and advocacy group members, academicians and experts on Sudan, and international diplomats. Co-chairing the meetings have been Alan Goulty, former British Ambassador to Sudan, and Nureldin Satti, former Sudanese diplomat and United Nations official. Under Chatham House rules, this Working Group has served to engage the community of interest in frank and open dialogue, exchanging views and experiences, exploring policy options to address the crisis, and helping define the role of the international community.

The working group meetings, while their content has

not been publicly shared, have served an invaluable purpose of linking voices and interests not always in contact with one another, and in spinning off public elements, such as the conference on Sudan held on June 14, 2010, with former South African President Thabo Mbeki and UN Special Representative of the Secretary General, Haile Menkerios, when they spoke on UN and African Union (AU) efforts to ensure a peaceful transition in the Sudan. In consultation with my colleagues, I have decided, as well, to publish these two papers by three participants in the Working Group, Nureldin Satti and John Pendergast and Laura Jones of Enough, Inc. I believe they give a clear reflection of the seriousness of the unfolding Sudanese drama and the possible



disastrous impact that an unacceptable referendum vote could have while, at the same time, presenting two very different views on ways in which the international community can avoid such a calamity. I have asked Working Group co-chair, Alan Goulty, to provide an opening “Chapeau,” or introductory summary, to set the stage for the reader and synthesize some of the more important differences and, instructively, commonalities the authors offer.

This will serve as a valuable primer on the situation, but, of greater importance, provide some clear suggestions for the way forward to the U.S., AU, UN and other international policy makers dealing with this critical issue. This is the first in a series that will emerge from our working group series.

Steve McDonald, Consulting Director, Africa Program, Woodrow Wilson International Center for Scholars



## INTRODUCTION

**Alan Goulty** retired in 2008 after 40 years in the British Diplomatic Service, including postings to Sudan from 1972-5, and, as ambassador from 1995-9. He served as UK Special Representative to Sudan from 2002-4 heading the British team working on what became the CPA, and as UK Special Representative for Darfur from 2005-6. Goulty is a Senior Fellow at the Woodrow Wilson Center.

**Sudan faces multiple crises.** The CPA, which ended the southern conflict, has not been fully implemented. International support has been patchy. Demarcation of the North/South border has again been postponed. Preparations for the southern and Abyei referenda, due to be held in January, are well behind schedule, as are the popular consultations in Blue Nile and South Kordofan, where state elections have been put off until November. Inter-tribal conflict troubles the South. Opinion is increasingly polarized as the southern referendum approaches and the risk of renewed conflict grows, with damaging implications for the region and Africa as a whole.

In Darfur insurgency and insecurity continue, despite the presence of international peacekeeping forces. The peace process in Doha is making but slow progress; the two largest Darfur rebel groups are still not taking part. President Bashir has been indicted by the ICC.

The Sudanese government has not tackled the uneven distribution of power and resources across the country. In the south, despite its oil revenues, the majority of the population has yet to see a peace dividend. Most of the east and west remains neglected and marginalized. Millions of Sudanese are displaced. Much of the population lacks security, food, clean water, shelter and education. Literacy rates are as low as 20-30% in some areas.

There is an unprecedented international effort to help, in terms of aid, two peacekeeping forces and diplomatic help. The UN and AU are leading the Darfur peace effort, generously hosted by Qatar. A high-level AU panel led by President Mbeki is supporting talks between the NCP and

SPLM on so-called post-referendum issues. Special envoys abound and consult regularly, but with little visible result.

Small wonder then that observers in the US call for a more effective US input to resolve all these problems. A Wilson Center working group has been looking at the options. The two papers published here reflect the views of their authors only, but we believe that they will make a useful contribution to the policy debate, not least because they are written from very different perspectives.

Prendergast and Jones argue that past US Sudan policy of pressure on Khartoum has been successful and plead for more leverage and more effective use of leverage, especially on the NCP, which they judge keen to repair its relations with the US. Satti, on the other hand, writing during a visit to Sudan, contends that past US policy has served only to reduce Sudanese faith in US promises and

US influence in Khartoum. Basing himself on a shrewd analysis of the NCP and its objectives, he suggests a policy of constructive engagement. Both papers, however, agree on the need for the US to work closely and harmoniously with the international community, especially the UN and AU, and for more US diplomatic effort on the ground.

As Prendergast and Jones point out, the experience of the Naivasha and Abuja peace processes is instructive. In the first, the US team worked closely with partners in support of the

IGAD mediation. US political and financial muscle was complemented by troika partners' much greater knowl-





edge of Sudan and the troika coordinated closely in support of the mediators. They engaged with all the parties intensively, with Senator Danforth making a point of visiting Khartoum and listening to the government on each of his visits to the region. George Bush reinforced through telephone calls to Bashir. And the US Sudan lobby refrained from overt criticism of Danforth's efforts, thus enabling the US to speak with one voice.

In contrast, at Abuja the US delegation would not speak at observer meetings at which the Libyan observer was present, failed to engage closely with all the parties and, under considerable pressure from the Darfur lobby in the US, resorted to strong-arm tactics to press the parties to accept an imposed text. Deadlines have their role, but on this occasion the tactic did not work. One lesson is surely that US support is necessary for peace in Sudan to be possible, but that the US cannot impose peace.

Another is that the US should work more closely and collegially with the international community. Both papers suggest a lead role for the US. But the AU and UN are already firmly in the lead. Might it not be better for the US to accept burden-sharing in this instance, and support and influence the present mediators, rather than seek to change horses in mid-stream? Other lessons are that the US should engage with Khartoum (the return of a resident US ambassador is long overdue) and avoid the appearance of divisions, both within the Administration and between the Administration and Congress. Prendergast and Jones believe that US pressure on Khartoum produced many successes including the CPA, and they could have added the Sudanese government's signature of the Darfur Peace Agreement to their list. Yet a former senior US official told our workshop that belief in the efficacy of US sanctions against Sudan since 1993 was delusional: if they were as effective as is claimed, surely they would have been relaxed by now, at least in part. Satti goes further, arguing that US failure to take Sudan off the terrorism list and to honor promises made in the course of the Naivasha talks has destroyed US credibility in Sudan. From the perspective of the northern Sudanese leadership this is assuredly so.

Implicitly acknowledging these points, Prendergast

and Jones call for US sanctions to be supplemented by an international package of pressures and incentives. They recognize others' reluctance to go down this path and the importance of China's role – and here's the rub: China's economic interests in Sudan are now much greater than those of the West (partly as a result of US sanctions). So China will not sign up to a package of sanctions or to help implement a US policy. But China's interests in Sudan – in stability and the avoidance of chaos – are similar to those of the West and China is rapidly building up its

relations with the southern government in Juba to supplement its long-standing ties with Khartoum. As Prendergast and Jones suggest, some discreet collaboration should, therefore, be possible. Despite the political constraints it seems worth trying.

Satti, with good reason, also differs from Prendergast and Jones when they assert that US bias towards

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### The US and international partners, as well as the Sudanese parties, should take immediate action to complete preparations for the referenda and to resolve the post-referendum issues.

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the South and the existence of a domestic lobby pushing for more aggressive policies towards Khartoum are helpful. The first he claims provokes Khartoum to pay even less attention to US advice, whilst the second has merely encouraged the NCP's opponents, especially the Darfur rebels, not to engage in peace talks but to wait for the US to deliver what they want. It has also fostered the expectation among southern Sudanese that, irrespective of the outcome of negotiation with the north over oil exports and revenue-sharing, the US will always be ready to fund the southern budget.

Iraq and Afghanistan show that countries cannot be rebuilt from outside – their peoples must take responsibility. Likewise in Sudan: brokers or mediators should take account of the interests and needs of all the Sudanese parties, including those in the north, and hold them responsible for the outcome. To his credit General Gration is pursuing this policy as best he can. But, since March 2009 he has been subject to the serious constraint of not being able to engage directly with Bashir (or the Governor of South Kordofan) because of the ICC arrest warrants against them. How can this help the US broker peace in Sudan? There is a sequencing dilemma for policymakers here: justice is important but cannot be achieved without minimal levels of peace and cooperation. So which should be tackled first?



Other questions also remain unanswered in these two essays. If there were an enhanced US diplomatic effort and engagement with the NCP, as Satti recommends, what would be its objectives? Attention is now focused on the referendum with the SPLM insisting that it be held on time in January and the outcome, which they assume to be a vote for secession, fully implemented. But they also recognize that the referendum, unlike the April elections, must be credible. The NCP, Satti believes, will accept any outcome short of secession, and has launched a vigorous if belated campaign for unity. It is beginning to hint at delaying the referenda, despite Bashir's commitment to hold them on time and to respect the results. The two parties' objectives therefore look to be irreconcilable, but there may yet be space for some compromise. As General Sumbeiywo repeatedly warned at Naivasha, neither party can achieve all its negotiating goals: the aim should be an agreement both parties can live with.

Is such an outcome attainable? Satti hopes that it is and that an acceptable solution short of full independence for the South can be found. The prospects for such an outcome look dim, though Salva Kiir's 31 July speech, in which he appeared to rule out a unilateral declaration of independence by the south, may offer a glimmer of hope. The US and Norway, with their excellent relations with the SPLM, may be best placed to explore the possibilities. The US drafting of the Abyei Protocol which forms part of the CPA may offer a precedent. It postponed the search for immediate solutions by creating mechanisms for the resolution of the dispute. These have not worked fully: the Abyei referendum commission, which is charged with resolving the thorny question of who is entitled to vote in

the referendum, has yet to be appointed. Even so Abyei may be an area in which US diplomacy can help once again.

But, as President Mbeki and SRSG Menkerios warned a Wilson Center meeting in mid-June, time is running very short if the referenda are to be held on time. And little progress has been made since then. So the US and international partners, as well as the Sudanese parties, should take immediate action to complete preparations for the referenda and to resolve the post-referendum issues of oil-sharing, nationality and so on. Both papers assert the need for the international community, with US leadership, to ensure a proper, open and fair referendum process and ensure the results are honored by both sides.

But does the US have the will to sustain its part in such an effort and stand by Sudan, whether as one state or two, in the long-term? Or will it be distracted by other issues, as happened after signature of the CPA in 2005, when concerns over Darfur halted debt relief efforts and normalization of US relations with Khartoum?

Both papers argue, en passant, for increased US backing for the Darfur peace process, but without offering solutions to the immediate challenge of how to persuade the stand-out rebel groups to participate. This too will require further work as well as concerted international action, including with France and Libya, which may have more leverage than most with the groups concerned.

The working group will continue to follow events in Sudan closely and to debate all these issues. They would welcome feedback and comments on the two papers, which may be addressed to [africa@wilsoncenter.org](mailto:africa@wilsoncenter.org).



## AVOIDING THE TRAIN WRECK IN SUDAN: U.S. LEVERAGE FOR PEACE

John Prendergast and Laura Jones

**John Prendergast** is co-founder of the Enough Project, an initiative to end genocide and crimes against humanity. He has been an author and human rights activist and has worked for over 25 years in Africa. During the Clinton administration, John was involved in a number of peace processes in Africa while he was Director of African Affairs at the National Security Council and Special Advisor to Susan Rice at the Department of State

**Laura Jones** is a policy analyst at the Enough Project, focusing on Sudan. Prior to joining Enough, she worked as a reports and field officer for UNHCR in Darfur. She received her B.A. in international relations from Emory University and her master's in international affairs from Columbia University's School of International and Public Affairs.

### EXECUTIVE SUMMARY

If the North-South peace deal in Sudan breaks down over the referenda for the South and/or Abyei, and the Darfur conflict intensifies, Sudan would likely become the deadliest conventional war in the world in 2011. There is still time to prevent this from happening. The U.S. has a major role to play in preventing a renewal of widespread conflict in Sudan, but only if it reprises the highly successful role it played in supporting the African-led process leading to the Comprehensive Peace Agreement, or the CPA, which secured peace between North and South Sudan in 2005.

There are two key ways in which the United States can support efforts to prevent further conflict in Sudan:

1) significantly enhance its direct, on-site diplomatic role in support of the main peace negotiation tracks being spearheaded by the African Union and United Na-

tions (namely efforts to end the war in Darfur, implement the CPA, and broker arrangements for post-referendum Sudan); and 2) lead the international community in supporting these peace processes by creating a package of multilateral incentives

and pressures that are robust enough to influence the calculations of the parties to Sudan's various past and present conflicts, consistent with the unimplemented U.S. policy to Sudan announced in October 2009 by Secretary Hillary Clinton and Ambassador Susan Rice.

Senior African Union and United Nations officials have told us that if the United States and its international partners fail to effectively use potential and existing points of leverage for peace, the key players in Sudan will continue to manipulate the various peace processes and pursue their respective goals by what-





ever means necessary. The message must be multi-lateral and unambiguous: peace will bring significant benefits and war will result in serious consequences.

This paper outlines eight existing points of leverage that are currently being underutilized by the Obama administration: the National Congress Party's desire for legitimacy and normalized relations with the United States; the NCP's quest for an Article 16 suspension; the NCP's need for debt relief; China's economic interest in peace between the North and South; Egypt's need for reassurance over water; a history of U.S. support for the South; Darfuran support for U.S. engagement; and the commitment of U.S. activists and Congress. The United States can build additional leverage by unifying its divided and drifting Sudan policy through a deeper investment in revitalizing the broken Darfur peace process and stepping up its behind-

the-scenes diplomatic support for the prevention of conflict between the North and South; deploying full-time experienced diplomats and functional experts to support the various AU- and UN-led processes; staking out a greater role for senior U.S. government officials, such as Vice President Biden, Secretary Clinton, Ambassador Rice, and the President himself; strengthening and harmonizing public diplomacy; and building a set of parallel and robust incentives and pressures with U.S. allies and other interested governments that can be effectively put to use to achieve the widely shared goals of a peaceful and stable Sudan.

Until the United States invests in full-time on-the-ground diplomacy and begins utilizing the existing and potential influence that it has in Sudan, it has little hope of making a major contribution to peace. This report will focus on how leverage can be built and utilized.

## CRIPPLING SELF-DOUBT ABOUT US-LEVERAGE

Nick Kristof recently wrote, "It is so frustrating to see what's unfolding in Sudan these days. It looks like one of those old-time Westerns where two trains are steaming toward each other on the same track. You know it's going to end badly — and yet it's difficult to get attention until disaster happens."<sup>1</sup> One way to avoid the train wreck is for the U.S. to lead in the creation of multilateral leverage points through the painstaking diplomatic work of constructing a package of benefits and consequences that will accrue to the Sudanese combatants based on whether they contribute to war or peace in the coming months. Unfortunately, the Obama administration has failed to adopt this approach.

Top U.S. officials have articulated that they believe they have very limited influence on Sudan's ruling NCP and other parties in Sudan. U.S. Special Envoy Scott Gration summarized this view recently in a speech at Carnegie Mellon University: "We have no leverage [in Sudan]; we really have no pressure."

The belief that the U.S. possesses no leverage fatally undermines the Sudan policy that Secretary Clinton and Ambassador Rice rolled out in October 2009, which had at its core the utilization of focused and internation-

ally coordinated incentives and pressures in response to the actions of the Sudanese parties. That policy has not yet been implemented by the administration, which had

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promised quarterly high level interagency meetings to assess progress on benchmarks and make recommendations about possible incentives and pressures. So far, there has not been any significant Deputies-level assessment of benchmarks, and no recommendations have yet been made to President Obama.

The lack of any follow through on the promised policy has coincided with a series of deadly setbacks in Sudan. Whether it is increasing violence in Darfur, perpetration of electoral fraud, a crackdown on opposition and civil society in the North, or non-implementation of key elements of the CPA (Abyei Referendum Commission, border demarcation, etc.), the absence of a response from the U.S. consistent with its stated October policy has provided evidence to the NCP at a very inopportune time that it can act with total impunity, no matter what words U.S. officials might utter.

The U.S. is not alone in its ineffectiveness. As one international report concluded, the countries that



were guarantors of the CPA “have shown an inability to work simultaneously on multiple tracks and leverage each of them positively against the other.”<sup>2</sup>

Furthermore, no one in the administration has contradicted the public and private statements of Special Envoy Gration regarding the lack of U.S. leverage, and other administration officials have repeated this line in diplomatic meetings in Sudan and elsewhere.<sup>3</sup>

Leverage is a dynamic concept, not a static one. It is produced and created through sharp analysis of parties’ interests and calculations. This analysis can then be combined with real pressures and incentives designed for unilateral or multilateral deployment. To date, the Obama administration’s most acute failing with regard to its Sudan policy has

been its inability or unwillingness to lead an international effort to create and properly utilize potential and existing leverage in support of peace, in the form of a package of parallel incentives and pressures. Mediators who do not possess or utilize leverage have a far lower chance of success than those who actively seek ways to influence highly reluctant parties to make painful compromises for peace.

As one international diplomat told the Enough Project, “President Mbeki does not feel the existing process has enough clout to broker peace. He needs U.S. leverage and that of other allies. Leaving it to the parties alone is a recipe for a return to war.” Leading international efforts to create and build leverage, therefore, is a crucial imperative for the United States.

### EXISTING POINTS OF U.S. LEVERAGE

There are eight areas in which the United States—either alone or with allies—has leverage with the Government of Sudan:

1. The NCP’s desire for legitimacy and normalized relations with the United States: Despite its hard-line rhetoric, the NCP cares a great deal about how it is perceived by the international community, and wants normalized relations with the U.S. In private diplomatic meetings, President Bashir refers frequently to his desire to see the sanctions of the U.S. and U.N. removed. These sanctions, embargos, and other indicators of abnormal relations create a scarlet letter effect for the NCP that cannot be quantified but can lead to extraordinary leverage. Unlike Iran or North Korea, Sudan does not fully disengage and has proven through its continued attempts to hoodwink the international community that it does not want to be viewed as a global pariah as a result of the various existing sanctions and embargos arrayed against the regime.

To operationalize this existing point of leverage, as part of a larger package of incentives and pressures, the Obama administration should spell out a verifiable path to normalization for the Khartoum government that ends in a quid pro quo of peace with justice in Sudan in exchange for normalization. The recent decision by the U.S. to expand visa services for Sudanese citizens in its embassy there was a small carrot that was provided as a confidence-building measure at a time of escalating conflict in Darfur and a crackdown on dissent in Khartoum. This is not the way to build leverage. It simply demonstrates to NCP officials that they will not face any of the benchmark-based consequences promised by Secretary

Clinton and Ambassador Rice in their 2009 rollout of a new U.S. policy towards Sudan, a policy that appears to be all but abandoned at present. This sends a clear message to hardliner elements in Khartoum who believe that there will be no significant international repercussions for undermining the South’s quest for self-determination.

2. The NCP’s quest for Article 16: The ICC’s arrest warrants for President Bashir and other leading NCP officials are the biggest scarlet letters of all, and the stakes will only increase for President Bashir in the coming weeks if his ICC arrest warrant is amended to include the charge of genocide. President Bashir is unable to visit any ICC signatory countries because of the possibility of his arrest and extradition to The Hague. The latest embarrassment for President Bashir has been the dispute over whether he will be allowed to attend an African Union summit in Kampala. The president and other NCP officials are therefore constantly lobbying other governments to not recognize the ICC’s jurisdiction.

As part of a larger package of pressures and incentives, the United States could promise to work with the U.N. Security Council to suspend the war crimes indictment of President Bashir under Article 16 of the ICC Charter in exchange for real peace in Darfur and the South, accompanied by alternative justice mechanisms acceptable to the survivors in Darfur. Although multilateral pressures remain the greatest tool with which to promote NCP policy and behavior change, promoting parallel incentives is required to increase the odds that the NCP will actually alter its behavior in favor of





peace, and will help bring along those countries with leverage that are opposed to a pressures-only approach.

Far from an offer of amnesty, the Article 16 deferral only lasts one year and is conditioned on fulfilling the terms of the original deferral. So if the conditions for the deferment are a peace deal in Darfur, full implementation of the CPA, no support for violence or conflict in the South, respect for the referendum process and its results, and respect for human/civil rights in Sudan, that bar has to be met and re-met every year. This means that the leverage inherent in an Article 16 deferral isn't a one-off instrument, but rather an ongoing point of influence, which, if utilized properly, can actually lend further credence to the ICC. It should be noted, however, that between the NCP's election rigging,

the continued offensives in Darfur, the lack of progress on key issues between North and South, and the recent crackdowns on civil and political freedoms, the conditions for an Article 16 suspension are far from being met.

The U.N. Security Council conceived of Article 16 as a way to suspend ICC activities if a suspension would contribute to a genuine peace. While it was not intended by the ICC's legal architects to be used as a bargaining chip to gain leverage, the reality of the international political system is such that states use these types of mechanisms every day for a variety of reasons. If the ultimate objective is peace in Sudan, undergirded by accountability, all available tools should be used to incentivize the NCP to change its current behavior.

Another more immediate way to raise the stakes and increase the importance of Article 16 would be for the U.S. to work within the U.N. Security Council to build support for the arrest of Ahmed Haroun, one of the three people for whom the ICC has issued arrest warrants for crimes against humanity in Darfur. Haroun was a major architect of the Sudan government policy of arming and supporting the Janjaweed attacks in Darfur, just as he was instrumental in the 1990s in supporting the slave-raiding Murahaliin militias when he worked for the governor of North Kordofan. His current appointment as governor of South Kordofan puts him in a unique position to recruit militia with which he can destabilize southern

Sudan in advance of the referendum. Pushing for his arrest would enhance the influence of the U.S. and European supporters of the ICC, as such a move would send a strong signal in support of accountability in advance of any potential upsurge in violence in the South. The U.S. would need to move the British to support this position, and then jointly with the French work on China and

Russia to move the needle in favor of action on Haroun.

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**Though top-level interest in the issue may waver depending on other crises at home and around the world, the existing core of committed activists around the US and in Congress will remain a sustained constituency in support of peace in Sudan.**

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3. The NCP's need for debt relief: Sudan possesses a huge debt overhang. By the end of 2009, the Sudanese government had accumulated an estimated \$35.7 billion in external debt and accounted for 75 percent of the \$2.09 billion in arrears owed to the International Monetary Fund, or IMF.<sup>4</sup> The NCP has desper-

ately sought multilateral debt relief, specifically through inclusion in the IMF's Heavily Indebted Poor Countries, or HIPC, initiative, to reduce this financial burden. As the government with the biggest voting share in the IMF, the United States possesses a unique ability to offer or deny broader IMF support to Khartoum.

4. China's economic interest in peace in the South: Beijing has billions of dollars invested in the expanding oil industry in southern Sudan. If the North-South war was to reignite, China's oil assets would be the first targets of the southern Sudanese army, buttressed by a weapons buying spree over the past five years that would pose a serious threat to Chinese-financed oil infrastructure. China therefore has a vested interest in peace and stability in Sudan. Though the process is sure to be a challenging one, the United States is wasting a huge point of leverage by not working more closely with China to promote common interests in Sudan. The Obama administration should send a senior official to Beijing to work with China on ways to jointly work in support of peace in Sudan.

5. Egypt's need for reassurance over water: In advance of the South's referendum, Cairo has frequently voiced its strong preference for a united Sudan. Key Egyptian officials continue to oppose southern self-determination because of their concern that a new Nile Basin



state will make it even harder to resist new water allocation formulas. The United States has a longstanding strategic relationship with Egypt, and needs to be much more engaged in dealing with the Nile waters issue. U.S. diplomacy between Egypt and the Government of Southern Sudan could help address some of Egypt's water concerns, thus earning the U.S. added influence at a critical moment with a key regional player.

6. A history of U.S. support for the South: The United States has historically had a policy of support for and solidarity with the people of southern Sudan. The U.S. is also a major donor to the Government of Southern Sudan which provides a lever of influence for better governance and human rights in the South, and clearly unnerves the NCP. U.S. support for the South was a major point of influence in striking the CPA, as the NCP at times negotiated directly with the U.S. government in addition to the Sudan People's Liberation Movement, or SPLM. By asserting some kind of impartial position, ignoring that history of support for the South, and practicing the worst kind of moral equivalency, the United States actually undermines a potential point of leverage with the NCP. At the same time, its special relationship with the South and the large-scale aid packages it provides to southern Sudan give the U.S. government influence in southern affairs and should be used both to prevent backsliding on the part of the GoSS and to ensure compliance with international standards of human rights in advance of the referendum. To maximize leverage, the United States should provide unequivocal support for a credible referendum and its results, build the capacity of the South to protect and ensure the referendum result, enhance support for Security Sector Reform to improve the human rights record of the GoSS army and police, and ensure that the GoSS is held accountable for any lack of com-

mitment to good governance and respect for basic rights.

7. Darfurian support for U.S. engagement: Despite unfulfilled promises about consequences for genocide and the responsibility to protect, the Darfurian civilian population still holds out hope that the U.S. government can help bring about a solution if it undertakes the kind of concerted diplomacy in support of broader international efforts that produced the North-South deal. Rather than publicly saying that Darfur would take a back seat to North-South issues, as some U.S. officials have done, the U.S. should deploy additional diplomats in support of the existing peace efforts in Darfur. The U.S. should work with the U.N., A.U. and others to help craft a draft peace proposal, which is then shared with communities throughout Darfur. In this way, grassroots support for a deal that addresses the core issues fueling Darfur's conflict could be generated, and this will have a major impact particularly on the calculations of some of Darfur's recalcitrant rebel groups.

8. The commitment of activists and Congress: No matter how weak the Obama administration is perceived to be in Sudan at the moment, the perception still exists that the Sudan advocacy community and committed members of Congress will push more robust policy options that could actually undermine the NCP's stranglehold on power. Though top-level interest in the issue may waver depending on other crises at home and around the world, this existing core of committed activists around the U.S. and in Congress will remain a sustained constituency in support of peace in Sudan. These groups often push for policy options that go far beyond that which the administration is willing to consider at the moment, but could be revisited if the situation substantially deteriorates. This is a point of leverage that the United States has failed to capitalize on so far.

### HOW TO CREATE ADDITIONAL U.S. LEVERAGE

There are five ways which the United States could demonstrate its commitment to peace in Sudan and thus gain additional leverage, which in turn could support the AU and UN-guided peace efforts that are already underway. These include implementing a clear diplomatic strategy, deploying experienced and knowledgeable full-time staff to Sudan, engaging senior U.S. officials, exercising soft power and public diplomacy, and developing a multilateral package of meaningful incentives and pressures.

1. UNIFY U.S. POLICY TOWARDS SUDAN THROUGH A RENEWED FOCUS ON REVITALIZING THE BROKEN DARFUR PEACE PROCESS AND STEPPING UP U.S. BEHIND-THE-SCENES SUPPORT FOR THE PREVENTION OF CONFLICT BETWEEN THE NORTH AND SOUTH

In past instances where the U.S. government has developed a coherent strategy for peace, success has followed. The U.S. role in working closely with African-led process-



es in Ethiopia-Eritrea's war, the North-South war in Sudan, and the Liberia and Burundi conflicts are just a few of a number of examples of a constructive U.S. involvement utilizing direct diplomatic support and the creation of serious leverage points. In Sudan itself, the Machakos Protocol and the CPA were the results. Sadly, the well-negotiated CPA increasingly became frayed because no cost was imposed on the parties – particularly the NCP – for failing to implement its terms, and no incentives were possible because of the government's human rights violations in Darfur.

Rather than follow the model provided by the CPA negotiation process, however, U.S. involvement in the Darfur peace negotiations has been characterized by ad hoc elite deal-making and deadline diplomacy. In the case of Abuja, the United States pushed through a deal that lacked the requisite time to be properly negotiated and thus excluded the most prominent and influential of the rebel groups. The result was a power-sharing agreement that seemed only to satisfy the political ambitions of the NCP and of Minni Minnawi, the leader of the SLA-MM who immediately went to work for the NCP in its counter-insurgency operations against other Darfuri factions. Similarly, the U.S. rush to push through a deal in Doha [LINK to <http://www.enoughproject.org/publications/update-doha>] in order to turn its attention to the South has led the U.S. Special Envoy to praise progress in the negotiations, even as the talks were clearly neither sustainable nor inclusive and seemed headed for failure.

These improvised, pre-emptive deals play directly into the hands of the NCP, whose strategy for years has been to divide and destroy opposition groups while appearing conciliatory on the surface. The NCP's awareness of the international community's lack of coordination and patience decreases U.S. leverage and allows the NCP to easily manipulate these peace processes, offering little hope for change on the ground.

The message of the joint A.U.-U.N. visit of President Thabo Mbeki and Ambassador Haile Menkerios to Washington the week of June 14 was unambiguous: a divided U.S. policy is harming international efforts to achieve peace in Sudan. It is imperative that decisions are made at the highest level about what the U.S. is in fact prepared

to do and what resources it wants to deploy. By following the successful model of U.S. engagement in the process leading to the CPA, the U.S. could deploy additional diplomatic resources and lead international efforts in building leverage which would support the three existing A.U.-U.N. peace efforts for Darfur, CPA implementation, and post-referendum arrangements.

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### RECOMMENDATION:

The most important way to increase leverage now would be to unify U.S. policy around a vastly enhanced diplomatic strategy which in itself would support A.U.-U.N. efforts aimed at securing peace in Darfur, ensuring the implementation of

the CPA, and preventing a new war between North and South. The strategy would include:

- Supporting mediators and Sudanese stakeholders in Darfur to develop a single negotiating draft text for a comprehensive agreement for Darfur, and helping to shop it around to the IDPs, refugees, and civil society groups at the same time as the warring parties. This would build wider commitment to a package of real solutions and a process that would help achieve these solutions on the ground.
- Providing direct diplomatic support for AU-UN efforts to achieve a deal on post-referendum wealth sharing, to ensure demarcation of the North-South border, to come to an agreement on post-referendum citizenship issues, and to deal with other unimplemented aspects of the CPA
- Helping to harmonize international efforts at tackling outstanding CPA issues, including direct envoy-to-envoy coordination, and ongoing cooperation between the Western countries, the African Union High Level Implementation Panel in Sudan, and the United Nations.
- Ensuring that U.S. policy is focused on peace in all of Sudan, so that the NCP cannot play Darfur against the South as it has so effectively over the past seven years.

### 2. DEPLOY EXPERIENCED, FULL-TIME STAFF TO SUPPORT THE THREE NEGOTIATING TRACKS.

During the CPA negotiations in Naivasha, Kenya, the



Bush administration deployed a team of accomplished mediators to take part in the process, led nominally by former Senator John Danforth, whose appointment as special envoy signaled to all parties the Bush administration's commitment to successfully concluding the war between North and South. As we saw personally and according to other sources close to the negotiations, the fact that the United States was represented by a knowledgeable and experienced group, and backed by the weight of the White House, made the team and the United States more generally into a "reliable partner" that could make daily contributions to the process and exercise real influence.

Conversely, the United States has fumbled miserably in Darfur and in the implementation of the CPA. Rather than replicate the success of the CPA negotiation strategy, the U.S. government has not maintained a core group of experienced diplomats on the ground in both the Darfur negotiations and CPA implementation efforts. U.S. allies are often confused by Special Envoy Gration's ad hoc diplomacy, in which he and a group of advisors travel in and out of locations in Sudan and around the world with no lasting presence and seemingly few clear objectives, while in Washington conflicting messages emerge about what U.S. policy is being pursued.

The U.S. recently announced a diplomatic "surge" for the South, which will consist of Ambassador Barrie Walkley and ten additional staff members, some of whom will come from the Civilian Response Corps and focus on specific sectors. This is important for supporting the GoSS and for addressing issues that will surely emerge during and after the referendum in the

South, particularly related to governing capacity and inter-communal conflict. But additional personnel in southern Sudan are not a substitute for a U.S. commitment to directly support the negotiations that will determine whether Sudan remains relatively peaceful in 2011, in Darfur, the South, and the transitional zones. The United States should deploy additional diplomats, including

veterans of the CPA process, to supplement and support the existing and future processes. In addition, the United States should appoint designated Sudan-watchers at key embassies to ensure a coordinated diplomatic approach to Sudan's neighbors and other interested parties in the

run-up to the referendum and beyond.

*RECOMMENDATION:*

If the United States were to engage full-time, field-based diplomats and experts (above and beyond the diplomats that are being sent to Juba), with the requisite knowledge and experience in peacemaking and on issues in Sudan, and deploy them in support of the three existing peace tracks, U.S. leverage would increase exponentially, as would its ability to support peace. The Darfur process has fragmented and needs to be revitalized. The CPA implementation and post-referendum tracks require a Naivasha-like structure with close support provided by the U.S. to the A.U.-U.N. negotiators, as the issues in question involve border, wealth-sharing, citizenship, debt, financial arrangements, etc. A "mediation support team" or "diplomatic cell" of this kind could also engage more deeply in some of the issues that will be likely potential triggers for a return to war, such as recruitment of southern ethnic-based militias, preparations for the popular consultation processes in South Kordofan and Blue Nile states, and preparations for the Abyei referendum.

3. ENGAGE SENIOR U.S. OFFICIALS MORE DEEPLY

Here again the U.S. experience in Naivasha is very telling. From early on in his administration, President Bush indicated to then Secretary of State Colin Powell that he considered a peace agreement in Sudan to be a priority. This was further exemplified, as previously mentioned,

by Bush's appointment of Senator Danforth. While the senator's presence did much in the way of signaling the administration's commitment, it was also the direct engagement of Secretary Powell at key moments, such as when the talks stalled in October 2004. As Kenyan mediator General Lazarus Sumbeiywo said: "Whenever one party reneged, I always

rang Colin Powell. He came to Nairobi to combat heel-dragging as we were trying to give the final push."<sup>5</sup> Occasionally President Bush directly engaged, indicating to the NCP and SPLM that the United States was intent on seeing an agreement come to fruition. Additionally, the

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involvement of high level officials enabled the United States to engage with the United Kingdom, Norway, Kenya, and others to present a united front in times of disagreement among the warring parties.

In the implementation of the CPA and the recent negotiations on Darfur, senior level officials in the Obama administration have been largely absent. U.N. Ambassador Rice, Secretary Clinton, Vice President Biden, and President Obama have all been underutilized. Vice President Biden's recent trip to Africa was an excellent opportunity to ramp up his personal involvement in enhancing U.S. efforts. The absence of the involvement of senior officials to date has undermined U.S. leverage and effectiveness for two key reasons. First, the lack of senior leadership has allowed divisions within the administration on U.S. policy towards Sudan to not only persist, but also to become quite public. This, in turn, has spurred the parties involved and allies to question U.S. policy and has signaled yet another opportunity for the NCP to manipulate the situation to its advantage.

Second, senior level U.S. leadership is necessary to secure the support of other states in the negotiation process, and particularly those that have additional leverage in Sudan, such as China or Egypt. As a result, international diplomatic cooperation on tackling the most recent negotiations in Sudan has made little headway, as external envoys have had a mixed record of attempting to coordinate with the AU-UN mediation in the South.

#### *RECOMMENDATION:*

In order to gain leverage, President Obama should ensure the immediate implementation of his administration's October 2009 policy and task Secretary Clinton and Ambassador Rice to lead that process. Rice, Clinton, Biden and Obama should all become more directly involved in supporting peace efforts, as Senator Kerry and other senators urged at a recent Senate Foreign Relations Committee hearing on Sudan. Obama himself should speak publicly about America's commitment to seeing a successful referendum and a resolution to the crisis in Darfur, and he should properly respond when there is evidence that these processes are getting off track. Vice President Biden should use the momentum of his Africa trip to take a leadership role in the U.S. policy process and diplomacy necessary to secure peace in Darfur and the South.

#### 4. STRENGTHEN AND HARMONIZE PUBLIC DIPLOMACY

The lack of a unified policy on Sudan within the Obama

administration has led to a series of contradictory statements on human rights and peace issues in Sudan. At times, within the same week different officials would speak out strongly against the NCP while others would ignore human rights issues. This confuses allies and sends a signal to the parties in Sudan that the U.S. is divided and thus ineffective in ensuring its policy objectives. As one international diplomat told the Enough Project, "The U.S. is now perceived as soft on Sudan, despite the strong speeches of some of its officials."

The contradictory public diplomacy strategy has affected U.S. leverage in multiple ways. First, it has given, and will continue to give, the NCP and other offending parties carte blanche to continue human rights violations without any form of accountability. It has also had a serious effect on how opposition political parties and civil society organizations within Sudan view the United States. Finally, it has created policy confusion among America's potential allies in the quest for peace in Sudan.

#### *Recommendation:*

To gain more leverage, the United States should develop a unified public diplomacy strategy, focus on key objectives in support of peace and human rights in Sudan, be clear and consistent in condemning continued human rights violations being perpetrated against the people of Sudan, and signal to any offending party that these violations will have consequences.

#### 5. CREATE INCENTIVES AND PRESSURES FOR PEACE

Perhaps the largest point of difference within the Obama administration, as well as among other influential countries, is the extent to which pressure can actually impact the calculations of the parties to Sudan's conflicts. The lack of serious consequences during the last few years has emboldened the parties – particularly the NCP – to flout agreements and human rights norms, and the lack of serious incentives means that none of the parties feel that there would be any payoff for altering their behavior.

In the past, major alterations to NCP policy have occurred in response to real pressures or consequences, and at times focused incentives. Past successes include the expulsion of Osama bin Laden from Sudan in 1996, the end of aerial bombing in the South in the latter stages of the North-South war, the end of support for Arab militia responsible for a surge in slave-raiding in the late 1990s, increased counterterrorism cooperation after 9/11, and the securing of the CPA in 2005.



According to the Obama administration's current strategy for Sudan, "[e]ach quarter, the interagency at senior levels will assess a variety of indicators of progress or of deepening crisis, and that assessment will include calibrated steps to bolster support for positive change and to discourage backsliding. Progress toward achievement of the strategic objectives will trigger steps designed to strengthen the hands of those implementing the changes. Failure to improve conditions will trigger increased pressure on recalcitrant actors."<sup>6</sup>

Only one Deputies meeting has been held, no incentives or pressures have been recommended to President Obama, U.S. officials are visibly divided, and as a result, U.S. leverage has been negatively affected in a diplomatic self-fulfilling prophecy.

A crippling dynamic has also emerged in international policy-making towards Sudan. Most countries do not support pressures (in the form of individual targeted sanctions, enforced embargos, and other tools), and propose incentives-only approaches to peace-making in Sudan. President Bashir has successfully painted himself and Sudan as the victim in response to U.S. rhetoric about consequences that is rarely if ever backed up with real action. The U.S. is caught between an international community unwilling to support pressures and an activist community and Congress that is largely unwilling to support an incentives-only approach. It is clear that a bold, new effort must emerge that is focused on creating a package of much more significant incentives and pressures that

would be deployed depending on whether war or peace emerged as the outcome.

### *RECOMMENDATION:*

The United States should lead the international community in the construction of a much more robust package of parallel incentives and pressures that would be deployed by the end of the year, depending on whether or not the NCP and other parties are working sufficiently towards peace. In order to increase its leverage now, the U.S. government needs to implement its promised policy of consequences and rewards in response to a review of benchmarks.

Incentives would include the possibility of full normalization of relations with the United States, promotion in the U.N. Security Council of one year suspensions of the ICC prosecutions under Article 16 of the ICC charter, and facilitation of multilateral debt-relief packages. Pressures would include working for UN Security Council support for the execution of the ICC arrest warrants, developing a coalition of willing countries ready to ban international travel and undertake a hard target search for assets to freeze of targeted officials, expanding the U.N. arms embargo, denying debt relief to the regime, strengthening civilian protection in the South through the extension of air coverage protection or anti-aircraft support, and undertaking consistent unilateral and multilateral actions aimed at eroding the legitimacy of any party undermining peace.

## CONCLUSION

The conventional wisdom is that the United States and broader international community have no leverage in Sudan. The conventional wisdom is wrong. By utilizing the eight areas of existing leverage and creating new leverage in the five ways we outline above in support of the AU-UN peace efforts, the United States can rapidly build

influence in Sudan in support of comprehensive national peace. The policy status quo marked by passive parachute diplomacy and a lack of investment in leverage marginalizes the United States and increases the odds that the people of Sudan will face further rounds of destructive war.



## NOTES

1 Nick Kristof, “On the Ground,” July 16, 2010.

2 Crisis Action, “Renewing the Pledge: Re-Engaging the Guarantors to the Sudanese Comprehensive Peace Agreement,” July 2010.

3 Interviews with Enough Project staff in Juba and Washington, D.C.

4 See the IMF, April 21, 2010, available at <http://www.imf.org/external/np/country/notes/sudan.htm>, and Bloomberg, “Somalia, Sudan, and Zimbabwe Have \$2.09 Billion in IMF Arrears, September 9, 2009, available at <http://www.bloomberg.com/apps/news?pid=20601116&sid=apw6IW7NfhGk>.

5 Conciliation Resources, “The mediator’s perspective: an interview with General Lazaro Sumbeiywo” 2006, available at <http://www.c-r.org/our-work/accord/sudan/mediators-perspective.php>

6 See State Department Press Release, “Sudan: A Critical Moment, A Comprehensive Approach, October 19, 2009, available at <http://www.state.gov/r/pa/prs/ps/2009/oct/130672.htm>.



## ENGAGING SUDAN: THE WORD IS MIGHTIER THAN THE SWORD

Nureldin Satti

**Nureldin Satti** served in the Foreign Service from 1975 to 1991 in the embassies of Sudan in Brussels, Ndjamena and Paris, served as the Sudanese ambassador to France from 1992 to 1996, and subsequently joined UNESCO as a consultant with special responsibility for culture of peace in the Great Lakes Region and in the Horn of Africa. He was appointed deputy SRSG for Burundi in 2002, and becoming SRSG from 2005 until 2006. He retired from UNESCO in 2008, and was a Wilson Center Distinguished Scholar with the Africa Program from 2008 to 2009.

In six months, Sudan will be confronted with the most painful choice of its modern history, that of the referendum on the future of Southern Sudan. The people of Sudan and the partners of Sudan in Africa, the Arab and Muslim World and the international community at large, are split into two camps: those who would like to see a united Sudan and those who would like to see it divided into two or more micro states, which would be easier to deal with, manage and probably even manipulate to achieve objectives which are not necessary in the interest of the Sudanese people or those of the region or Africa at large. The struggle between the camp of unity and that of secession in Sudan, if not resolved amicably will lead to grave consequences not only for Sudan, North and South, but also for peace and security in Africa and in the world at large.

The US has brokered the Comprehensive Peace Agreement, or CPA, between the Government of Sudan, represented by the National Congress Party, or NCP, and the Sudan People's Liberation Movement, or SPLM. The U.S. has also assisted the two parties to resolve some crucial implementation hurdles but the U.S. impact on the process seems to be waning. This is due mainly to lack of confidence between the U.S. and the GoS which stems from the unconditional U.S. support to the SPLM to the detriment of the NCP - and even to that of the North as a whole - and the lack of consistency and cohesion in the implementation of U.S. policy towards Sudan. The U.S. and Western powers have applied tremendous pressures on the NCP to implement a democratic change in Sudan but, at the same time, they have accepted its landslide victory in the Presidential and legislative elections even though they branded the elections as not meeting international



standards. They seek peace in South Sudan and Darfur but they prematurely divert the attention of the Sudanese and the international community from a peace agenda to a justice agenda, which is undermining the authority of the Head of State of Sudan, thus delaying the conclusion of a peace deal in Darfur. They promise to support Sudan financially and diplomatically but they do not deliver on their promises. A “pressures-only” policy is harming the peace process in Darfur and causing more intransigence and entrenchment of the NCP government in its anti-Western postures. Gradually, the U.S. and other Western powers run the risk of becoming irrelevant to situations such as that of Sudan. Their failure to deliver sustainable peace and their systematic belligerent approach to regimes which do not see eye to eye with them for political, socioeconomic or cultural reasons will only generate more bloodshed and suffering. The result will be a trail of blood and a track of fire that will destroy any hope in the future for increasing numbers of peoples around the world, be it Afghanistan, Iraq, Somalia, Yemen or Sudan,





interestingly all Muslim countries, and will ultimately have a boomerang effect on US. and Western interests around the world. The world has now changed and no single power or group of nations, however powerful, rich or advanced, can prevail over all other nations. New powers are rising: China, Russia, India, Brazil and many others, who will constitute a challenge to the hegemony of the Western World, which has every interest in seeking alternative policies of dialogue and peaceful resolution of conflicts.

## LOSING THE MORAL HIGH GROUND

The NCP has won a landslide victory in the elections that took place between April 6-10, 2010. International observers estimated that those elections did not meet internationally recognized standards, but, at the same time, gave them a conditional passing mark. The elections were passable not because they met international standards but rather because they fulfill a necessary step along the path to the Southern Sudan referendum, which most observers think will result in the secession of that part of Sudan. Hence, the ultimate goal of the so called democratic process, presumed to be one of the main premises for making unity attractive, is now considered to be not unity, but rather secession. In other words, delivering an electoral victory to the NCP on a silver platter is seen as a relatively small price to pay for the bigger prize, which is the independence of Southern Sudan.

This episode is also significant in the sense that, objectively speaking, the international community, the US included, were ready to sacrifice their universally acknowledged and widely publicized democratization and human rights conditionalities to support the NCP's

President Obama's election created tremendous hopes and expectations, particularly when he spoke of a policy of dialogue and an extended hand of friendship, even to those who do not agree with the U.S. This promise has yet to materialize and runs the risk of being nipped in the bud by forces within the Administration opposed to this new policy. As the U.S. moves towards its own mid-term elections this new policy will be put on the back burner.

electoral victory. Consistent in their inconsistency, they also supported the SPLM's overwhelming victory in Southern Sudan despite irrefutable evidence of massive fraud, harassment and intimidation campaign carried out by the SPLM against its political opponents.

It is also significant in the sense that it reinforces accusations leveled at the international community of practicing a policy of double standards, thus undermining its credibility as an honest broker. Perceived as such, US policy and that of the international community in Sudan is doing more harm than good by applying a pressures-only policy with no palpable or measurable incentives or carrots that can help achieve peace and security for all Sudanese. By losing the moral high ground and compromising their principles in relation to democratic change, human rights and rule of law, Western powers have lost any leverage they may have had on the Sudanese situation, particularly on the NCP, which now feels it has gained popular support and legitimized itself through the electoral process and has a free hand to implement its own policies in relation to peace, security and unity.

## THE DEATH KNEEL OF THE PRESSURES-INCENTIVES POLICY

For many Sudanese, the CPA, midwived by the US and the international community, was successful in delivering peace, but with a high price tag, that of the probability of secession of Southern Sudan. While secession is seen by the international community as an ultimate solution to the problems of Sudan, the majority of Northern Sudanese see it as the beginning of a new phase of instability. While embarking on debating post-referendum issues, an in-depth dialogue on the merits and demerits

of secession should be engaged. This in-depth discussion should include seeking alternative or midway solutions between full secession and full unity. This cannot be achieved in an atmosphere of hostility between Sudan and its Western partners, who it sees as preparing the ground for the secession of Southern Sudan.

Among the expectations created by Obama's election was the hope for a more balanced US policy towards Sudan.



From a Government of Sudan, or GoS perspective, this means removing Sudan from the terror list and repeal of economic and diplomatic sanctions against Sudan. This has not been done and the grace period accorded to President Obama was quickly followed by disenchantment and deep disappointment on the part of the GoS. The limited progress made through the efforts of General Gration, U.S. Presidential Envoy for Sudan were quickly annulled by hardliners in the U.S. Administration for whom Sudan continues to be a pariah state despite considerable progress in CPA implementation and various attempts made to mend fences and normalize relations with the U.S. These attempts will not continue for ever and the U.S. is losing leverage over Sudan, which will be seeking other alternatives to fill in the void created by the U.S. reluctance or inability to take a leading role in Sudan due to internal infighting within the Administration.

What is required is a meaningful dialogue between the U.S. and Sudan to address issues that continue to plague their relations:

### *The issue of Sanctions and the Terror List*

First, clarify once and for all the U.S. position in relation to the issue of sanctions and removing Sudan from the terror list. This will continue to be a black spot in the relations between the two countries. The U.S. seems to think that Sudan needs to do more to justify such a step while Sudanese authorities, meaning NCP, think that they have done enough and that the U.S. have reneged on their promise given to President El Bashir by former President Bush in this respect. The feeling in Khartoum is that whatever progress is made at the political and other levels has no positive effect on the relations between the two countries. This is one instance where a “pressures and incentives” policy cannot work.

### *Perceived Western Support for the South*

Second, many Sudanese, the NCP included, are convinced that Western powers, the U.S, above all, are actively

encouraging the forces of secession in Southern Sudan. In his latest statement on Sudan, President Obama referred to the secession of Southern Sudan as a possible outcome of the referendum process without invoking the other possibility, that of unity. Such statements are considered by many Sudanese as an exhortation to Southern Sudanese to vote for secession. Many Western powers, including the US, now treat the Government of Southern Sudan as a de facto separate state even before the January 2011 referendum. This creates the feeling within the pro unity constituency in North and South that the deal is done and that the referendum will only be a

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**The US and Sudan have a long history of mutual negative representation. They both have an image problem with the other. The hardliners, and some of the moderates, in both countries, would like to perpetuate these perceptions.**

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formality to endorse a foregone conclusion. The struggle between the pro-unity and pro-secession forces has only started. As we move towards the fateful date of January 9, 2011, this struggle will attain higher levels and take new forms, politically, socially and probably, God forbid, militarily. The two camps - not necessarily pitching North against South, both parts of the country having their own sub-divisions on this issue - will use all means available to gain a historical victory against their opponents, without necessarily weighing the consequences of that victory on peace and security in North and South alike. A friend of mine whom I met in Juba last May said to me that war will resume, come secession or come unity, because each side has its supporters, whether in the North or in the South. This point of view may be too pessimistic but it is worth envisaging as a possibility. It is particularly for this, but other reasons as well, that a flawed referendum process can be detrimental to peace and security and future relations between North and South.

### *Managing Perceptions*

Third, the U.S. and Sudan have a long history of mutual negative representation. They both have an image problem with the other. Through the last two or three decades Sudan has earned a negative image within the U.S. and the international community at large. Sudan's image is now that of an Islamist state, formerly harboring terrorists and presently engaged in shady, in the eyes of the U.S.,



deals with the enemies of the U.S. and its protégé, Israel, such as Hamas, Hizbollah and others. From a Sudanese perspective, the U.S. is an Imperialist Superpower, practicing double standards, imposing its own world view by the force of arms and unjustly protecting Israel against international justice, even when the latter commits war crimes against the Palestinian People. This is the stark reality of the Sudanese-American relations. The hardliners, and some of the moderates, in both countries would like to perpetuate these negative perceptions and all attempts to embellish these images or find a common ground for a constructive dialogue between the countries have thus far failed.

But we need to deal with this situation. The U.S. has vested interests in Sudan as an important country in Africa and the Middle East, which will probably be gaining an increasing influence and which impacts, positively or negatively on the peace and security situation in neighboring countries and in the region at large. In the coming years it may become a major player far beyond its political borders. Sudan also abounds with natural resources such as oil, gold, iron ore and probably uranium and other strategic minerals. Sudan has an interest in dealing with the U.S. and to gain access to technology, financial resources and not find itself in a collision course with U.S. clout at every turn of the road.

The U.S. Sudan relations have been problematic for many years now because the two countries entry point to their bilateral relationship has been through their respective shortcomings and points of conflict and confrontation rather than exploring the possibilities of their potential cooperation. There is, of course a limit to which you can

embellish a distorted image, but it is still possible to find a common ground to make the mutual images more palatable. Simple, but far reaching confidence building measures are needed. The U.S. has recently inaugurated a new embassy in Khartoum, one of the largest in Africa; U.S. visa application formalities, for a decade done for the Sudanese from Cairo, have been brought back to Khartoum, which is a big relief for Sudanese U.S. visa applicants who, for over a decade, suffered the humiliation, cost and hardships of traveling to Cairo, sometimes staying for days at

their own expense, to file visa applications. Student visas have been reinstated. Cultural and academic cooperation is to be resumed. These are some small steps in the right direction, which should be followed by more significant ones to lay the ground for a better working relation between the two countries. They should try to exhaust the limits of the possible, in terms of cultural, academic and technical cooperation rather than focusing on divisive issues, which are not even within the realm of direct bilateral relations.

#### *Siamese Twins and Political Surgery*

Fourth, the unfolding situation between North and South Sudan needs delicate and careful handling. It resembles a surgical intervention to separate Siamese twins. It can be dubbed “political surgery.” It is a high risk operation in which one, or both, twins may die. Consequently, the operation should be undertaken with a high degree of skill and care for the well being of both without sacrificing one body or the other. As in the case of Siamese twins, there are vital organs that constitute a common lifeline that should not be severed by the surgeon’s scalpel. It is for

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this reason that creative ways and means should be devised to save these vitally shared organs in the interest of both bodies. A middle ground needs to be found to ensure the autonomous survival of both bodies while at the same time maintaining the life saving organs and mechanisms that can sustain their continued existence and well being. The two bodies should be independent but at the

same time mutually supportive. In the case of Sudan, oil production, refining and exportation, and the populations living on either side of the virtual borders between North and South constitute such a vital shared lifeline.

International constitutional law and international relations do not allow for cases of independent unitary states, it only recognizes one nation membership status in the UN and in regional bodies and international organizations. The World Cup and the Olympic Games offer an interesting example that can be emulated. Two neighboring coun-



tries can make a common pledge to host the Olympics or the World Cup. Obviously, politics is different from Soccer and sports in the sense that it is about sovereignty, legitimacy and national interests. We can, however imagine two separate and independent states keeping a single membership in international organizations according to agreed terms and conditions. This could be called a confederation or a union; but the name can be found once the terms of association have been agreed upon. In the case of Sudan, whether Southern Sudanese vote for unity or secession, we can imagine a confederal or a unitary state in which the two Presidencies, the two Parliaments and the two Ministerial Cabinets meet periodically to harmonize and take decisions, particularly in relation to their foreign affairs, defense and monetary policies as well as other matters relation to their mutual relations while preserving their autonomy and joint representation in international institutions according to a formula to be agreed between them.

Keeping Sudan together is crucial, not only for Sudan itself, but to the African Union and to a large number of African states that are confronted with similar problems

### ENGAGING THE NCP AND THE SPLM

The NCP leadership has never denied its intentions to use the elections to "legitimize" itself and it was an open secret that president Al Bashir intended to use the elections to counter the ICC warrant of arrest delivered against him by the ICC in July 2009. But the landslide victory achieved by the NCP, which is seen by sizeable fractions of the international community as a necessary evil as a prelude to the South Sudan referendum, was of little consolation to president Al Bashir and his party as it is seen as a victory by the NCP against itself, bearing in mind that major opposition parties withdrew their candidates at the very last moment thus denying the NCP the privilege of claiming a legitimate victory, while at the same time accusing it of rigging the elections in which it was the only major player. For many observers, the result of the elections was a foregone conclusion and the NCP would have won any way, with or without the participation of other political parties. The worst case scenario, from the NCP perspective, had been a coalition of the opposition parties behind the SPLM candidate for the president's job in Northern Sudan. But the SPLM leadership chose, presumably under NCP pressure to make Al

of governance, identity, ethnicity and under development. The problems of such countries as Somalia, Ethiopia, Kenya, Uganda, the DRC, Angola, Chad, Mali, Cote d'Ivoire and Senegal (Casamance) should not be resolved by secession or self determination but rather through better governance and a social and political compact.

Optimists, like myself, continue to believe that a political deal is still possible whereby the two partners can keep the unity of the country and avoid a major calamity, in Sudanese and broader African terms. No other opportunity will afford itself to the NCP and SPLM to show how high they can soar or how low they can fall. Many observers have in mind the Mandela-De Klerk relationship, who, despite the obvious differences between the Sudanese and South African situations, were able to give an example that can be emulated by the leaders in Khartoum and Juba. In all probability, the outcome of the South Sudan referendum will be decided less by the voters in the various parts of South Sudan than by the message that the SPLM leadership will send to those voters and the political line that it will toe at the moment of the vote.

Bashir's task easier by withdrawing Yassir Arman's candidacy. For the SPLM leadership, it was more important to secure their own landslide victory in the South than create problems for the NCP in the North. By so doing, the SPLM leadership has made it very clear that they did not want to be involved in Northern politics but rather strengthen their grip on power in the South in preparation for the next phase, which is that of the referendum, and to give no pretext for the NCP to retreat from its CPA commitments. The SPLM seem to have now weathered the storm of the elections, which caused a split within their ranks, which they rapidly patched up, but they are yet to weather that of the referendum, which threatens a deeper split, despite the seemingly united front of the SPLM.

The NCP is now formally the elected majority ruling party of Sudan. Whether we like it or not, that party has proved a large capacity to organize and mobilize. The post-election era will tell whether the NCP has learned the lessons of the past or whether it will stick to the worn out strategies of domination and confrontation.



## WHAT THE NCP IS ALL ABOUT?

In order to engage the NCP we need to understand what the NCP is all about:

1 - The NCP remains a loose coalition of the Islamist in the military establishment and the remnants of the Islamist Movement, formerly the NIF. Increasingly, it is integrating within its ranks some of the disgruntled elite from the traditional political parties and from the “marginalized areas.”

As often is the case in such totalitarian parties, a cohort of opportunistic political opportunists and economic operators take advantage of such parties’ need for unconditional allegiance and support and add to its ranks the power of numbers to the detriment of quality and genuine interest to serve the public good. The result is a top heavy party and state apparatus which runs the risk, if not considerably emaciated, of crumbling under its own weight.

2 - In the absence of a credible alternative, the NCP is gradually emerging as a majority ruling party which has dominated the political scene. Gradually, the NCP will probably copy the model of the National Party of Egypt by installing a mock democracy to dominate the political scene for many decades. But will what is acceptable in Egypt be tolerated in the case of the Islamist party of Sudan? In

order to be accepted by all, the NCP has to change its policies, particularly in relation to issues of fundamental civic, social and political rights; the relation between religion and the state; and militaristic methods of resolving conflicts.

3 - The NCP, notwithstanding all its obvious shortcomings, managed to bring an end to the war in Southern Sudan, sign and implement the CPA, albeit with a lot of foot dragging. That party will not accept that its name goes into history as the one that let the South slip away. The NCP will, however, continue to pay lip service to the full implementation of the CPA, even if it leads to the secession of the South. But in the last instance, this option will not be tolerated by NCP hardliners. But the NCP

is, for the moment, short of workable options. Its non-declared position can be summarized as: All but secession. ‘All’ in this case may well include going back to war, which remains the last, and the less favored resort. A war by proxy is not to be excluded. The signs are already there.

The NCP strategy in the coming six months, leading to the referendum will be three pronged:

First, lead a campaign to ‘win the hearts and minds’ of the Southern population: an intensive media campaign, albeit clumsy and lacking in substance and methodology, is already in the works.

Second, implementing aggressive infrastructure and development programs in the South with the hope of making unity attractive, and even significantly sending the Vice President, Ali Osman Taha to take residence in Juba to orchestrate such a campaign. Another significant step in this respect is giving away the newly created oil ministry to the SPLM and bringing

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**The US and international partners, as well as the Sudanese parties, should take immediate action to complete preparations for the referenda and to resolve the post-referendum issues of oil-sharing, nationality and soon.**

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Dr Luka Biong, one SPLM heavyweight, to Khartoum to manage the prestigious but difficult portfolio of the Ministry of Cabinet Affairs.

Third, initiate talks at the highest level with the SPLM with a view to concluding a last minute political deal to uphold the unity of the country. This last option presupposes making major political concessions foremost among which is the revision or outright repeal of

Sharia Laws, as requested by the SPLM. But this matter is extremely divisive within the NCP and may be too a high price to pay for the unity of the country, from NCP perspective. The NCP has to weigh the political risk that it runs by taking such a monumental step which could lead to the erosion of its political base and to one of the fundamental platforms of its very existence. A formula needs to be found to reconcile the NCP and SPLM positions, which is politically acceptable and practically implementable.

4 - The NCP Islamist core is in the process of doing its own conscience searching. Increasingly, voices from within the NCP are heard which criticize the Islamist policies of the NCP. The ‘Wahabist’ version of Is-



lam, which has dominated the political and social scene for two or three decades is now being criticized, and calls for a version which is more adapted to the cultural and religious diversity of the Sudanese situation is being advocated. The NCP will, however, continue to be torn between two competing factions representing two schools of thought: the 'hardliners' and the 'moderates', which makes it difficult for the NCP to adopt a consistent political line and makes it even more difficult for those wishing to engage them to obtain predictable and implementable outcomes. Measures can, however, be taken to encourage the moderate faction within the NCP to continue and further reinforce the reformist tendencies within the party.

5 - Increasingly, the NCP will be sensitive to any interference, perceived or real, in the questions of unity and / or secession from third parties, particularly from Western countries and some of the neighboring countries, particularly Uganda. The US is perceived, probably wrongly, as encouraging the secession of the South. This impression has been increased by the recent meeting between Vice President Biden and First Vice President Silva Keir in Nairobi and by Pagan Amum's visit to Washington earlier this month, as well as the declarations attributed to the U.S. that it will be the first country to recognize an independent Southern Sudan. These declarations are already being interpreted by the Sudanese media as an encouragement by the US to Southern Sudan secession. The coming weeks and months will constitute an extremely trying test of US-Sudan relations, which are already in a very bad shape. The issue of unity and secession is an extremely sensitive and divisive issue in Sudan and it will determine Sudan's future relations with the regional and international community.

Consequently, to effectively engage the NCP the following is recommended:

Build confidence and assure the NCP, and the North in general, of US impartiality. In this connection, it is necessary that the US adopt coherent policies towards Sudan and cease to give the impression of a profound disagreement on how to deal with Sudan. While advocating the full implementation of the CPA, even if it leads to the partition of Sudan, the US should show more concern, not only about the future of Southern Sudan, but about that of the North, which will also be deeply

affected by such an eventuality. The recent inauguration of the new US embassy in Khartoum, one of the largest in Africa, and the accompanying visit of a high level delegation to both Khartoum and Juba is a step in the right direction. This should be followed by other step to rebuild confidence through practical and implementable measures such as relaxing US sanctions on Sudan. The recent decisions of processing non-immigrant visas in Khartoum rather than Cairo and to resume issuing student visas are steps in the right direction. These should be followed by other steps in the cultural, economic and diplomatic areas, which will convince the man in the street in Sudan of the US goodwill towards Sudan.

Help the two CPA partners to resolve outstanding issues before the referendum to avoid a violent secession and to prepare the ground for a peaceful outcome of the referendum, whatever the result. This may require organizing discreet meetings between the two sides in the run up to the referendum to conclude an understanding as to the peaceful conduct of the referendum and its aftermath.

Genuinely help Sudan to find solutions to the conflict in Darfur and to potential conflicts in the transition areas between North and South.

Play a leading role in putting some order and coherence among Sudan international partners in their endeavor to help Sudan find solutions to its many problems, particularly in Darfur and Southern Sudan. This requires better coordination with the African Union and the UN. It particularly requires responsible stewardship within the UN Security Council that takes into consideration the regional and global implications of renewed and/or increased levels of violence and instability in Sudan and in neighboring countries as a result of the partition of Sudan.

The Sudanese, in the North in particular, entertain the belief that there is a Western conspiracy to weaken Sudan by dividing it into two or three entities. As long as this perception persists Sudan will continue to react negatively and violently to any perceived attempts of destabilization. As the saying goes, "the Word is Mightier than the Sword." Dialogue and constructive engagement can produce better results than sanctions and destabilization attempts, which will only bring more suffering and destruction.

The US will be well advised to engage Sudan in a constructive dialogue in the interest of both countries and that of the countries of the region.



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