

A New U.S. Policy for Two New Sudans

A Policy Essay

John Prendergast August 2011¹

Last month I had the honor of witnessing the birth of the newest country in the world: the Republic of South Sudan. After a decades-long deadly struggle for freedom, South Sudanese celebrated for days over the realization of their dream of independent statehood. The jubilation was tinged with real concerns, however, over the challenges of the embryonic state of South Sudan and the threat posed by an angry, isolated, and besieged government of the Republic of Sudan left behind in Khartoum.

It seems to me there are three overwhelming dangers for the Republic of Sudan posed by partition, accompanied by three related opportunities. First, immediate and extreme human rights crises in parts of Sudan, particularly the Nuba Mountains, provide an urgent imperative to exercise the international responsibility to protect civilian life. Second, growing armed and unarmed internal opposition in Sudan focused on a real alteration of the status quo provides an opportunity to hone in on fundamental reforms in governance and how power is shared in that country. And third, the total failure of existing conflict-resolution processes for the various conflicts in Sudan and between the two countries offers a major opportunity to alter the mediation paradigm to focus on a national solution in the North.

South Sudan also has enormous warning signs accompanied by huge opportunities. The resource curse could become a blessing if transparently managed, and threats from within and without focusing on ethnic and regional fault lines could be defused with enlightened power sharing and fundamental democratic reforms.

A new U.S. policy—rooted in the international responsibility to protect civilian life and democracy promotion—is desperately needed for these two new Sudans. A number of factors create an enabling environment for a bold change in U.S. and broader international policy:

- South Sudan's independence offers an opportunity to press restart in how the United States and the broader international community deal with Khartoum.
- Ivory Coast and Libya demonstrate that the international community is willing to act to protect civilians at extreme risk.

- The support for democratic aspirations in Egypt shows that previously unthinkable change is possible in that region.
- The Obama administration's policy shift on Syria shows there is a point where internal repression and human rights abuses require the United States to back away from previous policy.

This is a dynamic time in international relations and should allow for a reexamination of what is possible in Sudan. The international responsibility to protect civilian life is making a comeback and aggressive measures must be deployed in response to the crimes against humanity in the Nuba Mountains. The Arab Spring has opened the door to sweeping reform that should not leave Sudan untouched. And the stove-piped policy of mediating individual Sudanese conflicts—marked by continuous accommodation of the Bashir regime's international neutrality—has failed the people of Sudan. It's time to try something else.

The fatal flaw in the policy

U.S. efforts to promote peace in Sudan have been undermined by a fatally flawed premise: that separate peace deals could be secured for each of Sudan's multiple conflicts without finally dealing with the divisive, autocratic regime in Khartoum. The legacy of this policy—a failed peace process in Darfur, a militarily occupied and ethnically cleansed Abyei, a conflagration in the Nuba Mountains, an expected conflict in Blue Nile, a fraying peace deal in the East, and Khartoum-backed militias undermining stability in parts of the newly independent South Sudan—demands a radical change in policy and approach.²

The core problem of bad governance in Khartoum has never been the object of international leverage. A dictatorship has festered for 22 years, pursuing a divide-and-destroy approach to remaining in power. A series of unimplemented agreements have failed to address the root causes of conflict and left the international community spending billions of dollars in cleanup humanitarian aid and feckless peacekeeping deployments that protect very few civilians. The only deal that worked was the referendum for the South, part of the 2005 Comprehensive Peace Agreement, or CPA, mostly because the South had the firepower to create a hurting military stalemate and had the strong political backing of the United States and other key countries. But the CPA was supposed to be accompanied by a number of other commitments with which the Khartoum government has refused to comply, thus leading directly to the latest rounds of ethnic cleansing in Abyei and the Nuba Mountains.

Escalating crises in the North

Now that the South has seceded, marginalized groups in the East, South, and West of what remains of Sudan are even more vulnerable to the same war tactics and human rights abuses that killed more than 2 million southerners. The underlying rifts have already been exacerbated with the reemphasis of the Bashir regime on its project to Arabize and Islamize the country, despite the majority of its inhabitants still being non-Arab and a significant minority non-Muslim.

The ruling National Congress Party, or NCP, however, is facing huge challenges. Economic hardships are increasing, fueled by higher food prices, escalating debts, and the prospect of a loss of a substantial amount of state revenue in the form of lost South Sudanese oil. The regime faces a number of armed opposition groups, a veritable ocean of revolution throughout the country, with hot wars in Darfur and the Nuba Mountains, the potential for escalation in Blue Nile, a frozen conflict in Abyei, and cold wars in the East and far North. The loss of the South is a major stigma for the ruling NCP. Splits in the ruling party, rumored for years, are finally becoming a reality. And elements of the army are increasingly concerned that there will be no end to multi-front war as long as Bashir remains in power.

Army unrest

Unrest within the Sudanese Armed Forces, or SAF, may be the most dynamic element in this cocktail of trouble for the NCP. The ruling party's plan after the signing of the 2005 CPA was to undermine the South's quest for independent statehood by fueling intra-South divisions through support to ethnic-based militias, as the NCP had done with great success during the North-South and Darfur wars. The strategy was delayed in the face of unprecedented unity in advance of the referendum both inside South Sudan and in the broader international community. As governor of South Kordofan, Ahmed Haroun, indicted by the International Criminal Court for crimes committed in Darfur, has engineered the militia policy, supplying and providing rear bases for a number of southern militias as well as Arab militias that have been a principal element of operations in Abyei, the Nuba Mountains, and vulnerable areas of the South.

The plan was to increase operations in the South in advance of the July 9 date for the independence of the South. Instead, Bashir instigated conflict in South Kordofan with the Nuba branch of the Sudan People's Liberation Movement, or SPLM-North, diverting capacities from the effort to undermine the South and leading to numerous casualties for the Sudanese army. The terrain is very unfavorable for conventional forces and the rainy season makes the military confrontation even more puzzling. Finally, Haroun is not a popular choice locally as governor, even among Arab populations. Military intelligence officials had wanted a Nuba as governor in order to divide the Nuba vote but Bashir wanted his trusted militia organizer in charge of this frontline region.

Elements within the army are bitter about this turn of events, particularly with the diversion of war efforts away from North-South proxy battles to intra-North civil war, as troop and garrison losses and defections mount in the Nuba Mountains.³ If war erupts in Blue Nile as well, where SPLM-North forces have more heavy armor than in the Nuba Mountains, negative resentments will only intensify within the army. Corruption, nepotism, warmongering, interference by the NCP, and an erosion of professionalism will continue to affect morale within the armed forces and constitute one of the biggest threats to the Bashir regime going forward.

The position of the SPLM-North

The SPLM-North seeks a level electoral playing field and new political and security arrangements in the Nuba Mountains and Blue Nile, given the failure of the NCP to implement CPA provisions there.⁴ If these conditions are not met, alliances will be solidified with Darfurian and eastern rebels to seek regime change. Bashir's top ally in the NCP, Nafie ali Nafie, sensed the danger of the moment and consequently signed a deal in Addis Ababa in late June that would have ceased hostilities in South Kordofan. But hardliner newspapers attacked the deal in Khartoum and Bashir reneged on the agreement. The president and other hardliners worried that the deal was too comprehensive, dealing with the entire border rather than just with South Kordofan, thus violating the divide-and-conquer approach. Bashir also wanted to show that he must be dealt with personally and that he—not Nafie—is firmly in charge.

This latest abrogation and escalation increases the resolve among many SPLM-North leaders to build alliances across Sudan and work for political transformation in Khartoum rather than continuing the trend of localized agreements that never get implemented.

Ethnic cleansing in the Nuba Mountains

The NCP has learned many lessons in its years of war prosecution. In the Nuba Mountains, the regime is deploying two of its most effective tools: aerial bombardment and denial of humanitarian aid. Gov. Haroun learned from Darfur that allowing massive internally displaced camps provides sustenance for the opposition and internationalizes the conflict through a massive aid presence. The regime seems determined to avoid this by not allowing displaced camps to appear and preventing the provision of emergency aid throughout the Nuba Mountains.

Aerial bombing has succeeded in terrorizing the Nuba population and driving the vast majority out of their villages, many hiding in caves. The SPLA claims that only three of their soldiers have been killed by the daily airstrikes.

The denial of food aid will inevitably lead to starvation, adding to the evidence of mass graves and other signs of widespread human rights violations.⁵ Given the historical record of the atrocities the Bashir regime perpetrated in the Nuba Mountains in the 1990s, debates will emerge as to whether Khartoum's current actions constitute genocide against the Nuba people alongside debates about how to fulfill the international responsibility to protect.⁶

Threats to the South

The new nation of South Sudan is a classic “greed and grievance” cesspool. Gasoline and matches are everywhere, waiting to ignite. It will require a deft hand from the Government of South Sudan, or GOSS, to neutralize these threats to stability, especially given the Khartoum regime's interests in promoting instability and undermining southern independence.

Problems with transparency and inclusivity in the GOSS will feed localized grievances. This is the biggest Achilles heel of the Juba government. Existing inter-communal rifts and resentments toward the southern rebel movement-turned-army have deep histories, nourished by long memories of atrocities during the North-South war. Additionally, perceptions of the patronage jobs and oil money controlled by senior GOSS officials will further resentments if power and wealth are not shared.

Despite the diversion of military assets to South Kordofan and potentially to Blue Nile, Khartoum continues to support ethnic-based militias in the South. Primary among those are militias led by Peter Gatdet and George Athor, as well as rebel groups linked to Lam Akol. The objective is to undermine stability in the South as well as to position the army to move to control some of the southern oilfields if hostilities were to erupt between the two states. Like an accordion, external aid can be expanded or contracted quickly to serve Khartoum's ambitions, leaving wide swathes of the South vulnerable to proxy attack.

How the South Sudan government responds to these ongoing threats will go a long way toward determining the degree to which they can undermine the new state. Inclusive, transparent governance combined with continuing efforts to negotiate deals with southern insurgents can help cement stability. Heavy-handed responses in which human rights are abused combined with non-inclusive governing arrangements will exacerbate instability and feed multigenerational resentment.

Problems with international mediation

International mediation for Sudan, led by former South African President Thabo Mbeki, chair of the African Union High Level Implementation Panel, or AUHIP, has become increasingly problematic. Mbeki, backed by the international community,

continues to stove-pipe negotiations in Sudan, dealing reactively and separately to North-South issues, Abyei, and the two areas of South Kordofan and Blue Nile, while Darfur and the East are dealt with by two additional processes. Chasing the latest eruption rather than setting forth a more comprehensive, proactive approach that deals with the common causes of each of these emergencies is a recipe for failure. Among the mediation's missteps include the premature announcement of a North-South security protocol and the publicizing of the latest Addis deal before getting sign-off from Bashir, both of which reinforce the impression that the mediation is increasingly desperate for any sign of success.⁷ Khartoum appears to read this as well and is taking advantage of the mediation's overeagerness.

First steps toward a new policy for two new Sudans

Up until July 9, the international community believed it had to deal gingerly with Khartoum to ensure South Sudan could hold its referendum and implement the results without major obstruction. Now that independence has been achieved, it is time to shift the policy paradigm and deal more decisively with Khartoum, while at the same time raising expectations for how the South Sudan government deals with some of its principal challenges. With increasingly limited U.S. and European taxpayer funding to support massive humanitarian and peacekeeping commitments, it is time to finally go to the source of the problem and address basic issues of transparent and inclusive governance, using the tools of mediation, international accountability, and democracy promotion. Finally, given that few places on earth have seen the level of human rights abuses that Sudan and South Sudan have over the past two decades, civilian protection and the “Responsibility to Protect” doctrine should be at the core of more assertive action by the United States and broader international community.

Mediation: The model of stove-piped processes has failed. The existing mediation model should be wrecked and rebuilt to focus on and feed into a national process of constitutional reform and power sharing. The two main reasons the South succeeded in achieving its goals through negotiation were that they created a costly stalemate on the battlefield and were backed by the international community to achieve a just peace. Neither of these conditions yet exists in any of the northern Sudan conflicts. Absent these two conditions, war will continue in various forms across Sudan.

This will be a wrenching transition for international supporters of negotiations processes to date. Much has been invested in these various disconnected processes in Darfur, Abyei, the Nuba Mountains, and the East. It is time to find a new way of dealing with Khartoum and the various region-based insurgencies throughout Sudan, given their common grievances and the interconnectedness of necessary solutions for each conflict. The constitutional reform process is one part of the solution, as are restructured efforts to deal with the specific political and security concerns of each region. But at the end

of the day, some kind of merging of efforts has to occur, feeding into a national reform process. And clear and targeted consequences need to be utilized to build leverage for the negotiations. Incentives alone will not work.

Within the South, international support should be provided to the Juba government to find solutions to the ongoing Khartoum-sponsored insurgencies throughout the South. This involves increased surveillance and exposure of such assistance from Khartoum, support for demobilization of opposition militia, promotion of more inclusive strategies for co-opting armed opposition and addressing the needs of the communities that support them, and conditioning of security assistance that will help the new South Sudan army dramatically improve its human rights record, particularly in areas where these insurgencies operate.

Democracy promotion: Until core governance issues are addressed at the center in Khartoum, the peripheries in the East, South, and West of the Republic of Sudan will continue to burn. Constitutional reform and inclusive governance are at the core of what the international community must focus on promoting in both Sudan and South Sudan. So in addition to focusing mediation efforts on core national reform issues, democracy promotion assistance should target the building blocks for that reform, including civil society organizations, independent media, and anticorruption initiatives.

Accountability: Rhetorical support for human rights has always been a strong suit of international efforts in Sudan. But in practice, impunity has reigned, with grave results for civilian populations for decades. Real investment in accountability should lie at the heart of a new policy toward Sudan and South Sudan. The United States and other countries should work to expand the role of the International Criminal Court and provide assertive support to investigate, indict, and apprehend those committing war crimes, no matter who they represent. And a specific international investigation should immediately be launched into the ongoing human rights atrocities being committed in the Nuba Mountains and those that were committed in the ethnic cleansing campaign in Abyei. Further, targeted financial sanctions should be implemented against key members of the ruling party (and the businesses they control) who are most responsible for human rights abuses in Abyei, the Nuba Mountains, and Darfur.

Civilian protection: The proverbial woods are on fire in the form of a major human rights—and developing humanitarian—crisis in the Nuba Mountains. A specific focus on the responsibility to protect civilian populations must drive and inform international action. Prior efforts focused on peacekeeping missions that have proved incapable of protecting civilians. It is time to intensify a robust examination and discussion of all the options available to fulfill the international responsibility to protect mandate, with a focus on ending the air attacks and denial of food that are two of the primary tactics of the Khartoum regime in the Nuba Mountains.

On the aerial bombing issue, it is imperative that the Obama administration consider all options to protect civilians from terrorizing airstrikes. Options that should be considered include a no-fly zone, targeted strikes against government air assets that are carrying out attacks, and the provision of appropriate air defense capabilities for the Nuba. Absent this, the cycle of war crimes will continue, moving from region to region as it fits Khartoum's strategy. On the aid blockages, the United States and other donors should move quickly to establish an international cross-border emergency relief operation to prevent famine conditions from killing large numbers of the Nuba.

A negotiations-only policy will ensure the deaths of thousands. More must be done in the face of a regime that already carried out one extermination campaign against the Nuba people in the 1990s and appears to be planning to do it again.

Conclusion

This is a window of opportunity to reset the entire approach to securing peace in Sudan and South Sudan. Refocusing on root causes, promoting democratic reform, creating a new peace initiative that unifies currently disparate efforts, demanding transparency, supporting accountability, and taking effective steps to protect civilian life are all indispensable to the comprehensive policy approach necessary for maximal effectiveness.

Ultimately, as long as an unreformed regime is in power in Khartoum, there will be no peace in Sudan or South Sudan. The sooner the United States and broader international community face that fact, the better the chances that peace can become possible in our lifetimes.

Endnotes

- 1 The author has traveled to Sudan four times during the past 10 months, most recently for the independence of South Sudan on July 9, 2011.
- 2 Amanda Hsiao and Laura Jones, "Rethinking Sudan after Southern Secession" (Washington: The Enough Project, 2011).
- 3 Interviews with civil society and northern opposition party sources in Juba and via email, July 2011.
- 4 Interviews with SPLM-North representatives in Juba, July 2011.
- 5 Satellite Sentinel Project, "Crime Scene: Evidence of Mass Graves in Kadugli" (2011).
- 6 For the history of the Nuba mountains in the 1990s, see: African Rights, *Facing Genocide: The Nuba of Sudan* (London: African Rights, 1995).
- 7 For the premature North-South security arrangement, see: Maggie Fick, "North, south Sudan agree to demilitarized border," Associated Press, May 31, 2011, available at <http://www.cbn.com/cbnnews/world/2011/June/North-South-Sudan-Agree-to-Demilitarized-Border-/>. For the publicizing of the framework agreement, see: African Union, "The African Union Welcomes the Framework Agreement on Blue Nile and Southern Kordofan," Press release, June 28, 2011, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/Au%2520welcomes%2520the%2520framework%2520agreement%2520by%2520Sudanese%2520Parties.pdf>.

Enough is a project of the Center for American Progress to end genocide and crimes against humanity. Founded in 2007, Enough focuses on the crises in Sudan, eastern Congo, and areas affected by the Lord's Resistance Army. Enough's strategy papers and briefings provide sharp field analysis and targeted policy recommendations based on a "3P" crisis response strategy: promoting durable peace, providing civilian protection, and punishing perpetrators of atrocities. Enough works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve these crises. To learn more about Enough and what you can do to help, go to www.enoughproject.org.

