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2010: Sudan Faces Danger of Secession of the South

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The signing of the Comprehensive Peace Agreement in Naivasha (Kenya) on January 9th, 2005 was greeted by a torrent of optimism, generated by the international guarantees and momentum, and promises of economic assistance and political backing for the agreement. The Sudanese people believed that they had bid farewell to the era of civil war and armed conflict for good. Today, however, the situation is quite different. The Sudanese people are currently celebrating the fifth anniversary of the agreement in a climate full of fear for the near future, and more specifically the results of the referendum on self-determination due to take place in under a year. There is no party on the current Sudanese horizon, whether local, regional or international, capable of stemming the drift towards the secession of the South, or willing to do so. Rather, various actors are now scrutinizing and finalizing the details of securing a “peaceful secession,” and making arrangements for the “post-secession” scenario. Thus it appears that attention is focused on how to avoid the outbreak of a new war at that point. However, the factors that carved out the Naivasha Agreement and created the prospect of the secession of the South have also had an effect in other areas. Darfuris are now talking, for the first time, about the right to self-determination, while the Doha meeting, dedicated to addressing the question of Darfur and originally scheduled for late January 2010, has been indefinitely postponed. Meanwhile regional and tribal confrontations are flaring up in other areas of the country, warning of further fragmentation. And as a result of these conflicts, and of neglect, corruption and tyranny, starvation now threatens the whole of Sudan.

The Agreement: The Strong Role of External Forces and Weakness of Internal Factors

On the fifth anniversary of the Naivasha Agreement, its signatories - the National Congress Party (NCP) and the Sudan Peoples’ Liberation Movement

(SPLM) - have just emerged from parliamentary battles over a number of key laws. The conflict between the two parties would have hastened the collapse of the agreement were it not for the decisive and rapid intervention of the United States and its other sponsors. This is what allowed the parties partaking in

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each joint meeting to repeatedly announce the death of unity, barring a miracle. At the same time, in a joint statement by their foreign ministers, Norway, Britain and the US – three of the sponsors of the

Naivasha Agreement – expressed their concern over the implementation of its remaining important articles. Further, the Special UN Representative, Mr. Ashraf Qadi, voiced the international organization's hope that the disagreements could be overcome, and ten relief agencies operating in Sudan warned against a return to fighting and war. There is a consensus that 2010 will be a decisive and critical year, and represent a crossroads for Sudan as a unified entity. Indeed, some believe that it will be the final year in which a united Sudan celebrates the anniversary of its independence.

The current political reality in Sudan falls within what is termed the "Naivasha era," or that of the Comprehensive Peace Agreement. Hence one cannot fully comprehend what is now taking place without knowing the background that created peace in Naivasha. One can argue that the agreement was weak and ambiguous from the outset, i.e. that it was open to many conflicting interpretations. Its flaws can be attributed to the strong role that was played by external forces vis-à-vis the weakness of internal factors. The two parties came under extreme pressures from the sponsors and observers to the negotiations, particularly after the negotiations had run on for two and a half years from the adoption of the framework protocol in Machakos on July 20th, 2002. The mediators finally tired of the foot-dragging and set a deadline for the signing, leaving some of the thornier issues, such as the problem of Abyei, for future negotiations. This is the "smooth

landing" plan that has been promoted by the Americans. It is clear that neither side felt it achieved what it had hoped, that the international pressures were more powerful than the convictions and goodwill of the Sudanese parties.

The parties returned to Khartoum, each with a separate agreement in their minds, i.e. each took from it what they wanted to understand, or rather from what they stood to gain most. From the start, each party was at pains to stress that it had not been defeated in the war and that it had profited from the peace. However, when the two parties sat down at the negotiating table they were both exhausted and incapable of resuming the war in case the negotiations broke down. It was therefore natural that they should accept a flawed settlement. Thus the conflict began in the midst of the peace agreement. The NCP was better equipped to impose its vision than the SPLM, which has been damaged early on by the loss of its strategic brain, Jon Qarnak. The NCP endeavored to achieve a specific objective from the agreement, namely to benefit from the alignment of international forces by garnering legitimacy for itself for a six-year period, the timeframe of the agreement (2005-2011). It further sought to prevent the agreement from becoming a means of dismantling the party quietly from within. At the same time, it was impossible to implement the agreement under the shadow of the prevailing totalitarianism, since most of its articles stipulated democratic transition. The agreement also stated that Sudan was in need of a transitional period during which the conditions would be created for holding fair and free elections and a referendum in a democratic climate. However, the NCP viewed it as a natural extension of its rule and as a period in the wider context of its Islamic cultural project, i.e. a relative shift away from the

call to religious jihad made by the party in its more zealous early years.

The dominant Islamist elite entered the post-Naivasha era with the mentality of “stabilization” – in the sense of the term used to describe political power. In their view, it is not possible to achieve stabilization without exercising full control over the apparatus of the state, and appointing loyal rather than qualified people without partisan commitments. This exclusion was given the religious justification that it constituted giving preference to the faithful and the strong, in accordance with the Sunna. However, this approach was at complete odds with the letter and the spirit of the agreement, as it is not based on equal citizenship rights. Moreover, the NCP fought to uphold laws that restrict freedoms and to expand the powers of the security apparatus, including its right to detain without recourse to the public prosecutor’s office, and the continuation of former censorship over the press. This is what killed the agreement and caused the failure of the peace process: the Islamists wanted to have their cake and eat it too.

On the other hand, the NCP has been successful in holding its partner in the agreement, the SPLM, in check. The latter party itself helped in this, as it found it difficult to transform its ranks from militants and combatants into civilians able to administer and rule, and then to transform into a political party. The SPLM committed a fatal error by accepting the idea that the NCP was the sole guarantor of the Comprehensive Peace Agreement. It thereby allowed the NCP to isolate it from the other political opposition parties and forces. Thus the NCP singled out the SPLM. However, the SPLM felt eventually it had reached an impasse. The latest Juba Conference, held in late September 2009, was nothing if

not an attempt at rapprochement with its former allies in the opposition. The SPLM began life as an original, founding faction in the opposition National Democratic Alliance party, and signed the Asmara Declaration on Decisive Issues with it in 1995, considered the most important and comprehensive document to have addressed the resolution of the problem of Sudan and the South.

In addition, the SPLM, which rules in the South, has not achieved any tangible progress over the course of the last five years. This failure has compounded the bitterness felt by the Southerners by confirming to them their vulnerability to neglect, even though some of them are partners in governance and wealth. Here the responsibility falls on the so-called National Unity Government, and on the Government of Southern Sudan itself. Charges of corruption and profiteering from government offices and have also been leveled at the Southern ruling elite. Furthermore, the NCP has an interest in encouraging under-development, deterioration in quality of life, and political divisions in the South, so as to ingrain the idea that Southerners are not capable of governing themselves in the future.

The conflicting positions adopted by the parties to the agreement have hampered the delivery of its benefits. Valuable time has been lost to squabbles and conflicts, and meanwhile the agreement’s expiration date has drawn near. The latter months of 2009 witnessed heated confrontations in parliament over the rules for the referendum, national security, public consultation, the trade unions, etc. that would have torpedoed the agreement were it not for swift and decisive mediations. The gap in positions widened to the point that the SPLM sought the help of the anti-NCP forces at the Juba Conference, and staged public

marches with them on December 7th and 14th, 2009. Although the two marches went off peacefully, the police used excessive force against the demonstrators and the Secretary General of the PMLS and his deputy were arrested. By holding protests outside official institutions, the SPLM managed to exert pressure on its partner in the agreement, the NCP. As a result the latter abandoned its attempts to pass the laws that were the source of the dispute. However, the situation highlighted the confusion that has characterized the political conduct of the two parties in this delicate period. For although the SPLM is a partner in the regime, it is at the same time demonstrating against it in the streets, despite the fact that there are joint formal institutions that bring the two parties together and to which they can resort to resolve disputes. For its part, the NCP did not include its partner in discussions over legislation, and passed laws by the technical majority (52%) granted to it by the agreement. But it backed down, and just 48 hours later called on parliament to review the laws it had previously endorsed.

Internationalization and the American Strategy

The deliberate policy of internationalizing Sudanese issues, including the problems of the South, Darfur and the East, has undermined both national sovereignty and the national will. The regime has deliberately prevented the political opposition forces – which represented an overall majority at the last elections in 1986 – from playing a part in the resolution of national issues, as this would entail its implicit recognition of them. Instead, the regime preferred external mediation – specifically American and European – because of the sway of external pressures: all parties opposed to the

regime have relations with the West, which could act as a driving force for them. It is striking that all the conferences and reconciliation meetings on Sudanese crises were held outside Sudan. The Salvation Regime also threw its weight behind a role for external powers.

Ironically, following the decision of the International Criminal Court (ICC) to issue an arrest warrant for President Omar Al-Bashir, the United States has begun to play a decisive role in steering and supervising the situation in Sudan. This can be attributed to several reasons, including the fact that the United States is not a member of the ICC, and therefore will not take a hard stance on the issue and may search for another way out for Sudan, as the High-Level Panel on Darfur of the African Union is now doing under the chairmanship of former South African president Thabo Mbeki. Secondly, there is the United States' supposed influence among Southerners. Thirdly, there is an urgent desire to improve relations with Washington, and the NCP is seeking to gain its approval and avoid sanctions and confrontation. The Sudanese security apparatus presented its American counterpart with valuable information on terrorism in the region. The United States finally designated a presidential envoy to Sudan, who changes depending on policy (the latest of these envoys is retired General Scott Gration), and whose role has grown closer to that of the High Commissioner in Sudan. He constantly intervenes in disputes between the two parties, and it has become the norm for the United States to summon them to Washington or to meet them periodically in Khartoum or Juba to discuss disagreements that could erupt between them. A short time ago Gration revealed that the American administration intended to send a permanent American team to Sudan to

support the process of democratic transition and the elections, and to oversee the implementation of the Comprehensive Peace Agreement. This development follows the announcement of the Obama government's strategy towards Sudan on October 19th, 2009, the preamble of which states that, "Sudan is at an important crossroads that can either lead to steady improvements in the lives of the Sudanese people or degenerate into even more violent conflict and state failure. Now is the time for the United States to act with a sense of urgency and purpose to protect civilians and work toward a comprehensive peace. The consequences are stark. Sudan's implosion could lead to widespread regional instability or new safe-havens for international terrorists, significantly threatening U.S. interests." The declared strategic objectives consisted of: (1) a definitive end to conflict, gross human rights abuses, and genocide in Darfur; (2) implementation of the Comprehensive Peace Agreement; (3) ensuring that Sudan does not provide a safe haven for international terrorists. This warning appears in the text itself: "It must be clear to all parties that Sudanese support for counter-terrorism is valued, but cannot be used as a bargaining chip to evade responsibilities in Darfur or in implementing the Comprehensive Peace Agreement."

It is notable that the issue of democratic transition was not a clear priority in the American strategy. However, after the confrontations in parliament then the forced passage of the National Security Act, the Americans realized the difficulties involved in achieving their three objectives without genuine democratic transition. In subsequent statements made early this year, US Secretary of State Hillary Clinton warned of serious threats to the progress of the

Comprehensive Peace Agreement, indicating that genuine democratic transition remained a distant prospect. She held the NCP responsible for the slow implementation of the agreement, and called for the laws that limit freedom of expression, assembly and peaceful protest to be repealed.

The Ethnicization of Politics

The reawakening of tribalism was a misguided policy through which the regime intended to supplant party-based affiliation and revert to tribal loyalties, and thereby to pull the rug out from under the political parties in their traditional areas of influence. Among the gravest developments is the fact that the federal regime has begun to entrench tribalism by handing out positions according to the weight of the tribes. There is a powerful trend towards ethnicizing conflicts and disputes and to strip them of all political or economic dimensions. Regional and tribal groupings and organizations have multiplied, both because the conditions of secrecy and oppression have curtailed the activity and movement of the political parties in the more remote regions, and because the regime has encouraged this vacuum to be filled by supporting the establishment of regional and tribal organizations. This is a dangerous game, the consequences of which were made apparent in the Darfur crisis. The regime strove to weaken the traditional influence of the Umma Party in the area by reviving tribal loyalty, which turned into racism when the tribes divided themselves into Arabs and Zurqa (a pejorative term meaning "Black Africans"). Many of these groupings then transformed into armed opposition movements as the regime was incapable of containing them, meeting their demands or redressing their grievances. After tribal conflicts escalated into

recurrent armed clashes, the regime is now seeking to call for what it refers to as “repairing the social fabric.” Traditional social relations have indeed been torn apart and what the Sudanese have in common has been lost. Darfur has now become the regime’s bleeding ulcer: the situation is critical and Darfuris are speaking about self-determination for the first time. On January 10th, 2010, during a visit to Juba to hold talks with the Government of the South and the SPLM, Yahya Bolad, Head of External Relations of the Sudan Liberation Movement (SLM), Abdul Wahid faction, stated that they would try to benefit from the experiences of the SPLM in the field of self-determination. He confirmed that his movement’s new vision consisted of placing the right to self-determination at the forefront of its actions, and that there would be no negotiations unless the right to self-determination of the people of Darfur was guaranteed to be on the agenda of future talks. Days before the Doha negotiations, the government and the SLM traded accusations of renewed fighting at Jebel Marra.

The SPLM accuses the NCP of stoking tribal feuds in the South, and of arming tribes hostile to the Dinka tribe, the backbone of the SPLM. Groups of international observers have warned of the renewal of fighting in the South should things continue on their current course. In case of secession, after a year, the problems that have been long simmering in the South would explode as a result of tribal divisions, corruption and the lack of security outside urban centers. The International Crisis Group shed light on these ethnic conflicts in 2009, reporting that 2,500 people were killed in acts of tribal violence, and that many of the victims were women and children who died in ruthless, well-

orchestrated attacks on the larger villages.

The central government is clearly no longer in control of the entire national territory thanks to its misguided approaches based on the principle of divide and conquer. These policies have backfired: the reins of power have slipped from its hands and it is now reaping the bitter fruit.

Conclusion: Is Secession the Only Option?

The unfolding events have underlined the fact that the parties to the Naivasha Agreement have failed to achieve its most important component, namely confidence-building. Southerners continue to accuse Northerners of breaking their promises (the title of a book written by renowned Southern judge Abil Alir). In the years following the agreement the two sides both had great misgivings and apprehensions, hence the suspension in the implementation of the agreement and the tension in relations. In addition, Sudan is experiencing problems that help accelerate secession. The Darfur crisis continues to worsen, and the negotiations and mediations have come to a standstill. Furthermore, despite attempts to minimize the effect of the ICC’s decision on Sudanese politics, Al-Bashir has become a “handicapped” president. He cannot travel freely and thus has been unable to attend meetings of the UN General Assembly, the climate summit at Copenhagen, or even the inauguration ceremony for the South African president. Furthermore, the country’s descent into a grinding economic crisis is among the problems hampering the initiation of new policies to avert the inevitability of secession, a crisis that has local roots and is not merely a reflection of the global downturn. Sudan is in the grip of a food

gap that threatens famine, particularly in the South, the East and Darfur. Local and international agencies have predicted that the shortage will rise to 60% of grain production due to drought, underfunding, and poor preparation for the summer cropping season.

Amidst these overlapping crises there are no political forces – either in the government or the opposition – that are capable of reversing the rapid descent towards secession. Thus time has run out and we no longer hear any talk of “the pull of unity,” but rather of “a smooth and peaceful secession to avoid the country’s return to war” (this is a verbatim statement made by NCP leader Al-Dardiri Mohamed Ahmed, as quoted in the Sudanese press on January 11th, 2010.) Holding meetings to discuss post-secession arrangements has been a concern within political and academic circles in recent times, on subjects such as borders, oil and nationality. As for the SPLM, it has recently called for a relief program, or what the movement’s Deputy General-Secretary, Yasir Arman, called the “300 days program,” to include all Sudanese in the resolution of the Darfur crisis, the elections and the referendum. In the same context, Mr. Sadiq Al-Mahdi, leader of the Umma Party, has called for a political summit to set out the features of the coming period. He stressed that the current situation in Sudan has killed off a large part of national sovereignty and made the secession of the South more likely. He emphasized that many factors have rendered the unity of Sudan in its present form impossible, and as an alternative to a unified Sudan proposed a confederation to bring together Sudan, Egypt, Libya and Ethiopia.

It has become clear that the two parties to the agreement have failed to make unity attractive because of their

politically immature practices. They are now at a stage of trading accusations and blame, and apportioning responsibility to the other side. They both fear bearing national, moral and historical responsibility for the secession. But what is happening now was anticipated. Thus we find ourselves before two parallel, contradictory projects that do not meet in the middle: the Islamic civilizational project and a secular democratic project, as their proponents term them. In the first project, the state is based on the unity of faith, and in the second on the foundations of citizenship and non-discrimination on the basis of faith, color, race or sex. Hence the SPLM accused the NCP of not having changed following the agreement, but of trying only to “fill new bottles with old wine,” i.e. continuing to impose the ideology of Islamism in new ways. The NCP retorted that the SPLM had not acted as a partner, that it had concerned itself exclusively with the South and behaved like an autonomous southern government, and was not interested in public affairs.

It should be noted that within the Sudanese Islamist movement there is an internal stream that calls for the severance of the South as non-Muslim and a stumbling block to the realization of a “pure” Islamic state. This faction split off to found its own party, the Comprehensive Peace Platform, which publishes the newspaper *Al-Intibaha*. It calls for the immediate separation of the South, and for Northerners to take the initiative before the referendum on the secession of the South. This stream is by no means isolated, but enjoys support from within the ruling NCP party.

The other political forces – besides the signatories of the agreement – have not set out an independent position in favor of unity. They have contented themselves, particularly in recent times,

with aligning themselves with one or the other party, as was the case at the Kenana Conference, organized by the NCP, and the Juba Conference, engineered by the SPLM. Moreover, these alliances or alignments are not based on a national unity platform, but are merely temporary partisan configurations.

The NCP has succeeded in creating some kind of equivalence between its own presence and the continued unity of the homeland, and in persuading others that its downfall would spell the end of Sudan. At the same time, all political parties have proven incapable of reforming their political programs and leadership, who have aged and are no longer persuasive or able to keep up with developments, and have therefore not presented themselves as an alternative. In addition are the growing divisions and the emergence of regional entities, at the expense of the major political organizations.

At the regional level, both Arab and African, no efforts are being made to avert secession. Egypt no longer plays any effective role in Sudanese politics. The negotiations were held in Naivasha (Kenya), a clear indication of the end of the Egyptian role in resolving the Sudanese issue. At the time, Egyptian attention was directed eastwards. There is now talk about water and Egyptian national security in case of secession, but no practical efforts to help the option of unity to prevail. Libya continues to practice the "policy of no policy" towards Sudan, as it is difficult to identify any sustained Libyan position. Indeed, Tripoli has at times played a duplicitous role, as it did in Darfur. And the question of the South has never been a concern for Saudi Arabia. In fact, the only Arab country to have displayed an interest in Sudan is Qatar, but this interest is part of the theatrical diplomacy pursued by Doha.

African states are basically in unison in not opposing secession, on condition that it does not lead to destabilization in Africa.

The international community, too, is in general not opposed to secession, only because it sponsored and guaranteed the Naivasha Agreement, which provides for a referendum on the right to self-determination that allows for the two eventualities of unity or secession. The concern is that secession should not generate instability in the region. Thus Western states are concerning themselves with the post-secession arrangements. It is not the case, as repeatedly claimed in government circles, that the West is trying to bring about secession; rather, it is in favor of a situation that will produce stability, combat terrorism and integrate Sudan into the global economy. These are the objectives and interests of the West, and it makes no difference to it whether they are achieved by a united or a divided Sudan.

This, then, is the image before us: a failed state, a crippled peace agreement, a war and ongoing tribal conflicts in Darfur, and a grinding economic crisis - all within a regional and international climate of indifference. Thus, based on these facts, secession appears to be an inevitability.