



CHATHAM HOUSE

Sudan: Building on Peace in the South

8 November 2006, Chatham House

Conference Report

This conference was held in partnership with Good Governance Group

Session I: The Political Settlement

Speakers: Dr Ahmed Al-Shahi, University of Oxford
Professor Chester Crocker, Good Governance Group
Chair: John Ryle, Rift Valley Institute

Dr Ahmed Al-Shahi

Dr Al-Shahi explained that he would speak specifically on government and pluralism. After expressing his sorrow at the continuing conflict, he pointed out that the continuance of war suggests that intolerance is a major underlying cause of North/South conflict in Sudan, and now the conflict in Darfur. At one point the powers in the North declared a jihad should be fought in the South of the Sudan, but the question is why are they now alienating Muslims in Darfur and the East too? Commentators have talked about a 'New Sudan' that is unified, if this is the case why is Sudan at war with itself?

Dr Al-Shahi added the proviso that there are of course exceptions to this and that his assessment is not directed at a particular regime. He also emphasized that he was not telling the Sudanese what to do, but that given the humanitarian crisis in the country, the Sudanese government should look at the reactions of those around them.

Many of the Sudanese feel that the democratic experiment in Sudan has failed. The question is whether this is because of the nature of democracy of the country itself. The governments of Sudan have come from the army or the educated class, but a system of representation should come from within the country, and recent governments have failed to respect human rights. The educated people are part of the problem:

1. Academics make poor politicians. It is not a question of quantity but rather a question of quality, of who you produce to serve the country.

2. Academics are highly self-interested.
3. Academics have no political constituency.
4. Academics have shifting allegiances.

Hence academics have no power without aligning themselves to the established political power. This is evident in the Army's reliance on the academics to represent themselves.

Dr Al-Shahi argued that the educated class resent plurality as they see it as destructive and do not see the importance of building bridges. They believe that western style democracy is not suited to Sudan.

In Sudan, people are used to using their tongues rather than arms and so the people resent the use of guns by the army.

The problem in Darfur is between African farmers and Arab nomads. In the past this conflict was always dealt with by tribal chiefs, but now the state is part of the conflict and hence there has been escalation. Dr Al-Shahi reminded the audience that Darfur became part of Sudan in 1916 as part of the British attempt to bring the country together under a system that was then dismantled in 1971. In the history of Sudan, democratic regimes have only served 9 years compared to the the 39 years of military government. Dr.Al-Shahi argued that the one party-system was an invention of the educated classes, and said that military regimes create a gulf between the government and the people.

The plurality of the Sudan expresses its interests through calls for self-determination, secession, regional autonomy or federalism. On the question as to why people ask for secession, Dr Al-Shahi emphasized that living together does not emphasise difference, but absence of representation and dissatisfaction with the state does.

The one-party system does not work and consensus is needed among the plural groups as to how to live together. This was done after independence but the army was not satisfied and the process takes time.

Dr Al-Shahi went on to discuss the problems with the peace processes in Sudan in that actors are taking a piecemeal approach. While the Comprehensive Peace Agreement (CPA) is a good agreement, the Darfur peace process is piecemeal with Minni Manawi now collaborating with the government and hence playing into the government's divide and rule strategy.

The supremacy of the elite must end as they have not proved themselves as committed to democracy or building bridges. There also needs to be fair distribution of power and wealth, and currently MPs are appointed and not elected. If the current discontent continues, the gradual disintegration of the state is not unlikely.

Professor Chester Crocker

Professor Crocker stated that he was not addressing Darfur but only the North/South. Sudan is at a critical or decisive phase. Francis Deng's analysis of the situation views the conflict as one that was briefly interrupted by the Anglo-Egyptian continuum, hence an alternative view is that the Sudan is always at a decisive juncture.

Outlining the background to the current situation, Professor Crocker highlighted the hard work that went into making peace in Sudan. Some parties attempt to use a peace process in order to achieve at the conference table what cannot be achieved by arms. Peacemaking can become another forum for struggle and a peace agreement may signal the next phase of a struggle, and this is why the CPA is difficult. For third parties, taking sides does not make peace. The only legitimate way to broker peace is to be on your own side vis a vis the armed groups, external parties being on the side of the unarmed civilians.

Some imagine that the CPA should provide instant democracy, but Professor Crocker then used the analogy that a peace agreement is akin to giving the keys of a new car to a teenager without any instructions. The alternative to the CPA is not some perfect political order, it is more war. The CPA represents a vision of self-determination but also a vision of continued unity. It does not settle the identity conflict, nor does it create institutions. It redeploys armed forces and creates power sharing bodies and creates a context for economic rehabilitation. The CPA is a step toward the transformation of Sudan but it does contain the contradictory goals of offering the South self-determination while trying to make unity attractive.

There are incentives within the process for parties to hedge and buy time, and to play double games. The National Congress Party allows the south to contain the south, enabling them to play for time, they therefore delay problems that should be solved. Also, the motives of the armed forces are mixed and within each side there are divisions.

There are 40+ commissions and new institutions that are to be created through the CPA. These require qualified people but there are severe human resource constraints. There is fear in many quarters that unity may indeed create legitimacy and therefore it is perhaps better that the new institutions do not work well.

There should not be recriminations and excessive criticism of the CPA because it is the most important contribution made since independence to help build a new Sudan. The external parties deserve great credit for their role in the CPA. This was a peace process led from the outside and this in itself has implications. Sudan's peace does not implement itself.

A key problem is that there was coherence among external actors at the time when the CPA was agreed but now – during implementation -- this critical ingredient is missing. While the lack of coherence is unsurprising, it is still a real problem. Creating good governance cannot be bought with foreign assistance or oil revenues. You can buy good outside advice, and obtain help getting a good credit rating (such as has made a huge difference for the South African transition from Apartheid). Good governance work can be done in Sudan. But only the Sudanese can make their agreement into a durable success.

Questions/Comments:

The first question called for comment on the political elite – how can the West inform the elite that they have a role to play. Sudan is sometimes too reliant on outside influence without poverty alleviation.

Dr Al-Shahi:

Dr Al-Shahi noted that the political elite is trained in the West, and we expect them to bring their skills back to the Sudan, however the moral responsibility does not exist for the majority. They are dedicated but, for example, in the medical profession they return to Sudan but then set up private clinics.

What needs to be done to ensure that the CPA does not suffer the same fate as the Oslo Accords?

Dr Al-Shahi:

The CPA has not collapsed yet and it is up to the major signatories but also those that were outsiders to the process. If problems arise before the vote on self-determination, they will try to rescue it from collapse, but the fate of the CPA depends on the Southern Sudanese and the central government, particularly on whether the central government will interfere.

Professor Crocker:

The Oslo Accords left the hardest issues to last, whereas the CPA is based on a fundamental trade-off, making the CPA stronger than Oslo. Oslo was hostage to events on the ground and the leadership involved. The death of Yitzak Rabin was a fundamental blow in that case. In the case of the CPA, John Garang too has died, but the CPA is still with us.

Has what has happened in Darfur been a price worth paying for the CPA?

Professor Crocker:

Professor Crocker said he did not see the situation in this way. One must see how the conflict in Darfur broke out in order to understand what is at stake. We need to find a way of fixing the Darfur Peace Process (DPA), and the only way is to broaden the base of external actors on the Security Council dealing with this. It is time for Sino-Western diplomacy to get a handle on these things.

Have military regimes not given democracy a chance?

Dr Al-Shahi:

The Sudanese say that the first thing the army do is take away democracy. The army has an authoritative regime, this is how they see themselves, but this is counter-productive to any agreement between people. Educated people operate from the support of the state as opposed to the people. Yes, the military are responsible.

A comment was made that the main reason for the lack of CPA implementation is a lack of trust.

Professor Crocker:

Lack of trust is among the many problems. People are using the CPA to follow different agendas, there is also sometimes a lack of capacity or will.

A comment was made that peace is not about compromise. The problem with the North/South is the occupation of the South by the North. With respect to the CPA, the international community needs to be involved so the North cannot violate the agreement, but the North has already started to violate it. When the referendum

comes the North will already be present in the South.

Professor Crocker:

Self determination by peaceful means is the aim and this is the view of the SPLM – John Garang used the term ‘self-determination’ very carefully. The international community must make sure that the CPA is enforced, and there is nothing more important in implementation than cooperation.

Given the likely high levels of repatriation, is there enough in the CPA to prevent South-South conflict?

Both speakers indicated that they did not feel qualified to answer this question.

Dr Al-Shahi was asked if there are any politicians in the world who are not academic? Without education, no-one can do anything. Would self-determination and separation solve the problems outlined as the states would still be ruled by the same elites?

Dr Al-Shahi:

Elites are not necessarily good politicians. The recycling of people in powerful positions remains a problem.

Professor Crocker:

Whether the CPA will solve problems for people is open to question. The creation of another state would not necessarily lead to good governance. By making efforts to attract investment, the South may achieve its identity aspirations.

The speakers were asked for comments on the agreement between Eastern Sudan and the Government.

Dr. Al-Shahi:

The agreement is piecemeal and such agreements do not work in the long run.

Professor Crocker:

There are occasions when a piecemeal approach can lead to greater agreements, but the jury is still out on whether this will be the case in the East. The critical thing is to keep the process moving.

Is identity the main problem? Shouldn't the issue actually be about the separation of church and state? Will this lead to eventual separation? If the North implements Shari'a, why would anyone stay?

Dr Al-Shahi:

No religious system will work in Sudan, it must be secular.

Professor Crocker:

Sudan can not be built without inter-communal tolerance, there must be a multi-confessional system. Sudan is suffering from similar situations that are facing other Middle East countries.

Session II: The International Community and Building Peace

Chair: Professor Nelson Kasfir, Dartmouth College

**Speakers: Ronnie Kasrils, Minister for Intelligence Services, Republic of South Africa
Ambassador Alan Goulty, Foreign and Commonwealth Office
Professor Peter Woodward, University of Reading**

Ronnie Kasrils

Africa is determined to play its role in finding African solutions to the continent's challenges, whilst working with international partners. Notwithstanding a long and sometimes tortuous path, Sudanese decision makers at the end of 2006 face important strategic decisions that will determine the future shape and nature of the country after 2011, and the manner in which the intervening years will unfold.

The success of the CPA will depend to a large degree on two difficult transitions, the one for the Government of Sudan to become an effective Government of National Unity (GNU), the other for the Government of Southern Sudan to participate meaningfully in the GNU and develop institutions to effectively govern the South. At present the Government of Southern Sudan lacks the core institutions, infrastructure and capacity that it must have if it is to effectively govern and respond to the needs of its citizens.

There is still a pressing need for attention to be given to creating and capacitating financial and judicial institutions, and economic and social infrastructure to provide essential services. There is a need to equip the Government of the South to manage significant revenues, including establishing donor coordination mechanisms. Equally important is the ability of the Government of the South to communicate government processes, decisions and priorities to the people of Southern Sudan. The CPA specifies that a census must be completed by July 2007, with elections to be held no later than July 2009. Capacity must be created to conduct a reliable census, which will be an important instrument in providing citizenship, correctly targeting government programmes, protecting the rights of displaced persons, and ensuring democratic representation of the people through elections.

Revenue sharing as provided for by the CPA and Wealth-Sharing Agreement of 7 January 2004 is capable of contributing to the establishment of new institutions, construction in the South, infrastructure development and essential services. The peculiarity of Sudan's newly-acquired oil wealth is that it is set to become one of Africa's wealthiest states, but has some of the continent's most negative development indicators. The international community should assist the Government of Southern Sudan to increase its capacity to absorb, distribute and utilise these revenues. Care will have to be taken that oil revenues are not susceptible to corruption and do not lead to the entrenchment of unaccountable elites, as has happened elsewhere; which is no easy task.

The Government of the South needs independent means of verifying whether it is in fact receiving 50% of the net revenue from southern oilfields to which it is entitled if

confidence and trust are to develop. The international community could assist here in tracking the flow of oil revenues and assisting the Government of the South to gain insight into existing oil contracts. Whereas increased oil revenue ought to ease budgetary constraints, it will not remove the political sensitivities attached to the distribution of the revenue. It will be important to ensure that the status of the oil-rich Three Areas, namely the provinces of Abyei, Blue Nile State and the Nuba Mountains, is resolved amicably.

The under-development of Southern Sudan is the result, among others, of decades of marginalisation and protracted conflict between Sudan's centre and wider national periphery. There is much that the international community can do here. There is a desperate need for basic services such as potable water, primary health care, education, and food aid. The World Food Programme estimates that 26% of the Sudanese population is malnourished, with food security expected to remain critical.

The international community should, for example, assist with the creation and adoption of legal and institutional frameworks to resolve the conflicts and tensions that will inevitably arise when returnees claim land and water rights that now have new owners. The international community should also be investing in essential services and local infrastructure to stabilise the vast war-affected rural areas of the South where refugees and returnees are expected. We should also be preparing for people to migrate to urban centres in search of employment and access to public and social services, as properly managed urban development could create significant opportunities for economic recovery. There is also place for international efforts to support dialogue between citizens, civil society and government; to promote the role of women and marginalised groups; and communicate messages of tolerance, anti-corruption and peace-building through civic education.

There is a pressing need for securing funding for security sector reform and the disarmament, demobilisation and reintegration (DDR) process. It is also unrealistic to expect police in the South to provide protection and security to citizens if their capacity problems are not addressed. There is the need to ensure the military is subject to civilian control.

There are three national requirements for Sudan's success; not only with respect to the South:

- (i) the necessity for power and wealth sharing throughout Sudan;
- (ii) the importance of inclusive resolution of conflict and ending marginalization throughout this great country; and
- (iii) the need to resolve the problems affecting Sudan and finding a sustainable solution by ensuring unity, stability and equitable development throughout the country.

Despite the present international focus on Dafur, it is necessary to remain committed to the implementation of the CPA. Events elsewhere in Sudan should not divert the international community's attention away from assisting the two sides with the CPA implementation.

With regard to the apparent impasse over the disputed oil producing region of Abyei; we must encourage both the SPLM and NCP to resolve their differences and implement the CPA. Once solved, the North-South border should be speedily finalised. The dispute

over the secretariat of the National Petroleum Commission (NPC) likewise needs to be resolved, including revenue sharing in a transparent manner.

It is important to ensure that the peace dividend expected by the Sudanese people after years of conflict actually emerges. Winning popular support is critical to the success of the CPA and the future of Sudan. We do not have the luxury of time if we are to make unity attractive to the people of Southern Sudan. To date shortcomings in implementing the CPA have been outweighed by the benefits of peace between the North and South, but there is a risk that over time, delays and disputes may undermine the legitimacy of the agreement in the eyes of the people of the South. The international community must assist in delivering tangible results to people on the ground, or see the return of disillusionment and alienation. In so doing, we also need to be thinking about how we narrow the diverging international positions and perceptions of the AU, UN, EU, US, China and Middle East players involved in Sudan. Finally, we need to also ensure that the implementation of the CPA takes place within the PCRDR framework and is not overshadowed and undermined by events in Darfur. It goes without saying that effort there to bring all the protagonists on board in a win-win solution is essential.

Ambassador Alan Goulty

Ambassador Goulty stated he no longer had responsibility for Britain's involvement with the Sudan, and that in his talk he would address some of the approaches and methods by which the international community can help achieve the active goals outlined by Ronnie Kasrils. He also reminded the audience that the process of negotiation was not primarily regarding the division of resources but instead about ordinary people's suffering.

He went on to discuss the CPA, saying that while it was a great and unexpected achievement it is not an end in itself as 95% of the job is left to be done. The CPA gives the the Sudanese a way to forswear war and figure out a way to run the country. Ordinary life is returning, life is improving, deployment is going ahead of schedule, and the UN has deployed. Much is left to be done, but it is not as bad a situation as it was at the start. We should talk up the CPA, pessimism will disempower, and Sudan needs encouragement.

Britain made EGAD a key element to their approach, and wanted to stop the forum shopping by either party. This required coherence at every level, which was achieved. In this the international co-operation was impressive with the Troika. Now more people are interested in implementation so co-operation is now harder but even more necessary. Britain was different from the other Troika partners in that tried to engage with both parties, and took the view that it is not for outsiders to say by whom the Sudan should be governed, but should influence how they should be governed. Britain aimed for an outcome that would produce peace throughout Sudan. Some parties were apparently aligned with the government but the British did not know this, perhaps this is a similar issue in Darfur.

Britain tried to think ahead, to try and mobilize donors to come in at the end of the progress, and deal with questions like debt relief with the IMF. This turned out to be much more complicated than one would suppose and was a time-consuming process. In the process Britain was less successful in getting parties to think ahead. There are

lessons to be learned here on helping implementation. We don't want to get drawn into the issues but do want to encourage resolution.

We must take junior coalition partners seriously. The SPLM needs to do more by playing a serious role in central government. The CPA has been modified and improved in practice, and Ambassador Gouly expressed his belief that preparation for elections are crucial, and this means undertaking a census, creating an election commission, and developing electoral law. These are progressing very slowly.

In Ambassador Gouly's understanding only 30% of donor pledged funds have been distributed. There is a lack of capacity and infrastructure in the South, which deters qualified Sudanese from returning there. The international community (including NGO's) can help with training and incentives. We need to recognise the lack of capacity by making our own donor procedures as easy as possible, currently these are too complicated. A better engagement with the oil department is highly desirable. We also have to underline for Khartoum that their interest is in peace.

Some disagree with making unity attractive and it is right that the international community should not decide this, but they must focus the process – all Sudanese need peace. These principles are the same for NGO's, there is no point in encouraging investment in Southern Sudan if it is at the expense of the principles of the CPA. Peace must be encouraged at a grass-roots level. In the last analysis the CPA is not for internationals but for the Sudanese.

Professor Peter Woodward

The CPA is an impressive achievement, but the challenges ahead remain vast. LSE's Crisis State Research Centre have published a paper on 'Understanding State Reconstruction'. It didn't include the Sudan in its analysis but it had relevant points that bring out the crucial priorities:

1. It is a necessity that there is a politically working coalition in power, is the current government *really* a coalition? Even if this government works, it is still not as inclusive as later governments must be. Sudan has always had coalitions as there is no natural majority. The international community can remind the Sudanese politicians of its distaste for military intervention in the post-Cold War era.
2. The problems are comparable to those experienced after the Addis Ababa agreement. It must be remembered that the UN already has a presence there. It is a problematic presence but it does indicate some international support to establish security.
3. The economy must be helpful to the majority. The crucial question here is oil. Will it be a resource curse or positive contribution? Sudan is too large to become a rentier state, and the international community has too much at stake. We must also remember the importance of land and water.
4. The organization of the political system. We are already moving towards an approach of 1 country but 2 systems. The question is whether they become two countries? It is possible to have more than one system in one country. We must also think of the federal system, how can it be a working reality and not a divisive

tactic, is it still a viable option?

International actors were vital to the CPA and provided a link to the regional powers. This was vital and it had to be about both. There is some problem of international unity now that the CPA has been devised. Professor Woodward pointed to the situation in neighbouring states and the region interconnections. He also noted that there is the question of China and Russia and that there is a need to restore international unity if the process is to move forward. There is a real danger of breakdown.

Questions/Comments

We have heard much about the role of the international community in getting the CPA, the question is whether the international community has in fact taken actions against its implementation? There is a CPA checklist – there is international pressure to get a commission established and so this meant that some were established by presidential decree. Now all are looking for a forum regarding Darfur, we should be making the CPA productive rather than piecemeal.

Ronnie Kasrils

Minister Kasrils said that there is a problem of too many cooks spoiling the broth. There is a huge scramble, which creates a huge amount of noise and it can go in the wrong direction. Control can only come through mutual respect. The EU approach has been helpful.

Regarding the second point, he had found Darfur difficult to deal with, how do we say let's achieve CPA implementation while turning a cold shoulder to Darfur? This returns to the Oslo issue from the earlier session, shouldn't we have had a CPA for the whole country? But unfortunately issues were uneven and the federated structure of Sudan has brought this. Plus the southern Sudanese struggle was much further on than it currently is for the Darfurians, and you have to deal with what there is.

Ambassador Alan Goulty

It was the British intention that the CPA be a comprehensive agreement. Ambassador Goulty said that he did not see the subsequent agreements as bad as the intention was to start a process. If there is a process of improvement we should welcome it.

Regarding healing processes in the Sudan, there is no serious attention being given to human rights issues. Why is it that this issue is consistently ignored and those perpetrating abuses are rewarded when we are able to deal with these issues in Sierra Leone and elsewhere?

Ambassador Alan Goulty

The healing processes in Sudan and South Africa are different, and there are no easy answers. The people have to figure out for themselves how to go about healing. The Sudanese are remarkable in finding ways to resolve their difficulties. We can show them options, and the South African Truth and Reconciliation Commission (TRC) was shown as an option during negotiations but the government dodged the issue neatly. They said that the name was associated with Apartheid, and after this the SPLM lost interest, so it remains an outstanding question.

Professor Peter Woodward

We are able to create healing processes when there is a victor – there is none here. Even in South Africa, those that were running policy did not come to the TRC. The list held by the International Criminal Court is of those making not implementing peace. The Sudanese government offered prosecutions but of junior members, not senior figures.

It is believed that the World Bank are holding US\$1 billion belonging to Southern Sudan, what are they doing with it?

Ronnie Kasrils

The money is probably sitting there and rapid movement is vital. It is not clear why the central government is not moving to develop the South as it serves their interests. Minister Kasrils offered the example of money from the EU which was for the attainment of international water sanitation goals – to this day we cannot tell where that money is. One has to get tough on this international finance from both ends, there is a need for transparency and international finance should have an audit.

Is the arrangement is federal or confederal? Professor Woodward was asked to elaborate on what he said about 2 systems/1 country.

Professor Peter Woodward

What we have is an asymmetric federal system – the government of Southern Sudan has a federal system, there is an additional layer of government in the South.

Neighbouring countries have their own problems, but they are doing little, will this affect the CPA?

Ambassador Alan Goulty

When looking at the impact of neighbours, rather look at the success of the CPA, as this may have a good effect on the Sudan's neighbours.

Ronnie Kasrils

Minister Kasrils seconded this in saying that if we can get the Sudan right, it will be significant for the whole area, like it will be for the DRC. There is a need for stability and unity for Africa to move forward.

What are the legal implications of the two systems, and what contradictions would arise?

Ambassador Alan Goulty

During a meeting with UK representatives in January 2002, John Garang explained his position in that he said he could live with one country that has two systems. This was taken to President al-Bashir and became the basis of agreement. On the issue of national capital the issue could not be resolved and we all recognize that the final agreement is not neat.

The Ambassador agreed that distribution of national resources is a weakness of the CPA, but this was not the fault of the international community, but of those that chose this way over what the international community wanted to proscribe. The international community reconciled themselves that the agreement provided for fair elections and the Sudanese people would have the opportunity to speak through those. However he did agree that it did get in the way of agreement in Darfur. There are prospects of elections

in Darfur but it is not clear these would be successful.

Professor Peter Woodward

There are many different systems of unitary states and federal states, but the unitary state in the Sudan has failed. They decided on an asymmetric system, and the alternative to constitutional government is military rule, and we hope that we won't see that.

Ronnie Kasrils

A significant number of people have been marginalized and need to get their act together. There are divisions on the Darfurian front and therefore the first strategic goal is dealing with that rather than attacking the CPA, instead we should build on the CPA.