

Khartoum's Strategic Assault on Southern Self-Determination Referendum [1]

As prospects for free and fair national elections in April 2010 continue to wither, as Darfur's ghastly status quo is preserved, the National Islamic Front/National Congress Party regime has set its sights more directly on undermining the key provision of the 2005 Comprehensive Peace Agreement, a self-determination referendum for Southern Sudan

Eric Reeves, August 25, 2009

The bedrock principle for all peace negotiations in Sudan has been the right of Southern self-determination, specifically in the form of a referendum that allows Southerners to choose between remaining in a unified Sudan or seceding to create an independent country. The principle of Southern self-determination was firmly established in the Machakos (Kenya) Protocol of July 2002, and animated negotiations in the Naivasha process that culminated in the Comprehensive Peace Agreement (CPA) of January 2005. Although subsequent peace negotiations for Eastern Sudan and Darfur failed to produce viable agreements, the example of the CPA loomed large in the thinking of these marginalized populations, and only the fact of an end to hostilities in Southern Sudan created the political circumstances that made these agreements conceivable.

Certainly it could be argued that military pressure from the Darfur insurgency helped push the regime in Khartoum to accept the terms of the CPA---terms that some within the regime thought too favorable to the South. Fighting on two fronts threatened to present Khartoum with excessive military challenges, particularly given the strength of the Sudan People's Liberation Movement/Army (SPLM/A) in 2002 and the early military successes of Darfur's Sudan Liberation Movement/Army (SLM/A)---and to a lesser degree the Justice and Equality Movement (JEM)---in 2003. But by the time the ill-fated Darfur Peace Agreement was signed in May 2006, by Khartoum and a single rebel faction, this military leverage no longer existed. The CPA had been signed, and the Darfuri rebels had lost their military initiative. The large-scale genocidal violence that produced 3 million displaced persons (IDPs or refugees) and hundreds of thousands of deaths diminished considerably, though massive insecurity for civilians and humanitarians continues even now. But a strategic military stalemate, punctuated by significant episodes of large-scale violence, set in throughout most of Darfur.

The Eastern Front, primarily the Beja Congress and the Rashaida Free Lions, became a lost cause when the SPLM/A agreed as part of the peace process to withdraw from its positions in Kassala Province and Eritrea's President Isaias Afewerki expediently ended his support for the movement. The Eastern "peace agreement" (October 2006) was a weak document whose only meaningful provisions have never been implemented. The May 2006 Darfur Peace Agreement was still-born and succeeded only in producing a deeply fractured rebel movement. But for both the East and Darfur, the example and implications of Southern self-determination have loomed large, as they have for all the marginalized populations in Sudan, including Nubia, Southern Blue Nile, and the Nuba Mountains. At the very least, the people of these regions wish for a degree of meaningful autonomy and legitimate political representation in Khartoum. They are well aware that only such representation offers the chance for any meaningful wealth-sharing, development aid, judicial reform, and freedom from the tyranny of Khartoum's pervasive security apparatus.

Precisely because so much is at stake in the Southern self-determination referendum (SSDR)---presently scheduled for January 2011---it should hardly be surprising that an abundance of evidence now suggests that the ruling National Islamic Front/National Congress Party (NIF/NCP) is intent on undermining or completely forestalling this critical electoral process. The present analysis examines the possible strategies and tactics the NIF/NCP may deploy in this effort, and the various indications that a decision has in fact already been made to abort the SSDR. Well aware of Khartoum's ambitions, the Southern leadership has become more outspoken on a range of issues, particularly those that bear on the legislation that will define the specific terms and conditions of the SSDR.

At the same time, for fear of further endangering the referendum, the Government of South Sudan and SPLM

leadership have been treading very carefully on both the continuing Darfur crisis and the International Criminal Court (ICC) indictment of NIF/NCP President al-Bashir for war crimes and crimes against humanity. Khartoum has made clear that these are both “red line” issues: if the Southern leadership becomes too outspoken on genocide in Darfur or supports the ICC in any public fashion, the regime will respond by targeting the SDDR. But if the South acquiesces too completely before Khartoum’s demands, if it becomes too narrowly focused on securing the referendum, this carries risks as well, particularly going into the national elections scheduled for April 2010.

In the words of a particularly compelling new report from the International Crisis Group:

“The NCP [NIF/NCP] has held back the key concessions required for the democratic transformation that [the CPA] appeared to promise, including repeal of repressive laws and restoration of basic freedom of association and expression, and it has blocked the actions necessary for a peaceful referendum, such as a credible census, demarcation of the [north/south] border, fuller wealth-sharing and de-escalation of local conflicts in the transitional areas of Abyei, South Kordofan/Nuba Mountains and Blue Nile. It appears to have decided to allow neither the secession of South Sudan nor meaningful political reforms in the North. The South’s goal is now to maintain its 2011 self-determination referendum.” (“Sudan: Justice, Peace, and the ICC,” Nairobi/Brussels, July 17, 2009, <http://www.crisisgroup.org/home/index.cfm?id=6226&l=1>)

Certainly the Southern leadership has strenuously challenged the obviously corrupt national census and has long complained bitterly about Khartoum’s refusal to demarcate the north/south boundary. Abyei has also been the focus of concerted efforts at resolution. But without a sharper focus on the conditions necessary for meaningful national elections in April 2010, including an end to the pervasive impunity that enables so much of Khartoum’s behavior, the Southern leadership may actually diminish the chances for a successful SDDR. I have argued in a recent analysis that all evidence suggests these elections will not be free and fair (see “Sudan Elections and Southern Self-Determination: At Growing Risk,” <http://www.sudantribune.com/spip.php?article31662>, June 29, 2009). Surveying a series of reports on the elections and their consistently grim conclusions, I highlighted the critical problems posed by an unacceptable census, the enormous logistical and technical difficulties of a complex election carried out in Africa’s largest country, and the resources available to the NIF/NCP to engineer electoral results to its satisfaction. Beyond this, opposition candidates face a highly abusive system of censorship and threatening, sometimes brutal, repression by the state security apparatus. But it is still important that these results stand clearly revealed as fraudulent: otherwise the NIF/NCP will use these putatively “national” elections to legitimize their continuing rule, and to de-legitimize both the SPLM and the Darfur rebels, as well as northern political opposition groups (which have recently threatened to boycott the elections).

THE SOUTHERN SELF-DETERMINATION ACT, PER THE CPA

Highlighting NIF/NCP fraudulence is important for a number of reasons. For one, the national elections results may be rigged so as to give the NIF/NCP sufficient legislative power to re-write the CPA, or the terms of whatever SDDR legislation eventually passes in the National Assembly. A “Southern Self-Determination Act” is explicitly mandated by the CPA and was to have been enacted by mid-2007. Even so, the Act did not come up for a vote during the legislative session completed earlier this summer, and may not pass for a number of months yet, thereby creating a delay of well over two and a half years. This delay compresses the electoral calendar in an especially dangerous fashion, since extended debate on the legislation may lead Khartoum to push for a delay in holding the referendum. Any such delay is likely to be explosive and trigger full-scale war.

There are also a number of provisions currently being proposed by senior members of the NIF/NCP that suggest how the SDDR might be fatally compromised. Broadly, Khartoum has claimed that on their reading of the CPA, a successful vote for secession is to be made more difficult than a vote for unity, this rather than a choice between two equally viable and acceptable electoral options. One recent example of this view is Khartoum’s assertion that a vote for secession requires 75 percent of votes cast. While support for secession among Southerners runs extremely high---well over 90 percent, a figure largely confirmed in a survey by the non-profit,

non-partisan National Democratic Institute---Khartoum feels that if it can manipulate the vote to indicate 26 percent for unity, then they will be able to declare that the vote for secession has failed. As part of this effort Khartoum is also insisting that southern Sudanese everywhere in Sudan be included in the vote, while the Southern leadership insists that only those actually in Southern Sudan should vote. There is a very large and extremely vulnerable population of Southern Sudanese in and around Khartoum, a population that the regime is confident it can intimate or manipulate into voting against secession. Tellingly, the former director of the Sudanese census commission, Awad Haj Ali, has said that,

“he believed the census had undercounted Southern Sudanese living in the north, and that their number might be nearer 1.5 million, rather than just 500,000, as found by the census.” (“CPA faces strains as polls loom,” Oxford Analytica, June 9, 2009)

The Sudan Tribune reported Awad Haj Ali declaring that, “the total number of southerners in the north might be 26 percent” (Sudan Tribune [dateline: Khartoum], May 24, 2009).

At the time this seemed, peculiarly, to support SPLM claims about the inadequacies of the census. But more consequentially, “26 percent” is a figure that might prove extremely useful for Khartoum if the SDDR legislation does indeed contain a threshold of 75 percent for secession.

Other disputes concerning the referendum legislation are emerging. The Nation (Kenya) reports from Juba (August 16, 2009) on a forum interview with Michael Makuei, Southern Sudan’s Legal Affairs Minister:

“According to the peace agreement [the CPA], the [referendum] Commission’s head office is Juba. But the NCP now wants it in town [Khartoum? --- ER]. According to the CPA, the Commission would have nine members---three from the Government of National Unity [GONU], and six from the Government of Southern Sudan. But the NCP now wants 15 members---ten from the GONU.”

This latter provision would bring the NIF/NCP representation on the Commission within striking distance of blocking all action, and would certainly create a near stalemate on any number of issues. The Nation dispatch continues:

“They can’t agree over which security forces should monitor the vote. The NCP wants forces should be brought to the south to monitor the exercise. The SPLM says the CPA lays [out] clear[ly] who is in charge of security in the south: in this case, the Sudan People’s Liberation Army and the Joint Integrated Units.”

“They can’t agree on the ballot papers. The NCP wants ballot papers to have names and with two issues---unity and secession---with voters merely ticking their choice. The SPLM wants a single-issue ballot, with the option for ‘yes or no,’ saying putting both Unity and Secession on the ballot could confuse a population that can hardly read and write.”

It is difficult to know which of these, and other, proposals Khartoum truly expects to be included in the final referendum legislation; but the sheer number of obstacles the regime is attempting to create---some clearly contravening the terms of the CPA---is a sign of its willingness to compromise the legislative process. And of course, President al-Bashir may simply veto the legislation, a decision made easier if all these pernicious suggestions are rejected by the SPLM/Government of South Sudan, which will then be branded as uncompromising.

WEAPONS FROM KHARTOUM TO SOUTH SUDAN AND THE LRA

In recent weeks there has been an acceleration of reports that Khartoum is sending weapons to militia groups in the south, as well as particular ethnic groups, and to the maniacal Lord’s Resistance Army (LRA), originally from northern Uganda and now operating in northern Democratic Republic of Congo and Western Equatoria in Southern Sudan. The SPLM leadership has repeatedly called attention to this explosive issue, which represents

the most direct possible assault on the peace process and the terms of the CPA. The stakes in such a weapons campaign are enormously high, and have led such senior SPLM officials as Pagan Amum to speak of a unilateral declaration of independence. Since the parties to the CPA have addressed none of the issues that must be resolved for a peaceful Southern secession (oil revenues and ownership, the north/south boundary, financial relationships, security relationships, and many others), war would almost certainly ensue following such a unilateral action by the South. But there can be little doubt that Khartoum is now willing to risk the fate of Sudan as a whole to retain its control of national wealth and power. As the recent International Crisis Group report notes, "Ultimately, the NCP will probably do whatever it takes to survive, even if it means taking Sudan toward disintegration." Certainly, renewed north/south war will "take Sudan toward disintegration," as conflict would quickly spread to Southern Kordofan, Darfur would re-ignite, and the East might see this as its only chance to escape present oppression and impoverishment.

What is Khartoum's motive in sending weapons to the South? The most obvious answer was provided by Salva Kiir, President of the Government of South Sudan (GOSS) and nominally first vice-president of the Government of National Unity (GONU). Speaking of the "abnormal pattern of insecurity" that has plagued Southern Sudan in recent months, Kiir declared in a public address several months ago that,

"This is a well designed strategy to discredit you as people who cannot govern themselves, particularly as we approach general elections and the [self-determination] referendum." (Agence France-Presse [dateline: Juba], May 27, 2009)

Sima Samar, until recently the UN Special Rapporteur for Human Rights in Sudan, also noted that, "The size and scale of inter-tribal clashes over cattle rustling has been unprecedented, with the use of sophisticated firearms and targeting of women and children in villages [such targeting is also unprecedented in traditional cattle raiding between tribes---ER]" (UN Integrated Regional Information Networks [dateline: Mundri], June 10, 2009)

Where are "sophisticated firearms" coming from? There are many reasons to believe from Khartoum, including an ominous note in the June 26, 2009 issue of the highly authoritative Africa Confidential:

"Juba is worried by the alarming spread of ethnic clashes, in which hundreds of people have died this year, and wants an international investigation of NCP arms flows into the South. Northern soldiers who passed on this information to the SPLM were recently secretly executed by the NCP, AC understands."

A number of extremely seasoned Sudan workers on the ground have indicated to me that, though without "smoking gun" evidence, they are fully convinced Khartoum is indeed supplying weapons to militia forces, particular ethnic groups, and the LRA. This is based on many years of experience in the south, conversations with SPLM leadership and Ugandan military personnel, and the incontrovertible evidence of Khartoum's actions in the Abyei area, the Nuba Mountains, and Malakal. In the latter case, Khartoum deliberately provoked extremely heavy fighting in February 2009 by sending Gabriel Tanginya ("Tang")---a former militia commander and now a major general in the Sudan Armed Forces---to Malakal. Tang had been responsible for provoking heavy fighting and civilian casualties during a previous clash in Malakal (November 2006), and Khartoum was well aware that he was wanted by the GOSS for his role in this brutal episode. The provocation was deliberate and conspicuous.

In recent testimony before the House Africa subcommittee, SPLM Secretary General Pagan Amum asserted that "thousands" of AK-47s had been distributed to Khartoum's allies in the South. General Oyay Deng Ajak, a former SPLA chief of staff who now serves as the south's regional cooperation minister, very recently declared,

"We suspect with some evidence that our partners in the north are still training, arming and sending to southern Sudan the former militia groups who fought alongside them during the war. There is an increase in weapons and supplies coming into southern Sudan from the north. Somebody, somewhere is coordinating this operation and we very much suspect it is our brothers in Khartoum." (The Telegraph [dateline: Malakal], August 15, 2009)

And most recently, SPLM Spokesman Yien Matthew said on August 22, 2009 that “southern Sudan authorities seized guns bearing a logo of a Khartoum manufacturer.” (Sudan Tribune, August 22, 2009)

The Telegraph dispatch from Malakal also reports:

“The claim of a ‘hidden hand’ behind at least some of the killing is supported by independent evidence. A ship recently arrived in Malakal having travelled up the Nile from Khartoum. A 30-year-old man, who saw the vessel being searched, told the Sunday Telegraph that it contained Kalashnikov assault rifles and ammunition, hidden beneath a cargo of food. Another 20-year-old man said the national army had tried to recruit him for a monthly salary of £200. Those who sought to entice him said they had been ordered to sign up 400 southerners in Malakal alone.”

Another extraordinarily seasoned, and wisely skeptical, Sudan observer has noted the following:

“The SPLM have assured me that there is clear evidence of Khartoum supplying arms to some of the warring ethnic groups in the south. I was told that weapons and ammunition boxes recovered from the Murle [one of the tribal groups involved in some of the worst ethnic violence] recently are brand new and appear to have come from Khartoum. A number of people have told me they have seen military helicopters and aircraft in the Murle area, and that wounded were evacuated in helicopters, although none said they had actually seen weapons being dropped.”

“The SPLM, Ugandan forces, and others suggest that the early phases of Operation Lightning Thunder against the LRA were remarkably successful in capturing weapons and communications kit, and that LRA was scattered. They say that Kony went to DRC and from there to Khartoum. Two weeks later he had new weapons and new communications kit.”

“The Governor of Rumbek said a few weeks ago...that they had caught a Sudan Armed Forces officer giving weapons to one of the warring Dinka clans there.” (email received June 26, 2009)

And most recently, the UN Integrated Regional Information Networks reports (August 24, 2009) that “with an upcoming vote for Southern Sudan on its potential full independence due in 2011, some fear the LRA may resume its role as a proxy force for those keen to block the emergence of a fully autonomous south. [Louise Khabure of the International Crisis Group] said she suspected that ‘residual support from Khartoum is still maintained,’ referring to support north Sudan gave the LRA during Sudan’s 22-year civil war against Southern forces.” (dateline: Juba)

Given the horrendous human suffering and destruction wrought by the LRA over so many years---the terrible fate of so many children forcibly recruited, tortured, disfigured, used as sexual slaves---we must not forget the grim implications of Khartoum’s willingness to provide substantial support for this most brutal of proxy forces.

UNILATERAL DECLARATION OF SOUTHERN INDEPENDENCE

The evidence here is certainly sufficient to warrant a vigorous and thorough investigation, and one must wonder why UNMIS---the UN force in South Sudan tasked with overseeing the implementation and observance of the CPA---has not conducted precisely such an investigation and made its findings public. The most likely answer is the UNMIS is not prepared to deal with the consequences of the allegations proving true. For if Khartoum is indeed deliberately destabilizing Southern Sudan by military means, for political and electoral purposes, then it stands revealed as having no real commitment to the CPA, and certainly not to the Southern self-determination referendum. This may explain SPLM reluctance to share fully the evidence that it has: comments to date---by Salva Kiir, Pagan Amum, and others---put the men in Khartoum on notice that their machinations are fully known, and that there is a very limited window of opportunity for them to halt this extraordinarily callous strategy. At the same time the SPLM is also pinched in by the need to see a Southern Self-Determination Act emerge in uncompromised form from the National Assembly. Catching the NIF/NCP out in its shipping of arms

to the South may win their case in the court of world opinion, but as the regime's 20 years in power have shown all too clearly, this isn't enough.

Which is why Pagan Amum's threat of a unilateral declaration of secession is neither hollow nor unreasonable, however insistently the NIF/NCP declares such action to be a "red line." If Khartoum is determined to preempt, deny, or disallow a legitimate vote for self-determination---the very cornerstone of the CPA---then there is no other choice for Southerners. Certainly Amum and others in the SPLM understand full well that Khartoum has other ways of collapsing the CPA both before and after the national elections of April 2010:

[1] Al-Bashir, perhaps on the strength of a large margin of "victory" in these elections, finds occasion to declare a "state of emergency" and abrogates the terms of the Interim National Constitution and the CPA, including not only the SDDR but also revenue- and power-sharing;

[2] Prior to the SDDR Khartoum declares that the Government of South Sudan is a "threat to national security" and militarily seizes the oil regions of Southern Sudan, reaching as far south as logistics permit. Certainly the regime's ability to project mechanized military power southward has been vastly increased by virtue of the network of elevated, all-weather oil construction roads, which are perforce dual-use. Withdrawal would be negotiated only on the basis of the South abandoning its right to a self-determination referendum;

[3] In the most extreme response, the regime could decide to act preemptively by decapitating the Government of South Sudan, and deploying its MiG-29s and other aircraft to destroy key installations in Juba and Rumbek; at the same time, well-armed ethnic militias could be loosed in Southern Kordofan, the Nuba Mountains, and Abyei. A powerless UNMIS force would be obliged to withdraw, along with a great many humanitarian organizations.

These represent increasingly dire possibilities, but none can be ruled out. This is the context for SPLM Secretary-General Pagan Amum's declaration of August 11, 2009, highlighting the significance of Khartoum's recent efforts to obstruct passage of reasonable SDDR legislation:

"We are warning the National Congress [Party]---we are also alerting the people of southern Sudan---that we have a serious problem," Mr Amum told the BBC World Service's Focus on Africa. "The National Congress is poised to betray the people of southern Sudan again."

"We are not threatening anything at all," he said. "We are saying that any attempt to deny the people of southern Sudan the right to self-determination will force the people of southern Sudan to declare a unilateral independence." (BBC, August 11, 2009)

In fact, the modalities of possible secession should be negotiated even now, well in advance of the referendum. But such negotiations are impossible so long as the NIF/NCP will not work honestly to fashion legislation enabling the SDDR. Issues such as economic and commercial relations, a military buffer zone, oil revenues (most oil lies in the South, even as the infrastructure and pipeline to the Red Sea lie in the north), and a host of other difficult problems must be confronted if there is to be a "soft landing" for an independent South Sudan. Even imagining a vote for unity, Khartoum should be willing to show good faith in discussing the consequences of secession. In fact, there is no such good faith nor any real willingness to entertain the prospect of Southern independence.

IN ADVANCE OF MILITARY RESPONSES

The military options by which Khartoum will seek to forestall any peaceful secession by Southern Sudan are not likely to come into play before next year's national elections. Khartoum is confident that it has the means to contrive a significant electoral "victory," and even if the results are transparently rigged (as during the last NIF/NCP-orchestrated elections in 2000, in which President al-Bashir "won" with 87 percent of the vote), Khartoum will count on its legitimacy being enhanced. The regime shamelessly asked the UN for a \$1 billion

election allocation, much of which would certainly have gone to paying for manipulation of the electoral machinery. UN head of peacekeeping operations Alain Le Roy dismissed this preposterous request out of hand, but it is a measure of the regime's boldness that it would ask for such an amount.

But the primary means of ensuring electoral victory, as well as a controlled release of information within Sudan and to the outside world, are the relentlessly efficient state security apparatus and the regime's control of the news media. Access for international news reporters to areas outside Khartoum will continue to be tightly controlled, especially in Darfur where last year's national census has virtually no meaning. The camps and host locations that house some 2.7 million Internally Displaced Persons were not included in the census, and yet a 60 percent increase was still registered in Darfur's population since the last census in 1993, including a 90 percent increase in South Darfur (in turn, the SPLM calculates that according to the census there has been a 322 percent increase in the population of Arab tribal groups). Khartoum will not permit news reporting on an election that non-Arab Darfuris emphatically declare they don't want, and in which they can't participate in any event.

Domestic control of news is guaranteed by the meaninglessness of recently passed press laws that leave control of the news media fully in the hands of the President and the National Security and Intelligence Service (NSIS). The legislation has been roundly condemned by international human rights groups, as well as by UN Special Rapporteur for Human Rights in Sudan, Sima Samar (June 4, 2009, http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/37CF9FA6BBB709C3C12575CB004AC98F?OpenDocument). All too revealingly, Samar's uniquely valuable contributions as special rapporteur have, as the result of an Egyptian initiative, been ended by the scandal that is the UN Human Rights Council, demonstrating yet again the moral and political bankruptcy of this body. Fortunately, a new human rights reporting organization has appeared, the Sudan-focused African Centre for Justice and Peace Studies (ACJPS). The first and second issues of its "Sudan Human Rights Monitor" (March-May 2009, June-July 2009) provide comprehensive reporting on a range of human rights abuses, including detailed accounts of arbitrary detention and arrest, harassment of human rights defenders, torture, denial of press freedoms, and unfair trials. These constitute a remarkable compendium, laying bare the highly repressive nature of the Khartoum regime and the wide range of its domestic abuses. The African Centre for Justice and Peace Studies (<http://acjps.org>) is clearly a highly informed and committed organization, and much may be expected of it in the coming months.

HUMANITARIAN SITUATION IN SOUTHERN SUDAN

Even as the approach of national elections and the Southern self-determination referendum deepens the political crisis in the South---a reality that seems quite beyond the comprehension of US special envoy Scott Gration (see below)---humanitarian conditions are also deteriorating rapidly. Much of the problem derives from the ethnic violence discussed above, and from the failure of the international community to provide the "peace dividend" that had been promised following consummation of the CPA. Compounding the larger problem, Khartoum has been continually in arrears in payment of oil revenues due the Government of South Sudan, revenues desperately needed for both humanitarian and development purposes. And an unfortunately predictable pattern of corruption on the part of too many Southern officials has resulted in the squandering of desperately needed resources. Further, the overburdened GOSS has been unable to oversee an equitable program of civilian disarmament (leaving aside Khartoum's role in compromising such efforts), and has moved much too slowly in creating an effective civilian police force.

All these problems must be seen in the context of a region that has not known true peace for over half a century, and which has never had the benefit of any substantial development aid. The tasks facing the GOSS are overwhelming, and thus the deepening humanitarian crisis at hand calls out for urgent and substantial international aid. Lise Grande, the Deputy Resident Humanitarian Coordinator in Southern Sudan, recently spoke of the South as facing the "perfect humanitarian storm," declaring that:

"Southern Sudan is facing an almost unmanageable set of problems.' She stressed three factors led to this difficult situation. Since the independence of the country in 1956, the southern Sudan remained undeveloped due

to the different civil wars in the region. After the signing of a peace agreement in 2005, the semi-autonomous region did not get the expected international support. Besides allegations of corruption that harmed its image, much of the international efforts are focused on Darfur. ‘We are seeing a convergence of factors in the south that are putting at least 40 percent of the entire population of southern Sudan at real risk.’” (Sudan Tribune, August 12, 2009)

The first rains and crop plantings have failed; more than 200,000 people have been violently displaced; and insecurity makes delivery of food to areas such as Akobo almost impossible except by air.

And yet the Khartoum regime, nominally the “government of Sudan,” will not lift a hand to offer assistance, just as it has continuously failed to assist the distressed populations of other marginalized regions of the country. It is far too infrequently remarked that despite its now considerable oil wealth, despite massive foreign investment in and around Khartoum, and despite very significant agricultural export capacity, there is no movement of national wealth or even food assistance from the center to the desperately needy periphery. Indeed, the NIF/NCP has for twenty years been responsible for a relentless war of attrition against international humanitarian efforts---in the South, in the Nuba Mountains, in the East, and currently in Darfur. The regime has frequently imposed humanitarian blockades, especially in the South and the Nuba Mountains (and in the early months of the Darfur conflict)---some affecting millions of people.

Indeed, at the very time the international community is struggling to provide food assistance to some six million people throughout Sudan, the regime is engaged in a lucrative agricultural export business and selling large tracts of arable lands to foreign countries. Precisely a year ago, New York Times correspondent Jeffrey Gettleman filed from Ed Damer (north of Khartoum) a remarkable dispatch highlighting just how perverse national agricultural policy is under the NIF/NCP regime. Noting that Sudan “receives a billion pounds of free food from international [aid] donors, [even as it] is growing and selling vast quantities of its own crops to other countries,” Gettleman asks, “why is a country that exports so many of its own crops receiving more free food than anywhere else in the world, especially when the Sudanese government is blamed for creating the crisis [in Darfur] in the first place?” An excellent question, which the international community refuses to ask with sufficient resolve, particularly given the rapidly growing food crisis in Southern Sudan.

Gettleman details just how Khartoum has arrogated to itself all opportunities for significant economic gain in the field of agriculture:

“[Sudan] is already growing wheat for Saudi Arabia, sorghum for camels in the United Arab Emirates and vine-ripened tomatoes for the Jordanian Army. Now the government is plowing \$5 billion into new agribusiness projects, many of them to produce food for export.”

“Take sorghum, a staple of the Sudanese diet, typically eaten in flat, spongy bread. Last year, the United States government, as part of its response to the emergency in Darfur, shipped in 283,000 tons of sorghum, at high cost, from as far away as Houston. Oddly enough, that is about the same amount that Sudan exported, according to United Nations officials. This year, Sudanese companies, including many that are linked to the government in Khartoum, are on track to ship out twice that amount, even as the United Nations is being forced to cut rations to Darfur.” (August 10, 2008 at www.nytimes.com/2008/08/10/world/africa/10sudan.html)

Just as remarkable in its way was a declaration by NIF/NCP President al-Bashir at the recent AU summit in Libya:

“The Sudanese president Omer Hassan Al-Bashir told the African Union (AU) summit in Libya that Sudan is willing to put its resources at the disposal of the continent. Bashir said that Sudan through its agricultural wealth ‘is in a position to make a big contribution to achieving the food security in Africa.’ ‘We prepared a strategy for agricultural revival for 2008-2011 that is aligned with the goals and principles of comprehensive agricultural development in Africa,’ he said.” (Sudan Tribune, July 1, 2009)

Al-Bashir is prepared to share Sudan's agricultural wealth with other African nations, but not with the people of his own country. Again, the unsurpassable callousness of such a policy has not been challenged by the international community that is providing so much food aid to Sudan.

A regime that exports food while so many of its own citizens lack food and face malnutrition and starvation can survive only through tyranny. Present agricultural policy, which benefits only this regime, is but one of many reasons that the NIF/NCP can never prevail in free and fair elections. For some, it is proving expedient to ignore this fundamentally revealing reality.

THE US SPECIAL PRESIDENTIAL ENVOY FOR SUDAN, SCOTT GRATION

The response of the new US special envoy for Sudan to the looming failure of national elections, and the growing crisis in north/south relations, seems deeply naïve---or even more deeply disingenuous. Scott Gration, representing President Obama, declared following a meeting recently convened in Juba that he had engineered an "agreement" (the "result of months of work") that is a "precursor of good things" and "will result in better cooperation and stronger relations that will result in a brighter future for Sudan, for Khartoum and Juba" (BBC, August 19, 2009). This assessment is simply nonsense, as any close examination of the nominal "agreement" quickly reveals. Most notably, of the twelve issues to be addressed, two were left unresolved: [1] the census, whose integrity is obviously deeply compromised but which has become a fait accompli in the electoral process Khartoum has engineered, and [2] the self-determination referendum, which as I've sought to demonstrate has become the central issue confronting international diplomacy, whether acknowledged as such or not. Moreover, the points of "agreement" Gration elaborates don't represent new or significant commitments, but rather stand as merely hortatory. Some of the points are merely reiterations of what is already clear in the language of the CPA---or are so vague as to be useless:

"Making Unity Attractive: the parties agree to begin the national reconciliation process as called for in the CPA and Presidential Decree and Directives issued on 27 December 2007"

"Darfur: the Parties agree that the conflict in Darfur is a political problem and of national concern, and both are committed to redoubling efforts within the Government of National Unity to resolve the conflict"

"Blue Nile and Southern Kordofan: the parties agree that there is a role for both the national government and the state governments in the popular consultations to be held in these states"

And so on.... None of these exhortations, and they are little more than that, has any meaning or can be measured by clear benchmarks. The one exception among the ten points of agreement concerns the north/south border:

"Border Demarcation: the parties agree to demarcate the North-South boundary line by 30 September 2009, in accordance with CPA provisions and timelines"

Here we should recall that north/south border demarcation was a priority in the CPA, and has now been delayed four and a half years by the NIF/NCP. This has allowed the regime to create sufficient geographical ambiguity to enable much Southern oil production to be moved into the north, and thus deny the GOSS considerable oil revenues to which it is entitled. The refusal to create a functioning, adequately resourced team for border demarcation is entirely a function of Khartoum's obduracy. Moreover, there is little reason to expect that between now and September 30 the regime will do more than propose a tendentious and self-serving demarcation---reflecting neither partnership with the GOSS nor a good faith use of historical and relevant cartographic material, but simply arrogant assertion backed by implicit military threats. Khartoum's demarcation will be challenged by the GOSS, but this will only put the central dispute in new terms.

And while Gration has been critical of the Southern leadership for its military expenditures, even as the SPLA alone serves as guarantor of the security protocol for Southern Sudan under the CPA, there has been no corresponding criticism of Khartoum's aggressive purchase of advanced weapons systems, including the highly

advanced Chinese WS2 Multiple Rocket Launching System (Sudan is the first country in Africa to acquire this missile system, with a range of 200 kilometers and a high degree of accuracy [Kanwa Asian Defence Journal, June 2009]). Purchase of an additional twelve highly advanced MiG-29 combat aircraft, helicopter gunships, heavy artillery, and other sophisticated weaponry has been the hallmark of military development since the signing of the CPA. Recently President al-Bashir also celebrated Khartoum's burgeoning domestic weapons production, which has been accelerating for the past decade:

"The Sudanese president Omer Hassan Al-Bashir today pledged to support efforts by the army to develop its military arsenal particularly through locally manufactured arms.... The Sudanese president hailed the manufacture of Sudanese-made 'planes and weapons,' saying his government would develop these institutions so that they can assemble all the equipment required by the armed forces." (Sudan Tribune, August 14, 2009)

A great deal of this new weaponry is deployed in or very near the oil regions that straddle the north/south border. If Special Envoy Gration wants to ratchet down military purchases and tensions, his focus should be Khartoum, not Juba.

In a separate part of his current tour of the region, Gration met in Addis Ababa with four representatives of smaller rebel factions. It is not at all clear what the particular significance of their presence was, or even whether or not they represent yet further fracturing of the SLM. Notably, the Justice and Equality Movement (JEM) was not present (although a representative of the breakaway United Resistance Front was in attendance), and indeed JEM's powerful leader Khalil Ibrahim has openly taken issue with Gration. Further, the SLM/al-Nur delegation invited to Addis Ababa by Gration was openly criticized, indeed dismissed, by Abdel Wahid al-Nur himself; al-Nur is still perhaps the most influential rebel figure within Darfuri civil society, even if maddeningly unreasonable in his terms for starting peace negotiations. His view of Gration is not without consequence:

"Instead of playing a positive role in the resolution of Darfur conflict in order to stop the ongoing violence against Darfur people, the special envoy of President Obama to Sudan abandoned his mission and has become a problem and an obstacle due to his non-neutral position,' Al Nur said" (Sudan Tribune [dateline: Paris], August 23, 2009)

It is clear from Gration's previous criticisms of al-Nur that the group of commanders invited to Addis represented a deliberate effort to undermine al-Nur's authority among the Fur tribe, the largest in Darfur. But while that authority has diminished with time, frustration, and growing despair on the part of displaced persons, al-Nur still has strong backing among his fellow Fur tribespeople, including support for his insistence that security issues be resolved on the ground in Darfur before peace negotiations begin. One must question the presumption and wisdom of the US special envoy so publicly seeking to marginalize al-Nur. Certainly it is wildly presumptuous for Gration to declare on the basis of his agreement with the leaders of four groups of questionable authority that, "This is a strong foundation that paves a way to the unification of all groups in Darfur" (Sudan Tribune [dateline: Addis Ababa], August 23, 2009). Rarely has Darfur produced more fatuous optimism. Moreover, Gration has managed to anger not only two of the most powerful rebel leaders with his actions and statements to date, but he has also generated deep resentment and bitterness within the community of displaced Darfuris with his comments about the timing of returns from the camps and his insistence that there are only "remnants of genocide" in Darfur. The Washington Post reports:

"The Obama administration's Sudan envoy is facing growing resistance to a suggestion he made recently to civilians displaced from Darfur that they should start planning to go back to their villages. Darfurian civilians and UN relief agencies say it is still too dangerous to return to the region where a six-year-long conflict has led to the deaths of more than 300,000 people. In the latest sign of tension, Sheik al-Tahir, a leader at Kalma, one of Darfur's largest camps for displaced people, said Tuesday [August 4, 2009] that homeless civilians would protest retired Air Force Maj. Gen. J. Scott Gration's strategy for resolving the conflict and his assertion in June that genocide in Darfur has ended. Tahir and other camp leaders have accused Gration of taking the side of the Sudanese government, which has been seeking to dismantle the camps."

Darfur (specifically el-Fasher) had been on Graton's itinerary for the current tour of the region, but was quietly dropped when the prospect of large demonstrations against his policy views became clear. There was a high likelihood than any demonstrations would have been violently suppressed, and the "optics" of wounded or killed civilians protesting the US envoy's visit would have been intolerable. Extraordinarily, this leaves open the question of whether the US special envoy for Sudan will again be able to travel to Darfur.

GRATION ON EGYPT AND LIBYA

Compounding Graton's recent diplomatic bungling was his excessive praise of Libya and Egypt for their roles in the Darfur peace process:

"I'm very impressed and very grateful to the role that the Libyans are playing not only in rebel unification but in bringing peace between Chad and Sudan,' he said. 'I see the Libyans have a very positive role... and we are very proud to be partners with the Libyans,' he added."

"Graton also praised Egypt's role, after what he said were four-party talks involving Egypt, Libya, Sudan and the United States, hosted by Egypt's Foreign Minister Ahmed Abul Gheit and intelligence chief General Omar Suleiman. 'Egypt has played such an important role in Sudan and we continue to look for the leadership and perspectives and input from our friends here in Egypt,' he said.'" (Agence France-Presse [dateline: Cairo], August 23, 2009)

Graton either isn't aware of Libya's nefarious history in Darfur or finds it convenient to ignore. For it has been Muammar Gaddafi who, over several decades, has done so much to stoke conflict and ethnic tension in Darfur and Eastern Chad (including supporting the hateful Arab supremacism represented by the "Arab Gathering"), and who has left the region awash in weapons. It was Gaddafi who set the tone for abortive peace talks in Sirte, Libya (October 2007) by declaring that the Darfur genocide was nothing more than "a quarrel over a camel." And it is Gaddafi who is leading, indeed orchestrating, the African Union charge against international efforts to end impunity in Darfur by means of the International Criminal Court (ICC), even as such efforts to end impunity have become essential as a means of pressuring Khartoum. As the new ICG report argues:

"The US and other international partners of the Sudan peace process should increase pressure on the NCP in order to create a chance for meaningful policy changes. The best way to do so is to reconfirm their support for execution of the ICC arrest warrants and to deliver a firm message in Khartoum that they will only consider a Security Council resolution suspending execution (via the procedure for one-year renewable deferral provided in Article 16 of the Rome Statute that established the ICC) if the NCP first takes a series of specific and irreversible steps, including but not limited to acceptance of judicial reforms and transitional justice mechanisms as key elements of a Darfur settlement."

("Sudan: Justice, Peace, and the ICC," Nairobi/Brussels, July 17, 2009,
<http://www.crisisgroup.org/home/index.cfm?id=6226&l=1>)

Graton praises Gaddafi, who relentlessly works to undermine ICC efforts in Darfur, and yet says nothing about the ICC or the claims of justice for Darfur. And he misses the fundamental point that ICG so cogently articulates:

"What is needed is not to sacrifice peace in Darfur to save the CPA---in any event a self-defeating proposition---but to strengthen peacebuilding throughout Sudan by taking aim at the system of impunity that has led to and prolonged the country's multiple conflicts."

Graton's failure to see the fundamental logic of this argument reveals both his ignorance of Sudan and a penchant for expediency.

The same qualities are evident in his fulsome praise of Egypt, for it was the powerful Safwat Al-Sharif, Secretary General of the ruling Democratic National Party---and certainly representing the party line---who recently declared that "the Darfur crisis is an 'artificial' one directed against the people of Sudan" (Sudan Tribune,

August 2, 2009). The dead, displaced and despairing people of Darfur can attest, even if only silently, that their suffering and losses are not “artificial” in any sense; but the Egyptians have long shown they have no real interest in Darfur or its people and that their concerns for Sudan are solely in maintaining a sufficiently pliant regime in Khartoum and unfettered claims to the Nile waters (Cairo arrogantly refuses to negotiate a successor treaty with nations of the Nile River basin, cleaving to the 1929 colonial arrangement that so heavily favors Egypt). For this reason officials of the Mubarak regime have strenuously opposed self-determination for Southern Sudan for over a decade. They have done so through a variety of means, beginning in earnest with the successful conclusion of the Machakos Protocol in July 2002 (again, this is the cornerstone agreement that made possible negotiation of the CPA). Throughout the summer and into the fall of 2002 the government-controlled press and senior Egyptian officials excoriated the Protocol in the harshest of terms. And since the signing of the CPA in January 2005, Cairo has made no effort to hide its intense opposition to the contemplated SSSDR---a diplomatic asset not lost on the NIF/NCP regime as it calculates the costs, regionally and internationally, of abrogating the terms of the CPA.

At the same time Egypt is involved in an ugly and low-minded dispute with Qatar over “ownership” of the Darfur peace process. This is made possible by the disturbing lack of clear ownership on the part of the UN/African Union chief mediator Djibril Bassolé of Burkina Faso. Although Bassolé should have long ago either been staunchly supported by the international community or quickly replaced, he has plodded diligently along, with little success to show, and no obviously central role in the negotiations as they have, and have not, transpired in Doha, Qatar. He took on the job speaking neither Arabic nor English---an enormous disadvantage. And without robust, outspoken, and unambiguous international support, his mission was doomed to end in the disarray we presently see. But it is hard at this juncture to see how “ownership” of the peace process can be claimed, with rival Egyptian, Qatari, and Libyan ambitions jostling one another, and the US envoy making himself persona non grata among Darfuri civil society and the two most influential rebel leaders. The AU “High-Level Panel of Eminent Personalities,” appointed in February 2009 to address issues of justice in Darfur, is nothing so much as an elaborate effort to circumvent the ICC. The EU is without initiative or real commitment. The UN Secretariat has been a consistent disaster on Darfur, particularly in confronting Khartoum. And the Security Council, particularly China, has proved obstructionist in considering any measures that might pressure the NIF/NCP regime to engage more honestly and directly in the peace process.

All this has left Khartoum with little to resist, except for the looming threat of the ICC indictment of al-Bashir, a threat that other senior members of the regime well know they may themselves soon confront. This has been enough to create serious tensions within the broader NIF/NCP regime structure, and it is in this context that we must understand al-Bashir’s recent decision to remove Saleh Abdalla ‘Gosh’ from his role as head of the National Security and Intelligence Service (he is now a presidential advisor with unspecified portfolio). The role of second vice-president Ali Osman Taha has also become considerably more ambiguous, even as Nafi’e Ali Nafi’e becomes more assertive in his own powerful role. The resurrection of Ghazi Saleh el-Din Attabani as the face of the NIF/NCP in peace negotiations is also of note (for a detailed, highly informed, and quite current overview of the inner politics of the NIF/NCP, see “Sudan: Justice, Peace, and the ICC,” pages 8-10, 18-21). But the fundamental truth about the regime remains unchanged: they are ruthless, canny survivalists, and their policies reflect a willingness to do all that is necessary to maintain their control of national wealth and power.

GRATION AND THE OBAMA ADMINISTRATION SUDAN POLICY

It is not at all clear that Gration understands this truth, and much that he has said suggests otherwise. And while there is still no formally articulated US government Sudan policy, informed sources in Washington indicate that Gration is receiving no criticism for his words or policy pronouncements (the exception coming in the form of reaffirmation by President Obama that genocide continues in Darfur). His shift in emphasis from support for Southern Sudan to rapprochement with Khartoum gives evidence of being decisive, with critical implications for how Khartoum calculates the means by which it can undermine the Southern self-determination referendum.

Salva Kiir, President of the Government of South Sudan, recently said publicly that a US official had indicated to him that the referendum might best be delayed:

“This week Kiir disclosed that an unspecified US official hinted to him that postponement of the 2011 referendum might be needed but said that he [Kiir] rejected any such proposal.” (Sudan Tribune, August 12, 2009)

Whether or not this official was Gration himself or someone in the Obama administration working with him, we may be confident that such a consequential suggestion had Gration’s approval, tacit or otherwise. If so, the Obama administration and its special envoy have moved Sudan closer to war, not peace. A fundamental miscalculation about the will and aspiration of the people of the South lies clearly, if implicitly, in this urging of delay. Indeed, such firm determination by the people of the South is reflected in Salva Kiir’s very willingness to declare publicly that the US had sought to influence him in such fashion. Gration has already miscalculated badly in his approach to the people of Darfur---both rebel leaders and civil society---and now seems to have calculated just as badly in his approach to the critical issue of southern self-determination. Absent an urgent correction of course, these miscalculations---along with a deep misunderstanding of the regime in Khartoum---will ineluctably lead Sudan toward violence of an unprecedented scale.

August 25, 2009

[The next analysis will provide an overview of the current humanitarian situation in Darfur, focusing particularly on malnutrition rates, access to potable water, and morale within the camps for displaced persons. The UN World Food Program has recently offered some encouraging words about overall quantities of food delivery. Ken Oshidari, WFP’s Sudan representative, declared on August 20:

“Our assessment has found that the food security situation in general has also improved for villages and people in camps.’ ... ‘[G]enerally speaking, delivery or access to our beneficiaries is better this year than last year,’ he said.” (Agence France-Presse [dateline: Geneva], August 20, 2009)

But questions remain about the adequacy and equity of distribution, the quality of oversight, the assessment of food distributions in more remote and inaccessible locations, and in particular the sustainability of present distribution measures, which find WFP operating without a number of former key implementing partners and the steady loss of experienced international aid workers, who increasingly refuse to deploy to Darfur because of intolerable levels of insecurity. Of particular concern in this analysis will be malnutrition data---what is and isn’t being said about Global Acute Malnutrition (GAM) and Severe Acute Malnutrition (SAM), particularly among children under five. This issue has proved in the past to be a source of intense concern to the Khartoum regime, and since the March 2009 humanitarian expulsions there is strong evidence of self-censorship on the part of both UN agencies and international nongovernmental aid organizations. What do we know? How is this knowledge being limited by political and security concerns?]

Links

- [1] <http://www.sudanreeves.org/index.php?name=News&file=article&sid=248>
- [2] <http://www.sudanreeves.org/index.php?name=News&catid=&topic=2>