

Preventing Full-Scale War between Sudan and South Sudan

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Sudan and South Sudan are teetering on the brink of all-out war from which neither would benefit. Increasingly angry rhetoric, support for each other's rebels, poor command and control, and brinkmanship, risk escalating limited and contained conflict into a full-scale confrontation between the Sudanese Armed Forces (SAF) and the Sudan Peoples' Liberation Army (SPLA). Diplomatic pressure to cease hostilities and return to negotiations must be exerted on both governments by the region and the United Nations (UN) Security Council, as well as such partners as the U.S., China and key Gulf states. The immediate priority needs to be a ceasefire and security deal between North and South, as well as in Southern Kordofan and Blue Nile. But equally important, for the longer-term, are solutions to unresolved post-referendum issues, unimplemented provisions of the Comprehensive Peace Agreement (CPA) (that ended the civil war in 2005), and domestic reforms in both countries.

The most recent fighting between the SAF and SPLA arose amid a murky mix of armed actors and interests in the contested borderlands, including a variety of northern opposition forces and proxy militias. The exact cause is vigorously disputed, but the flare-up is the predictable outcome of negative trends: conflicts in Southern Kordofan and Blue Nile; lack of agreement on transitional economic and financial arrangements between the two countries; Khartoum's seizure of Southern oil; South Sudan's decision to stop oil production; and sporadic cross-border attacks and bombings. It occurs amid mutual recriminations: of Khartoum arming Southern rebels and the SPLA providing material support to its former brothers-in-arms now fighting for the Sudanese Peoples' Liberation Movement-North (SPLM-N) in Southern Kordofan and Blue Nile, as well as political support to members of the Sudan Revolutionary Front (SRF) seeking to topple President Bashir.

In part to prevent the resupply of the SPLM-N, the SAF has also bombed refugee camps and towns in South Sudan and recently attacked Bentiu, the capital of Unity State. Complicating matters are divergent views within the capitals and hardliners seemingly working to undermine negotiated settlements, as demonstrated by the scuttling of the much anticipated North-South presidential summit on 3 April.

The end result is that, following renewed clashes, the SPLA has taken control of the disputed Heglig oil fields and stopped about half of Sudan's 115,000 barrels-per-day oil output. This has dealt a further blow to Khartoum's economy, already reeling from separation and the additional fall in revenue that resulted from Juba's decision in January to stop exporting oil through Sudan's pipelines. The beleaguered Khartoum regime, which is under pressure on political, economic, and multiple military fronts and increasingly concerned about the prospects of an Arab Spring uprising, cannot afford to sustain such losses.

Risky strategies

A game of "chicken" appears to be underway, in which both sides embark on risky strategies in the hope that the other will blink first. If neither does, the outcome will be disastrous for both.

Some suspect that President Kiir's tactics are intended to provoke a popular uprising in the North -- that he is gambling the attack on Heglig may be the proverbial straw that breaks the back of the ruling National Congress Party (NCP). However, little thought seems to have been given to the

consequences if President Bashir is removed from power. Unlike Egypt, Sudan lacks a single, legitimate institution that could manage a peaceful transfer of power. Bashir, who became president following a 1989 military coup, and his close associates have fragmented the security services and rely on personal loyalty and increasingly expensive patronage to retain control. He and security hardliners continue to pursue divide and rule tactics to prevent the emergence of a unified counterweight to NCP dominance of the centre. Bashir's fall could trigger a wild scramble by multiple armed actors for control of Khartoum and other parts of the country that would be hard, if not impossible, to restrain.

Kiir and the SPLM are also dangerously exposed. With South Sudan's decision to stop oil production, 98 per cent of its governmental revenue has disappeared. Reserves and other stop-gap measures can only tide Juba over for some months, after which the SPLM would have to impose draconian budget cuts, including on the SPLA, which is a fractious force that includes many former foes. Khartoum has a long history of supporting its enemy's enemies. At relatively little cost it could continue to support Juba's opponents and compound domestic instability for a government already plagued by weak institutions, limited reach and increasingly untenable financial circumstances.

Khartoum and Juba need to exercise restraint and consider carefully the consequences of their actions. The decision to abandon negotiations and resort to increasingly bellicose posturing can only hurt both. Each government, with its own domestic challenges, may reap short-term political benefit from externalising its problems, but there is no military solution, and both sides would suffer from all-out war. The destruction of oil infrastructure would have long-term economic consequences. Stability is necessary in both the North and the South for either to develop and prosper and, in turn, enjoy long-term stability.

Decades of mutual distrust

Decades of mutual distrust prevent either side from making good-will gestures and pursuing win-win negotiations. In such a febrile environment, the UN Security Council must reassert itself to preserve international peace and security. It should mobilise all possible leverage to bring the parties back to negotiations and agreement on the Joint Border Verification and Monitoring Mechanism (JBVMM), as well as encourage implementation of the border monitoring tasks outlined for the UN Interim Security Force in Abyei (UNISFA) in Resolution 2024 (2011), particularly near Heglig and Jau.

The parties and UNISFA must operationalise the JBVMM to investigate and verify claims either side is undermining peace or violating existing and future agreements, including for the necessary withdrawal of SPLA forces from the Heglig area and cessation of SAF bombing of South Sudanese territory. The monitoring mechanism needs to be flexible with high mobility. Lessons should be drawn from previous monitoring missions in Sudan, during which building confidence among Sudanese parties and supporting mutually-agreed arrangements were at least as important as verifying and reporting on legal obligations.

Unimplemented CPA provisions and deferred post-referendum issues

Fundamentally, the current conflict is rooted in the CPA's unimplemented provisions, such as the status of Abyei, the cancelled popular consultations in Southern Kordofan and Blue Nile and disputed borders, as well as unresolved issues stemming from separation. While they have acknowledged their interdependence, the two countries must still reach detailed agreements on many divisive issues, such as the joint exploitation of oil, transitional financial arrangements, citizenship, security and trade. The time for posturing and brinkmanship is past; they must return to the table promptly and sustain the focus and commitment necessary to hammer out and implement deals. Otherwise, if these critical issues are allowed to fester, they will undermine any ceasefire or limited peace deal.

Absent the democratic transformation long overdue in Khartoum, Sudan remains unstable as power, resources and development continue to be overly concentrated in the centre. A “new South” has emerged in Abyei, Southern Kordofan and Blue Nile that – along with Darfur, the East and other marginal areas – chafes under NCP domination. Because of historic ties, and despite South Sudan’s separation, the North’s centre-periphery wars continue to draw in Juba.

The call by the North’s opposition parties for a national dialogue in the context of a wider constitutional review conference suggests a way forward. Such a conference should be seen as a more extensive national consultative process, to accommodate the stymied popular consultations in the transitional areas and the Darfur people-to-people dialogue. Those latter two processes, if run separately, will not lead to political stability and lasting peace in the whole country.

A new unified international strategy

With developments increasingly appearing to be spiralling out of control, a new strategy is needed to avert an even bigger crisis. As Crisis Group noted in its 26 September 2011 Conflict Alert, any solution must be comprehensive. The international community must focus not only on North-South issues or the situation in Southern Kordofan and Blue Nile, but also require the NCP to agree to an immediate, inclusive, national reform process. The first priority needs to be for a security deal that stops both the fighting between the North and the South, as well as Khartoum and the SRF, but for this to hold it must also be clearly linked to binding commitments to discuss and implement political reforms.

The UN – the Security Council – should exert pressure on the two presidents to meet and negotiate an immediate ceasefire. This should be based on the 29 June 2011 Agreement on Border Security and the Joint Political and Security Mechanism, as well as the 10 February 2012 Memorandum of Understanding on Non-Aggression and Cooperation. They also need to reach common ground on a security deal for Southern Kordofan and Blue Nile based on the 24 June 2011 Framework Agreement, to be monitored by an enhanced JBVM.

To encourage reforms in Khartoum, a united international community, particularly the African Union (AU), Arab League and UN, should put pressure on the NCP to accept a free and unhindered national dialogue aimed at creating a national stabilisation program that includes defined principles for establishing an inclusive constitutional arrangement accepted by all. A national reform agenda should include a program that accommodates all the people of Sudan and supports inclusive governance. The NCP must make genuine efforts to end impunity in Darfur, Southern Kordofan and Blue Nile and allow humanitarian agencies unhindered access, as well as support the efforts of the AU-UN Hybrid Mission in Darfur (UNAMID) and UNISFA to protect civilians.

If the NCP commits seriously to such a national reform agenda, regional actors and the wider international community should offer assistance. Major players like Saudi Arabia, Kuwait, Qatar, the Arab League, China, the U.S., EU and AU must recognise that reform is necessary for stability and requires their support. If the NCP accepts an inclusive reform process, for example, the U.S. should provide incentives under its normalisation package to bolster that process. These could include easing debts, lifting economic sanctions and removing Sudan from its list of state sponsors of terrorism. Meanwhile, North-South relations may also be improved by greater domestic stability in South Sudan. Building institutions, extending service delivery, bolstering economic growth, and calming inter-communal tensions are among the priorities, and will be served in part by advancing promised political reforms. This includes an opening of political space inside and outside the SPLM, and an inclusive constitution-making process, that should be supported by partners and donors.