

Important Statement on the Sudan

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Sudan's National Congress Party is controlled by an intellectually-capable, radically-committed, conspiratorial and compassionless nucleus of individuals, long referred to as the National Islamic Front (NIF). In the seventeen years since they came to power by coup to abort an incipient peace process, they have consistently defied the international community and won. As individuals, the NIF has never paid a price for their crimes. Almost all of them are still in important positions. The NIF core is a competent cadre of men who have an agenda, the pursuit of which has killed millions of Sudanese and uprooted and destroyed the lives of millions more. While their agenda is radically ideological, it is equally about personal power and enrichment. They are not at all suicidal, but they respond only to credible threats against their power and prosperity. The international community with its limitless posturing and (too often) empty words has, to date, never constituted a credible threat. During its seventeen-year reign, the NIF engaged seriously with critics only once, that being when confronted by a strong Sudanese Peoples Liberation Movement and Army (SPLM/A) and an energetic international coalition led by the United States. The result was the Comprehensive Peace Agreement (CPA), an incredible, detailed document that ended a twenty-two year war between the NIF government and the people of southern Sudan, the Nuba Mountains, Southern Blue Nile and Abyei. Despite Khartoum's deliberately slow and selective implementation, in my view, the CPA is now at very serious risk of survival.

Power and wealth in Sudan have historically been concentrated in "the center", in fact in just a few tribes. All the peripheral populations-North, South, East and West-have, as a result, been marginalized, largely destitute, powerless and lacking development, regardless of their religious, cultural or ethnic background. The U.S. initiative beginning in 2001 made rather incredible progress in ending hostilities between the SPLM and the NIF government and opening up humanitarian access to war-affected people, raising the hopes and expectations of a better life for almost all Sudanese. That the peace process took four

years is not surprising, given the egregious history to be overcome and the quality of the final text. The CPA was signed in January 2005. In April an SPLM delegation went to Khartoum to begin implementation arrangements. On landing at Khartoum's airport they were engulfed by joyous throngs of Sudanese of all backgrounds-Muslims, Christians, Africans, Arabs and others- hoisting the delegation onto their shoulders and dancing in the streets. They understood the implications of the CPA to be for all Sudanese. On July 8 when Dr. John de Mabior, chairman of the SPLM and Commander-in-Chief of the SPLA arrived in Khartoum to sign the Interim Constitution that was to implement the CPA, huge crowds of Northerners and Southerners estimated by some at 6-8 million came out to meet him. His popularity was such that, in a free election, it is likely that he could be elected President of Sudan by all the people. A New Sudan was being born.

But Darfur was in flames. In February 2003, perhaps seeing the progress of CPA negotiations and concerned about being left out of the benefits of the CPA, "rebels" from Darfur's marginalized populations who were considered "African" as distinct from "Arab" initiated hostilities against the NIF government. The NIF responded precisely as it had in the war against the SPLA. This involved destruction of civilian populations, denial of humanitarian assistance to war-affected civilians, utilization of surrogate Arab militias in coordination with formal government military forces and pretence of themselves being the aggrieved party, being the "sovereign" government. The violence exhibited a character far beyond that which could fairly be described as "military." Ethnic cleansing was clear. Genocide was its truer name.

The CPA includes a provision that the South and potentially Abyei can legally secede from the Sudan state if a referendum in those areas, scheduled for 2011, so decides. (The people of Southern Blue Nile and the Nuba Mountains, to their great dismay, have no similar option and fear being overwhelmed by Khartoum eventually). The NIF committed itself to make unity attractive but the war in Darfur has demonstrated to the SPLM that unity in a state dominated by the NIF would be anything but attractive. Many core NIF adherents were appalled by this provision, not just at the potential dismemberment of the Sudanese state but also because a large percentage of Sudan's known oil reserves, now increasingly coming on line, are located in the South. If the South legally seceded, that oil would then belong to it as a new separate country. Those NIF personnel also saw other CPA interim provisions as contemptible: that Dr. Garang would become Sudan's First Vice-President that the South would have its own government, that the SPLA would continue to exist as a component of "the national army", but separate from the Government's army, and that national elections would be held.

So, why did the NIF government sign the CPA? With its very limited allegiance from the Sudanese public and increasing military threats from Sudan's other disaffected marginalized populations, with the international war on terror potentially having implications for Sudan itself, being on the U.S. list of state sponsors of terrorism and also being the political birthing place for Osama bin Laden, not to mention the NIF's own brand of radical politics, the NIF needed to buy time. It also hadn't, despite a twenty two year war, been able to defeat the SPLA. It was in their interests, at least "for now", to sign. At least signing guaranteed it six and one-half years of protected existence. Who could know what opportunities for a course-correction might materialize within that time-span?

On July 30, 2005 Dr. John de Mabior, the embodiment of the possibility of a united New Sudan, was killed in a helicopter crash. The opportunity had arrived. That very day, I believe, the NIF recalculated its future course of action.

To seize the opportunity, the NIF needed to eliminate the Darfur opposition (civilian and military), destabilize the SPLM, corrupt or abort any potential for a viable referendum, maintain possession of the oil

fields of Abyei, and ensure the degradation of the SPLA. The NIF has seen progress on all of these in the last fourteen months.

We are currently witnessing the NIF's attempt to achieve the elimination of its Darfur opposition. Khartoum is attempting to change the realities on the ground in Darfur before the international community gets serious, if that is possible. They believe they have "read" us, the international community, all accurately, the U.S. included. They believe there will be a continued slow response on our part to Darfur's genocide and acceptable limits to whatever actions are ultimately taken. After all, that's been pretty much the case throughout their tenure. Thus, the liquidation of the Darfur opposition is now in motion.

The NIF has successfully marginalized the SPLM within the "Government of National Unity" created by the CPA. The SPLM is largely powerless to affect significant national policy. The NIF has "bought" several SPLM officials and also inserted into the SPLM apparatus other key individuals whose loyalty is to Khartoum. Several veteran SPLM leaders, brilliant, capable men who were critical in achieving the CPA, have now left the country in despair. The process for undermining the referendum is now underway. The first elections, preliminary to any referendum, are scheduled for 2008. To prepare for them, basic elements, laws and structures must be put in place, especially in a context where there is no history of elections. For example, there has been no proper census in Sudan since 1983. Thus, the architecture for elections is being put in place in a context largely controlled by Khartoum loyalists. And, too, the international community is being of only limited assistance to the SPLM in its conversion from a rebel movement into a nationally-competitive political party, a serious shortcoming.

The future of Abyei, a place little understood by outsiders, is a critical issue as it is the repository of a significant amount of Sudan's oil; most of Abyei is an oil field. Currently that oil is being extracted under Government contracts with oil companies from China, with its UN Security Council veto power, Malaysia, India and Sudan itself. Its products are fueling the NIF's war in Darfur. The CPA provided for an Abyei Boundaries Commission (ABC) to determine Abyei's actual borders, so that oil revenues can be properly allocated. The ABC determined the boundaries but President Beshir has rejected it and also the appointment of an interim local government as provided in the CPA. To buy time as the clock ticks, he refuses to proceed. The highly volatile Abyei area, thus, remains largely in the hands of the Sudanese Army.

The Sudan Peoples Liberation Army is, in many ways, the reason the CPA exists. This rebel army, with very limited resources, could not be defeated by the Sudan army. But that was then; this is now. The balance may be changing. The riches of Khartoum are being used to modernize and equip the Sudan Army. The SPLA is largely as it was several years ago, perhaps even less so. In significant part, this is due to us. Endless debating regarding what the U.S. is authorized to do to help in the transformation of the SPLA into a modern military force is very dangerous. It could cost South Sudan and potentially all of Sudan tragically in the future. Transformation of the SPLA is the surest guarantee that the CPA will survive. It is my view the war in Darfur and the survival of the CPA are inextricably entwined, and the NIF sees it. If, through weak international responses to genocide, the NIF succeeds in eliminating its Darfur opposition, and that reality is combined with the reality of the loss of Dr. Garang, the only southern leader who had the stature to compete successfully with Khartoum, the stage is set for the NIF to entirely undermine the CPA. The SPLM can again compete, and its current leadership is trying to so position it, but its recovery from the loss of Dr. Garang and from the destabilization efforts of the NIF will take time. And the clock is ticking. Based on this analysis, I encourage the following urgent steps:

1. Deploy non-consensually the now-stymied UN protection force. In fact, some of the UN force already in the South, in such places as Wau virtually next door to Darfur, could be moved there quickly. In the meantime, declare and enforce a no-fly zone for Sudan military aircraft throughout Darfur. U.S. resources exist in Djibouti that could be used for enforcement purposes.
2. Provide substantial assistance to the SPLM to empower its participation in governance at all levels, to be seriously competitive as a national political party and to effectively govern the South. The Government of South Sudan also needs assistance in anti-corruption efforts, such as setting up an office of Inspector General of Government. Some of these issues were discussed by Salva Kiir, President of South Sudan, when he met with President Bush in July.
3. Focus now urgently on the upcoming interim elections and ultimately the referendum. Time is flying by, given what needs to be accomplished. Monitor preparations in detail and equip the SPLM to be able to fully participate in preparations.
4. Take Abyei seriously. If war breaks out again between the NIF and the SPLM, it will in my estimation likely begin in Abyei. Expose President Beshir's perfidy in delaying. Raise the issue at the UN Security Council and other appropriate forums.
5. Seriously assist the SPLA in its conversion from a rebel force to a modern military, The delays already caused by U.S. persistent bureaucratism have the potential for actually encouraging war and the ultimate loss of life and of the CPA.
6. Finally, given the "no negative consequences" pattern experienced by the NIF for crimes committed, accountability for past, current and future crimes is a critical issue. Unfortunately for Sudanese, the International Criminal Court seems to have disappeared. An internationally agreed-on system of accountability is desperately needed for Sudan's atrocities. The U.S. should actively take leadership in addressing this crying need.

Believe me, we are in really dangerous times regarding Sudan. It could happen that the CPA is stamped "CANCELLED", along with an incredible additional number of Sudanese lives. And if that happened, it would blot out one of the finest U.S. initiatives of the last decade.