



**enough**

The project to end genocide and crimes against humanity

# What To Do About Sudan Now

John Prendergast November 2009

---

## Summary

One month after the release of the Obama administration's Sudan policy, the situation has further deteriorated. Violence against civilians continues unabated in Darfur and in southern Sudan, and the ruling National Congress Party, or NCP, continues to act in bad faith and undermine lasting peace in Sudan. In Darfur, relief organizations clearly do not have access to large areas of Darfur, and those that do have access to vulnerable populations no longer publicize their assessments for fear of expulsion. The NCP is blocking the establishment of conditions for free and fair elections and seeks to undermine a self-determination referendum scheduled for 2011. Intercommunal violence in southern Sudan is increasing, with growing evidence that Khartoum's divide and destroy policies are partly to blame.

At the core of the administration's new Sudan policy is a set of confidential benchmarks that the United States will use to evaluate progress toward peace. If the Obama administration is serious about this strategy, it is clear that the NCP's actions regarding the delays should trigger an escalating set of multilateral consequences. The United States must firmly respond now by forging a coalition of nations willing to implement the multilateral pressures and consequences that will prevent full-scale war from breaking out again in Sudan.

---

For Sudan watchers and activists, the advent of the Obama administration provided great promise and, indeed, hope. The expectation was that an administration led by former senators—Clinton, Biden, and Obama himself—who were advocates of more assertive action on Sudan would construct a strategy that would help bring about an end to the destructive cycle of warfare in that embattled country. That hope was sorely tested by a series of highly publicized missteps by the administration and an unnecessarily long policy review which left other nations puzzled, domestic constituencies perplexed, and—bizarrely—the ruling NCP praising the administration's approach.

Finally, 11 months after Barack Obama was elected president, his administration—conspicuously, not the president—released the results of the policy review. Advocates for a stronger line both in and out of government appeared to have successfully countered the direction that the policy had begun to take publicly under the stewardship of the President's Special Envoy Major General Scott Gration, although the Special Envoy remains firmly in charge of the conduct of day-to-day diplomacy.

The new policy elaborated an approach of deep diplomatic engagement supported by a balanced set of pressures and incentives. The policy reflected a more sober, experienced, and balanced approach than what had been articulated publicly by the Special Envoy in fits and starts over the preceding six months. The key element of leverage was a confidential annex that outlined unnamed incentives as rewards for progress, and pressures as penalties for undermining the prospects for peace. Much of the policy review's contents remained opaque. Not only were the penalties and incentives included in a confidential annex, so were the benchmarks against which they would be utilized.

Having the sticks and carrots in a confidential document has pros and cons. On the one hand, the mystery involved leaves the parties guessing as to what the United States is prepared to do. It may be that the perception and fear of what is unknown far outweighs the reality of the contents of the document. But the parties will have to put the Obama administration to the test to find that out. On the other hand, the unwillingness to clearly articulate the penalties could be seen as a potential sign of weakness by some Sudanese actors. Further, keeping the contents confidential leaves key stakeholders in Sudan completely unclear on what benchmarks the United States might be using in making its assessments as to the application of the proposed incentives and pressures.

At this moment, on one core benchmark, there is little need for more evidence or further consultation. The South's self-determination referendum, the cornerstone of the CPA, is at risk because of the failure of the two parties to reach an agreement in time for a key constitutional deadline. Khartoum's National Assembly, the legislative body of the Government of National Unity between the NCP and Sudan People's Liberation Movement, or SPLM, has failed to pass legislation governing the referendum process. December 1 marks the start of recess for the National Assembly, which will not be reconvened after Sudan's April 2010 elections, when new representatives are elected. Preparations for the referendum cannot begin until this law is passed, because the Referendum Commission charged with conducting the referendum cannot be created until the law is in effect. If the Obama administration opts to make a sober assessment of the situation that incorporates a historical perspective on the NCP's tried and true delay tactics, policymakers cannot ignore that the NCP's interests are being served by a delayed referendum.

The Obama administration must recognize that the NCP has effectively driven the disputes over the referendum law, thrown up obstacles and unreasonable demands, and skillfully manipulated the process in order to inflame internal SPLM dispute. In short, the contentious referendum law debate has been a mirror of broader CPA implementation issues, with the South losing out to a stronger and better coordinated Khartoum government intent on tampering with the peace agreement.

As the United States considers its options going forward, it is essential that the reality of the present moment be fully understood. The assumption is that at some future point in time some rewards or penalties will be considered, after extensive reviews of the evidence and consultation with other countries. This approach ignores the exigency of the current context, which includes a number of variables that should have already tripped the wires and triggered specific actions.

**Black-out in Darfur.** Although the Obama administration continues to call what is occurring in Darfur genocide, the reality is we don't really know. And we don't know because the NCP has effectively cut off all independent outlets for assessment, analysis, and publication of what is happening presently in Darfur. Relief agencies dealing with sexual violence have been expelled or forced to suspend their programs, so we no longer have independent means to assess the level and scope of rape as a war weapon, a critical instrument of genocide.

While the special envoy has made consistently positive and inadvertently misleading statements about levels of aid, relief organizations clearly do not have access to large areas of Darfur, and those that do have access to vulnerable populations no longer publicize their assessments for fear of expulsion. Darfuris struggling to get information out to the world are imprisoned and silenced. Journalists cannot get travel permits and when they do their visits are stage managed by Khartoum. The NCP's recent statements about a plan to force displaced persons to return home in early 2010 should set alarm bells ringing. The regime's policy of divide and destroy continues, but it is just a different phase, and much more secretive.

*Does the NCP's policy of blacking out Darfur undermine peace in Sudan? Yes.*

**No conditions for free and fair elections.** The Sudanese people throughout the country want to freely elect their leaders. Before the NCP seized power in a 1989 coup, there was a rich culture of political parties and civil society organizations. The NCP does not want free and fair elections, because it would almost certainly lose. Flawed elections will undermine broader stability in Sudan and further confuse the process leading to the referendum. Five months away, it is red alert time for diplomats. The CPA clearly demands respect for individual liberties, including freedom of expression and freedom of assembly and association. Yet the NCP has blocked the necessary legal reforms to allow for a free and fair vote in 2010.

*Does the NCP's policy of obstructing credible elections undermine peace in Sudan? Yes.*

**Undermining the referendum.** Southerners want independence. Every poll and all anecdotal evidence points to this outcome. The NCP does not want to lose the oil in the South, and therefore is undermining the terms of and processes related to the referendum. The NCP hopes that the Government of Southern Sudan will become frustrated and issue a unilateral declaration of independence, thus losing all international support and creating enough confusion to delay the referendum, perhaps indefinitely, even if it means going back to war. For the past month, Ali Osman Taha and Riek Machar, the lead negotiators for the NCP and SPLM respectively on the referendum law, have shuttled between their parties attempting to reach agreement on core issues related to the referendum—namely the percentage of votes needed for secession, and the voter turnout percentage to validate the referendum.

*Does the NCP's policy of delaying any deal on the referendum law undermine peace in Sudan? Yes.*

**Increased violence in the South.** The day after the Comprehensive Peace Agreement between North and South was signed, a few long-time Sudan analysts wrote that it would only be a matter of time before the NCP would begin to undermine the stability of the South through the use of ethnic-based militias. Predictably, in the run-up to the scheduled election, less than a year and a half away from the referendum, intercommunal violence erupts again in the South, in the same areas in which it destabilized the South during the war at the hands of NCP-sponsored southern militias. Is there a smoking gun yet? No. Is this exactly the pattern of militia attacks we've seen the NCP use in the South and Darfur? Yes. Does the NCP have a motive for promoting intercommunal violence in the South at this time? Yes. Has the NCP repeatedly used disturbances and divisions in the South to make the case to international diplomats that an independent South would somehow be ungovernable? Yes.

*Does the NCP's policy of sowing divisions within the South undermine peace in Sudan? Yes.*

---

## Implications

The conclusion drawn from these insidious trends is that without a firm response from the international community, led by the United States, full-scale nationwide war is inevitable. This should involve a special outreach effort to China because of the vulnerability of its oil investments should war resume in the South. The United States must, then, organize and lead a multilateral diplomatic surge in Sudan aimed at negotiating and consolidating national peace. Robust diplomatic engagement with all sides should be backed by the creation and application—immediately—of multilateral pressures and clear consequences. If the U.N. Security Council is unable to act because of Chinese and Russian opposition, then the United States should forge a coalition of countries willing to unilaterally apply certain measures commensurate with the threat posed to peace in Sudan.

Such a diplomatic surge would include drafting a framework peace deal for the parties in Darfur based on the extensive civil society consultations to represent the core grievances of the people there. American stewardship of a multilateral process involving all the key countries with leverage is critical to a credible peace effort. The surge would also involve the reconstruction of the troika that helped negotiate the CPA, and should also include China, Egypt, and other countries with serious economic and security interests in preventing a return to war.

Most importantly, this peace surge needs to be backed by credible pressures. Contrary to conventional wisdom, there are actually many such diplomatic levers that have not yet been utilized. They include:

- Multilateral asset freezes aimed at key members of the NCP who have enriched themselves as a result of the oil boom of the last decade in Sudan
- Multilateral travel bans that act as a scarlet letter on the shirts of key officials who aspire to be taken seriously internationally
- Multilateral enforcement of the U.N. Security Council's arms embargo through the enhancement of the sanctions committee or another enforcement mechanism if the U.N. Security Council once again fails to discharge its duties
- Multilateral support to the International Criminal Court's cases against key Sudanese officials, both in terms of existing indictments and a further expansion of the caseload
- Multilateral denial of debt relief that the NCP is aggressively seeking in the context of declining energy prices

The bottom line is that any one of these measures will have little bite, objectively speaking. But, as history has demonstrated, the political impact of a slowly growing set of penalties for undermining peace can alter the NCP's calculations to the point where senior officials within the party assess that they are better off changing their policies and behavior than continuing with their destabilizing agenda.

All of these pressures and others should be utilized if at any time Darfur rebel factions or the Government of Southern Sudan becomes a primary agent of instability and obstacle to peace.

Ultimately, the objective of the diplomatic surge and the pressures that provide leverage for it is the achievement of a sustainable national peace. This will happen only if the NCP no longer holds absolute authority in the country, but rather shares it with other parties and constituencies and eventually allows fully free and fair elections to determine the future leadership of Sudan. In the meantime, averting a return to full-scale nationwide war is the pressing priority, and the actions of the United States will have more to do with success or failure than any other single variable.

---

---

Enough is a project of the Center for American Progress to end genocide and crimes against humanity. Founded in 2007, Enough focuses on the crises in Sudan, Chad, eastern Congo, northern Uganda, and Somalia. Enough's strategy papers and briefings provide sharp field analysis and targeted policy recommendations based on a "3P" crisis response strategy: promoting durable peace, providing civilian protection, and punishing perpetrators of atrocities. Enough works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve these crises. To learn more about Enough and what you can do to help, go to [www.enoughproject.org](http://www.enoughproject.org).

---

---

