

Sudan Scenarios to Strategies Workshop

Leriba Lodge, Centurion, South Africa
18–21 December 2009

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Source: UN OCHA www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&cc=sdn

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Acknowledgements

Without the belief that this exercise could help facilitate dialogue among all the political actors in Sudan and the commitment of the NCP, led by Dr Mustafa Ismail Osman, and the SPLM, led by Secretary General Pagan Amum Okiech, these four days would not have been able to produce such quality of debate and exchange of ideas. This extraordinary event was possible only because of the commitment, kind help and incredible dedication of Ambassador Ali Yousif Ahmed, Ms Suzanne Jambo, Dr John Yoh and Ambassador Siddig Abdalla. We are deeply grateful to all the Sudanese delegates from different parties and civil society organisations who took time from their busy agendas before the festive season, to attend this workshop.

We would like to thank the Norwegian government for its kind support in providing the ISS with the necessary funding, and the Swiss government, via the HD Centre for Humanitarian Dialogue, for kindly agreeing to also support this initiative. We would like to thank Minister Sydney Mufamadi, Mr Ian Martin and Professor Brendan O'Leary for kindly agreeing to share with us their vast experience and wisdom. Their contributions were invaluable. We would also like to thank Sir Derek Plumbly, Mr Michael O'Neill, Mr Muin Shreim, Ambassador Graham Maitland and Ms Rut

Giverin for their belief in and support of the process, and valuable contributions.

Finally, we would like to thank Mr Adam Kahane and Ms Rebecca Freeth from Reos Partners for facilitating the scenarios workshop and sharing with us their unique formula for scenario-building. Our gratitude is also owed to the members of the scenarios team, without whom we would never have managed to organise such a complex event: Ms Meredith Preston McGhie, whose dedication, wisdom and guidance in the process were invaluable; Mr Richard Cornwell, who beautifully captured the essence of the proceedings in this report and was instrumental in its production; and Mr Said Conde, Ms Vanessa Krynauw, Ms Maria Maluleke and Ms Killa Janda, who were extraordinary.

With gratitude

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***‘Whatever the difficulties, Africa shall be at peace.
However improbable it may sound to the sceptics,
Africa will prosper.’***

Thabo Mbeki,
chairperson of the African Union High Level Implementation Panel for Sudan

Introductions

INTRODUCTORY REMARKS BY THE NATIONAL CONGRESS PARTY

During the workshop it became very clear that we all want peace, the consensus was clear. The domain of the four scenarios increased our awareness of our present reality. For the first time we have a clear commitment and we managed to discuss difficult issues through the scenarios. My belief was that all the parties involved showed generosity of spirit in addressing such diverse challenges as citizenship, oil sharing and the rights of border communities, among others. We saw the damage of thinking in one way and not considering the different options, avenues for discussion and the diverse directions that one situation could take.

The future of Sudan will not be simple, as either a unified nation or two countries. But regardless of the result we will need to understand the premise upon which a highly heterogenous country can live in harmony and in peace. There were not many differences among all the parties sitting at the table in these scenarios, but it is that small percentage of what makes us different that has been enhanced in the past. We now need to focus on our commonalities.

Dr Mustafa Ismail Osman

Presidential Adviser, National Congress Party

INTRODUCTORY REMARKS BY THE SUDAN PEOPLE'S LIBERATION MOVEMENT

The scenarios workshop gave us the opportunity to discover possibilities for resolving the problem that we face today. Sudan is in crisis and the decision-making process is complicated by the crisis itself. Fears can render us helpless and have our creativity impaired, reducing our ability to take important steps.

As a retreat, the workshop became an opportunity to think freely, outside the box, and engage with each other to establish the most probable and likely outcome for our crisis. I had asked the scenarios team to take us to the abyss, to show us what could happen so that the parties could learn about the true costs of choosing to fall into that abyss. My idea was that we needed to reduce the choices of potential options for the future so that only one best outcome would present itself to all of us. My idea was that we could all come back home to Juba and Khartoum recommitted to bringing the necessary readiness by the parties to make concessions in the interests of all.

The muddling through scenario is a very rich one as it encapsulates all the scenarios, giving the opportunities for understanding and potential partnership but at the same time the risk of a breakdown of relationships and a return to war. We the parties must address the cardinal principle that we are committed to respecting the choice of the people of Sudan. But it is also important that we do not put unity in the realm of heresy and secession in the realm of orthodoxy.

Secretary General Pagan Amum Okiech

Sudan People's Liberation Movement

SCENARIOS AS A TOOL FOR COLLECTIVE STRATEGISING

We live in a world characterised by increasing dynamic, social and generative complexity. In this context, our most common approaches to grasping and addressing our challenges – piece-by-piece, top-down, best practice-based – are no longer adequate. We need to learn uncommon approaches that are instead systemic, participative and emergent.¹

Scenarios are a tool well suited to this complex context. They are simple, even primal: a set of stories about how our future might unfold. At the same time, they are subtle and sophisticated: a critical and generative discipline for individual and collective reflection on what we see and believe about what is going on around us, our role in it and what it demands of us.

Scenarios are a tool for improving the quality of collective strategic thinking and conversation. They can be used by any group – a team, an organisation, a nation – that needs to talk together about what is happening around us and among us, what might happen and what we should do about it.

Kees van der Heijden, the former head of Royal Dutch Shell's scenario team, points out that strategic conversations suffer from two typical pitfalls.² Either a group suffers from groupthink – everyone thinking the same thing about what is happening and being wrong – or from fragmentation – everyone thinking something different and so being able to agree neither on what is happening nor on what to do. Scenarios, as a shared set of multiple stories, address both of these dangers.

Van der Heijden also points out that, to be useful, scenarios have to meet two criteria that are in tension. On the one hand, they have to be seen as relevant to the people whose strategic conversation they are intended to improve, and so be tightly connected to those people's current worries and wonderings, and their impending decisions – in other words, congruent with current mental models. On the other hand, the scenarios must be challenging to these people, presenting them with novel perspectives – in other words, jarring to their mental models. The art of scenario work is to develop a set of stories that are simultaneously relevant and challenging, and also plausible and clear, so that the users will be willing and able to use them.

Scenarios have a long history as a tool for strategic thinking and conversation within military, business and other organisations, and a short history as a tool for cross-organisational, cross-sectoral public strategising. The best known of such public applications are three exercises that were conducted in South Africa during the late 1980s and early 1990s (all employing versions of the Shell methodology), during that country's transition away

from apartheid.³ This South African work highlighted dramatically the potential value of scenarios as a tool for stimulating and structuring strategic conversation across a broad range of stakeholder leaders, in complex contexts where there is a need for a set of maps that are both shared (to provide a common language to bridge a fragmented and polarised social system) and multiple (to provide space for diverse perspectives on what is going on and might go on, and what needs to be done about it). The South African work has been followed by many such exercises, at many scales – local, regional, national and international – on many subjects, in many parts of the world.

The need for such public scenario work is increasing. Neither of the two ways we usually coordinate our efforts to address our complex challenges – hierarchies and markets – are adequate to our current context.⁴ A third, dialogic approach is needed. Scenarios are an important tool for stimulating and structuring the dialogues we need to deal with the challenges we face.

Adam Kahane
Reos Partners

1 Adam Kahane, *Solving tough problems: an open way of talking, listening, and creating new realities*, San Francisco: Barrett-Koehler, 2004.

2 Kees van der Heijden, *Scenarios: the art of strategic conversation*, West Sussex: John Wiley, 1996.

3 Nick Segal, *Breaking the mould: the role of scenarios in shaping South Africa's future*, Stellenbosch: Sun Press, 2007.

4 Claus Otto Scharmer, *Theory U: leading from the future as it emerges*, Cambridge: Society for Organisational Learning, 2007.

SETTING THE SCENE

On 9 January 2011, the people of South Sudan are expected to vote in a referendum through which they will indicate whether they wish their autonomous state to remain part of the Sudan or to seek a future as an entirely separate political entity. This decision will constitute a keystone in the realisation of the Comprehensive Peace Agreement (CPA) signed in Naivasha, Kenya, by the National Congress Party (NCP) government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) exactly six years previously.

The CPA ended a 22-year civil war that resulted in the deaths of 2 million people and the displacement of 4 million. Regarded as one of the most carefully crafted peace agreements on the continent, it provided a six-year road map for political transformation, for addressing economic marginalisation and mismanaged diversity through power-sharing⁵ and wealth-sharing⁶ provisions.⁷ Apart from the restructuring of the centre of power in Khartoum through the creation of a government of national unity, by giving the SPLM proportional representation in state institutions, security arrangements provided for the integration of the Sudanese Armed Forces (SAF) and SPLA into joint units aimed at preparing the basis for a national army. However, the country has essentially functioned as two separate entities, with an autonomous government for South Sudan, distinct legal and cultural frameworks, different land policies, separate banking systems, the retention of two armies and the stipulation of a self-determination referendum for the south in 2011.

The CPA is a complex document, not without its ambiguities and limitations, and disputes and disagreements between the signatories have waxed and waned over the intervening years about its precise interpretation and the timetable for its implementation. Delays and even attempts to renegotiate some of its key provisions have characterised the last few years, leading some observers to doubt whether it would ever be implemented at all. Not least of the questions raised has been whether sufficient mutual trust is possible between the two principal parties to ensure their essential cooperation in good faith. The answer will be provided in large part over the coming months.

But good faith and fine words, instead of suspicion and inflammatory rhetoric, though essential, will not suffice to solve the myriad problems facing Sudan, north and south. The people of Sudan and the broader international community are so focused at present upon the logistical and technical difficulties of accomplishing a successful and credible referendum in the vast and undeveloped territory of South Sudan and among the large numbers of the South Sudanese diaspora, that the

broader issues of political transformation first raised in the Declaration of Principles in 1994 and reiterated in the Machakos Protocol of 2002 have been relegated in importance.

The referendum is to be followed by a six-month period in which the practical details of the new dispensation, whether as a united country or as two separate entities, will have to be worked out. Given the scope and complexity of the issues involved, these negotiations promise to be as challenging as any that led to the conclusion of the CPA in the first place, though the timeframe allowed is far shorter.

Of the concerns creating the most disquiet are those of frontier demarcation. There are a number of places along the 1956 line where the location of the border is disputed, and complexities arise because of the annual seasonal movement of millions of nomads across that imaginary line in search of water and pasturage. Nowhere is this problem more acute than in Abyei, a disputed area whose own borders continue to be the subject of contention. Abyei was also meant to hold a referendum on 9 January 2011, to decide whether it would form part of north or South Sudan. Preparations for this vote have scarcely begun, and it is now common cause that it will not be conducted in time, leaving another potentially volatile issue to add to those still to be negotiated.

Popular consultations in southern Kurdofan and Blue Nile, both of which lie in the north but whose populations, though largely Muslim, provided many fighters to the SPLA during the long civil wars, are slowly making progress. If successful they will play an important part in redefining Sudan's constitutional landscape, which will come into consideration in north and south after the end of the CPA's interim period.

5 At the executive level, the presidency was retained by the NCP and the position of first vice-president was attributed to the SPLM while cabinet posts at the national were divided 52 per cent to NCP and 28 per cent to SPLM with 14 per cent going to other northern political forces and 6 per cent to other southern political forces, the same proportions were attributed to the national legislature; whilst in the state governments of the three transitional areas (Abyei, Blue Nile and southern Kurdofan) the NCP was awarded 55 per cent and the SPLM 45 per cent.

6 Revenues from oil produced in the south allocated 50 per cent to the government of South Sudan, and 50 per cent to the national government, while 2 per cent of the revenue is allocated to the oil-producing states; land commissions were also established for the north and south.

7 For further details on CPA provisions and protocols refer to Thomas, Edward, *Against the gathering storm: securing Sudan's comprehensive peace agreement*, Chatham House Report, January 2009; and International Crisis Group, *Sudan's comprehensive peace agreement: the long road ahead*, Africa Report 106, March 2006.

The scenarios report

BACKGROUND

From 18 to 21 December 2009, the Institute for Security Studies convened a closed workshop to discuss the future of Sudan. With less than two years remaining of the six-year interim period provided by the Comprehensive Peace Agreement (CPA) of 2005, the Government of National Unity, the Government of South Sudan, the National Congress Party (NCP), and the Sudan People's Liberation Movement/Army (SPLM/SPLA) are facing complex and difficult choices and challenges in relation to the stability and transformation of Sudan. Whilst the outline of a path to elections and a referendum has been laid out in the CPA, the territory beyond the 2011 deadline has yet to be considered or mapped. It was within this context that the scenarios to strategies workshop was convened.

The workshop aimed to provide a relaxed and informal setting in which various influential Sudanese opinion formers from various parts of the social and political spectrum could reflect on what might happen in their country before and after the referendum scheduled for 2011. Representatives of key international and foreign agencies were also invited to participate in the discussions.

The four principal aims of the four days of deliberations were:

- To develop a set of different scenarios, all of which would be useful inasmuch as they were relevant, challenging, plausible and clear.
- To formulate a set of strategic implications based on these scenarios.
- To develop an increased sense of communication, understanding and trust among the participants.
- To suggest a plan to carry forward the results of the workshop.

DAY I 18 DECEMBER

The workshop began during the late afternoon of Friday 18 December, with the participants being welcomed by Dr Paul-Simon Handy of the Institute of Security Studies (ISS). He was followed by the facilitator, Adam Kahane of Reos Partners, who emphasised that the workshop was confidential and that proceedings were off the record in terms of the Chatham House Rule. No press would be

present, and no public statements were called for. He added that this was not a negotiating forum.

Breaking the ice

The facilitator divided the participants into two random groups. An individual from one engaged an individual from the other group for five minutes, arguing opposing views (not necessarily his or her own) about the probable outcomes of the workshop, one taking a cynical approach, the other a positive view.

They were then asked to share in plenary persuasive points made by their 'opponents'. What became apparent was the overwhelming concern with 'time' and how Sudan and the stakeholders had a short window of opportunity to make so many decisions and overcome so many obstacles.

The most convincing arguments presented by the 'cynics' were as follows:

- Positions were already too entrenched for compromise.
- This meeting should have happened earlier.
- The attempted meeting of minds had come too late in the day to affect developments.
- It was dangerous to reopen old issues.
- Ideological differences were insurmountable.
- Talking about positions would not help as the principals had already made up their minds.
- There are too many external meddlers.

The most convincing arguments presented by the 'believers' were as follows:

- Insights would be gained that could provide a basis for better informed decisions.
- It was important to focus on the possibilities for the future rather than dwell upon the troubled past.
- Discussions have always concentrated on the past and the present when change might arise from looking towards the future.
- It was important to identify the variables in the scenarios.
- This represented a last chance to achieve a mutually satisfactory outcome.
- Previous scenarios should be challenged.
- It was vital to look into the future to understand the immensity of the issues at stake.
- It was important to use the little time left in a valuable and effective way.

Introduction round

Participants were then asked individually to identify themselves and express their hopes for the workshop, as partners in the enterprise of finding solutions in the general interests of the Sudanese people rather than as political opponents. This provided the participants with an opportunity to imagine the way forward and show how they conceptualised both the problems and possibilities. They were then asked to choose an object, either real or imagined, which would encapsulate their own view of the current reality in Sudan.

- One of the Sudanese living in South Africa, invited as a resource person, used his introduction to talk about the pattern of cycling in Sudanese politics – 'this is its complexity'.
- One participant from eastern Sudan chose as his object a bouquet of flowers to demonstrate the fragility of Sudan and the richness of cultures (the different colours of the flowers and the difficulty in separating the colours).
- Another said: 'If we want to have a meaningful and lasting solution, let us not sit as enemies, but as partners who have a problem. We need to isolate the problem and put it in front of us. Objectively, we will be able to identify the possible alternative solutions.'
- 'When you want to make a change, you don't put the reasons and the foundation... We are obsessed with removing and once the so-called enemy is removed there is a vacuum. In this forum, we have a lot to do. I want us to think about arriving at win-win solutions.'
- 'Coming from Kurdofan, which represents the diversity of Sudan, I want to bring an old man from the south and an old man from the north. Both have a small child with them. They sit here wondering what is going on; why are they fighting and where are they going now?'
- A participant from Northern Sudan presented as his object a bag of noodles to symbolise the intertwined politics in Sudan, saying: 'When you cook it, it is complicated to separate and it goes round and round...'
- 'My object is a pair of reading glasses because we are either blind or we can see, and what is necessary is the correct diagnosis.'
- 'I am from Sudan... I never say which tribe or whether I'm from the north or the south. I have no party; the country is my party and I am a unionist. My chosen object is a candle. There is light at the end of the tunnel.'

- 'My objects are an elephant and a blind man. The blind man cannot see the elephant, but can describe it from touching it. So he describes the trunk, or the tusk, or the belly. All are correct, but none is the totality of the elephant. This is Sudan.'

There were some comments about 'meddling foreigners', particularly from the non-Sudanese present who were sensitive to this. One of these foreigners mentioned it in his introduction, acknowledging that the attention of the international community can be burdensome for Sudan and that Sudan has ultimate responsibility for its own future. He stressed that the ideal approach of foreign governments is to be supportive. Two of the foreigners presented their passports as their chosen objects, and placed them on the table.

One of the resource people asked why the exercise was being conducted in South Africa instead of in Sudan. The ISS explained that it would take Sudanese away from their normal distractions and environment to a neutral setting that would act as a retreat. South Africa has been through two valuable scenario exercises itself. The facilitator emphasised the importance of having a chance to relax away from the normal routine.

Why scenarios?

The next session was dedicated to a general explanation of the use of scenarios; the importance of establishing reliable facts for one's conceptual maps; achieving new intellectual insights and making new relational connections, and showing how intentional outcomes might be achieved.

The facilitator emphasised that scenarios do not intend or claim to be predictive, but are useful to develop possible and plausible stories and examine how these might be shaped by actions either taken or avoided.

This exercise was not about consensus building but making use of different insights and perspectives to make smarter decisions through strategic conversation. It was about making up stories that could happen rather than those whose outcomes were either desirable or disastrous. These might, however, contain warnings of dangers to be avoided.

Participants were asked to both listen and listen to their own listening, taking note of their own reactions, emotional as well as intellectual, to what was said.

Dinner in the evening was preceded by a formal welcome by Dr Jakkie Cilliers, executive director of the ISS and His Excellency Ambassador Ali Yousif of Sudan. Both thanked the donors who had made the meeting possible, and in particular the Norwegian government, which covered unforeseen costs following the

postponement of this workshop from November. A special note of thanks was made to the participants attending this workshop aimed at challenging conventional thinking on Sudan.

DAY II 19 DECEMBER

Summing up

The first full day of the workshop began with the participants being asked to reflect on how they were experiencing the workshop so far. The general mood appeared less engaged than on Friday evening, and there was a measure of impatience about getting down to substantive issues, and some questions about how this workshop would differ from previous ones on the subject.

Some participants believed that though there might be general agreement on the desirable outcomes of the situation in Sudan, the differences were principally about how to get there. Other concerns were whether the elections and referendum would take place as scheduled, and whether they would be free and fair. There were also those who thought that sticking to a strict timetable was of far-less importance than achieving a 'soft landing'. Questions were asked about whether the scenarios to be worked on should take the CPA as their point of departure.

The methodology

Participants' concerns were directed towards both the difficulties of implementing the CPA and the workshop methodology. The Shell methodology differs from the mostly academic exercises consisting of drawing a set of scenarios from the worst to the best case. Rather, it is a participatory exercise implying the full involvement of crucial actors (mostly decision-makers) working on a series of plausible (not wishful) and realistic (not imagined) stories on Sudan that go beyond conventional wisdom.

The facilitator introduced participants to the workshop methodology, showing how participants could examine their own ways of thinking and talking to come up with novel insights and useful scenarios, rather than revisiting old ideas non-critically. Again he defined useful scenarios as relevant, challenging, plausible and clear.

Challenging conventional wisdom

Initially, it was important to identify the key questions beyond conventional wisdom. It was necessary to move carefully and more slowly than many might like, to make

more substantial and significant progress over the full four days. It was essential that the participants engage in free thinking beyond initial assumptions about the issue.

Participants were asked to pair with unfamiliar partners and conduct interviews with each other, identifying the issues that really mattered to the other. The facilitator distinguished among four ways of talking and listening: downloading, debating, dialoguing and finding clues to the general system of understanding. Only by acknowledging these would it be possible to suspend the commonplace and move into new cognitive territory. This would facilitate clear identification of the key questions, rather than cause diversion to peripheral issues. It was also important for participants to understand their own unspoken assumptions and the assumptions made about the positions of others, to allow motives and reasoning to be explicit.

- Downloading – saying what one always says, giving the same speech as if playing a tape, not listening at all.
- Debating – saying what one thinks, listening to decide whether to agree or disagree.
- Dialoguing – listening to understand why one is saying what one is saying, listening with empathy.
- Systemic understanding – listening to discover what is emerging in the system as a whole.

It was important to note the conscious patterns of ideas and their connections. How are individual stories and experiences composed, and what feelings and thoughts do they reflect and stimulate? Core questions had to be identified that would later be grouped by the participants into core issues for further examination. The questions should be allowed to determine the categories, rather than vice versa.

The general mood now moved up several beats as the facilitator argued that going fairly carefully and slowly at this point of the scenario building would achieve far more in the long run. Again, he emphasised that this was an exploratory exercise, not a negotiation.

Key questions regarding Sudan

Participants identified key issues that had emerged in their interviews and then collectively grouped these to form focus points. Key questions emerged:

- What are the national interests common to all Sudanese? Was it possible to achieve agreement on these?
- How are the fears of unionists and separatists to be addressed following the referendum?

- How are peace and stability to be maintained in Sudan, whether divided or united?
- Would it be possible to resolve outstanding issues before the referendum?
- Would the elections contribute to greater political stability in Sudan?
- Would the elections take place?
- If unity were to prevail, how would the southern Sudanese perceive or embrace this?
- If the referendum decides in favour of separation, how is a peaceful and sustainable transition to be achieved?
- Is it possible to reconcile belief in a strong and united Sudan with the division of the country?
- Why are some southerners members of the NCP?
- Can there be an honest and lasting peace in Sudan?
- How might a united, democratic Sudan be promoted?
- How could Africa assist Sudan to remain united in its diversity?
- How could the interests of North Sudan and South Sudan be reconciled given secession?
- How could North Sudan and South Sudan allay each others' fears by committing genuinely to a resolution?
- How might stable cooperation be developed between north and south?
- What do foreign governments see as the most important issue in Sudan today?
- Are free and fair elections possible in the short timeframe available?
- What are the scenarios that could lead to unity rather than separation?
- How might the partners avoid the worst case scenario of war?
- What kind of citizenship and other laws could help make secession feasible?
- How would it be possible to avoid the horror of civil war during and after secession?
- Do Sudan's problems not result from the selfish agendas of leaders?

Addressing critical issues

The participants then used these questions to frame four sets of issues to identify relevant questions and form the focus for the scenarios to be developed by the workshop.

- How to maintain positive relations between north and south.
- How to resolve outstanding issues, maintain peace and avoid a return to violence.
- How to understand the impact of the elections.

- How to achieve national unity based on mutual commitment in good faith.

Participants were divided into four groups, regardless of individuals' personal positions, to identify the conventional wisdom of the NCP, SPLM, other Sudanese groups and the international community. The groups then told the story of the years 2010-14 as informed by the conventional 'downloads', which would then be consciously suspended as the participants moved on to develop new ways of looking and understanding that might prove more productive in arriving at useful scenarios more conducive to decision-making. The idea behind building conventional wisdom related to the need to contrast it with the building of challenging scenarios.

The conventional wisdoms expressed by the various groups tended to reflect public positions rather than innermost thoughts, even of a conventional nature.

NCP's conventional wisdom

The NCP position was summarised by group representatives as focusing on peace and unity in Sudan. Free, fair and peaceful elections were expected in 2010 as a result of a closer understanding of the NCP and SPLM and other parties. The outcomes of these elections would further contribute to mutual confidence and a focus on issues to be resolved before the referendum. There would be more discussions of the south's problems, such as to Sudan's debt, international relations and sanctions. In addition to a greater sense of mutual confidence between the NCP and SPLM, solutions would be found to post-referendum arrangements. The Darfur issue would be resolved and a donor conference held to reinforce the peace in the east.

A free and fair referendum would be held in 2011, the outcome of which would be accepted by all Sudanese. Implementation would be peaceful and a constitutional review would begin to cover the post-CPA period.

In 2012, there would be moves to bring the north and south closer together and greater efforts would be made to promote peaceful relations. In the following year, progress would be made towards the creation of a national constitution and the formulation of a national strategy for sustainable development. In 2014, there would be a national review of relations between north and south, a revisit of the outcome of the referendum and a revision of Sudan's foreign policy. Preparations would begin for the next national elections.

SPLM's conventional wisdom

Elections could have either positive or negative outcomes. A negative scenario would see flawed elections followed

by unrest, the introduction of repressive legislation and the violent eruption of current border disputes. As the NCP became more repressive, its relations with the SPLM would deteriorate. Insufficient foreign pressure would lead to delays in the holding of the referendum, and public anger would result, leading eventually to a resumption of war, with appalling consequences for both Sudan and the region as a whole.

On the other hand, if the CPA was adhered to and all sides honoured their undertakings, peaceful separation and coexistence would be possible, resulting in economic improvement for north and south in a new spirit of cooperation and respect between independent states.

Conventional wisdom of other Sudanese groups

Assuming that elections were held in April 2010, the NCP and SPLM would emerge victorious at all levels of the contest, a result that might not be accepted by other Sudanese parties and the international community unless the elections were seen to have been free and fair. There might be even a partial boycott of the elections unless a level playing field was assured. Without the prior resolution of the Darfur issue the elections would also remain incomplete.

Were the elections to pass off successfully, a new government would be formed including new executive and legislatures at national, southern and state levels. In July 2010, registration would open for the referendum, to be held on, or before, 9 January 2011. A referendum would also be held in Abyei and popular consultations in southern Kurdofan and Upper Blue Nile. The probable outcome was a vote for southern independence, raising the issue of whether this would be accepted. Unless the Abyei issue was addressed prior to the southern referendum it would remain problematic.

Developments in 2012 to 2014 would depend altogether on what happened in 2011. Should the referendum outcome be respected the way would be clear for new elections in north and south. Otherwise all the work of the past few years would be in vain.

International community's conventional wisdom

The international community was likely to accept the results of the elections in 2010. Efforts should then be made to resolve all post-election issues prior to the referendum. This would be unlikely and international impatience would grow. The SPLM and NCP would remain nominally committed to the CPA, but a soft landing would require cohesive leadership in both the north and south. The African Union (AU) and the United

States (US) would lead the facilitation and mediation of post-referendum arrangements. Abyei, Kurdofan and Blue Nile would continue to be potentially explosive. The outcome of the elections would have a decisive impact on the referendum.

The referendum would take place in 2011, but possibly later than planned. The result would likely be a vote for secession, a result the international community would expect the NCP to accept, although the north would continue to have legitimate and outstanding concerns. In 2012, two new consolidating regimes would face internal challenges, and the United Nations (UN) would be unable to intervene in what were essentially domestic issues.

In 2013/14, the international community would congratulate itself on a job well done and move on to other conflicts.

Wrapping up

Observations were made about the four conventional wisdom stories and it was particularly interesting to note that the first three were subjective wishes, whilst the last was objective. It was remarked that only the NCP scenario failed to make an issue of mistrust or think explicitly of a southern secession. The focus for the NCP was greater in looking beyond 2011, whilst for the SPLM and the international community greater emphasis was given to the run-up to 2011. For all the stories, the future was gloomy – even though all provided for peace there would invariably be tremendous problems.

The facilitator again recalled that the purpose of scenarios that would follow depended on identifying what needed to be challenged in current orthodoxies and would allow for the improvement of decision-making. This would be possible only if conventional thinking, as outlined, were suspended consciously. It was vitally important to shift from familiar assumptions.

New pairs were formed of unfamiliar individuals to walk and discuss frankly their concerns. There was still a measure of uncertainty about the workshop's likely outcomes and whether it could impact on real policy decisions, but the facilitator urged participants to see what could be built rather than anticipate outcomes and impact. It was interesting that as the day progressed some participants began making more explicit statements based on their own political positions.

Case studies

The afternoon session was devoted to three presentations on other experiences of attempted peacemaking and conflict resolution, all of which involved a measure of power-sharing, elections and difficult transitions:

Kurdistan in Iraq, East Timor and South Africa. Any doubts in the participants' minds about the relevance of these case studies was quickly dispelled by the quality of the presentations, and there was keen engagement with the speakers, all of whom were at pains to emphasise that direct comparisons and lessons learnt were not being proposed.

Power sharing and federalism in Iraq: the case of Kurdistan⁸

The first presentation, by Brendan O'Leary of the University of Pennsylvania, centred on power sharing and federalism in Iraq. It began by highlighting the similarities between Sudan and Iraq, both petro-states with a history of territorially disaffected minorities, centralising Arabist and Islamist movements, long wars between the peripheries and the centre, and power-sharing pacts. The speaker explained in great detail how the multiple nationalities that compose modern Iraq negotiated a post-Saddam 'voluntary united state' that keeps the balance of unity in diversity through federalism. The Iraqi federalism rewards Kurdish and Shiite minorities for staying in the union, by providing them with substantial autonomy deals with far-reaching rights. The Iraq mechanism to deal with Kurdistan created the perception that no side was betrayed. The presenter emphasised that minorities' rights and federalism in Iraq predates US occupation despite widespread perceptions of the contrary.

The process of self-determination in East Timor

The next presentation was about a conflict-resolution process that resulted in a self-determination ballot in East Timor. The presenter, Ian Martin, was the special representative of the UN-Secretary General and in that capacity, headed the UN mission that implemented the 1999 referendum. Martin gave interesting and telling insights into the technical aspects of organising a self-determination referendum in an environment of deep mistrust between two parties (the Indonesian government and East Timor liberation movements), but with the international community driving the process. With a 98,6 per cent voter turnout, the Timorese voted for independence on 30 August 1999. Despite the post-ballot violence and mass displacement, which for some repartitioned the island between east and west, border demarcation took place after the vote. The international community helped build the state, with the UN taking a primary role.

8 The full presentations are annexed

South Africa's transition in the 1990s

The last presentation was devoted to the host country and its historical transition from apartheid minority rule to democracy in 1994. The speaker was Sydney Mufamadi, liberation fighter, former unionist and SA minister under Nelson Mandela and Thabo Mbeki (1994-2008) and today active in the Mbeki-led AU high-level panel on Sudan. Mufamadi's background gave him a privileged insight into the complexities of difficult transitions. He captured the attention of the audience by both elaborating on the South African negotiation process and issuing words of caution to the Sudanese about mistakes to be avoided.

Mufamadi advised the group to 'borrow from other experiences as you forge your indigenous path'. He talked about the ANC's mobilisation of the international community to support its negotiation positions, with a win-win approach for the whole country in mind, rather than a 'winner takes all' approach. The ANC entered negotiations with a far broader range of other political parties than anticipated. It had envisaged facing the apartheid government, alone, across the table, but had been convinced that 'an exclusionary approach tends to give rise to problems in the longer term'.

The speaker argued for strengthening the hand of the opposition group – even where it is the oppressor – to mobilise its constituency behind transition. 'If you want to make history, you need to accept that history-makers do not always operate under conditions of their own choosing,' he said. 'Demonising the other can make you blind to its signals of readiness to negotiate. We in the ANC wasted time debating whether the other side was serious enough.'

All the case studies allowed participants to examine other crises in which sometimes innovative steps had been taken to achieve resolution, with varying success. In each case the presenter had been directly involved in the process, and analysed and spoke from his own experiences, which enabled the participants to ask precise questions.

After dinner the group listened to the personal stories of six of the participants, which vividly highlighted identity, discrimination, and the traumatic effects of violence and war. The narrators related defining moments in their own lives and their subjective experience of key aspects of the Sudanese reality.

DAY III 20 DECEMBER

Summing up

The second full day of the workshop began with the participants again being asked about their experience of the workshop. There were concerns about how the

deliberations could feed back into the decision-making process. Some felt that the CPA should be the real starting point for any discussion of scenarios and that to move outside its parameters would be a waste of effort. External meddling was raised again.

The facilitator understood a measure of frustration at the apparently slow progress made so far, but indicated that this was a usual and healthy reaction. He stressed that this day would eliminate illusions about the stagnation of the process.

Building scenarios

The main focus of the day's work would be to develop stories of what might happen in Sudan. This would provide the basis for the next day, when the group would try to identify what needed to be done. Whilst this exercise might seem simple, it would involve a great deal of hard work.

Step 1: Group building

Task: five groups were formed, each mixing representatives of various parties and organisations, and international participants. Each group was to propose a few stories about what might happen in Sudan using snippets to show causal relationships between sections of the story. They were reminded not to suggest scenarios based on what they wanted to happen or what they feared might happen, but useful scenarios based on relevance, plausibility and the challenge to conventional wisdom. Clarity would emerge once the key scenarios were refined.

The facilitator explained that the method would take the groups through three phases.

- **Divergence**, as many ideas were placed on the table in the brainstorming exercise.
- **Emergence**, as ideas were allowed to interact and were interrogated for meaning. Most would find this both frustrating and confusing.
- **Convergence**, as the parameters of key scenario families were identified and worked upon.

In producing the rough stories groups would try to identify causal linkages showing the underlying logic to the stories as revealed by the consequences of the variables. These rough scenarios would be constructed piecemeal by combining links between smaller snippets of logic rather than attempting to construct an overarching logic from the outset. There was no need to construct complete scenarios at this stage or for the stories to exhaust all the possibilities.

Step 2: Group reports

In the lively report back session, which demonstrated that participants had certainly both understood what was required and had entered fully into the spirit of the exercise, some 20 to 30 stories emerged, the principal outlines being as follows:

- A degree of partnership would exist between the NCP and SPLM, which would lead to the successful implementation of the CPA and the survival of the existing regimes in North Sudan and South Sudan. With the requisite mutual respect and confidence, either unity could be made attractive or secession be achieved peacefully.
- Deterioration in relations between the NCP and SPLM would lead to delays in the holding of elections and referendum. Preparations would falter, leading to crisis and conflict at macro and micro levels.
- A policy of inclusivity would lead to confidence-building dialogue in the north and the south beyond just the NCP and SPLM. There would then be a general endorsement and buy-in of all groups in the outcomes of the elections and referendum, paving the way for consensus and the eventual formation of a common vision.
- An exclusivist approach would place reconciliation at risk and obstruct implementation of the CPA. At best the result would be a superficial peace, accompanied by mistrust of outsiders and continued serious challenges to Sudan's future.
- The regional and international community would approach the Sudanese issue with genuine understanding and respect for local choices rather than meddling patronisingly. Respect for Sudanese sovereignty would allow foreign actors to be seen as objective referees able to exert a beneficial influence.
- A divided regional and international community would cause confusion among Sudanese actors and reduce its own leverage and influence.
- The border between north and south and the status of Abyei would become clear and the referendum carried out successfully, leading to a reduction in tension and uncertainty, a peaceful consultative progress and acceptance of outcomes.
- Borders would remain disputed, posing a serious threat to the implementation of the CPA and the referendum, inter-communal conflict and a possible return to civil war.
- A relatively conducive political and legal environment would ensure transparency in the elections and referendum, leading to popular acceptance of the

results and an enhancement of domestically legitimate outcomes.

- A failure to agree on the prerequisites for free and fair elections and the referendum would throw these into doubt and create the possibility of violence and even uprisings. This would halt elections or lead to boycotts, resulting in repression and the violation of human rights.
- A partnership between the NCP and SPLM would smooth the way for the implementation of the CPA, but create an adverse reaction from opposition parties. Though some options would be favoured by the alliance, mutual suspicion would continue to dog the issues of wealth- and power-sharing.
- Problems between the NCP and SPLM could lead to both trying to rig elections to remain in power, creating problems of legitimacy. Rigging aside, the south would muddle through, regarding the outcome of the referendum as more important.
- An agreement on Abyei and the issue of voter eligibility could encourage the NCP to demarcate the north/south border, which would otherwise be compromised.
- Should the north obstruct, delay or refuse the referendum the south would declare independence unilaterally. This step might not be recognised by the international community. Khartoum could then choose either to invade or to ignore the unilateral declaration of independence (UDI), but conflict would be almost certain. The ensuing war would not be halted easily, and would probably conclude only with either military victory or UN intervention in support of the CPA.
- Successful, legitimate and accepted political outcomes would lead to international assistance and economic development.
- Deals between various parties would lead to the successful conduct of partial elections and the holding of the referendum before complete implementation of the CPA.
- A close or disputed result in the referendum would have very negative consequences, as would decisions on Abyei, possibly resulting in serious violence. Disagreements on citizenship and property rights would promote large, unplanned movements of displaced populations.
- Continued failure to resolve border issues satisfactorily would lead to dangerous military deployments, resulting in friction and unplanned clashes, and further delays to border demarcation.

- Prior agreement on oil and wealth-sharing issues would defuse arguments about border demarcation.
- Greater inclusivity in the political process beyond the NCP and SPLM would reduce the opportunities for spoilers to derail the process.
- The lack of time would lead to many outstanding issues being fudged and an unplanned and messy transition.

The outlines were debated, organised into groups, then further debated and refined to avoid overlap. The criterion again was how they would be useful. Following the lunch break more stories were added to the list and to the various clusters. At this stage, many participants were anxious and some even seriously unsure that the brainstorming exercise had any value at all, given the sophistication and detail of the storylines. Notable was the amount of thought that had gone into developing explicit causal linkages, which would assist in later exercises. This would allow for the emergence of stories beyond conventional wisdom, and would be relevant in that the issues that really mattered were becoming apparent. The facilitator was pleasantly surprised at the sophistication of the arguments and reasoning.

Step 3: Identifying four relevant and challenging scenarios

An ad-hoc group that gathered during the ensuing break proposed clustering the 20 or so stories into four scenarios. Once consensus was achieved participants were again divided into teams of equal size, and different backgrounds and persuasions, to work on the four scenarios:

Scenario	Description
Scenario A: Peaceful implementation of the CPA	The successful implementation of the CPA, leading to a peaceful future
Scenario B: CPA failure, return to war	The failure of the CPA and a return to war
Scenario C: Benign bypass	The NCP/SPLM conclude that the CPA will not work, bypass its stipulations and emerge with a successful outcome
Scenario D: Muddling through	The parties muddle through despite interruptions and delays to the implementation of the CPA, creating an unstable situation of neither war nor peace



SCENARIO A: THE FINAL DAWNING

The parties undertake aggressive and extensive discussions, recognising the implications of worst-case scenarios. These discussions result in NCP/SPLM leadership cohesion, and mutual understanding brings amicable resolution of differences.

Year 2010

- 1 A conducive environment for free and fair elections is created by the parties, which agree to remove all restrictive laws through the National Assembly. Human rights are respected.
- 2 Political dialogue between the parties takes place to improve trust and confidence and create stability. Opportunities for national healing are created.
- 3 The other political parties in Sudan pressurise the NCP and SPLM to agree to conduct partial elections (executive elections before the referendum and legislative elections post-referendum).
- 4 Elections are held freely and peacefully, on time, and the outcomes accepted, leading to the establishment of governments of the people in both the south and the north.
- 5 The parties agree to establish a presidential forum, inclusive of all stakeholders, to address all issues pertaining to implementation of the CPA and the future of Sudan post-referendum.

- 6 The legitimate government implements the referendum fully through:
 - a. Establishment of referendum commission
 - b. A budget for referendum
 - c. Awareness campaigns and voter registration
 - d. An Abyei protocol, and agreement on the Nuba mountains and Blue Nile issues.
- 7 Key post-referendum issues discussed and agreed on, including oil, liabilities and assets, citizenship, north/south borders, Abyei referendum, popular consultations, security and internally displaced people (IDPs).
- 8 International community continues to support the parties to maintain cooperation and cohesion to address all matters above.

Year 2011

The referendum on the south and Abyei is held and the vote opts for either:

- a **Unity**
The army will be reformed, a new wealth-sharing arrangement designed, people opposing unity brought into the political game (buy-in), marginalisation addressed and war prevented.
- b **Secession**
 - Recognition of the government of Southern Sudan by the government of Northern Sudan and the international community.

- Establishment of the two governments
- Borders demarcated
- New security arrangements made (joint integrated units [JIU] dissolved and militia issues addressed)
- Water issues discussed
- Political and economic cooperation between the two states designed

Year 2012 and beyond

Process continues smoothly:

- The two states take measures to promote economic and social integration, such as infrastructure that would connect the two states. A free trade agreement between the two countries is signed.
- Improved relationship and better understanding after 5–10 years of separation leads the two states to reach agreement on confederation.



SCENARIO B: A SUN THAT NEVER RISES

The absolute breakdown in communication between the two parties leads ultimately to the collapse of the CPA and a disastrous war.

April 2010

- In the run-up to national elections, the NCP and SPLM fail to cooperate as coalition partners. The SPLM pulls out of coalition and joins northern opponents of the NCP. Fearing combination of opposition forces, the NCP instigates strategic violence, including militia and army deployment.
- State of emergency declared, which some decry as a silent coup (Kenya/Zimbabwe scenario).
- The SPLM and other opposition respond violently. There are boycotts by each party's cadres and

localised violence in the north, especially in Darfur, Blue Nile and Kurdofoan. Localised violence also occurs in the south.

Late-2010

- The north-south border demarcation report is not accepted and localised reactions among border communities lead to calls by political leaders for the postponement of the referendum. Fresh levels of political disputation ensue.
- There is no clarity on the outcome of the popular consultations. NCP/SPLM cooperation breaks down again. There is civil war in Blue Nile and Kurdofoan and low-intensity violence in the north, spilling over into north/south conflict. At this stage there is no real attempt to plan for the post-referendum phase.

January 2011

The referendum goes ahead. In the case that:

- a) there is a close result in favour of secession, the north contests the result, which tempts the south to adopt a UDI, or
- b) there is a close result in favour of unity, Secessionists decide to force the issue in ways reminiscent of the wars of 1955 and 1983. There is a resumption of the north/south war.

The Abyei issue remains unresolved along with other border issues.

Mid-2011

- A strong pro-secession vote in the south is followed by delays and disagreements about post-referendum questions and implementation. Armies move into

disputed areas and uncontrolled clashes result, concentrated on the oil-producing regions.

- The south proposes post-independence discussions despite lack of progress on substantive issues. International community divided on reaction to developments. A crisis of recognition among international parties magnifies the differences within Sudan, stimulating stronger local reactions and greater obduracy.

2012 and beyond

- North and south governments decide to invest in arms and security rather than welfare and economic development amid falling revenues.
- Resource wars break out over oil, water and land. Trans-border security questions spiral out of control, aggravated by refugee and citizenship crises accompanied by forced mass migrations and an ever-deepening humanitarian crisis.



SCENARIO C: HIGH NOON FOR SUDAN – A BYPASS

Early-2010

- Two parties agree that the referendum outcome will be secession, and that elections and a referendum could make things worse rather than better. The two parties decide to bypass provisions of the CPA.
- Consultations are held with other political forces and civil society on this decision to seek maximum

inclusiveness and consensus. The result would be a multiparty government in both north and south that would bring opposition parties on board.

Throughout 2010

- Because the CPA was supported largely by the international community, parties seek the support and recognition of the international and regional community for what has been agreed and for recognition of the new state of Southern Sudan after July 2011.

- The National Parliament and South Sudan Legislative Assembly adopt constitutional mechanisms to declare separation with effect from 9 July 2011, and decree that elections will take place in 2012.
- All national political forces reach agreement that may include an inclusive transitional government of all parties in both north and south. The agreement will detail an interim arrangement until the 2012 elections, whereby a new inclusive government of national unity will be put in place in both states once the south secedes.
- Negotiations take place for the settlement of Darfur and Abyei (this may include the maintenance of the referendum for Abyei).
- A national commission is established in mid-2010 to develop recommendations into 2011 on outstanding issues, including borders, citizenship, currencies, liabilities and assets, debt, oil, external relations, water, economic cooperation and relations with foreign nations. Security arrangements in particular are addressed, including peaceful disengagement of forces (2010).
- Popular consultations on relations with Khartoum go ahead in Blue Nile and southern Kurdofan states.

Early-2011

- The national commission discusses recommendations with the UN, World Bank and International Monetary Fund (IMF) and finalises plans.
- On 9 July 2011, constitutional declaration is combined with the signing of a treaty of peace and friendship that formalises the separation of Southern Sudan.
- Arrangements are put in place to ease the anger and tension of unionists – these include allowances for dual citizenship and protecting cross-border movement of populations.
- Both parliaments declare election dates in 2012.
- Joint cooperation bodies are established based on outcomes of the national commission, including economic cooperation.

Throughout 2012

- Joint commissions start their work.
- Elections are held in 2012 in both Southern and Northern Sudan.
- New regional and international arrangements are negotiated.
- Separation and negotiations on neighbourly relations and possible confederation continue.



SCENARIO D: MUDDLING THROUGH

This scenario considers a process of 'muddling' through the remaining months of the CPA and describes possible

events leading to a state of no war/no peace. There is delay, continued mistrust and only partial agreement on issues, but the referendum takes place in the interim period.

Early 2010

- Post-referendum discussions begin late.
- Referendum commission is appointed late and, as a result, finance and administrative arrangements are delayed.
- Border demarcation taken to the presidency, but agreement is not reached on all disputed areas before the referendum.

April 2010

- The NCP and SPLM enter elections as rivals; elections are imperfect.
- The NCP remains at the core, but opposition parties enter national government and the SPLM agrees to join too.

Second half of 2010

- No solution on redeployment of forces nor the future of JIUs.
- Agreement on some post-referendum arrangements, but key issues such as oil and citizenship remain unclear.
- Late agreement on Abyei referendum terms, with the Misseriya remaining unreconciled and the referendum taking place at the same time as that of the south.
- Outcome of popular consultations leads some communities to resort to violence.

2011

- Referendum delayed briefly for technical reasons, but takes place in the interim period before July 2011, with some challenges and irregularities.
- Outcome of referendum is secession, recognised by the north and the international community, but contested by others.
- New UN mission is agreed for the south.
- Humanitarian crisis develops with large numbers of IDPs.

2012 and beyond

- Intermittent violence caused by outstanding issues.
- The AU and neighbouring countries pressure the two governments to agree on outstanding issues.
- Oil considerations in particular lead to agreement on more lasting intergovernmental arrangements, and perhaps an intergovernmental commission to manage areas of interdependence (oil, citizenship, security, joint border arrangements, economic zones and trade, among others).

Over the remainder of the day these scenarios were interrogated and critiqued by delegates from the other teams.

The general mood had changed to satisfaction, and perhaps surprise, at what had been achieved, and anticipation of the chance to work further on understanding the consequences of these disparate storylines.

The outlines were then written up for discussion in plenary.

DAY IV 21 DECEMBER

The fourth, and final, day of the workshop began with the facilitator congratulating the participants on their hard work and a successful third day, despite mid-afternoon anxiety. The final day would be run at a different pace, and the participants would be able to reap the benefits of the strenuous efforts of the earlier sessions. He reminded them that the purpose of scenarios was not to discern what was probable but what was possible. During the day they would explore what this meant, and how it might frame their strategic conversations.

Despite the uncertainty of Sudan's future the participants had moved some way from conventional wisdoms characterised by 'downloading'. It was apparent that there were formidable obstacles to Sudan achieving a 'soft landing', but awareness of these was essential if they were to be avoided. Also, general satisfaction was expressed that the identified scenarios somehow differ from the common Sudan scenarios that appeared during the year.

The wish was expressed that the day's sessions would see discussions pushed further, and that participants could move beyond analysis to look at the perceptions and interests the Sudanese had in common and the ways in which others might assist as they sought to shape their own futures. Urgency was needed in resolving outstanding difficulties, as it was necessary to move from a feeling of being victims of the future to being agents in its definition.

Again, some of the participants expressed an impatience to proceed to the core issues, but they were reminded that it was important to achieve dialogue before attempting negotiation. There was a general perception now that the parties present were not enemies or opponents, but partners in a difficult and potentially dangerous situation.

Discussing the scenarios

The next stage of the workshop was the presentation of the four scenarios developed the previous day. This task

was assigned to the rapporteurs, who were observers independent of any group affiliation. Questions and opinions could then be offered and the scenarios modified to reflect logic and consistency, but no detailed finetuning was attempted.

The participants were divided into four groups according to their affiliations:

- NCP
- SPLM
- Other Sudanese groups (political parties and civil society)
- International community

Each of these groups rotated among the four different scenario worlds in turn, 'living' in each future and deciding what each would signify for its leaders, members and organisations. How would they react to these different realities, attempt to influence them, or cope?

After lunch each group reported back on its discussions. The facilitator urged that two key questions also be considered before the end of the day:

- Can we achieve a whole Sudan perspective?
- How do we carry this work forward?

Within this framework and suspending the quest for predictions on the plausibility of any of the four scenarios, each group reported on its key insights, describing how opportunities might be created and threats averted from the options that seemed available. What was new in their perceptions?

Each group presented in turn, ending with that representing the international community. The 'other Sudan' group presented the most novel and open of the options, emphasising the need for inclusive approaches and solutions. This much was readily admitted by the two groups represented by members of the SPLM and NCP, who expressed frustration at not being able to express more radical opinions, but were willing to listen to others and depart from previously entrenched positions. All agreed on the absolute necessity of avoiding the worst case scenario of cumulative violence, and identified the peaceful option as the most desirable. This was hardly surprising, although there were some differences in opinion about how much it might be necessary to depart from the rigid frameworks of the CPA, either by making it more inclusive, or by muddling through, ignoring or modifying some of its structures or lengthening the timeframes.

At the end of the groups' reports, the facilitator asked the participants to assess the reports, asking the question: What strikes you when you look at these four futures? This elicited insights such as:

- If we all agree on full implementation of the CPA, then what's the problem? And in a quieter voice: There's some superficiality here.
- People stumble into war because they are unable to do what is needed to avoid it.
- At the end of the day, the choice is with the people and you (referring to the NCP and SPLM) have signed that you will respect their choice, whether for unity or secession.
- We need to be more transparent and more inclusive to implement the CPA successfully. We need to leave it up to the southerners to decide whether to secede or unite. I am afraid that the NCP and the SPLM have not done enough for the common people, the people of the south.
- I am seeing that business as usual still exerts a strong influence on us. We rank the 'muddling through' scenario low, yet this is business as usual.
- I am reminded of what Sydney Mufamadi said about strengthening your partner in the interests of your people. We should rush to start serious and deep negotiation to resolve outstanding issues. If the CPA parties fail to make unity attractive, let us try to make secession attractive. Those who want unity should hope also that secession can be a positive outcome and that we will continue to feel like brothers and sisters to each other. There is no more will for war.
- The 'muddling through' scenario holds potential for all the other scenarios to unfold. I see muddling through as where we are today, not as a future scenario. This workshop is an attempt to find our way out of the confusion we're in. I see only two options: full implementation of the CPA or boldly bypassing the CPA and doing everything to avoid war.
- The discussions of all four scenarios increased our awareness. My feeling is that for the first time there is commitment, individually, on both sides. But how to close the gaps of mistrust between the SPLM and the NCP? Should this be done by other opposition parties? Or the international community?
- Don't put unity in the realm of heresy and don't put secession in the realm of orthodoxy.

Summing up and the way forward

In the final summing up by delegates, a few international participants expressed disappointment that more distance had not been achieved from previous positions. The Sudanese felt that a great deal had been accomplished, and that the initial scepticism that this would just be another scenario-building workshop had been disproven. The centrality of the CPA had been reaffirmed by all, as had the necessity of broadening its base to accommodate other groups and interests. Whether South Sudan

eventually chose unity or separation was not seen as the key issue. Whatever happened, the Sudanese people would have a shared future, for good or ill, and peaceful coexistence was the least for which they could strive.

The facilitator expressed pleasure at the changes in the quality of the listening and talking he had witnessed during the workshop. The important question for everyone was now: What do I do next? If things were going to be made to happen, it was essential not to wait for the first step coming from elsewhere. The initiative must be seized as an individual responsibility.

- I will tell my NCP leadership colleagues in Khartoum what has happened here.
- I will offer our small team of (diplomatic) staff to support dialogue and negotiations on post-referendum issues.
- I will engage the public on the benefits and risks of these four scenarios and encourage the other parties jointly to promote the recommendations we've come up with.
- I will engage parties in the south towards a southern consensus on the way forward.

- I will discuss with my colleagues (in opposition parties in the north) an initiative towards feasible elections and a feasible referendum, and be prepared for post-referendum issues.
- I will prepare a strong bypass CPA strategy as a fall-back should the CPA fail.
- I will tell my network members, international non-governmental organisations (NGOs) in Juba and grassroots people about the scenarios so that they can make informed choices.

The response of the individual participants to this challenge was to make every effort to carry forward the work and the spirit of the workshop, sharing its outcomes as broadly as possible with those who had not been there. There was consensus that further work of this challenging but non-threatening nature was very important if old and potentially destructive attitudes were to be marginalised and fears of an uncertain future allayed.

Pretoria, 28 January 2010
The ISS Sudan Scenario Team

‘...we dare not fail to assist Sudan during her hour of need. This is because such failure, were it to be allowed to occur, would have serious negative consequences for generations to come.’

Thabo Mbeki,
chairperson of the African Union High Level Implementation Panel for Sudan

ANNEXURE A

Presentation on South Africa Former minister Sydney Mufamadi's speech

I wish to take this opportunity to thank the ISS and its co-convenor of this workshop, Reos Partners, for giving me this opportunity to break out of the isolation of a retired politician by inviting me to this scenario-building workshop on the future of Sudan. I am told that the individuals assembled in this workshop are eminent personalities who represent the political leadership of Sudan in its diverse makeup.

I take it that their presence here speaks to the fact that they have singly and collectively accepted a historic mission given to them by the people of Sudan: the responsibility to 'chart a roadmap for navigating the problems facing their country and its people'.

I am told that in this session of the workshop, presenters including I will be sharing insight about transition experiences such as East Timor, Iraqi Kurdistan and South Africa.

It is important for us as presenters not to do or say anything which may suggest that these three experiences represent 'paradise cases' capable of being replicated anywhere else.

Countries in transition cannot and should not be homogenised ... they constitute a panorama of similarities and differences.

Peacemaking in Africa is not an undertaking of recent origin: many successful transitions, be they from colonial domination to democracy, from illegal occupation to democracy or from apartheid to democracy, owe their success to the willingness of their authors to borrow from other experiences, as they force their own indigenous paths forward.

The South African story spawned prolific literature as a case of a transition which is near-miraculous. Miracle is one hope which is communal to the repertoire of many a commentator. I think we should challenge the community of social scientists and the community of policymakers to do better than this. A better way and precise words must be found to describe the vision which motivated history-makers not to privilege fundamentalist positioning over cold strategic analysis.

The perspective of the African National Congress (ANC) in this regard is captured in a document known as the Harare Declaration, which was adopted in Harare, Zimbabwe at an extraordinary meeting with the OAU ad-hoc committee on South Africa – a meeting held on the 21 August 1989. The declaration was endorsed by the Movement of Non-aligned States and formed the basis for

the Declaration on Apartheid and its destructive consequences adopted by the United Nations General Assembly in December of the same year.

Points that bear emphasis

The Harare Declaration laid down a statement of principles and modalities of negotiations.

Statement of principles: The character of a negotiated SA – non-racial democracy, common and equal citizenship, entrenchment of human rights culture, independent judiciary, political consensus to underwrite peaceful coexistence and shared prosperity. Harare Declaration = a product of Oliver Tambo's uniting mobilisation of the international community to support our negotiating positions. The international community helped with broad based support for our parties; building a broad-based position for our positions. We did not abuse the overwhelming support we got from the international community. We sought from the beginning to agree with our interlocutors, on the things which must be done to produce a positive-sum landscape.

We projected dialogue between yesterday's enemies as a positive-sum undertaken/intended to produce a 'win win' solution for the country. The statement of principles contained in the Harare Declaration was, therefore, an element in the repertoire of confidence-building measures suggested by the ANC to break the impasse/logjam.

Steadfastness of principles and flexibility of tactics

We were very clear that negotiations had to produce a democratic state whose central moral purpose is to achieve a root-and-branch reform of South Africa's governing structures and state-society relations.

The majority of our people, who are black, needed to be given the confidence that the devastating effects of the exclusionary policies of the past shall be tackled and tackled effectively. It is those black communities in general that bear the legacy of that exclusion:

- Service delivery backlogs
- Backlogs of infrastructure, both social and economic

- The paucity of people with requisite skills to ensure delivery on the promised dividends of democracy.

Simultaneously, we had to deal with fears entertained by whites and other minority groups whose imaginings were shaped by the carefully calibrated stereotypes of the ANC as a Soviet-inspired organisation which will seek to nationalise white people's household belongings and business interests.

We did not allow the distinct prospects of the electoral victory to occlude our vision regarding the larger social context which presented all South Africans with only two choices:

1. Either persist on the path which leads to the common ruin of the contending parties, or
2. Make concessions to each other, which will enable all of us to live in conditions of reciprocity.

Our fundamental promise: self-help solutions stand a better chance of sustainability than externally imposed ones.

All-in inclusive process: irony of benefits from prolonged denial of democracy; many post-colonial societies not full polyarchy; the character of African post-coloniality.

Not consensus based: fighting parties relying on repressive instrumentalities to preserve themselves.

Reproduction of the exclusionary logic of the past. Through struggle, the ANC gained unrivalled reputation (and pre-eminence) as the premier liberation organisation. However, we understood that ANC had to invoke more than its struggle credentials to validate itself as a party. That put the nation's interests before narrow party political interest.

Common errors:

- Negotiating above the heads of the people
- Failure to read the mood of the people
- Refusal to be open minded

The seemingly contradictory imperative of achieving an electoral victory over the party of apartheid (the National Party) and accommodate it as a partner in the process of building the new democratic dispensation.

The big challenge of charting where the balance between the two sat. Whites-only referendum. Our call versus that of the Pan African Congress (PAC).

Big lesson: history workers do not always make history in conditions of their own choosing.

ANNEXURE B

The process of self-determination in East Timor By Ian Martin

Colonial legacy and Indonesian occupation

- Island of Timor divided between Dutch and Portuguese colonialism
- West Timor becomes province of Indonesia as successor to Dutch East Indies
- East Timor remains Portuguese colony
- April 1974 Carnation Revolution in Portugal – Portugal begins decolonisation

Colonial legacy and Indonesian occupation

- 1974-5 Internal conflict between new Timorese political parties – Portugal withdraws
- 1975 Indonesia invades – declares East Timor province of Indonesia
- United Nations affirms right of East Timorese people to self-determination
- Armed resistance by FALINTIL

Colonial legacy and Indonesian occupation

- 1991 Santa Cruz massacre
- 1992 Resistance leader Xanana Gusmão captured
- 1996 Nobel Peace Prize awarded to Bishop Belo and exiled resistance spokesperson José Ramos-Horta
- Support for interim period of autonomy before referendum on independence – letter from Australian Prime Minister Howard refers to New Caledonia Matignon Accords

Towards self-determination

- May 1998 Fall of President Suharto of Indonesia
- New President Habibie offers East Timor “special autonomy” within Indonesia
- Tripartite negotiations (Indonesia/Portugal/UN) develop autonomy proposal, without prejudice to final status

5 May 1999 Agreements

- Direct, secret and universal ballot, termed “Popular Consultation” not referendum
- Eligibility: persons born in ET, persons with at least one parent born in ET, spouses of these persons, age 17 or above
- Registration and voting at specified locations in Indonesia, Australia, Portugal etc.

Towards self-determination

- Support for interim period of autonomy before referendum on independence – letter from Australian Prime Minister Howard refers to New Caledonia Matignon Accords
- Habibie offers “second option”
 - “If the East Timorese, after twenty-five years of being treated as a full part of Indonesia, still feel that they cannot be fully integrated into Indonesia, isn't it democratic and just that we should separate in peace?”
 - influence of Muslim intellectuals

5 May 1999 Agreements

- Secretary-General to devise methods and procedures for the ballot
- UN to disseminate and explain Agreement and autonomy document in impartial manner, explain process and implications of accept/reject vote
- UN to propose code of conduct for campaign
 - Equal opportunity for both sides to disseminate views

5 May 1999 Agreements

- Parties were Indonesia, Portugal, UN
 - Portugal and UN consult East Timorese
- Choice to accept special autonomy or reject, leading to separation
 - wording of question stipulated in Agreements
- Autonomy proposal finalised unilaterally by Indonesia

5 May 1999 Agreements

- Officials of Governments of Indonesia and Portugal not to campaign, East Timorese (local) government officials to campaign in personal capacity only, no use of public funds/government resources/recourse to pressure of office
- Government of Indonesia to be responsible for security – atmosphere free of intimidation, violence or interference
 - Absolute neutrality of Indonesian Armed Forces (TNI) and police essential
 - Police (not TNI) solely responsible for law and order

5 May 1999 Agreements

- Code of conduct to ensure laying down of arms prior to and following ballot
- UN civilian police to advise Indonesian police and escort ballot papers/boxes
- UN military liaison officers added subsequently
- International observation under terms to be developed by UN

Implementation of Popular Consultation

- Other violations – use of government funds etc
- Cantonment of FALINTIL – militia? TNI?
- Central or local counting?
 - Basis for re-partition?
- 30 August 1999 – Result announced 3–4 September; turnout 98,6 per cent, 78,5 per cent for independence

5 May 1999 Agreements

- Secretary-General to determine on basis of result whether special autonomy acceptable or not acceptable to people of East Timor
 - no minimum turnout or required majority specified
- Government of Indonesia to take constitutional steps necessary to implement autonomy or separation
- UN to remain in East Timor during orderly transition

Preparing for transition

- Tripartite talks continue
 - Phase I – Popular Consultation
 - Phase II – from ballot to implementation of result by Indonesian legislature
 - Phase III – implementing autonomy or transition to independence
- Responsibility for security/law and order, administration, budget?

Implementation of Popular Consultation

- TNI opposition to independence – establishment of pro-autonomy militia
- Wave of violence against independence activists Jan–April 1999
- Internal displacement – a challenge to registration
- Security – should UN proceed?

Preparing for transition

- UN planning
 - expanded role during Phase II rejected by Indonesia
 - peacekeeping mission for Phase III transition to independence
- World Bank planning with East Timorese
- Indonesian planning for displacement to West Timor

Post-ballot violence and international intervention

- Killings, rape, destruction of homes and infrastructure by elements of TNI and militia
- Forcible displacement of one-third of population to West Timor
- International pressure – Indonesia invites assistance

Transition to independence

- Key issues under negotiation with Indonesia
 - Border (Joint Border Committee)
 - Security
 - Return of IDPs
 - Demarcation
 - Movement of people and goods (immigration, customs)
 - Enclave within West Timor
 - Administration of justice

Post-ballot violence and international intervention

- Australian led international force, INTERFET, mandated by UN Security Council 15 September, begins deploying 20 September
- Indonesian legislature endorses separation 19 October, UN Security Council mandates UN Transitional Administration in East Timor 25 October, last Indonesian representatives depart 30 October

Transition to independence

- Timor Sea – negotiation with Australia over revenue sharing from oil and gas
- Currency, aviation, postal service etc
- 30 August 2001 – Constituent Assembly elected
- September 2001 All-Timorese Second Transitional Government formed

Transition to independence

- UN administers East Timor October 1999 to 20 May 2002
- December 1999 National Consultative Council formed to advise UN Transitional Administrator
- February 2000 full military authority transferred from INTERFET to UN peacekeeping force
- July 2000 First Transitional Government formed with half cabinet members Timorese

Transition to independence

- March 2002 constitution adopted
- April 2002 Presidential election – Xanana Gusmão elected
- 20 May 2002 handover by Secretary-General Kofi Annan to president and government of independent Timor-Leste

ANNEXURE C

Power-sharing and federalism in Iraq By Professor Brendan O'Leary

Background

- Irish citizen, US Professor, previously UK Professor, childhood in Africa (Nigeria, Sudan, Uganda)
- Advisor in making of the 1998 Good Friday or Belfast Agreement (to Irish Govt, to NI parties, and previously to UK Labour), 1988-2009 contd; played role in floating idea of d'Hondt sequential ministerial allocation
- Advisor in Somalia (1993/4-2000), EU and UN, co-drafted the Charter of Puntland
- Advisor to the KRG 2002-2009, TAL, Constitution, Minority rights, federalism
- Now UN Senior Advisor on Power-Sharing to MSU 2009-10
- Member of the Chatham House team, confidential, neutral on outcomes in CPA, engaged with both the SPLM and the NCP

The Ancient

Tower in Sinjar with the KRG flag

Iraq ... Sudan... similarities?

- Ottoman imperial-colonial heritage AND British imperial-colonial heritage
- Post-colonial Arabic-speaking majority-states, with large territorially concentrated minorities with histories of autonomy and independence aspirations.
- In each case dominated at elite level by one part of the country
- Petro-states: facilitating authoritarianism and corruption
- Centralizing nationalists and centralizing Islamists have made efforts to homogenize the periphery
- Long wars between center and periphery
- Histories of past autonomy and power-sharing bargains that failed
- Histories of massacres, foreign interventions, and accusations of genocide and ethnic expulsion



Current similarities

1. power sharing disputes at the center;
2. federations on paper;
3. border demarcations;
4. oil and gas, ownership vs. wealth-sharing;
5. water — international law;
6. minority rights and citizenship

The Modern

Peshmerga Police Academy



The Constitution of 2005

- Endorsed by 4 out of 5 voters on an 80% turnout; 15 out of 18 Governorates said "Yes" – including Kirkuk
- Pluralist federation - multiple incentives for power-sharing, including for Sunni Arabs, who initially rejected the Constitution
- Core bargain: Kurdistan's re-entry into Iraq; provisions on regional powers; disputed territories; natural resources; and security. These provisions *de facto* are now not amendable. These provisions are nevertheless subject to constant renegotiation efforts - including by international powers.

Adam asked: what did I know, what did I learn?

- | | |
|---|--|
| <ul style="list-style-type: none"> • KNEW • Power-sharing institutions can work, though they are difficult to make and sustain • Negotiations never end • The right institutions matter more than the right processes, though the latter matter too • On hard-liners and moderates: on paradoxes | <ul style="list-style-type: none"> • LEARNED • Unilateral centralizers are the most likely cause of the break-up of pluralist federations • The formal right of secession may be traded for the right bargain • The right of secession may be granted because the center would rather down-size than face managing diversity and pluralism |
|---|--|

DESIDERATA to make power-sharing work better

- (i) Increased political power-sharing within the federal government (2nd Chamber, retention of collective presidency; enhancement of Council of Ministers; civil service ≠ instrument of PM)
- (ii) Increased territorial power-sharing - especially within the Governorates of *al-Iraq al-Arabi*; within deeply mixed cities, e.g. Mosul and Kirkuk; and based on settled borders

Integrated vs. Pluralist Federations

<i>Integrated</i>	<i>Pluralist</i>
Mono-national	Pluri-national
Centralized	Decentralization
Majoritarian	Consensual

The new South African institutional experience is largely irrelevant for Iraq and Sudan, though some of its negotiating processes may be relevant

Desiderata continued

- (iii) Confirmation of the security power-sharing program specified in the Constitution - regionalization and provincialization of internal security
- (iv) Successful wealth-sharing on a statutory basis, while respecting the Constitution

A Responsible US Exit & The Constitution of Iraq

- Transfer of security power has to be to stable and secure, federal + regional + provincial governments - internal balance of power
- The illusion(s) of a strongman
- The inevitability of power-sharing — see Arab-majority Governorates and Kurdistan regional elections in the winter and summer of 2009
- Notice how elections affect ambitions

Table 3. Diyala
The Mixed Governorate
(Where None of the Big 3 Communities
has a Majority)
“State Of Law” Performance, 2009

Governorate	Seats won	Council size	% of Seats
Diyala	2	29	6.9

Table 1.
Ten Shiite Arab Majority Governorates
“State Of Law” Performance, 2009

Governorate	Seats won	Council size	% Seats
Baghdad	28	57	49.1
Basra	17	35	48.5
Wasit	13	28	46.4
Thiqar	13	31	41.9
Qadissiya	11	28	39.3
Karbala	9	27	33.3
Misan	8	26	30.7
Babil	8	30	26.7
Najaf	7	28	25.0
Muthanna	5	26	19.2

Table 4. Kurdistan Region
Parliamentary Elections 2009:
100 Seats +11 reserved

LIST	VOTES	SEATS
Kurdistan Alliance (KDP-PUK)	1,076,370	59
Change	445,024	25
Reform & Services	240,842	13
Islamic Movement	27,147	2
Freedom & Social Justice	15,028	1

Minorities	Votes	Seats
Turkomen	29,447	5
Christians	20,483	6

Table 2.
Three Sunni Arab Majority Governorates
“State Of Law” Performance, 2009

Governorate	Seats won	Council size	% of Seats
Salahaddin	2	28	7.1
Anbar	0	28	0
Nineva	0	28	0

1. Political Power-Sharing @ Federal Level: Options

- Institutionalizing and strengthening the deputy prime ministers;
- Enhancing collective cabinet responsibility
- Enhanced collective presidentialism
- Sequential ministerial portfolio allocation

Allocation of 20 places to Council of Ministers

LIST/ district	A	B	C	D	E	F
1	35.0 [1]	21.0 [2]	19.0 [3]	13.0 [5]	8.0 [10]	4.0
2	17.5 [4]	11.5 [6]	8.5 [9]	6.5 [13]	4.0	2.0
3	11.7 [5]	7.0 [12]	6.3 [14]	4.25 [20]	2.66	
4	8.75 [8]	5.25 [16]	4.75 [18]	3.25		
5	7.0 [11]	4.2				
6	5.83 [15]					
7	5.0 [17]					
8	4.37 [19]					
Total	8	4	4	3	1	

2. The Need for Territorial Power-Sharing, contd.

- The Case for Article 140 - constitutional, democratic, social justice, stability
- The need for special power-sharing arrangements in deeply mixed cities - Kirkuk, Mosul, Baghdad, elsewhere.

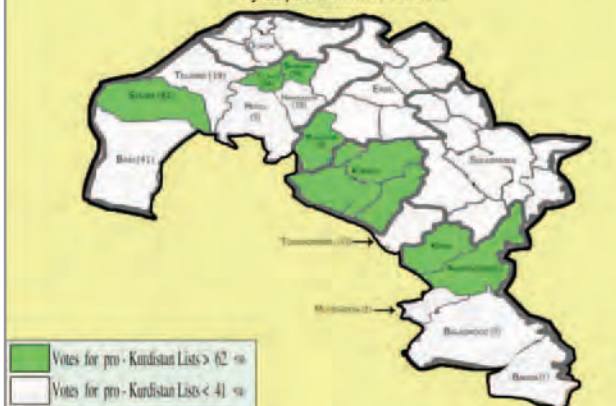
2. The Need for Territorial Power-Sharing

- Clarity: Disputed Territories (see map)
- Options: allocate by districts, permitting sub-district opt-outs provided they are contiguous

The "Saddamander" of Kirkuk 1975-2000



Support for Kurdistan by disputed District 2009 (19)



Simulating a Referendum in Kirkuk, using Dec 2005 data

	Pro-	Non Kurdistan,	Not A Advantage
KIRKUK (inside 2005)	318,892	266,743	52,149
subtract ZAB (1987)	-32	-17,304	
subtract SERGARAN	-5,728	-3,683	
add TOZKURMATO	25,217	32,445	
add KIFRI (1975)	83,520	378	
add KALAR (1975)	59,923	207	
add CHAMCHAMAL	62,015	49	
KIRKUK (inside 1968)	543,807	278,835	264,972

If the district of al-Bawja, including al-Zab, is allowed to leave Kirkuk Governorate, then Kirkuk would have a pro-Kurdistan majority of 17% based on the December 2005 elections.

3. Security Power-Sharing

- Building up regional and provincial security - in accordance with the Constitution
- The imperative of preventing a return to the world of coups d'états - under the monarchy, and between 1958 and 1968

Iraqi Constitution

Iraq unveiled the final draft of its constitution last week. What are some of the provisions?

- ▶ Sunnis retain constitutional right to bear arms against Shiites
- ▶ Democratically elected unicameral legislature allowed to work closely with the President For Life
- ▶ Kurds given authority to establish casinos and bingo parlors in their territory, free of state regulation
- ▶ Saturdays designated as presidential "me days"
- ▶ Citizens given right to assemble under overturned trucks as bombs go off overhead
- ▶ Former Ba'ath Party members must promise to be nicer in the future
- ▶ Poetic preamble begins, "in the name of Allah, The Compassionate, The Merciful, when will all these fucking Americans go home?"



4. Wealth-Sharing

- Why Articles 110, 111 and 112, 115 and 121 (2) exist
- Why a revenue-sharing should be prioritized ahead of a production law

Constitutions and quasi-constitutional negotiations have to address and include all major players if possible

The LAT Impossibilist Perspective

Constitutions matter even if they are ridiculed

The ONION

The 'impossibilist' view:
A knitter's nightmare (LAT)

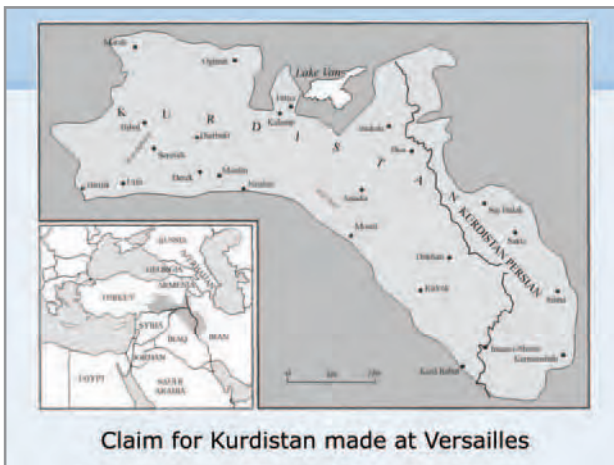


Iraq - Sudan?

contrasts:

- (1) Neighborhood will accept secession of South Sudan
- (2) CPA has organized the terms of both power-sharing and divorce:

Can Sudan follow in the path of previous peaceful secessions?



Negotiation decision-matrix

Prior to Referendum After Referendum

Negotiating each item separately

who does this advantage?

prevents trade-offs

Focused negotiations on key items

if parties are happy with clarity in the referendum campaign

what will likely happen if governments do not wish to make concessions during the referendum campaign



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WORKSHOP REPORT



This publication was made possible through funding provided by the government of Norway.
In addition, general Institute funding is provided by the governments of Denmark, the Netherlands, Norway and Sweden.

