Policy Briefing

International Crisis Group
WORKING TO PREVENT
CONFLICT WORLDWIDE

Sudan: Preventing Implosion

I. OVERVIEW

Sudan is sliding towards violent breakup. The main mechanisms to end conflicts between the central government and the peripheries – the Comprehensive Peace Agreement (CPA), the Darfur Peace Agreement and the East Sudan Peace Agreement – all suffer from lack of implementation, largely due to the intransigence of the National Congress Party (NCP). Less than thirteen months remain to ensure that national elections and the South Sudan self-determination referendum lead to democratic transformation and resolution of all the country's conflicts. Unless the international community, notably the U.S., the UN, the African Union (AU) Peace and Security Council and the Horn of Africa Inter-Government Authority on Development (IGAD), cooperate to support both CPA implementation and vital additional negotiations, return to North-South war and escalation of conflict in Darfur are likely.

Democratic transformation should remain a key goal, as ultimately only this can entrench peace and stability. National unity is unattractive to Southerners because the two parties – the NCP and the Sudan People's Liberation Movement (SPLM) – that fought the North-South conflict ended by the CPA and now form the Government of National Unity (GNU) in Khartoum have failed to advance it. The South's self-determination referendum, which must be held no later than 9 January 2011, will thus almost certainly result in a decision for separation, despite the enormous difficulties of establishing an independent South Sudan that is economically viable and peaceful. The failure to foster democratic transformation in the North has also undermined the chances for political settlement in Darfur and exacerbated tensions in both the East and the far North.

The recent progress of NCP-SPLM negotiations on the modalities of national and regional elections and the referendum bill is welcome but does not advance far enough on a credible path for all-Sudan peace. Both parties want elections for the wrong reasons. The NCP wants votes in April 2010 that would allow it to regain the political legitimacy it needs both to protect President Bashir against the International Criminal Court (ICC) arrest warrant and to be in a stronger position to declare a state of emergency if needed, including in the event

of a new war. The SPLM is concerned that derailed elections might jeopardise its overriding goal of holding the referendum on schedule. It threatens to declare unilateral independence if pushed to accept a referendum postponement.

Opposition parties in both North and South maintain that the current conditions for elections are unconstitutional and undemocratic and seek postponement until a genuinely inclusive transitional government has been established that implements reforms needed for free and fair voting. The main Darfur insurgency groups, the Justice and Equality Movement (JEM) and Sudan Liberation Movement/Army (SLA), continue to fight and contemplate possible alliances with the SPLM (if the referendum is endangered) and with armed tribal groups such as the Baggara in Darfur and Kordofan, the Nuba and Ingesana in Blue Nile and disgruntled constituencies in the East and north of Khartoum.

With the NCP and SPLM drifting apart, the role of international actors becomes more essential. The challenge is to craft a process that produces credible and fair elections, an on-schedule referendum and, if its decision is independence, two economically viable and stable democratic states. The CPA provides the overall political framework but does not address the Darfur crisis, the post-2011 arrangements or intra-South issues. Consequently, an additional protocol that addresses these issues, unites the several peace processes and revises the timing of some benchmarks should be negotiated.

It is essential to move rapidly on a number of fronts, including to negotiate a Darfur peace agreement that allows all Darfuris to vote in national elections; to implement legal reforms necessary for a free and fair national election process; and to agree on the commissions for the South's self-determination referendum and the Abyei referendum. Time is also required to negotiate a framework for the negotiations over how two highly interdependent states will relate to each other, were the South to decide in its referendum for independence, as appears quite certain. This should cover two periods: first, from the day after the referendum to July 2011, when the CPA's interim period ends; and secondly, for a further several years – perhaps the four-year equivalent of a parliamentary term – to complete implementation of the peaceful transfer of sovereignty and decide numerous

practical details. The NCP and SPLM should negotiate this framework as early as possible in 2010.

These processes require strong, united international facilitation, as well as support from other major political forces in Sudan. Cooperation can be promoted by providing significant economic and political incentives for the NCP, the SPLM and Darfuri rebel groups and by isolating and sanctioning recalcitrant parties. The current U.S. initiative goes part way toward what is needed but is not comprehensive enough. The U.S., China, other members of the UN Security Council, members of the AU Peace and Security Council and IGAD member states should cut through the welter of multiple facilitators by agreeing to support an individual of international stature to lead the several negotiations with a view to reconciling the paths of the Sudan peace process. The ideal sequence would be along the following lines:

❏ implementation early in 2010 of outstanding major pre-electoral CPA benchmarks: legal reforms guaranteeing basic freedoms of expression, association and movement; demarcation of the 1956 North-South border, including Abyei; and agreement on the commissions for the South's self-determination referendum and the Abyei referendum;

❏ completion on the basis of the recommendations of the African Union Panel on Darfur (AUPD) by April 2010 of a permanent ceasefire and comprehensive security arrangments, monitored by the international community;

❏ negotiation of a new CPA protocol by June 2010 to allow fair Darfuri participation in elections; establish post-election transitional arrangements to administer the South's referendum and the new Darfur ceasefire and security arrangements; decide the process, if necessary, for transfer of sovereignty to an independent South; and create a strong international mechanism to monitor and support these terms and other CPA elements; and

❏ postponement of general elections to November 2010, along with adoption of a constitutional amendment by July 2010 to authorise extension of the term of the present GNU through those elections or, in the event that they are further postponed, to July 2011, and incorporate the terms of the post-referendum transition.

The lead mediator should mobilise support for the above by brokering an agreement between the U.S., China, the AU, European Union (EU), UN and the Arab League in particular on incentives (eg, financial aid, lifting of sanctions, deferment of ICC action) and disincentives (eg, further sanctions, increased isolation, national arms embargo) to be applied to the parties depending on their actions. International support for the elections and its

results should be conditioned on the credibility of the process.

Progress should be monitored closely and a decision taken by July 2010 at the latest whether it has been sufficient to maintain the full agenda. If implementation again lags badly, it will be necessary to concentrate on achieving the minimum essential to prevent return to deadly chaos, namely ensuring that the South's referendum is held on schedule, and a day-after arrangement is in place. Elections would consequently have to be postponed until such time after January 2011 as the Darfur peace process had advanced adequately; delay in other CPA benchmarks such as governance reforms might also have to be accepted reluctantly.

II. SUDAN'S SLIDE TOWARDS FRAGMENTATION

Since 2005, such political goodwill as the NCP and the SPLM may have had to implement the CPA when they signed it on 9 January 2005 has dwindled, if not totally vanished. The NCP has not created an environment for peaceful democratic transformation throughout Sudan and has in effect done everything possible to discourage SPLM interest in what happens outside the South.[1] As a result, the GNU is no longer a partnership.[2] The little remaining collaboration is tactical, focused on those CPA elements that protect each party's own interests.

A. UNIMPLEMENTED CPA PROVISIONS

The SPLM has given up on reform of the centre and concentrated on maintaining a semblance of stability until the referendum. Its disengagement has rendered the GNU ineffective and ceded central government decision-making to the NCP, which uses its national assembly majority to pass the laws it wants and seeks to obstruct

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[1] For earlier analysis of NCP-SPLM friction, see Crisis Group Africa Report N°152, *Sudan: Justice, Peace, and the ICC*, 17 July 2009; Africa Report N°145, *Sudan's Southern Kordofan Problem: The Next Darfur?*, 21 October 2008; Africa Briefing N°50, *Sudan's Comprehensive Peace Agreement: Beyond the Crisis*, 13 March 2008; Africa Briefing N°47, *Sudan: Breaking the Abyei Deadlock*, 12 October 2007; Africa Report N°130, *A Strategy for Comprehensive Peace in Sudan*, 6 July 2007; Africa Report N°106, *Sudan's Comprehensive Peace Agreement: The Long Road Ahead*, 31 March 2006; Africa Briefing N°30, *Garang's Death: Implications for Peace in Sudan*, 9 August 2005; and Africa Report N°96, *The Khartoum-SPLM Agreement: Sudan's Uncertain Peace*, 25 July 2005.
[2] Crisis Group interview, member of the National Assembly, Khartoum, August 2009.

both the South's secession and any meaningful political reforms in the North. As a result, important CPA provisions on power and wealth sharing, resolution of the conflicts in Southern Kordofan, Blue Nile and Abyei, organisation of free and fair elections and security arrangements have not been implemented.[3] The extensive list of items that still need to be completed includes:

1. agreement on the Fifth Housing and Population Census results;
2. demarcation of the 1956 North-South border;
3. the commission for the South's self-determination referendum;
4. reform of the media and National Intelligence and Security Services (NISS) laws;
5. national and state civil service commissions to ensure equitable representation of Southerners;
6. a National Human Rights Commission;
7. a national reconciliation process;
8. an effective National Petroleum Commission;
9. a fully functional Fiscal and Financial Monitoring and Allocation Commission and the National and State Reconstruction and Development Fund;
10. the National Land Commission;
11. disarmament, demobilisation and reintegration (DDR) of militias affiliated to the NCP and the SPLM;[4]
12. full integration of the Joint Integrated Units;[5]
13. demarcation of Abyei's boundaries in accordance with the Abyei Tribunal's arbitration;
14. financial support for Abyei to operate and proceed with rehabilitation and reconstruction;
15. the commission for the Abyei territory referendum;
16. disbursement of their allocated shares of net Abyei oil revenues to Bahr el Ghazal state (2 per cent); Western [now Southern] Kordofan (2 per cent); Ngok Dinka of Abyei (2 per cent); and the Misseriya (2 per cent);[6] and

17. full disbursement of the National Reconstruction and Development Fund to Abyei, Southern Kordofan and Blue Nile.[7]

Moreover, the donor community has not fulfilled its 2005 commitments. Only a small fraction of the $4.8 billion assistance pledged has reached infrastructure projects on the ground, as humanitarian assistance for operations in Darfur has absorbed most of the money. Some of this money was supposed to fund the DDR program, elections, and JIU formation. The Assessment and Evaluation Commission has also not been effective and has never able to put sufficient pressure on the parties to keep peace accord implementation on course.

B. ELECTIONS AT EXPENSE OF THE PEACE PROCESS?

The mid-term national elections mandated by the CPA were intended to widen political representation and thus facilitate implementation of state reforms, improve governance and ultimately make unity attractive for the South. Originally scheduled for 2008, and no later than July 2009, they were put back to February 2010 and then April 2010. They now have little chance to achieve their original purpose. Only four months remain for the National Electoral Commission (NEC) to organise a process at five levels: presidency of the Government of Sudan; presidency of the Government of South Sudan (GoSS); gubernatorial; national legislative; and state legislative.[8]

Elections are not only challenging logistically. Major opposition parties argue that key elements are missing. In September 2009 they collectively declared with the SPLM that they would boycott if the NCP did not satisfy the conditions for free and fair elections. Insecurity in Darfur[9] and in parts of South Sudan would also make it difficult to hold a credible vote these areas. Moreover, several key issues remain to be addressed.

1. The census

Organisation of the elections is complicated by the results of the Fifth Housing and Population Census, which the GoSS, Southern Kordofan and JEM reject. They say

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[3] For more detailed information on CPA implementation, see "Against the Gathering Storm – Securing Sudan's Comprehensive Peace Agreement", Chatham House, January 2009; and Crisis Group Report, *A Strategy for Comprehensive Peace*; Briefing, *Sudan's Comprehensive Peace Agreement*; and Report, *Sudan's Southern Kordofan Problem*, all op. cit.
[4] The DDR program stalled for several reasons. Only 25,000 of the total 180,000 soldiers agreed upon in the CPA (90,000 each) have been registered, and there are no funds to run it (the estimated cost is $566 million).
[5] These still function as separate units, clashed with each other in Abyei in 2008 and continue to report to their respective headquarters.
[6] CPA (Chapter IV, Article 1.2.3). The remaining oil revenues from Abyei go 50 per cent to the GNU, 42 per cent to the GoSS.

[7] The fund's general objective is to bring the war-affected and least developed areas to the national average. CPA, Chapter V, Article 8.5. The state of Southern Kordofan and the Blue Nile should together receive 75 per cent of the total fund. Article 8.6.
[8] The NEC recently said it would be difficult to finish all preparations on time, and the elections might be postponed to June or November 2010, particularly to allow establishment of state election committees and complete the voter registration process.
[9] JEM said it would derail elections without a Darfur solution by then. Crisis Group interview, senior member, September 2009.

the results, which are to provide the basis for allocating National Assembly and state assembly seats, have been manipulated to over-represent pro-NCP constituencies.[10]

The SPLM questioned the format from the beginning and now calls the results fraudulent, not a credible count of Southerners resident in the North or of Darfur's population, including internally displaced persons (IDPs). They believe that the results over-count populations in areas of NCP strength and under-count those in other regions. The NCP says the census was internationally monitored and endorsed. The presidency approved the results on 6 May 2009, but all Southern state legislatures passed rejection motions, and the SPLM has said it will not accept an electoral process that uses the 2009 census to determine constituencies and boundaries.[11] The mechanisms for resolving electoral disputes, particularly the Joint High Executive Political Committee,[12] have been unable to find a solution.

2. Darfuri participation

To register, approximately two million Darfur IDPs would need to return to their areas of origin, now often occupied by others. This should have been done by August 2009, since the electoral law requires that voters be resident in an area for three months to be eligible to register. The NEC started registration in November 2009 hoping to include IDP voters, but there is a strong perception among them that by registering in camps they will lose the right to vote in their home areas and may even lose the right to their land.[13] Many also do not want to join a process that could legitimise their enemy.[14] Thus two million Darfuris may be kept from the political process, while occupiers of their lands elect local representatives.[15]

Most Northern political parties, including the Umma and the Popular Congress Party, have announced they will boycott the elections if all Darfuris are not allowed to vote. This is in effect an incentive for the NCP to rush matters, because they do not see the absence from the process of those unlikely to vote for them as undermining it, but elections that excluded the majority of Darfuris and opposition parties would be an additional source of instability.

3. Other registration problems

The registration process that began in November and ended on 7 December was largely peaceful, but participation was comparatively low in Eastern Sudan, North and South Kordofan, Darfur, and most states of Southern Sudan.[16] Since the law provides that no one not registered may vote, millions may be disenfranchised.

Several irregularities have been noted by the Carter Center, local observers and citizens. The Carter Center said the authorities made too few announcements regarding the starting date. Registration centre locations were announced only the day before the process began and on a middle page of one newspaper.[17] Some centres were difficult to find.[18] The NEC also said each centre would be open for just three or four days.[19] According to many

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[10] "Counting begins in disputed Sudan census", Reuters, 22 April 2009; "South Sudan parliament throws out census results", *Sudan Tribune*, 8 July 2009; "N. Bahr El-Ghazal state officially rejects census results", *Sudan Tribune*, 28 June 2009. The census concluded that Southern Darfur has the highest population in Darfur, thus making Arabs the majority in the region. Many non-Arabs were not counted, because they are in IDP camps or areas controlled by rebel movements.

[11] "South Sudan parliament throws out census results", *Sudan Tribune*, 8 July 2009.

[12] The Joint High Executive Political Committee, co-chaired by Riek Machar (GoSS vice president and SPLM vice chairman) and Ali Osman Taha (GNU and NCP vice president), is the senior committee mandated by the CPA to resolve implementation disputes.

[13] People living in areas controlled by armed movements pointed out that they were not counted in the census. "Report of the African Union High-Level Panel on Darfur (AUPD)", Chapter 2, section II, p. 33.

[14] Crisis Group interview, displaced people in Abu Shouk, Zam-Zam and Kelma IDP camps, Darfur, October 2009.

[15] Most IDPs in Darfur and Southern Sudanese have no identification papers. Tribal chiefs could identify voters in the South, but in Darfur, most IDPs would be disenfranchised. The NCP has argued that since 70 per cent of Darfur is accessible, and the majority of the population resides in South Darfur, the IDP issue should not delay the elections. It also says that since Sudan has held many elections without the South, it can do the same without Darfur IDPs.

[16] "Preliminary Statement on Sudan's Voter Registration", The Carter Center, 30 November 2009.

[17] This caused a public outcry and led the NEC to say that it had posted the locations on its website a few days before.

[18] Many observers and voters reported that they drove fruitlessly for up to two hours in Khartoum to find the registration centres in their neighbourhoods. One said that when he could not locate it, he drove to NEC headquarters and asked, only to be told to go to the Khartoum branch; he did not get precise information there but finally found his destination after four hours. A Sudanese UN employee said she arrived at her designated centre on the second day of registration but was told it had concluded its task in the NEC-specified period and was closed.

[19] During the past three months, members from the popular committees (the lowest level of local government, present in every quarter of a city, town or village), visited all households and made a list of NCP supporters. They promised to give undecided households soft loans up to SDG10,000 ($4,500) if they registered as NCP voters. Before 1 November the pro-

observers, this violated the electoral law, which specifies a full month for registration.[20] Furthermore, the NEC failed to give civil society, parties and most international observers proper information, and there have been reports of harassment of parties and civil society representatives trying to ensure registration of their constituencies.[21]

The NEC also reportedly allowed military, police and paramilitary groups to register in their areas of work, rather than in their area of residence as required by the electoral law.[22] They were also allowed to register using military identification cards issued by their units and not the registrar, making it impossible to verify their records during the vetting and voting process. Lastly, on 3 November, the NEC published a list of the ten countries where diaspora Sudanese can register and vote. It excludes neighbouring countries (except Egypt) where many, particularly South Sudanese, live.[23] These irregularities benefit the much better organised NCP political machine and boost the number of NCP supporters on the voter rolls.

4. The legal framework

Over the past two years, the NCP has limited participation in drafting or revising laws necessary for free and fair elections.[24] Many opposition parties claim to have seen only the final versions tabled in the national assembly. The NCP also has used its majority there to adopt laws

over strong objections, prompting the SPLM and opposition parties to boycott or withdraw from specific sessions. For example, on 18 October 2009, the SPLM withdrew to protest the lack of transparency in how the speaker, Ahmed Ibrahim al-Tahir (an NCP vice chairman), set the assembly's agenda. It also insisted that the cabinet adopted the controversial NISS bill over its objection, not unanimously as the spokesperson said. It threatened to "take to the streets" if the NCP remained intransigent,[25] and on 4 November, the NCP withdrew the draft.[26] The lack of cooperation has held up numerous laws, including review or passage of those establishing basic freedoms of expression, association and movement and regulating the security services.[27]

NCP households were revisited and informed about voter registration (times and locations of centres). This has been criticised as illegal use of government institutions and resources to mobilise the public for partisan interests. Crisis Group interviews, households in Khartoum, Omdurman and Khartoum North, September 2009.

[20] On 4 November, in West Darfur state, the head of the state electoral committee refused to allow the governor, Abu al-Qasim Imam, to direct his work. The governor threatened to arrest him in front of dozens of people. *Alsahafa Daily*, 4 November 2009.

[21] "Monitors worried about Sudan election, freedoms", Reuters, 3 November 2009. The Carter Center said in a statement that "Sudan's National Election Commission (NEC) must act immediately to accredit national and international observers as well as political party agents, and lift restrictions on observers' freedom of movement". Ibid.

[22] Crisis Group interview, senior NCP official, Khartoum, November 2009.

[23] The ten countries are: Kuwait, UAE, Saudi Arabia, Egypt, Qatar, Oman, Bahrain, UK and Belgium (for all Western Europe) and the U.S. "South Sudan in poll boycott threat", *Daily Nation* (Nairobi), 5 November 2009.

[24] According to the CPA, all national laws should be amended to conform to the CPA and international agreements that Sudan has ratified. The interim national constitution explicitly acknowledges Sudan's international commitments.

[25] Pagan Amum, SPLM secretary general, told a press conference on 24 October that the NCP plans to push the much-criticised NISS bill through, and he has information that it is preparing a massive propaganda campaign to demonise the bill's opponents. He called the bill "unjust, unconstitutional and the worst ever". The next day Abdelbasit Sabdarat, the justice minister, and Badria Suliman, chair of the legislation and justice standing committee in the national assembly, defended the bill and said a robust security service was justified by the presence of foreign soldiers in Sudan, threats of military intervention and ICC action.

[26] On 3 June 2009, the CPA partners said they could not reach a compromise on the NISS, and it would be forwarded to the national assembly, where the NCP could use its majority to pass its version. The main points of concern are the extra-judicial powers of detention and the number of deputy director posts it envisages. The NCP wants a detention period of a minimum 30 days and up to two years; the SPLM wants a maximum one to three days before the NISS must present a detainee to a judge or prosecutor to decide on release or further detention.

[27] Relevant laws include, Press and Publication (2009); Organisation of Humanitarian and Voluntary Work (2006)); National Electoral (2008); National Intelligence and Security Services (not yet adopted); Army (2007) and Police (2008). For more details on these laws, see "Sudan Human Rights Monitor", African Centre for Justice and Peace Studies, August-September 2009. The Act on the Referendum in South Sudan, the Act on the Referendum in Abyei and the Act of People's Consultation in South Kordofan and Blue Nile are pending approval, presumably of the national assembly and regional/state governments; the referendum commissions still need to be appointed and approved. Additional relevant measures include criminal law amendments, passed 24 May 2009; criminal procedures law, passed 20 May 2009; elections laws: no by-laws are under discussion, but it is contested by opposition parties; and the media and publication law, passed in a second reading over the protest of the SPLM and National Democratic Alliance (NDA) but still requiring a further reading. The Police Forces Act (2008) is in force but remains contentious. Article 45 (2) stipulates that no policeman is to be subjected to legal proceedings "if the legal affairs department of the police deems that he committed an act which constitutes a crime during or

The NCP appears to have no intention to level the playing field for opposition parties or to give up its legal instruments of repression. It is using delays in the legislative agenda as justification for postponing reforms indefinitely. The national assembly is scheduled to conclude its final pre-elections session in December 2009, during which its own regulations require it to focus exclusively on the 2010 budget before dissolving itself.

5. The security environment

Insecurity has seriously worsened, particularly in the South. Ashraf Qazi, the UN Secretary-General's special representative to Sudan, reported on 1 June that "[i]n recent months, the death rate in southern Sudan from violent conflict has been higher than in Darfur" and said creating a peaceful environment before elections should be a priority for the authorities and the international community.[28] In October, the UN Secretary-General reported serious deterioration in six of ten South Sudan states – Jonglei, Upper Nile, Lakes, Central Equatoria, Unity and Eastern Equatoria – where more than 350 people died in clashes in four months. As banditry in Central and Eastern Equatoria escalated, the UN was forced to organise armed protection for staff.[29]

On 2 October in Unity state, a major oil producing region in the South, elements of the South's army, the SPLA, attacked the bodyguards of Paulino Matip, the army's deputy commander and an area native.[30] More than fifteen people died in the incident. Matip accused the South's leader, Salva Kiir, Chief of General Staff Lt. General James Hoth Mai and Governor Taban Deng of plotting the attack to neutralise his forces and take full control of the state.[31] The Nuer accused the governor, a Dinka, of trying to persuade Nuer commanders loyal to Matip to switch sides before the elections and the referendum, so as to ensure SPLA control in case of

new war.[32] The GoSS has been unable to adequately disarm armed groups and militias. Meanwhile, SPLM politicians are increasingly accusing the NCP of fuelling clashes in South Sudan. Inter-tribal conflict is diverting attention and resources from other important activities.[33]

The security situation in Darfur remains unstable and unpredictable, despite more and strengthened units of the joint UN/AU mission (UNAMID), whose monitoring data show increasing armed conflicts, abduction of aid workers, armed banditry, sexual violence and attacks between the Sudanese army (SAF) and rebel groups.[34] In September 2009, government forces attacked SLM (Abdel Wahid) forces in Korma (North Darfur), leaving 22 dead. Fierce clashes early in 2009 in Wada'ah, south of El Fasher, and Muhajeriya (South Darfur) produced many casualties and IDPs.

In September, over 100 people were killed in inter-tribal clashes, mainly in South Darfur (Rizeigat against Maaliya, Fellata against Habbaniya and Rizeigat against Saada). In October, at least twelve were killed and twelve injured in clashes between the Zaghawa and Birgid south east of Shangil Tobaya (North Darfur). Violence against UNAMID has dramatically increased in West Darfur since 2008. Abductions of aid workers also continue. A staff member of the International Committee of the Red Cross (ICRC) was abducted on 22 October.[35]

6. Motivations

The NCP and, to a lesser degree, the SPLM both want national elections in 2010, but for different reasons. The NCP has been preparing for three years to win in the North and weaken the SPLM in the South. It sees electoral success as an important way to relegitimise President Bashir, prevent his prosecution by the ICC and close the door to any genuine political negotiations over power and wealth sharing with other political forces. If it succeeds, it will have the opportunity to revise

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as a result of carrying [out] his duties or following a legal order from superiors, save with an authorisation issued by the interior minister".

[28] "UN: South Sudan violence more deadly than Darfur", Reuters, 2 June 2009.

[29] "Report of the Secretary-General on the United Nations Mission in the Sudan", 21 October 2009.

[30] Paulino Matip's Nuer militias fought the SPLA and only reconciled with it a year after the CPA was signed. He was then made deputy commander-in-chief of the SPLA, but most of his former forces are not yet fully integrated, and he retains control of large units through officers loyal to him, such as Major General Thayiep Gatluak, Colonel Mawiel Tuor and Colonel John Maluk.

[31] "Governor Taban denies plot against General Paulino Matip", *Sudan Tribune*, 17 October 2009.

[32] Crisis Group interview, senior SPLA commander, Juba, October 2009. Some reports suggest the Matip-Taban rivalry goes back to 1998, when an unpopular presidential decree made Taban governor. He responded to protests with violence that triggered a military confrontation with Paulino Matip that in turn led in part to the collapse of the 1997 Khartoum Peace Agreement.

[33] A subsequent Crisis Group report will examine insecurity in the South.

[34] "Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur", S/2009/352, 13 July 2009.

[35] "French aid worker kidnapped in Darfur", Reuters, 22 October 2009.

Sudan's permanent constitution when the interim version lapses.

Unless it joins a coalition with parties there, the SPLM is unlikely to win a significant share of votes in the North, because it has not developed its own constituency in the region and worked for national unity. It will also probably lose some of its CPA-mandated 70 per cent share of Southern institutions in an election, because of growing discontent among other tribes at Dinka dominance.[36] Nevertheless, it will go along with elections because it does not want to risk any delay of the referendum.[37]

A fraudulent election process will not bring sustainable peace to Sudan. Illegitimate elections would escalate conflict and violence, notably from marginalised groups in both North and South. In the present environment, April 2010 elections would not enjoy the conditions for non-violent acceptance of the results or set the stage for a peaceful referendum. NCP and SPLM insistence on rushing a vote without accommodating the interests of the country's other political forces and establishing reasonable stability in Darfur is thus a recipe for further conflict.

III. THE SOUTH: A POSSIBLE FAILED STATE

After John Garang's death in 2005, the SPLM was unable or unwilling to be an effective GNU partner. It slowly disengaged in Khartoum to concentrate on the GoSS. But the distraction of internal divisions, accountability problems, lack of organisational capacity and the difficulty of delivering peace dividends to all southern communities have meant four years of minimal progres and little incentive for Southerners to vote for unity.

The referendum is to be held no later than six months before the end of the CPA's interim period, that is, by 9 January 2011.[38] Before this, two contentious issues need to be resolved: demarcation of the 1956 North-South border and elections. The border issue, including demarcation of Abyei territory, has proved very contentious. The demarcation commission has halted work and is waiting for the presidency to arbitrate a dispute over

the border in Upper Nile. The NCP argues elections should come before referendums so that an elected government can manage these. It hopes that if the SPLM emerges weaker and more divided from a vote, it will have more influence over the referendum and demarcation issues.

On 13 December the national cabinet finally agreed at an extraordinary meeting on the South Sudan referendum, the Abyei referendum and the popular consultations in South Kordofan and Blue Nile bills. The South Sudan referendum agreement requires that a decision for independence requires participation by at least 60 per cent of registered voters and approval by a majority of those casting ballots.[39] The respective bills are to be presented to the national assembly, but it is not clear whether they will require approval by that body and the GoSS.[40] The SPLM agreed to suspend its boycott of the national assembly.

Senior SPLM leaders are increasingly calling for independence. In November Salva Kiir said Southerners would need to choose between being second-class citizens in a united Sudan or first-class citizens in an independent South Sudan.[41] But the lack of consensus on secession among some parties in the South and transitional areas such as the Nuba Mountains and the Blue Nile is also a problem for the SPLM leadership.[42] Differences of opinion on whether to secede and over what type of separation increase the risk of splits between separatists and unionists and between Northerners (including in the transitional areas) and Southerners.

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[36] The CPA granted the SPLM a 70 per cent share of GoSS positions.

[37] There is, however, no legal requirement to postpone the referendum in the event national elections are also held in 2011.

[38] Originally, the referendum was to be held at the end of the interim period (the 2002 Machakos Protocol, Article 2.5, which was incorporated into the 2005 CPA). The interim constitution (Article 222.1), adopted later in 2005, provided: "Six months before the end of the interim period, there shall be an internationally monitored referendum …"

[39] "Sudan referendum law endorsed in cabinet, 51% 'Yes' vote & 60% turnout required", *Sudan Tribune*, 14 December 2009.

[40] Both the South Sudan referendum and the Abyei referendum bills call for the creation of referendum commissions that will be composed of a chairman, a deputy and seven members. They will be appointed by the president of Sudan with the approval of the first vice president. Both will be important in determining who will be eligible to vote in these referendums. The Abyei referendum bill includes the SPLM-proposed language for the voter criteria ("Dinka Ngok and other Sudanese communities residing in the area"), rather than the NCP version ("Dinka Ngok, Misseriya and other Sudanese communities").

[41] "When you reach your ballot boxes the choice is yours: you want to vote for unity so that you become a second class in your own country, that is your choice", he told a congregation in a cathedral in Juba during a service to launch a prayer campaign for elections in 2010 and a referendum in 2011. "S. Sudan president makes first call for independence", Reuters, 31 October 2009.

[42] Crisis Group interview, senior SPLM political leader, Juba, September 2009.

Divisions stemming both from splits during the long war and disparities in access to the benefits of the peace also present a serious challenge for the South's current and future stability. Poor governance and reports of widespread corruption have prompted sharp criticism of SPLM/Dinka dominance of the GoSS. The recent establishment by ex-Foreign Minister Lam Akol of a new political party, SPLM for Democratic Change, is an indication of increasing South-South tensions, especially between the Dinka, Nuer, Shiluk and Equatorians. These are exacerbated by serious treasury deficits (as international oil prices have dropped), financial mismanagement and extensive corruption.

If South Sudan wants to avoid becoming a failed state, it cannot afford to rush to complete separation. The referendum and its date is a red line to which the South will accept no change. But many issues, including sharing of oil wealth and trade, land, water and grazing rights need to be negotiated before there can be complete independence. The polarised environment has prevented much discussion of this, and the South is likely to insist on independence becoming a fact no later than the end of the CPA's interim period in July 2011, but rushed separation would increase border tensions. Even if these did not bring war, the South would risk being overwhelmed by internal divisions, poor governance and bureaucratic deficiencies. A post-referendum transition period is needed so that pre-referendum agreements establishing the terms and modalities of a peaceful secession can be properly implemented.

IV. THE NORTH: NCP STRATEGIES

The Islamic movement has not abandoned its goal to reshape Sudan as an Arab and Islamic state. Since it came to power in 1989, the Islamic Front's agenda has been pursued ruthlessly, notably through the takeover and control of all government institutions. The 1999 split between the NCP and Hassan al-Turabi's Popular Congress Party (PCP) involved tactics, not objectives.[43] Nor did the CPA change the NCP's plans for the North.

The NCP is still working to block the South's secession, but with that outcome ever more likely, it is concentrating for the moment on consolidating its power in the North, in particular by investing in the economic development of the Hamdi triangle,[44] repressing Darfur's in-

surgents and changing the social mix of that region. The plan is to create a new state, whose dominant constituencies are Muslims and Arabised Sudanese and in which Darfur, Southern Kordofan and part of the East are subjugated peripheries serving a powerful centre.[45] Their tribal groups would then be gradually assimilated through displacement and social mixing into a new Sudanese identity characterised by Islam and Northern cultural hegemony.[46]

The centre would be Khartoum, wealthy and secure thanks to oil and agricultural export revenues and foreign direct investment from Gulf states. The central areas – including Gezira, East Sudan and the North up to Dongola – that would become economic pillars are currently benefiting from massive investment in dams, roads, air and sea ports.[47] Incorporated in this vision is the notion that foreign investors would have an interest in the NCP retaining power and thus would provide a measure of protection against external pressures.

Egypt is a key partner, one for whom Sudan's stability is a national security priority and that is also concerned about food security and access to water.[48] As the Nile diminishes, and less land is available for agriculture, it seeks to use Sudan to supplement its needs. The NCP may lease Egypt six million acres of arable land in the Nubian basin, allegedly to settle Egyptian peasants, after a 2005 agreement on implementing four freedoms (movement, land ownership, business, and settlement).[49]

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the traditional middle-north, in order to prevent non-Arab groups from running the country if the South, Darfur and other areas separated. "What is required at the present relates to how to keep the identity of the nation [Islam and Arabism] rather than to how to keep the structure of the state".

[45] For more details see M.J. Hashim, "Islamization and Arabization of Africans as a Means to Political Power in the Sudan: Contradictions of Discrimination based on the Blackness of Skin and Stigma of Slavery and their Contribution to the Civil Wars", in B.F. Bankie and K. Mchombu (eds.), *Pan-Africanism: Strengthening the Unity of Africa and its Diaspora* (Windhoek, 2006).

[46] Crisis Group Reports, *Sudan's Southern Kordofan Problem*, and *A Strategy for Comprehensive Peace in Sudan*, both op. cit.

[47] Crisis Group interview, senior NCP figure, Khartoum, July 2008.

[48] Egypt has only 15 million acres of arable land to produce food for a fast growing population.

[49] A 2004 press release by the state minister for agriculture, Dr. al-Sadig Amara (also an Arab Nubian), revealed that 6.1 million acres in the Nubian basin triangle had been sold to Egyptian investors and leased long term to Egyptian peasants. "6.1 million acres of land in Wadi Halfa can be leased by Egyptian companies", *al-Sahafa*, 31 March 2004. See M.J. Hashim, "The Dam Building in Northern Sudan: Is it a Tool for the Resettlement of Millions of Egyptian Peasants? Is it a New Darfur Scenario in the Making?", lecture at School of

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[43] President Bashir and the NCP refused to transfer all authority to Turabi's Islamic movement.

[44] Abdul Rahim Hamdi (former finance minister) called in a paper presented to the 2005 NCP convention for concentrating public funding on "the axis of Dongola, Sinnar, and Kordofan",

Cairo also supports construction of several Nile dams in Sudan to enhance irrigation and production of wheat and other agricultural products for Egyptian consumption. The Sudanese Nubians of Northern state who will be displaced are organising against this and may resist further dams violently.[50]

V. DARFUR

Peace is also elusive in Darfur. The Doha process entered a second stage when Khartoum and JEM signed their Good Will Agreement in March 2009, but they are unwilling to negotiate a final settlement. The NCP wants to use elections to choose alternative, theoretically more legitimate Darfur leaders; in reality, it seeks alternatives whom it can co-opt into its patronage system. The Darfur rebel groups reject the current electoral process and see the ICC arrest warrant against President Bashir as weakening the NCP's legitimacy and thus a source of leverage. They have increased their demands beyond what Minni Minawi obtained in Abuja in 2006 with the Darfur Peace Agreement (DPA), saying they want not nominally senior positions but a real share of executive powers and an equitable distribution of wealth.[51]

The currently planned elections cannot accommodate the interests of most Darfuris. The NCP intends to win elections in Darfur by isolating major constituencies and co-opting Arab tribes. The drawing of electoral boundaries on the basis of the recent census would give non-Arabs little chance to obtain high-level positions in any of the three states or many seats in the national assembly. Fur, Zaghawa and Massalit leaders would be marginalised.[52] Nor are the Doha talks that are to resume in December promising. JEM's leader, Khalil Ibrahim, claims to be Darfur's sole representative, but his attempt

to bring other factions into line is failing, and he is losing the support of Chadian President Deby.[53]

SLM/A leader Abdel Wahid demands that the NCP disarm affiliated militias, return displaced people to their homeland and pay individual and collective compensation, but he lacks a coherent political agenda and, because he stays in self-imposed exile in Paris, has been weakened dramatically on the ground. The other rebel factions control small pockets of territory but are fragmented and unable to unify. Indeed, unification of the many groups has long been a major hurdle to productive political negotiations. U.S. Special Envoy Scott Gration is seeking Libyan and Egyptian help to achieve this and persuade them to join the Doha peace process. Darfuri observers believe his aim is to isolate Abdel Wahid and create a new leadership from the field commanders.[54] They point to his attempts to convene meetings with such commanders in rebel-held areas at Dirbat in Jebel Marra without Wahid loyalists.[55] Senior SLM commanders believes Gration wants to replace him with Ahmed Abdel Shafi, who is willing to join the Doha process.[56]

Because of their divisions, Khartoum is unlikely to conclude a serious deal with any of the rebel groups, and the best the Doha process might deliver is yet another temporary cessation of hostilities. However, while Doha

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Law, University of London, 24 September 2008, in Arabic, at www.abritabag.net/vb/showthread.php?t=8330.
[50] Crisis Group interviews, Nubian community leaders, Northern state, 2008 and 2009.
[51] They seek the second vice president post held by Ali Osman Taha and a semi-autonomous government for a unified Darfur region, something the NCP is not ready to accept. Minni Minawi is the leader of one SLM faction. He is currently Senior Assistant to President Bashir.
[52] South Darfur is now dominated by Arabs and pro-NCP groups, while many original residents are in IDP camps. The NCP, fearing a reunited Darfur would threaten its dominance in the North, has been hampering initiatives to bring Darfur civil society together. Without a fair electoral process, the many in the population who are not militarised or represented by either of the parties, the NCP or the rebel movements, would have no mechanism through which to articulate their interests.

[53] Mousa Dousa, half-brother of President Deby and the main JEM supporter in the Chad regime, has been transferred to Libya as ambassador. Deby has launched an army reform, firing 140 of 340 generals to limit Zaghawa dominance. For the first time, the chief of staff is not a Zaghawa. He also used oil money to start development activity in all states. On 17 May 2009 he agreed with the non-armed opposition on a national electoral commission and rules for transparent elections. The political opposition agreed to take part in the elections, a significant breakthrough. Recently, Chad and Sudan agreed to limit the movement of rebel forces in their territories, and Sudan promised to pull Chadian rebel groups back from the border.
[54] It is supposed to include the factions SLM-Unity, SLM Ahmed Abdel Shafi and five former commanders from SLM al-Nur. At an August 2009 meeting in Addis Ababa sponsored by the U.S, these groups and other rebel factions – Democratic JEM of Ibrahim Azraq, United Resistance Front (URF) of Idriss Abu Garda and United Revolutionary Force Front (URFF), an Arab group led by Ibrahim Izat – adopted a road map for unifying and joining the Doha peace process. "US envoy gathers Darfur rebels for unity attempt", Voice of America, 21 August 2009.
[55] The SLM/A (Abdel Wahid) dismissed some field commanders who preferred to join the U.S. envoy's initiative. Rebel leaders are worried that Gration's effort could influence their field commanders. "Darfur rebels deplore US envoy plans to holding meeting in controlled area", *Sudan Tribune*, 7 October 2009.
[56] Crisis group interview, two Darfur community leaders, Juba, September 2009.

has stalled, the African Union High-Level Panel on Darfur (AUPD) has presented recommendations on how to achieve peace, justice and reconciliation in Darfur.[57] It defined general principles for political settlement, an approach to the negotiations and a process to ensure that justice and reconciliation are pursued in an integrated manner.[58] It also emphasised Doha's utility; suggested the AU-UN joint mediator, Djibril Bassolé, establish a comprehensive strategy based on its recommendations; urged that a body composed of the AU, the UN and principal states support and monitor the mediation process within a set timeframe; and called for UNAMID to be strengthened.

The recommendations are a good basis for a political settlement. They include immediate negotiation of a suspension of hostilities, followed by a permanent ceasefire and creation of a Darfur Consultative Convention – with participation of Darfur administrators, IDPs, civil society, political parties, and the NCP – to support negotiations between Khartoum and the rebel groups that would be based on the Declaration of Principles those two sides signed in Abeche in 2005. That document envisaged possible reunification of the Darfur region and power-sharing arrangements that might include a vice presidency for Darfur in Khartoum. The convention's first priority should be to identify the minimal conditions for participation of Darfuris in the elections. Its ultimate goal would be a global political agreement on all main issues.[59]

The NCP exhibited conflicting reactions to the AUPD recommendations.[60] It was particularly dismayed by those on hybrid courts, an inclusive political approach to Darfur and the need for a solution to Khartoum's governance crisis.[61] But it realised it could not afford to antagonise the AU by rejecting everything, so President Bashir formed a committee headed by Vice President Taha to develop a strategy. Taha has privately rejected several of the recommendations, specifically the hybrid court proposal. Of that proposal, the party has said it "needs to be carefully studied to ascertain its compatibility or lack thereof with the constitution and the principle of the independence of the Sudanese judiciary".[62]

VI. NEW POLITICAL DYNAMICS?

The political situation is evolving rapidly in anticipation of elections. Northern opposition parties have made a number of attempts to form alliances, including with the SPLM. The NCP is trying to counter these moves but is under internal pressure, as members are increasingly unhappy with its senior leadership.

A. THE NATIONAL ALLIANCE AND THE ALL PARTY POLITICAL CONFERENCE

In May 2009, with the SPLM present as observer, seventeen Northern opposition parties formed the National Alliance and announced that their participation in the elections would depend on the NCP amending key laws and reviewing others.[63] They also agreed to choose one person as their presidential candidate to stand against Bashir.

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[57] The report was adopted by the 207th AU Peace and Security Council summit on 29 October 2009, in Abuja.

[58] The AUPD chairman, ex-South African President Mbeki, said the root causes of Darfur's problems are marginalisation and underdevelopment, due to policies and practices of multiple governments. He added that peace, justice and reconciliation should be approached simultaneously, with none having precedence. "AU panel submits report on Darfur but kept confidential", *Sudan Tribune*, 8 October 2009. Mbeki reportedly noted that the conflict's solution is at the centre, via democratic transformation and full CPA implementation that allows time to incorporate Darfur into Sudan's overall peace process. Crisis Group interview, Sudanese scholar, October 2009. The AUPD said "settling the conflict in Darfur requires a fundamental transformation within the political configuration of Sudan". "Report of the African Union High-Level Panel", op. cit., p. xv.

[59] If the hybrid court, containing both Sudanese and international judges, proposed by the AUPD were created, an Article 16 deferral of ICC proceedings might become a viable option in negotiations. However, justice and accountability are critical for the sustainability of any peace deal in Darfur.

[60] The state information minister, Kamal Obeid, first rejected the AUPD recommendations, then said some parts of the report were acceptable. Sudan TV, 26 October 2009.

[61] Taha rejected essential parts of the recommendations, specifically the hybrid court. Crisis Group interview, member of the NCP political bureau, Khartoum, October 2009.

[62] Crisis Group interview, Khartoum, October 2009.

[63] "Sudan opposition parties revive alliances, calls for new government", *Sudan Tribune*, 26 May 2009. Press conference by Farouq Abu Essa, National Alliance coordinator and spokesperson. On the laws, see above. The Alliance includes the Umma National Party of al-Sadig al-Mahdi; Democratic Unionist Party of al-Merghani; Umma Reform and Renewal Party of Mubarak al-Fadil al-Mahdi; Sudanese Communist Party of Nugud; Popular Congress Party (PCP) of Hassan al-Turabi; Sudanese Baath Party; National Democratic Alliance (NDI); Socialist Baath Party; Baath Party affiliated to Syria; National Sudanese party; The Alliance, led by Abdel Aziz Khalid (former NDI military commander); United Democratic Front (South Sudan); Justice Party (original) of Meki Belail; Nasiri Unity Party; Movement for Democratic Force,

Basing itself on the CPA and the interim constitution, the Alliance says the GNU has not been legitimate since 9 July 2009, because national elections were not held by then as the CPA stipulated. It petitioned the Constitutional Court to dissolve the GNU and require that a broad-based government serve as a caretaker administration and prepare elections. The NCP's political bureau secretary general, Mandoor al-Mahdi, dismissed the argument, claiming the parties wanted to destabilise the government and were trying to avoid elections because of "their lack of popularity".[64] The SPLM agreed with the NCP that the CPA did not envisage a transitional government before elections but added it was open to dialogue with the Alliance. The NCP responded by seeking its own alliance with other GNU parties.[65]

The political significance of the National Alliance is unclear. Some analysts have argued that, except for animosity toward the NCP, it lacks ideological and political consensus, so it is unlikely to agree on a presidential candidate or otherwise be effective. Key members, however, have done well in previous elections.[66] The Umma party, the PCP and the Communist party have strong links with elites in the diaspora and capacity to mobilise the large Baggara tribes in Kordofan, Darfur and Central Sudan, as well as potential to forge an alliance with Darfuri rebel groups.[67]

Facing deadlock over CPA benchmarks, the SPLM invited the main parties, civil society organisations, national personalities and media to Juba for an All Political Party Conference (APPC).[68] Most parties, except the NCP,

participated. Open discussions were held, and Northern opposition leaders al-Sadig al-Mahdi, Hassan al-Turabi and Muhammad Ibrahim Nugud[69] heard Southern grievances and criticism. They publicly acknowledged mistakes and reflected on a peaceful Sudan's future, whether united or separated.[70] Participants signed a declaration calling on the NCP to help forge a national consensus and threatened a collective election boycott unless there is electoral reform. The declaration included constructive recommendations on CPA implementation and promised an effort to reach out to constituencies and form a high-level committee for periodic follow-up but made no mention of building a coalition to stand against the NCP.[71]

Still, patience had clearly run out. Some political leaders in attendance told Crisis Group that if the NCP remained intransigent, they would start an "intifada" and not rule out alliances with armed tribal groups in Darfur, Kordofan, the Blue Nile and East Sudan and the use of force.[72]

B. CRACKS IN THE NCP

Serious divisions have developed within the NCP since the ICC prosecutor applied for an arrest warrant against President Bashir in 2008.[73] Second and third tier members, including members of its Shura council and political bureau, openly complain that decision-making is dominated by five people: Bashir; Taha, who is vice president of the party as well as of Sudan; Awad Al-Jaz, the finance minister and head of the NCP's armed militias; Nafie Ali Nafie, assistant to the president and NCP vice president for organisational affairs; and Ibrahim Omar, head of the Shura council. Reportedly, messages were passed to the leadership that it needs to separate the party from the state and make decisions more inclusively. The militia commanders were said to have told Bashir they were considering three options: not participating in future fighting, because conditions in the country do

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led by Hala Abdel Rahim; and several smaller parties. Though the DUP participated in some meetings, it is rumoured to be reluctant to join, and the media has suggested it is considering an NCP alignment.

[64] The Umma party won the last general election, in 1986, before the Islamists took power by force. The opposition boycotted the 2000 presidential election in which Bashir received 86 per cent. Nafie Ali Nafie at a press conference on 28 May with GNU parties, accused the opposition parties of seeking regime change by supporting sanctions against Sudan, military insurgency and the ICC. "Tomorrow July 10th Sudan govt unconstitutional, opposition parties say", *Sudan Tribune*, 9 July 2009.

[65] The Umma Parties of Abdallah Masar, Babikr Nahar, al-Zahawi Ibrahim, and Al-Sadig al-Hadi al-Mahdi, the DUP wing of al-Sharif al-Hindi, the Salvation Front, SANU and other small parties in the GNU.

[66] Crisis Group interview, Sudanese scholar, London, September 2009.

[67] See Crisis Group Report, *Sudan's Southern Kordofan Problem*, op. cit., and Africa Report N°125, *Darfur: Revitalising the Peace Process*, 30 April 2007.

[68] They also invited the diplomatic corps in Juba and Khartoum and concerned international organizations as observers.

[69] The leaders of the Umma Party, the PCP and the Communist Party respectively.

[70] Al-Turabi, once the leader of the Islamic Front and instigator of the 1989 coup that brought the current regime to power, called separation of religion from state problematic but said that does not mean a new Sudan where all citizens have equal rights cannot be established. Crisis Group attended the session in the National Assembly, Juba, 27 September 2009.

[71] See Appendix B below for the text.

[72] Crisis Group interview, three political party leaders, Juba, September 2009.

[73] See Crisis Group Report, *Sudan: Justice, Peace and the ICC*, op. cit.

not warrant a jihad; pressing for changes to save the movement; or undertaking the changes themselves.[74]

Bashir has become very cautious. In 2008, he changed army chiefs of staff and named his former office manger, General Nasraldin, to lead the joint chiefs. This year he has replaced the entire police command and appointed another office manager director general of police. In August 2009 he replaced the powerful NISS director, Salah Mohammed Abdallah (Gosh), with his deputy, Mohammed Atta al-Moula.[75] After thus consolidating his control, Bashir agreed to a party convention in early October to address internal dissent. It was much better attended than previous affairs, and expectations on the floor were high. Some participants sought significant changes in the NCP's vision, structure and leadership and to discuss objectively its challenges and those of the country. The main undeclared agenda of most was how to separate party and state institutions and improve the governance of both.

The convention came at a time when some members believe the party's very existence is in jeopardy.[76] Most delegates from the peripheries doubt it can win free and fair elections. According to senior members from North Darfur, Sinnar, Gezira and Kassala states, "there are many of us who think we must secure our nominees for the regional elections, to serve what is best for us, and not an agenda of a few corrupt leaders who want only to retain power at the cost of our country".[77] A frustrated senior member said, "the party has become a mixture of middle class people who are only interested in business profits. The principles that used to tie the members together are gone. This conference [is] the last attempt to save the party".[78]

A leader in the opposition to the NCP compared the party's situation to that of the ruling Socialist Union in the last days of an earlier president, Jaafar Nimeiri: "The moment the NCP loses the elections, the party would disintegrate. … [Nimeiri's] Union was controlling everything, just as the NCP is now. When they lost power through the intifada of 1984, the Union disappeared and could not rise again".[79] Many convention delegates and members of NCP think tanks went further, warning that without changes in how affairs were managed, the country itself would disintegrate.[80]

During the convention, delegates suggested the party's president should not automatically be its nominee for national president, suggesting that Bashir's ICC indictment makes him a liability. Since Bashir already is the nominee, they urged election of a new NCP president. Similar proposals on governors targeted Ahmed Haroun in South Kordofan, likewise under an ICC arrest warrant. A senior figure said, "two thirds of the states are against their current NCP governors, and this could lead to the disintegration of the party".[81] However, most proposals were blocked, and their champions were denied the floor in plenary.[82] The convention did compromise on governors, agreeing that each state would convene a convention to nominate three candidates, after which the party leadership would make the final decision.[83] That candi-

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[74] Crisis Group interview, member of the old Shura council, Omdurman, September 2009. All official armed forces – SAF, Police, NISS, Popular Police, Public Order Police, Central Contingency Police Force – have undeclared parallel structures that in an emergency take orders directly from a party security command. The Islamic movement also has well-trained civilian militias mainly recruited from tribal groups near and north of Khartoum (the *debbabeen*). When there is fighting, they appear suddenly in military uniforms, with yellow, green and red ribbons around their foreheads. This undercover structure is separate from the Popular Defence Forces (PDF) that were to have been dismantled under the CPA but have not been.

[75] Gosh was demoted to presidential adviser. Apparently the president had been receiving information about talks between him, Egyptian intelligence and U.S. officials. The discussion allegedly included a proposal for President Bashir to step down in exchange for safe refuge in Saudi Arabia. Gosh rejected the proposal, but Bashir reportedly was livid that an official would even discuss it. Crisis Group interviews, senior opposition leader, Khartoum, September 2009.

[76] Crisis Group interview, a top aide to the NCP leadership, Khartoum, October 2009.

[77] Crisis Group interview, members of the Shura councils in Sinnar, Gezira, North Darfur, and Kassala states, Khartoum, October 2009.

[78] Crisis Group interview, senior NCP member, Khartoum, September 2009.

[79] Crisis Group interview, political leader who had worked with the current NCP regime, Khartoum, September 2009.

[80] In November 2009, powerful NCP members from Gezira state decided to leave and form a new party, "Freedom and Justice". The split came after disputes over proposed privatisation of the Gezira agricultural scheme. Abdelbagi Ali Awad al-Karim, a leading NCP figure in Gezira and head of the new group, revealed the mounting divisions within the party in various states and said the party and country cannot be ruled by lies and deceptions. "Split up within NCP as employees of Aljazeera scheme are kicked out", *Asharq al-Awsat*, 4 November 2009.

[81] The lists that came from Nafie's office (organisational affairs) included most current governors as nominees for the regional elections but were rejected by two thirds of the states. If the centre insists on them, a party revolt could weaken NCP chances to retain these sensitive offices. Crisis Group interview, member of NCP Shura council, Khartoum, October 2009.

[82] Crisis Group interview, several delegates during the second evening of the convention, Khartoum, October 2009.

[83] This prevented the collapse of the convention. Today in most states there are two lists of nominees for governors: the Khartoum (Nafie) list and the list proposed by local NCP members. It

date would also become the party head in the state. But Bashir remained both president of the party and its nominee for re-election as national president.

Bashir blocked interest from the floor for the NCP to open a genuine dialogue with leaders from Darfur and such areas as Southern Kordofan, Sinnar, and Blue Nile. Rebellion flickered. Nafie was identified as the key person responsible for manipulating the party's decision-making process, with Bashir's support; an effort to defeat Nafie in the vote for the new Shura council and to remove him from the political bureau failed.[84] On balance, the conference appeared to disappoint most NCP members. A senior figure in the Shura council said its rules were abused by the top leadership, particularly Bashir, who sought only to protect his position. Because he no longer trusts his aides, the president was said to rely increasingly on his immediate family and tribe.[85]

VII. THE NEED FOR AN ADDITIONAL CPA PROTOCOL

Although it is increasingly unlikely that the CPA will preserve the unity of Sudan, the North and South will remain interdependent for the foreseeable future. Instability in either would inevitably spill over into the other. Separation would need to be managed to ensure peaceful coexistence and improved governance within the North and the South. To address the dual requirements of peaceful separation and the stability of the two independent states, an additional protocol to the CPA is needed.

This should become the priority of the international community, especially the U.S., China, the AU Peace and Security Council and IGAD.[86] A jointly agreed mediator of international stature is required to convince the NCP and SPLM to negotiate an agreement that reviews the timeframe of the remaining CPA benchmarks – including the postponement of elections – brings the Darfur peace

process within the agreement's framework and creates a post-referendum transition period to supervise and complete the transfer of sovereignty to the new southern state, should this be the result of the referendum. But even an agreement between the NCP and SPLM is insufficient to guarantee internal stability: the international partners will need to remain engaged throughout the transition period.

A. OBJECTIVES

Before free and fair elections can be held in Sudan, time is needed to negotiate a Darfur peace agreement, in part to ensure that all Darfuris can take part in the voting. Without that participation, elections would not be seen as legitimate and so would not help stabilise the North. Time is likewise required to implement legal reforms that are likewise essential for a freer and fairer election process.

There must also be time after the referendum to secure the implementation of other provisions of the Darfur peace process as well as to complete the transfer of sovereignty to the anticipated independent Southern state. The length of this new transition should probably be roughly the equivalent of a full parliamentary term – four years – as it should logically lead to a new electoral cycle in the two separate states of Northern and Southern Sudan. Strong and consistent international engagement will be required.

The NCP and SPLM cannot decide alone on delaying elections in order that they can become an important means of peacebuilding. The agreement of all parties in the GNU as well as opposition parties and Darfur rebel groups is also necessary. Without a constitutional amendment that reflects a broad-based agreement on the way forward, Sudan would enter a legal vacuum in July 2010, when the interim institutions created by the CPA, including the GNU, formally cease to exist. That would give the NCP a pretext to declare a state of emergency to undergird its rule.[87] Such a step could well trigger conflict in the North, including in the Nuba Mountains and the Blue Nile.[88]

To avoid such dangers, the ideal sequence and timing of events for reconciling the paths of the several peace

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remains to be seen whether the state congresses will be able to choose their nominees independently; some of these congresses have begun to disintegrate, with new groups emerging.

[84] Crisis Group interviews, diplomat and member of the NCP Shura council, Khartoum, September and October 2009.

[85] Many delegates told Crisis Group no one wanted to be nominated to stand against Bashir, not out of fear but because they did not want to bear responsibility for permanently dividing Sudan.

[86] IGAD members met to discuss the CPA on the side of an October AU summit dealing with refugees in Uganda. The NCP refused an invitation. IGAD members believe the party does not want their involvement in its current negotiations with the SPLM. Crisis Group interview, senior Kenyan official, Nairobi, November 2009.

[87] Crisis Group interview, senior member of NCP leadership, Khartoum, September 2000. This partly explains the NCP interest in a tough NISS law.

[88] Malik Agar, SPLM deputy chairman and Blue Nile governor, speaking at a session in the South Sudan National Assembly in which three political leaders from the North participated, Juba, 27 September 2009.

processes and simultaneously stimulating a general improvement of governance is:

1. within the first months of 2010: implementation of the main outstanding pre-election CPA benchmarks: legal reforms that guarantee basic freedoms of expression, association and movement; and demarcation of the 1956 North-South border;

2. by April 2010: a permanent ceasefire and comprehensive security arrangements in Darfur on the basis of the AUPD recommendations that are internationally monitored and facilitate full Darfuri participation in national elections;

3. by June 2010: adoption of a CPA protocol that provides an electoral framework to confirm fair Darfuri representation; establishes a post-election transitional arrangement to administer the South's self-determination referendum and implement the new Darfur peace agreement, perhaps through December 2014; sets out the process for transferring sovereignty to an independent Southern state if that is the referendum's decision; and creates a powerful international mechanism to monitor and support its implementation;

4. by July 2010: adoption of a constitutional amendment that postpones general elections to November 2010, extends the term of the GNU through those elections or, in the event that they are again postponed, to July 2011 (the end of the CPA interim period), and incorporates the terms of the post-referendum transition;

5. in November 2010: free and fair national elections;

6. in December 2010: formation of a new transitional government on the basis of those elections;

7. by the first week of January 2011: the South's self-determination referendum; and

8. by December 2014: completion of the transfer of sovereignty to the new Southern state, if that is the referendum's decision, and completion of implementation of outstanding elements of the Darfur peace agreement.

To set this chain of events in motion, the UN Security Council, AU Peace and Security Council and IGAD should agree on the appointment of a joint mediator with international stature and the mandate to support implementation of Sudan's multiple peace processes and conduct negotiations as necessary.[89] The mediator should immediately convene the CPA signatories and initiate negotiations on the protocol described above, including the

understanding that the key signatories of the DPA, the Eastern Sudan Peace Agreement and the Cairo Agreement,[90] as well as other Darfur rebel groups and political party representatives, should be consulted on its key elements. An advisory committee composed of representatives of these political forces should be established to support the negotiations.

Djibril Bassolé, the current UN/AU chief mediator for Darfur, should focus peace negotiations on both what is needed to obtain full Darfuri participation in the general elections and implementation of the AUPD recommendations.[91] The cessation of hostilities is needed as soon as possible, followed by a permanent ceasefire so as to improve the general security environment in Darfur and allow IDPs to return to their areas of origin before the rainy season begins in June. Central to the success of a sustainable ceasefire is participation of both main Darfur rebel groups and UNAMID in the Darfur state security committees and establishment of an effective joint ceasefire monitoring mechanism on the ground.[92] While their immediate disarmament might be unrealistic, militias and armed groups should be pressured to integrate into recognised and authoritative chains of command.

Getting buy-in from the Darfur rebels will be difficult, but it is essential in order to bring stability to the region. They need to be convinced that a negotiated settlement, including the possibility to participate in the electoral process, is their best chance to obtain a fair share of political power. They should be offered positions in the NEC and the state electoral committees to help them gain confidence in that process.[93]

The current electoral law does not guarantee fair representation to minorities. It will have to be reviewed within the framework of the CPA protocol negotiations, so that all Sudanese are allowed to register as voters either from their areas of origin or their current residences. This would give the two million Darfur IDPs an incentive to accept the electoral process and an opportunity to determine political representation in their home areas

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[89] The mediator should formally report to the UN Security Council and consult with the other regional bodies.

[90] The Cairo Agreement between the Khartoum government and the National Democratic Alliance, a group of opposition partes, on the democratic transformation and consolidation of a comprehensive peace in all parts of Sudan was signed on 16 June 2005.

[91] Many in the AU are unhappy that Bassolé appears to listen more to three permanent members of the UN Security Council – the U.S., UK and France – and Qatar than to the AUPD and AU. Crisis Group interviews, AU officials, Addis Ababa, November 2009.

[92] A good example would be the Joint Military Commission, which effectively monitored the ceasefire in the Nuba Mountains.

[93] The NEC also needs to be reconstituted.

even if they have not returned by the time of elections. Simultaneously UNAMID and the UN Mission in Sudan (UNMIS) should participate directly in support of the NEC at all stages of election administration, perhaps using as a model the successful support the UN mission in the Democratic Republic of the Congo (MONUC) provided to general elections there in 2007. Direct UN participation in organisation of the polls would increase the chance of their success and reduce the risk of rigging at all levels.

B. GETTING THE INTERNATIONALS TO COORDINATE

Unless the international community re-engages behind the CPA and works together, there will be little chance to obtain the agreements described above. International actors must reach a common vision and coordinate efforts behind a process for the democratic transformation and peace arrangements needed to produce stability in all parts of Sudan. A joint lead mediator will lack leverage to oblige the NCP, SPLM, Darfur rebels and opposition political forces to make significant concessions unless he/she has active support to carry out a consensus strategy.

For too long, regional and other international actors have been divided into two camps. One – largely Western – thinks that the best way to achieve stability is to continue the democratic transformation process through strict implementation of the CPA. This strategy is undercut by the NCP's vested interests and vision for the North. The other – African-, Arab- and Asian-dominated and including Russia – believes that its own interests as well as stability in Sudan can only be maintained by a powerful centre that keeps order and avoids political fragmentation. It thus works to avoid weakening the NCP. Greater awareness that NCP policies are increasing the risk of disintegration in the North, however, is affecting the views of some in this group, who are beginning to acknowledge that NCP rule is leading to instability and that the South's independence is likely unavoidable.[94]

China's concern for stability has been related to the need to secure its $4 billion investment in oil production and the safety of 15,000 Chinese workers in the country. Beijing now recognises that the NCP will have to compromise, including over Darfur, if there is to be peace in Sudan and the North is to hold together after 2011.[95]

On 27 May 2009, special Sudan envoys of the permanent members of the Security Council and the EU were briefed by Bassolé on the Darfur talks and clearly expressed their concern that Sudan could implode. For the first time since 2005, there seems to be convergence among them that a new round of NCP-SPLM negotiations is essential if there is to be a solution to the political impasse.[96]

Following this meeting, U.S. envoy Gration called for comprehensive meetings on the CPA in Washington, to which 25 countries and international organisations were invited.[97] The forum was important for several reasons. It demonstrated the Obama administration's engagement; Gration became more aware of the complexities of CPA implementation, including that the absence of mutual trust means that verification measures are essential; and it created a council of the special envoys, including China and Russia, that can contribute technical, economic and political support for the CPA.

Trilateral sessions involving the NCP, SPLM and U.S. were subsequently held. At the first, in Khartoum in August, the Sudanese parties promised to implement ten pending issues[98] but failed to agree on the census results and the referendum law. General Oyai Deng, GoSS Minister for Regional Co-operation, told a public event in Washington on 9 October that the second meeting, in Juba in September, "ended up as utter failure" and called for IGAD to become more involved in the mediation rather than leave it for the U.S. envoy.[99] The third, in Khartoum in November, achieved no compromises.

The key principles and objectives of U.S. Sudan policy, in the recently-completed policy review, are consistent

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[94] Crisis Group interview, member of the NCP political bureau, September 2009.
[95] Crisis Group interview, senior Western diplomat who attended the meeting of P-5 envoys and the EU special envoy to Sudan in Doha on 27 May 2009.

[96] Crisis Group interview, Western diplomat who attended the meetings in Doha, July 2009.
[97] Participants issued a statement at the conclusion of the forum encouraging the two parties to renew their commitment to the CPA, noting substantial progress has already been made and reiterating the short time remaining in the Interim Period and the need to urgently address outstanding implementation issues. They expressed commitment to the core CPA principle of making unity attractive through democratic transformation, decentralisation, and accelerated economic development, while reaffirming the South's right to self-determination in an internationally monitored referendum. "Forum for Supporters of the Comprehensive Peace Agreement Participants' Statement", www.state.gov.
[98] Abyei border demarcation, security, power sharing, issues of the two areas, elections, democratic transformation of the country, making unity attractive, national competencies and Darfur. "CPA partners sign agreement to fully implement peace accord", Miraya FM, 19 August 2009.
[99] "SPLM diplomacy stresses importance of referendum law", *Sudan Tribune*, 10 October 2009.

with the above proposed process.[100] The Obama administration recognises that a comprehensive approach is required that addresses all Sudan's conflicts and engages not just the NCP, SPLM and major Darfur rebel groups but also critical regional and other international actors. It acknowledges that the necessary environment for credible elections does not presently exist, that there has been serious backsliding in CPA implementation and that close monitoring and evaluation is required. It focuses on meeting CPA benchmarks, which would require a modified timetable; a political agreement in Darfur among the rebels and resettlement and reintegration of IDPs; an end to impunity; and cooperation on counter-terrorism.[101] However, it has not called for the appointment of a lead mediator or new timetables with respect to elections, Darfur and governance reforms.[102]

In light of the failure of the three rounds of trilateral talks and concern among the SPLM that he has pursued a "softer" approach toward the NCP, U.S. envoy Gration cannot take on the role of lead international mediator to help fill the CPA's implementation gaps, organise negotiations on post-referendum arrangements and serve as the main supervisor of the subsequent international engagement that will be necessary to ensure implementation. He and the U.S. are well placed, however, to provide invaluable support to that process, in part because it has been a major NCP goal for a decade to persuade Washington to lift its sanctions and normalise relations. The U.S. had promised movement on sanctions once the CPA was signed, but it suspended that promise when the counter-insurgency campaign in Darfur led to mass displacement, mass atrocities and other human rights violations. With a weaker economy today, the NCP wants U.S. sanctions lifted more than ever.

If the SPLM and NCP agree to the above comprehensive process, donors should recommit to support an extensive rehabilitation and reconstruction program in the South, Darfur, the Nuba Mountains, Abyei and Blue Nile. If President Bashir gives tangible proof of cooperation in achieving such a solution, including guaranteeing stability through elections and relinquishing his candidacy for re-election, the Security Council should consider a resolution invoking Article 16 of the Rome Statute that

would defer ICC prosecution, provided that steps have been taken to address the impunity issues in the manner suggested in the AUPD report.

C. IF THE PARTIES CONTINUE TO OBSTRUCT CPA IMPLEMENTATION

In the absence of demonstrated goodwill and constructive actions to revamp the peace process, the mediator will need to mobilise international support for dramatically increasing pressure on the parties by deepening and expanding the existing sanctions regime, implementing a comprehensive national arms embargo and completely isolating those responsible for blocking the process.

But even with goodwill, it will be difficult to achieve the very ambitious goals in a tight timeframe. Progress should be monitored closely, so that emphasis can be changed as needed. One overriding deadline cannot be postponed: the CPA's commitment that an internationally monitored referendum for South Sudan be held by the first week of January 2011. If it appears by July 2010 that the larger agenda cannot be achieved, the international community should press the parties to concentrate on an immediate bottom line, namely the negotiation before the end of the year of arrangements for handling the referendum vote and the process of separation, should that be the result.

It would serve both North and South well to have in place an arrangement for dealing with everything from border issues, through wealth sharing, to treatment of each other's citizens. Many in the SPLM recognise the need for a period in which to prepare for the full sovereignty that goes with independence, but this is politically sensitive.[103] Negotiating an arrangement that in effect acknowledged the possible division of the country even before the South voted would be politically difficult for the North, but rationales for such negotiations exist. For example, many issues need to be regulated even should the South choose to stay in the national union with its current high level of autonomy. The agreement could be divided into two periods: from the day after the referendum until the CPA interim period expires in July 2011 and another, perhaps through the end of 2014, during which two independent states would cooperate as sovereignty is progressively passed to the South.

Concentration on this bottom line would have some negative consequences. Elections would have to be postponed until such time after January 2011 as the Darfur peace process had advanced adequately; delay in other CPA benchmarks such as governance reforms might also need

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[100] See "Sudan: A Critical Moment, A Comprehensive Approach", U.S. Department of State, 19 October 2009. That document also warns of the danger of Sudan's implosion.
[101] Crisis Group interview, senior U.S. official, Washington, 5 December 2009.
[102] The State Department recently said Sudan might be unable to hold credible elections in the coming months because the ruling party and opposition cannot agree on ground rules. "U.S. says Sudan's 2010 elections in doubt", Reuters, 27 November 2009.

[103] Crisis Group interviews, GoSS and international organisation officials, diplomats, Juba, 17-23 November 2009.

to be accepted reluctantly. However, the successful negotiation of transitional North-South arrangements would contribute importantly to maintaining a relatively stable environment on both sides of the border in which an engaged international community could continue to press for full, if delayed implementation of a comprehensive peace agenda. And it must do so, for it cannot allow itself to be complicit in the rubber-stamp legitimisation of an undemocratic regime, or the possible implosion of Sudan.

VIII. CONCLUSION

The experience of the four years since the signing of the CPA has shown that the Sudanese parties lack the political will to achieve its commitments without strong international engagement and sustained pressure. The collapse of the CPA at this point would likely lead to even more disastrous results, including a continuation of the conflict in Darfur, new regional insurgencies and even a return to North-South war. The key challenge for the Sudanese parties and their international partners is to rapidly build consensus over steps needed to implement the accord and promote democratic governance throughout Sudan.

Sudan is running out of time. The NCP cannot be allowed to rig the national elections. The South will abide no delay in the holding of a referendum on its independence by the first week of January 2011. Now is the time to refocus the peace process around the organisation of credible elections, the negotiation of a viable peace in Darfur, the redress of grievances of other key regions of the North through participation in a legitimate political process, the holding of the Southern referendum, and the management of the result of that referendum. If either party – most likely the NCP – refuses to compromise, the international community should be ready to take appropriately strong measures, including if necessary isolation of the Khartoum regime. But if the comprehensive agenda cannot be achieved rapidly, it must keep the prospect of ultimate peace alive by at least ensuring that North and South regulate the terms of their future interdependence before 2010 ends.

Nairobi/Brussels, 17 December 2009

APPENDIX A

MAP OF SUDAN

APPENDIX B

JUBA DECLARATION ON DIALOGUE AND NATIONAL CONSENSUS

The preamble of this document states that the SPLM, under the leadership of Salva Kiir, invited all Sudanese political parties, civil society organisations, national personalities and media to national dialogue in Juba on September 26-30. The All Political Party Conference (APPC) set up a Leadership Committee comprising the heads of the political parties and the general assembly. The APPC constituted a Sudan peoples' parliament in which delegates conducted free, open dialogue in a transparent democratic environment.

It further noted that the Leadership Committee met on September 26 to adopt the APPC's agenda and draw up a set of rules to govern its proceedings. The general assembly met the following day and discussed the views of 28 political parties and five civil society organisations, in addition to an address delivered by the delegation of the Peoples' Front for Democracy and Justice (PFDJ) of Eritrea. On the third day, the APPC set up five working committees to discuss key national issues, namely implementation of all peace agreements, democratic transformation, the economic situation, national reconciliation and healing, as well as foreign policy. Inspired by the spirit of nationalism, the meeting exhaustively deliberated on the agenda and agreed on a number of points, including the following in the text as provided on the SPLM website:

3. **PEACE AGREEMENTS**[104]

    3.1. Comprehensive Peace Agreement (CPA)

        3.1.1. Reaffirms commitment to full implementation of CPA which is essential to sustainable peace and confidence building between the North and South Sudan. In this regard, the APPC resolves the following:

            3.1.1.1. Holding of referendum on self-determination within the period stipulated in the CPA and Interim National Constitution (INC), 2005;

            3.1.1.2. Enactment of Referendum Bill during the prorogation of the current National Assembly, with simple majority vote (50%+1) being threshold for either confirming unity of Sudan or opting for secession and providing for all Southern Sudanese to take part in this process; and

            3.1.1.3. Demarcation of North-South borders prior to the holding of general elections.

        3.1.2. Emphasizes the importance of bringing all laws in consonance with the INC, 2005

        3.1.3. Calls for holding Popular Consultation in Southern Kordofan and Blue Nile States after the conduct of credible population census to ensure the elected Legislatures truly express the will of the people in the two States.

        3.1.4. Adheres to the decision of the Permanent Court of Arbitration (PCA) on Abyei, and calls for immediate demarcation of Abyei boundary in such a manner that would promote peaceful coexistence, and would uphold traditional rights of the groups, whose interests are inextricably linked to Abyei Area, to passage and grazing.

        3.1.5. Adhering to the CPA provisions on making unity attractive, the APPC decides to set up a working group focused on developing political, economic and cultural programs to promote unity during the remainder of the Interim Period while at the same time guaranteeing respect for separation in the event the people of Southern Sudan opt for it.

    3.2. Darfur conflict

        3.2.1. Urges the full implementation of Darfur Peace Agreement (DPA), particularly the powersharing, wealth-sharing and security provisions.

        3.2.2. Affirms that negotiation is the best mechanism for resolving the Darfur conflict and appeals to all parties to desist from military escalation of the conflict.

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[104] "Juba Declaration on Dialogue and National Consensus", 30 September 2009, www.splmtoday.com/docs/All% 20Sudan% 20 Political% 20Parties% 20Conference% 20English.pdf.

3.2.3. Upholds the legitimate rights of the people of Darfur, particularly in relation to:

3.2.2.1 Share of the Region in power and civil service at the national level according to its demographic size;

3.2.2.2 Share of the Region in the national wealth in accordance with objective criteria, notably population ratio and principle of affirmative action;

3.2.2.3 Compensation for material and moral damages suffered by the individuals and groups in Darfur;

3.2.2.4 Maintaining Darfur as one Region; and

3.2.2.5 Traditional tribal land ownership (Hawakir), and calls for the restitution of land grabbed during the civil war to its rightful owners and for ensuring the proper utilization of land for the benefit of all the people of Darfur.

3.2.4. Affirms zero-tolerance to impunity from prosecution and stresses that those who have committed war crimes and crimes against humanity are brought to book before an independent judiciary.

3.2.5. Calls for immediate cease-fire to create conducive environment for the delivery of humanitarian assistance and to enable the return of internally displaced persons (IDPs) and refugees to their villages.

3.2.6. Calls upon the international community to properly equip the United Nations African Mission in Darfur (UNAMID) to fulfill its mandate of protecting civilians in Darfur.

3.2.7. Calls for the expeditious resolution of the Darfur conflict before the upcoming general elections to enable the participation of Darfurians in those elections.

3.2.8. Urges the disarmament of Janjaweed and other tribal militias.

3.2.9. Calls for the holding of the Darfur-Darfur dialogue conference with the participation of all stakeholders with the view to sorting out Darfuri internal relations and repairing the social fabric destroyed by the civil war. The conference shall be guided by agreed Declaration of Principles (DOP), resulting in comprehensive agreement that shall be acceptable to all Darfurians and endorsed nationally by an all-party conference.

3.3. Eastern Sudan Peace Agreement (ESPA)

3.3.1. The APPC reaffirms its commitment to full implementation of ESPA and to the lifting of state of emergency.

3.3.2. The APPC further reiterates its commitment to address the shortcomings of ESPA through the undertaking of complementary political, developmental and remedial measures to resolve the underlying grievances of the people of Eastern Sudan.

3.4. Cairo Peace Agreement

3.4.1. The APPC resolves to expedite the implementation of all provisions of Cairo Peace Agreement, particularly those related to democratic transformation, economic reforms and redress for dismissed employees on political grounds as well as to combating corruption.

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters are in Brussels, with major advocacy offices in Washington DC (where it is based as a legal entity) and New York, a smaller one in London and liaison presences in Moscow and Beijing. The organisation currently operates nine regional offices (in Bishkek, Bogotá, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina and Tbilisi) and has local field representation in eighteen additional locations (Abuja, Baku, Bangkok, Beirut, Cairo, Colombo, Damascus, Dili, Jerusalem, Kabul, Kathmandu, Kinshasa, Ouagadougou, Port-au-Prince, Pretoria, Sarajevo, Seoul and Tehran). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Nigeria, Rwanda, Sierra Leone, Somalia, South Africa, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Bangladesh, Burma/Myanmar, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Russia (North Caucasus), Serbia, Turkey and Ukraine; in the Middle East and North Africa, Algeria, Egypt, Gulf States, Iran, Iraq, Israel-Palestine, Lebanon, Morocco, Saudi Arabia, Syria and Yemen; and in Latin America and the Caribbean, Bolivia, Colombia, Ecuador, Guatemala, Haiti and Venezuela.

December 2009

APPENDIX D

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